

State of Iowa

1977

JOURNAL OF THE SENATE

1977

**REGULAR SESSION
SIXTY-SEVENTH
GENERAL ASSEMBLY**

Convened January 10, 1977

Adjourned June 13, 1977

**ARTHUR A. NEU, President of the Senate
DALE M. COCHRAN, Speaker of the House**

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

SIXTY-SEVENTH GENERAL ASSEMBLY

1977 Regular Session

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B. W. RULON, <i>Assistant Sergeant-at-Arms</i>	Des Moines
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HARRY D. ALVORD, <i>Doorkeeper</i>	Des Moines
CATHERINE L. DE HECK, <i>Doorkeeper</i>	Des Moines

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RICHARD W. DUNKER, <i>Doorkeeper</i>	Des Moines
CHARLES M. MC COUN, <i>Doorkeeper</i>	Des Moines
FRANK MURPHY, <i>Doorkeeper</i>	Des Moines
RAY J. PROSPERI, <i>Doorkeeper</i>	Des Moines
MARY F. PARKER, <i>Cloakroom Attendant</i>	Des Moines
JAMES SULLIVAN, <i>Porter</i>	Des Moines
AGNES BERTOGLI, <i>Elevator Operator</i>	Des Moines

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

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ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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ARTHUR A. NEU, <i>Lieutenant Governor</i>	Carroll
MELVIN D. SYNHORST, <i>Secretary of State</i>	Des Moines
LLOYD R. SMITH, <i>Auditor of State</i>	Des Moines
MAURICE E. BARINGER, <i>Treasurer of State</i>	West Des Moines
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

IOWA COURT OF APPEALS JUDGES

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

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Ashcraft, Forrest F.	Davenport	54	Assistant Chief of Police	41—Scott	None
Bergman, Irvin L.	Harris	65	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64, 65, 66
Bisenius, Stephen W.	Cascade	29	Realtor	11—Jackson, Delaware, Dubuque, Jones	None
Briles, James E.	Corning	50	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Burroughs, Cliff	Greene	59	Securities Sales	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama	65 (2-S), 66
Calhoon, James	Sioux City	28	Meat Cutter	26—Woodbury, Monona	None
Carr, Robert M.	Dubuque	39	Securities	10—Dubuque	65, 66
Coleman, C. Joseph	Clare	53	Farmer, Businessman	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Craft, Rolf V.	Decorah	39	Teacher, Farmer	8—Fayette, Bremer, Chickasaw, Howard, Winneshiek	None
Culver, Louis P.	Dunlap	68	Farmer	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	66
Curtis, Warren E.	Cherokee	62	Certified Public Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	64, 65, 66
DeKoster, Lucas J.	Hull	58	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64, 65, 66
Doderer, Minnette	Iowa City	53	Legislator	37—Johnson	60X, 61, 62, 63, 64, 65, 66
Drake, Richard F.	Muscatine	49	Farmer	38—Muscatine, Johnson, Louisa, Scott	63, 64, 65, 66

(2-S) Denotes 1974 Regular Session

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SENATORS

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Gallagher, James V.	Jesup	43	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	.61, 62, 65, 66
Glenn, Gene W.	Ottumwa	48	Lawyer	45—Wapello, Appanoose, Davis, Mahaska, Monroe	.61, 62, 63, 64, 65, 66
Hansen, Willard R.	Cedar Falls	45	General Insurance, Real Estate	18—Black Hawk	.63, 64, 65, 66
Hill, Eugene M.	Newton	63	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	.58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Hill, Philip B.	Des Moines	45	Lawyer	33—Polk	.64, 65, 66
Hulse, Merlin D.	Clarence	53	Farmer	12—Jackson, Cedar, Clinton, Johnson, Jones, Scott	None
Hultman, Calvin O.	Red Oak	35	Businessman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	.65, 66
Hutchins, C.W.	Guthrie Center	45	Self employed Businessman	28—Carroll, Audubon, Cass, Crawford, Greene, Guthrie, Shelby	.65, 66
Junkins, Lowell L.	Montrose	32	Home Construction and Real Estate Developer, Ambulance Service Owner/ Operator	43—Lee, Des Moines, Henry	.65, 66
Kelly, E. Kevin	Sioux City	33	Attorney	25—Woodbury, Cherokee, Plymouth	.64, 65, 66
Kinley, George R.	Des Moines	39	Owner and Operator Driving Range and Miniature Golf	34—Polk, Warren	.64, 65, 66
Merritt, Milo	Osage	61	Real Estate Salesman	7—Mitchell, Cerro Gordo, Chickasaw, Floyd, Howard	.66
Miller, Alvin V.	Ventura	55	Insurance Agency, Farmer, Retail Merchant	6—Cerro Gordo, Worth	.65, 66

SENATORS

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MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Miller, Charles P.	Burlington	58	Doctor of Chiropractic	42—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65, 66
Miller, Elizabeth R.	Marshalltown	71	Homemaker, Legislator	20—Marshall, Grundy, Hardin, Jasper, Story	63, 64, 65, 66
Murray, John S.	Ames	37	Attorney	21—Story, Boone, Polk	65, 66
Nolting, Fred W.	Waterloo	44	Meat Cutter	17—Black Hawk	63, 66
Nystrom, John N.	Boone	43	Auto Dealer	22—Boone, Greene, Hamilton, Story, Webster	64, 65, 66
Orr, Joan	Grinnell	53	Legislator	36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama	63 (2-S), 65, 66
Palmer, William D.	Des Moines	41	President, Insurance Agency	32—Polk	61, 62, 63, 64, 65, 66
Priebe, Berl E.	Algona	58	Farmer, Businessman	4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66
Ramsey, Richard R.	Osceola	36	Attorney	47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66
Readering, David M.	Des Moines	40	Sales	30—Polk	65, 66
Redmond, James M.	Cedar Rapids	34	Attorney	13—Linn, Johnson	66
Robinson, Cloyd E.	Cedar Rapids	38	Production Lane Operator	14—Linn, Benton	64, 65, 66
Rodgers, Norman G.	Adel	49	Farmer, Businessman	29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64, 65, 66
Rush, Bob	Cedar Rapids	32	Lawyer	15—Linn	None

(2-S) Denotes 1970 Regular Session

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Schwengels, Forrest V.	Fairfield	61	Real Estate	44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	65, 66
Scott, John R.	Pocahontas	32	Farmer	24—Calhoun, Carroll, Cherokee, Crawford, Buena Vista, Greene, Ida, Pocahontas, Sac	None
Shaff, Roger J.	Camanche	66	Farmer	39—Clinton, Scott	62, 63, 64, 65, 66
Shaw, Elizabeth	Davenport	53	Lawyer, Housewife	40—Scott	62, 63, 64, 65, 66
Slater, Tom	Council Bluffs	31	Planner, Designer, Public Relations Consultant	50—Pottawattamie	None
Taylor, Ray	Steamboat Rock	53	Farmer, Retailing	5—Hardin, Cerro Gordo, Franklin, Hancock, Wright	65, 66
Tieden, Dale L.	Elkader	54	Farmer	9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66
Van Gilst, Bass	Oskaloosa	65	Farmer	46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66
Willits, Earl M.	Des Moines	30	Attorney	31—Polk	64, 65, 66

SENATORS

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Robert T.	Newton	31	Teacher	69—Jasper, Marion, Polk, Warren	.66
Avenson, Donald D.	Oelwein	32	Tool & Die Maker	15—Bremer, Chickasaw, Fayette, Howard, Winneshiek	.65, 66
Baker, Keith	Linn Grove	47	USAF—Retired, Farmer	6—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	.66
Bennett, Wayne	Galva	49	Farmer	48—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	.65, 66
Bina, Robert F.	Davenport	37	Artist	80—Scott	.66
Binneboese, Donald H.	Hinton	52	Farmer	49—Cherokee, Plymouth, Woodbury	.66
Brandt, Diane	Cedar Falls	38	Homemaker	35—Black Hawk	.66
Branstad, Terry E.	Lake Mills	30	Lawyer	8—Emmet, Hancock, Kossuth, Winnebago	.65, 66
Brockett, Glenn F.	Marshalltown	66	Retired	39—Marshall	.65, 66
Brunow, John B.	Centerville	27	Sales Manager	93—Appanoose, Clarke, Lucas, Monroe, Wayne	.65, 66
Byerly, Richard L.	Ankeny	38	College Administrator	61—Polk	.65, 66
Chiodo, Ned F.	Des Moines	34	Golf Pro	67—Polk	None
Clark, Betty Jean	Rockwell	56	Homemaker	11—Cerro Gordo	None
Clark, John H.	Keokuk	30	Insurance Agent	86—Lee, Henry	.64, 65, 66
Cochran, Dale M.	Eagle Grove	48	Farmer, Businessman	45—Humboldt, Webster	.61, 62, 63, 64, 65, 66
Conlon, Walter	Muscatine	29	Attorney	76—Muscatine, Scott	None
Connors, John H.	Des Moines	54	Fire Fighter, Captain	64—Polk	.65, 66
Crabb, Frank	Denison	73	Retired Meat Packing Executive	53—Crawford, Harrison, Monona	.63, 65, 66

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Crawford, Reid W.	Ames	25	Student	42—Boone, Polk, Story	65, 66
Cusack, Gregory D.	Davenport	33	Community Organizer	81—Scott	65, 66
Daggett, Horace	Kent	45	Farmer	96—Adams, Montgomery, Page, Ringgold, Taylor	65, 66
Danker, Arlyn E.	Minden	49	Farmer	54—Harrison, Pottawattamie, Shelby	65, 66
Davitt, Philip A.	St. Charles	45	Farmer	58—Adair, Clarke, Dallas, Madison, Warren	None
Den Herder, Elmer H. ...	Sioux Center	68	Retired Farmer	1—Lyon, Sioux	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Dieleman, Wm. W. (Bill) .	Pella	45	Life Insurance Underwriter	70—Jasper, Mahaska, Marion, Poweshiek	66
Doyle, Donald V.	Sioux City	51	Lawyer	51—Woodbury	57, 58, 61, 63, 64, 65, 66
Dunton, Keith H.	Thornburg	61	Businessman, Farm Operator/Owner	88—Keokuk, Washington	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Dyrland, Terry	Elkader	33	Teacher	18—Clayton, Delaware, Dubuque, Fayette	66
Egenes, Sonja	Story City	46	Legislator, Housewife ..	43—Boone, Hamilton, Story, Webster	64, 65, 66
Evans, Cooper	Grundy Center	52	Farm Manager	38—Black Hawk, Butler, Franklin, Grundy, Marshall, Tama	66
Fitzgerald, Jerome	Fort Dodge	35	Small Businessman	46—Webster	65, 66
Garrison, Albert L.	Waterloo	49	Law & Business Consultant	34—Black Hawk	None
Gentleman, Julia B.	Des Moines	45	Housewife	65—Polk	66
Gettings, Don**	Ottumwa	54	Machine Repairman	90—Appanoose, Davis, Wapello	None

**Elected in Special Election May 17, 1977

REPRESENTATIVES

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Giloon, Thomas J.	Epworth	27	Self-employed	21—Dubuque, Jackson .....	.66
Gilson, Ernest W.	Bayard	46	Teacher—Coach	56—Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby	None
Griffee, William B.	Nashua	40	Legislator, Consulting Service	14—Chickasaw, Floyd, Howard, Mitchell .....	.65, 66
Halvorson, Roger A.	Monona	42	Insurance, Realtor	17—Allamakee, Clayton, Winneshiek .....	.66
Hansen, Ingwer L.	Hartley	64	Retired	3—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux .....	.65, 66
Harbor, William H.	Henderson	56	Grain Elevator Owner/Operator	97—Fremont, Mills, Montgomery, Page	56, 57, 58, 62, 63, 64
Hargrave, Wm. J., Jr.	Iowa City	46	Self-employed	74—Johnson .....	.65, 66
Harper, Mattie*	West Grove	53	Homemaker, Businesswoman	90—Appanoose, Davis, Wapello .....	.65, 66
Harvey, La Vern R.	Bettendorf	32	Contractor	79—Scott .....	.65, 66
Higgins, Thomas J.	Davenport	31	Communications Advisor	82—Scott .....	.65, 66
Hines, Neal	Nevada	26	Small Businessman	41—Story .....	.66
Hinkhouse, Herbert C.	West Branch	59	Farmer	24—Cedar, Clinton, Johnson, Scott .....	.66
Hoffmann, Betty A.	Muscatine	55	Former Businesswoman	75—Johnson, Louisa, Muscatine	None
Horn, Wally E.	Cedar Rapids	43	Teacher	28—Linn .....	.65, 66
Howell, Rollin K.	Rockford	47	Farmer	13—Cerro Gordo, Floyd, Mitchell .....	.65, 66

*Deceased April 22, 1977

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service.
Hullinger, Arlo	Leon	55	Farmer	94—Clarke, Decatur, Madison, Ringold, Union, Wayne	.61, 62, 66
Husak, Emil J.	Toledo	46	Farmer	71—Benton, Iowa, Poweshiek, Tama	.64, 65, 66
Jesse, Norman G.	Des Moines	39	Attorney	62—Polk	.63, 64, 65, 66
Jochum, Thomas J.	Dubuque	25	Plant Worker	19—Dubuque	.66
Junker, Willis E.	Sioux City	51	Investor	50—Woodbury	.65, 66
Koogler, Fred	Oskaloosa	51	Legislator	91—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	.66
Krause, Robert A.	Whittemore	26	Agri-politician	7—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	.65, 66
Krewson, Lyle R.	Urbandale	33	Self-employed	59—Polk	None
Lageschulte, Ray	Waverly	54	Farmer	37—Black Hawk, Bremer, Butler, Floyd	.66
Lindeen, Arnold R.	Swedesburg	66	Retired Farmer, Businessman	83—Des Moines, Henry, Louisa	.66
Lipsky, Joan	Cedar Rapids	57	Student, Legislator	26—Linn	.62, 63, 64, 65, 66
Loneragan, Joyce	Boone	42	Housewife	44—Boone, Greene	.66
Menke, Lester D.	Calumet	58	Farmer, Insurance	5—Buena Vista, Cherokee, Clay, O'Brien, Plymouth	.65, 66
Middleswart, James I.	Indianola	64	Food Producer	92—Lucas, Marion, Warren	.62, 63, 64, 65, 66
Millen, Floyd H.	Farmington	57	Businessman	87—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	.60, 60X, 61, 62, 63, 64, 65, 66
Miller, Kenneth D.	Independence	51	Owner—Mobile Home Court	32—Black Hawk, Buchanan	.65, 66
Miller, Opal	Rockwell City	61	Farm Owner	47—Calhoun, Carroll, Greene, Pocahontas, Sac	.66
Monroe, W.R.(Bill), Jr.	Burlington	38	Pharmacist	84—Des Moines	.64, 65, 66

REPRESENTATIVES

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Newhard, Scott D.	Anamosa	25	Retail Clothing	23—Cedar, Clinton, Jackson, Jones	.65, 66
Nielsen, Carl V.	Altoona	44	Lawyer	63—Polk	.65, 66
Norland, Lowell E.	Kensett	45	Farmer	12—Cerro Gordo, Worth	.65, 66
O'Halloran, Mary	Cedar Falls	33	Teacher	36—Black Hawk	.65, 66
Oxley, M.B. (Mike)	Marion	54	Farmer	30—Linn	.61
Patchett, John E.	North Liberty	27	Legislator, Law Student	25—Johnson, Linn	.65, 66
Pavich, Emil S.	Council Bluffs	45	Cereal Company Employee	99—Pottawattamie	.66
Pellett, Wendell C.	Atlantic	59	Farmer	95—Adair, Adams, Cass Guthrie, Union	.64, 65, 66
Pelton, John	Clinton	30	Attorney	77—Clinton	None
Perkins, Carroll T.	Jefferson	50	Agriculture	55—Audubon, Carroll, Crawford, Greene, Guthrie	.66
Poncy, Charles N.	Ottumwa	54	Maintenance Engineer	89—Mahaska, Monroe, Wapello	.62, 63, 65, 66
Rinas, B. Joseph	Marion	29	Student	29—Linn	.65, 66
Scheelhaase, Lyle	Moville	45	Farmer	52—Monona, Woodbury	.66
Schnekloth, Hugo	Eldridge	53	Farmer	78—Clinton, Scott	None
Schroeder, Laverne W.	McClelland	43	Farmer	98—Mills, Pottawattamie	.62, 63, 64, 65, 66
Shimaneck, Nancy J.	Monticello	29	Lawyer	22—Delaware, Dubuque, Jackson, Jones	None
Small, Arthur A., Jr.	Iowa City	43	Businessman	73—Johnson	.64, 65, 66
Smalley, Douglas R.	Des Moines	30	Attorney	60—Polk	None
Spear, Clay	Burlington	60	Retired—Postal Service	85—Des Moines, Lee	.66
Spencer, Don W.	Ruthven	54	Farmer	4—Clay, Dickinson, Emmet, Palo Alto	.66
Stephens, Lyle R. †	Le Mars	65	Farmer	2—Plymouth, Sioux	.65, 66
Stromer, Delwyn	Garner	46	Farmer	9—Cerro Gordo, Franklin, Hancock, Wright	.62, 63, 64, 65, 66

†Served until election contest resolved May 15, 1975.

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Svoboda, Linda A.	Amana	33	Journalist	72—Benton, Iowa, Johnson, Keokuk, Poweshiek	.66
Tauke, Thomas J.	Dubuque	26	Attorney	20—Dubuque	.66
Thompson, Patricia L.	West Des Moines	49	Bank (Part-Time)	66—Polk	None
Tofte, Semor C.	Decorah	65	Retired	16—Fayette, Howard, Winneshiek	.65, 66
Varley, Andrew	Stuart	42	Farmer	57—Adair, Dallas, Guthrie	.62, 63, 64, 65, 66
Walter, Craig D.	Council Bluffs	27	Self-employed	100—Pottawattamie	.66
Welden, Richard W.	Iowa Falls	68	Retired	10—Franklin, Hardin, Wright	.62, 63, 64, 65, 66
Wells, James D.	Cedar Rapids	48	Shift Leader	27—Benton, Linn	.63, 64, 65, 66
West, James C.	State Center	44	Retailer (Furniture)	40—Grundy, Hardin, Jasper, Marshall, Story	.65, 66
Woods, Jack E.	Des Moines	40	Self-employed	68—Polk, Warren	.65, 66
Wulff, Henry C.	Waterloo	33	Real Estate Salesman	33—Black Hawk	.65, 66
Wyckoff, Russell L.	Vinton	51	Farmer	31—Benton, Black Hawk, Buchanan, Linn, Tama	.64, 65, 66

REPRESENTATIVES

JOURNAL OF THE SENATE

FIRST CALENDAR DAY—FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 10, 1977

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 1977 regular session of the Sixty-seventh General Assembly convened, at 10:00 a.m., and the Senate was called to order by Lieutenant Governor Arthur A. Neu.

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

Our Heavenly Father, we would begin this legislative day with Thee for we would recognize that you were here before we came to this beautiful world and Thou wilt remain after we are gone, for Thou art eternal in this changing world.

Our Heavenly Father, since Thou art here to stay - in this world, and we are only pilgrims, help us to make our journey in this life one of integrity, making our aim to always have a good conscience before Thee...and as legislators, legislative assistants, clerks, pages, secretaries, officers of the legislature of the state of Iowa, we would ask that Thou would help us to be good stewards of our responsibilities. Direct our thoughts, our speech, our attitudes, so that courtesy may abound in this place and we shall not fear what others may say or publish about us for we would seek the higher goal of pleasing Thee as our God and our heavenly Father.

And when this legislative day is done, and we seek rest at the end of this day, may we have worked so well for the public good that we shall have Thy assurance - "sleep well, good and faithful servants of this state, receive strength from your heavenly Father for the morrow." Amen.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton, Iowa.

OPENING REMARKS BY THE LIEUTENANT GOVERNOR

Lieutenant Governor Neu addressed the Senate as follows:

One hundred years ago Lieutenant Governor Frank Campbell addressed the opening session of the Seventeenth General Assembly with these words:

"...too much legislation is one of the growing evils of the day. Fewer laws, and better acquaintance with them is urgently demanded.

Our financial interests require prompt attention and decided action, that the credit of our State may remain unimpaired; that the great humane and other State institutions may be properly supported, and the public enterprises now inaugurated be pushed to speedy completion, and yet our people be not burdened with additional taxation."

Back then there were 42 standing committees to study the areas they felt needed legislative attention. Now, let me mention a few of the areas which I feel need the attention of the 67th General Assembly.

The first area, as many of you have indicated on recent surveys, is that of property taxes. This issue exhausted many legislators last session—nonetheless, on June 30, our short-term solution expires. The legislature will have to either develop a new proposal that will put property taxes in check or continue with the credits. I would suggest you consider the limited amount of new funds available. I see a reluctance to raise any tax significantly. Therefore, some consideration of limitations beyond what we have now may be necessary.

The Governor's Local Government Services Task Force, created by Senate File 1062, studied this question through the interim. The citizens' committee made several recommendations worthy of your consideration. In any instance, if the legislature acts promptly, the budgeting process will not be totally prostituted as it was last year, when we failed to pass Senate File 1062 before the certification date of March 15 for cities, counties and schools.

The second area in which the legislature must act is that of corrections. It is necessary to face the fact that we continue to have a need for correctional institutions. Our correctional institutions are operating at 100 percent of capacity. In fact, the Fort Madison penitentiary population, as of the year ending June 30, 1976, was 847; 37 more inmates were housed within the walls than is recommended. The 144 bed facility at Mt. Pleasant is only a stop-gap measure for the overcrowding problem at our correctional institutions. Based on the age, physical condition, architectural design, projected numbers and characteristics of people to be housed in such facilities, we need to decide how we are going to replace our current inadequate facilities.

It does not appear that the parole board is paroling people at such a rate as to decrease the prison population. Nor will community based corrections eliminate the need for a new facility.

In 1973, Iowa pioneered legislation creating a statewide network of community corrections. It is now starting to get off the ground. In fact, it seems to be moving along quite well in most of the eight judicial districts. By all indications, the last residential facility will open April 1, 1977. Certainly financial support for that effort must be accelerated this year if we expect to see some effect on the institutional populations within the next two years.

Our experience dictates that we deal with the whole area of corrections and stop thinking that any single program (community or institution) can handle the total problem.

Third, and finally, the Legislature should adopt land use legislation with significant local controls. Also, the question of road funding remains an issue that needs the immediate attention of the legislature. I recommend that you consider a gas tax based on a percentage of the pump price to increase the revenue for roads.

The thing that is so frustrating about many of our problems today is that they are not susceptible to one-time solutions. The fact that these problems are unresolved would indicate that this General Assembly—and those of the immediate future—will continue to deal with society's problems on an on-going basis.

Even if this session of the legislature were to deal with the problems of corrections in a manner with which we all could agree, changing circumstances in our society and new attitudes on the part of many would probably require further action by some future legislature.

I think Iowa will continue to have a decent economic development, but the economic miracle is over. We can probably expect a slowdown and with it a delay in some key projects.

As a recent news story observed, Americans tend to think that any problem whatsoever can be easily solved by the old-fashioned method of passing a law. If this attitude prevails during the 67th General Assembly, we will again set a record for the length of the session...and solve few problems in the process.

TEMPORARY SECRETARY

Senator Kinley moved that Steven C. Cross be elected temporary Secretary of the Senate.

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

ADOPTION OF TEMPORARY RULES

Senator Kinley moved that the rules of the Senate for the Sixty-sixth General Assembly be the temporary rules for the Sixty-seventh General Assembly.

The motion prevailed.

REPORT OF THE SECRETARY OF THE SENATE

The Secretary of the Senate presented the following report:

In accordance with Section 2.4 of the Code of Iowa I respectfully report that I have received certificates of election from the Secretary of State for the following persons:

District 2	Irvin L. Bergman
District 4	Berl E. Priebe
District 6	Alvin V. Miller
District 8	Rolf V. Craft
District 10	Robert M. Carr
District 12	Merlin D. Hulse
District 14	Cloyd E. Robinson
District 16	James V. Gallagher
District 18	Willard R. Hansen
District 20	Elizabeth R. Miller
District 22	John N. Nystrom
District 24	John Scott
District 26	James Calhoun
District 28	C. W. "Bill" Hutchins
District 30	David M. Readinger
District 32	William D. Palmer
District 34	George R. Kinley
District 36	Joan Orr
District 38	Richard F. Drake
District 40	Elizabeth Shaw
District 42	Charles P. Miller
District 44	Forrest V. Schwengels
District 46	Bass Van Gilst
District 48	James E. Briles
District 50	Tom Slater

The journal and other records of the Senate further show that in 1975 the Secretary of the Senate had received certificates of election and the following persons were sworn in for four-year terms:

District 1	Lucas J. DeKoster
District 3	Warren E. Curtis
District 5	Ray Taylor
District 7	Milo Merritt
District 9	Dale L. Tieden
District 11	Richard J. Norpel, Sr.
District 13	James M. Redmond
District 15	Steve Sovern
District 17	Fred W. Nolting
District 19	Cliff Burroughs
District 21	John S. Murray
District 23	C. Joseph Coleman
District 25	E. Kevin Kelly
District 27	Louis P. Culver
District 29	Norman G. Rodgers
District 31	Earl M. Willits
District 33	Philip B. Hill
District 35	Eugene M. Hill
District 37	Minnette F. Doderer

District 39	.....	Roger J. Shaff
District 41	.....	William E. Gluba
District 43	.....	Lowell L. Junkins
District 45	.....	Gene W. Glenn
District 47	.....	Richard R. Ramsey
District 49	.....	Calvin O. Hultman

STEVEN C. CROSS, Secretary of the Senate

ANNOUNCEMENT OF RESIGNATIONS

President Neu announced that he had received notification from the office of Governor Ray of the resignations of the following Senators:

District 15—Steven Sovern, resignation effective August 1, 1976.

District 41—William E. Gluba, resignation effective November 9, 1976.

District 11—Richard J. Norpel, Sr., resignation effective November 30, 1976.

SUPPLEMENTAL REPORT OF THE SECRETARY OF THE SENATE

The Secretary of the Senate presented the following supplemental report:

In accordance with Section 2.4 of the Code of Iowa I respectfully report that I have received certificates of election from the Secretary of State for the following persons:

District 15	.....	Bob Rush
District 41	.....	Forrest F. Ashcraft
District 11	.....	Stephen W. Bisenius

STEVEN C. CROSS, Secretary of the Senate

ROLL CALL

A roll call taken of those persons listed by the Secretary of the Senate revealed the following were present:

Ashcraft	Drake	Miller, A.V.	Robinson
Bergman	Gallagher	Miller, C.P.	Rodgers
Bisenius	Glenn	Miller, E.R.	Rush
Briles	Hansen	Murray	Schwengels
Burroughs	Hill, E.M.	Nolting	Scott
Calhoon	Hill, P.B.	Nystrom	Shaff
Carr	Hulse	Orr	Shaw

Coleman	Hultman	Palmer	Slater
Craft	Hutchins	Priebe	Taylor
Culver	Junkins	Ramsey	Tieden
Curtis	Kelly	Readinger	Van Gilst
DeKoster	Kinley	Redmond	Willits
Doderer	Merritt		

COMMITTEE ON CREDENTIALS

Senator Kinley moved that Senators Glenn, chairperson, Willits, Junkins, Hill of Polk and Shaff be elected as a committee on credentials.

The motion prevailed.

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

The Senate resumed session, President Neu presiding.

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 THE CREDENTIALS COMMITTEE

MR. PRESIDENT: We, your committee on credentials beg leave to report it has examined the credentials of those appearing to be members of the Senate. We find that all hold certificates of election from the proper authority. A copy of the Report of the Secretary of State showing issuance of certificates of election in accord with the statutory power of the State Board of Canvassers is attached as Appendix "A".

Section 7 of Article III of the Constitution of Iowa states that contested elections "shall be determined in such manner as shall be directed by law". Since no one contested any Senators' qualifications in the manner prescribed by Chapters 57 and 59 of the Code of Iowa and since the provision of the Constitution is mandatory, we are bound to find that all of those holding certificates of election are qualified under Section 5 of Article III of the Constitution of Iowa.

We recommend that all of those persons shown in Appendix "A" be administered the oath of office and proceed to the permanent organization of the Senate pursuant to Section two point six (2.6), of the Code of Iowa.

GENE W. GLENN, Chairperson
LOWELL L. JUNKINS
EARL M. WILLITS

APPENDIX A:

CERTIFICATION—STATE OF IOWA
OFFICE OF THE SECRETARY OF STATE

To the Honorable, the Secretary of the Senate:

I, MELVIN D. SYNHORST, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the General Election held November 5, 1974, each of the following named persons was duly elected to the office of State Senator for the term of four years beginning on the second day of January, 1975.

Districts

First	Lucas J. DeKoster
Third	Warren E. Curtis
Fifth	Ray Taylor
Seventh	Milo Merritt
Ninth	Dale L. Tieden
Thirteenth	James Michael Redmond
Seventeenth	Fred W. Nolting
Nineteenth	Clifford E. Burroughs
Twenty-first	John S. Murray
Twenty-third	C. Joseph Coleman
Twenty-fifth	E. Kevin Kelly
Twenty-seventh	Louis P. Culver
Twenty-ninth	Norman Rodgers
Thirty-first	Earl M. Willits
Thirty-third	Philip B. Hill
Thirty-fifth	Eugene M. Hill
Thirty-seventh	Minnette Doderer
Thirty-ninth	Roger J. Shaff
Forty-third	Lowell L. Junkins
Forty-fifth	Gene W. Glenn
Forty-seventh	Richard R. Ramsey
Forty-ninth	Calvin O. Hultman

I FURTHER CERTIFY that the State Canvassing Board has declared that at a Special Election held on November 2, 1976, Bob Rush was elected to the office of State Senator for the Fifteenth District, to fill a vacancy in a four-year term which began in January, 1975.

I FURTHER CERTIFY that the State Canvassing Board has declared that at a Special Election held on December 28, 1976, Steve Bisenius was elected to the office of State Senator for the Eleventh District, to fill a vacancy in a four-year term which began in January, 1975.

I FURTHER CERTIFY that the State Canvassing Board has declared that at a Special Election held on December 28, 1976, Forrest F. Ashcraft was elected to the office of State Senator for the Forty-first District, to fill a vacancy in a four-year term which began in January, 1975.

I FURTHER CERTIFY that the State Canvassing Board has declared that at the General Election held on November 2, 1976, each of the following named persons was duly elected to the office of State Senator for the term of four years beginning on the third day of January, 1977.

Districts

Second	Irvin L. Bergman
Fourth	Berl E. Priebe
Sixth	Alvin V. Miller
Eighth	Rolf V. Craft
Tenth	Bob Carr
Twelfth	Merlin D. Hulse
Fourteenth	Cloyd E. Robinson
Sixteenth	James Gallagher
Eighteenth	Willard R. Hansen
Twentieth	Elizabeth R. Miller
Twenty-second	John N. Nystrom
Twenty-fourth	John Scott
Twenty-sixth	James Calhoon
Twenty-eighth	Charles W. Bill Hutchins
Thirtieth	David M. Readinger
Thirty-second	William D. Palmer
Thirty-fourth	George R. Kinley
Thirty-sixth	Joan Orr
Thirty-eighth	Richard F. Drake
Fortieth	Elizabeth Shaw
Forty-second	Charles P. Miller
Forty-fourth	Forrest V. Schwengels
Forty-sixth	Bass Van Gilst
Forty-eighth	James E. Briles
Fiftieth	Tom Slater

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 10th day of January, 1977.

MELVIN D. SYNHORST, Secretary of State

Senator Hill of Polk offered amendment S-3001 to the Report of the Credentials Committee by Senators Hill of Polk and Shaff, moved its adoption and requested a record roll call:

S-3001

- 1 Amend the Report of the Credentials Committee by
- 2 striking everything after line 1 and inserting in lieu
- 3 thereof the following:
- 4 "to report that we find the persons named in the at-
- 5 tached duplicate copy of the Certification of the Sec-
- 6 retary of State duly elected to and entitled to seats
- 7 in the Senate of the Sixty-seventh General Assembly
- 8 with the exception of the Senator-elect from the
- 9 twenty-fourth district."

Senator Hill of Polk raised the point of order that Senator Scott should not be allowed to vote on amendment S-3001 to the Report of the Credentials Committee under Senate Rule 25.

The Chair ruled the point well taken and that Senator Scott not be allowed to vote on amendment S-3001.

On the question "Shall amendment S-3001 to the Report of the Credentials Committee be adopted?" the vote was:

Ayes, 24:

Ashcraft	Curtis	Hultman	Readinger
Bergman	DeKoster	Kelly	Schwengels
Bisenius	Drake	Miller, E.R.	Shaff
Briles	Hansen	Murray	Shaw
Burroughs	Hill, P.B.	Nystrom	Taylor
Craft	Hulse	Ramsey	Tieden

Nays, 25:

Calhoon	Hill, E.M.	Miller, C.P.	Robinson
Carr	Hutchins	Nolting	Rodgers
Coleman	Junkins	Orr	Rush
Culver	Kinley	Palmer	Slater
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller, A.V.	Redmond	Willits
Glenn			

Voting present, 1:

Scott

Amendment S-3001 lost.

Senator Glenn moved the adoption of the Report of the Credentials Committee.

A record roll call was requested.

Senator Hill of Polk rose to object to Senator Scott's voting on the Report of the Credentials Committee under Senate Rule 25.

Senator Glenn rose on a point of parliamentary inquiry to ask whether or not Senator Scott held the same status as the other senators-elect, since amendment S-3001 to the Report of the Credentials Committee failed to be adopted.

Senator Hill of Polk further objected that none of the

senators-elect who were not members of the Sixty-sixth General Assembly be allowed to vote.

The Chair ruled that all fifty senators listed in the Report of the Secretary of the Senate be allowed to vote on the Report of the Credentials Committee.

On the question "Shall the Report of the Credentials Committee be adopted?" the vote was:

Ayes, 26:

Calhoon	Hill, E.M.	Nolting	Rodgers
Carr	Hutchins	Orr	Rush
Coleman	Junkins	Palmer	Scott
Culver	Kinley	Priebe	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn	Miller, C.P.		

Nays, 24:

Ashcraft	Curtis	Hultman	Readerger
Bergman	DeKoster	Kelly	Schwengels
Bisenius	Drake	Miller, E.R.	Shaff
Briles	Hansen	Murray	Shaw
Burroughs	Hill, P.B.	Nystrom	Taylor
Craft	Hulse	Ramsey	Tieden

The motion prevailed and the report was adopted.

PERMANENT ORGANIZATION OF THE SENATE

President Neu announced that the temporary organization of the Senate had now been completed and in accordance with Section 2.6 of the Code of Iowa, the Senate would proceed to its permanent organization.

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

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

SELECTION OF SEATS

The Chair announced the next order of business would be the selection of seats.

Senator Shaw moved that the holdover and reelected Senators be granted the privilege of retaining the seats occupied by them during the Sixty-sixth General Assembly, or the privilege of selecting new seats by seniority from the unassigned seats; that any Senator having any defect, such as defective sight or hearing, be allowed to select his seat from the unassigned seats; that former members of the House of Representatives be granted the privilege of selecting their seats from the unassigned seats, their names being called according to seniority; and that the newly elected Senators select their seats from the unassigned seats, the order of selection based on their names being placed in a hat and drawn out by the Secretary of the Senate. In addition, prior to the drawing for unassigned seats, that the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed.

The Secretary of the Senate called the roll and seat selections were made as follows:

Name	Seat No.
Ashcraft of Scott	2
Bergman of Osceola	20
Bisenius of Dubuque	12
Briles of Adams	34
Burroughs of Butler	16
Calhoon of Woodbury	17
Carr of Dubuque	23
Coleman of Webster	13
Craft of Winneshiek	6
Culver of Harrison	35
Curtis of Cherokee	24
DeKoster of Sioux	44
Doderer of Johnson	49
Drake of Muscatine	26

Gallagher of Black Hawk	33
Glenn of Wapello	3
Hansen of Black Hawk	40
Hill of Jasper	10
Hill of Polk	30
Hulse of Cedar	4
Hultman of Montgomery	46
Hutchins of Guthrie	11
Junkins of Lee	25
Kelly of Woodbury	47
Kinley of Polk	43
Merritt of Mitchell	9
Miller of Cerro Gordo	31
Miller of Des Moines	45
Miller of Marshall	14
Murray of Story	32
Nolting of Black Hawk	7
Nystrom of Boone	38
Orr of Poweshiek	39
Palmer of Polk	41
Priebe of Kossuth	37
Ramsey of Clarke	42
Readinger of Polk	15
Redmond of Linn	5
Robinson of Linn	50
Rodgers of Dallas	29
Rush of Linn	8
Schwengels of Jefferson	18
Scott of Pocahontas	1
Shaff of Clinton	28
Shaw of Scott	27
Slater of Pottawattamie	19
Taylor of Hardin	22
Tieden of Clayton	48
Van Gilst of Mahaska	36
Willits of Polk	21

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Van Gilst 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 Van Gilst, Nolting and Murray.

COMMITTEE TO NOTIFY THE HOUSE

Senator Doderer 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 Doderer, Nystrom and Hill of Jasper.

ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Senator Robinson moved that the Secretary of the Senate be authorized to assign seats to the 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, Richard Doak
53. Associated Press, Val Corley
54. Des Moines Sunday Register, James Flansburg
55. United Press International, Norman Sandler
56. Legislative Bulletin Service, Otto Weber
57. KRNT Radio, John McCarroll
58. Cedar Rapids Gazette, Frank Nye
59. Dubuque Telegraph Herald, Adam Dawson
60. Iowa Radio Network, Don Silcott
61. Iowa Press Association, Don Reid
62. Waterloo Courier, Bob Case
63. Quad-City Times, Tom Witosky
64. KCCI-TV, Roy Clark

GENERAL ASSIGNMENT

AFSCME/Iowa Advocate, Gordon Jackson, Mark Larson
 Associated Press, Don Beman, Bill Eberline, Jim Farrell, Margy McCay
 Cedar Rapids Gazette, Roger Munns
 Des Moines Register, John Hyde, Louise Swartzwalder
 Des Moines Tribune, Steven Walters
 Iowa AFL-CIO News, Joe Poduska
 Iowa Daily Press Association, Jacqueline Strojan, Wayne Svoboda, Harrison Weber
 Iowa Public Broadcasting Network, Robert Bradsell, Bill Hanley, John Leindecker, Daniel Miller, Terry Sparks, Jacque Wonderly
 Iowa Radio Network, Sam Zelden
 KCCI-TV, Kevin Cooney, Kathie Grissom, Mollie King, Bob Lisk, Rick Prenger, Randy Schwager, Jim Worthington
 KIOA/KMGK Radio, Nancy Crowfoot
 KGLO-TV-AM, John Flanzer, Larry Huegli, Max Lee, Dave McCartney, Mark

Phipps, Mark Siegrist
 KMA Radio, Bill Bone, Ned Dermody, Craighton Knau, Mark Monro
 KRNT Radio, Jackie Clark, Rob Davis, George Davison, Dave Johnston,
 Chuck Seel
 Lee Town News, Russell K. Clingan
 Quad-City Times, John W. McCormick, Tom Witosky
 United Press International, Pamela Huey, Roger Linehan
 WOI AM/FM, David Feingold, Richard Harris, Claudia Waterloo, Nancy
 Fushan
 WOI-TV, Craig King, Jolene Satre, Richard Vohs, Bret Voorhees
 WHO Radio News, Bill Brewer, Dave Busiek, Gem Meyer

ELECTION OF PERMANENT OFFICERS AND EMPLOYEES

Senator Kinley submitted the following report of the committee on rules and administration.

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 nominations as permanent officers and employees of the Senate for the Sixty-seventh General Assembly:

Office of the Secretary

Secretary of the Senate Steven C. Cross, Des Moines
 Executive Secretary to the Secretary K. Marie Thayer, Ankeny
 Secretary to the Secretary Joyce M. Horner, Des Moines
 Aide to the Secretary Denise M. Dolan, Des Moines

Legal Counsel

Legal Counsel David B. Frost, Des Moines
 Engrossing and Enrolling
 Clerk/Terminal Operator Cynthia A. Clingan, Des Moines
 Assistant to the Legal Counsel Rosemary P. Andreano, Des Moines

Administrative

Finance Clerk Mary Ann Abbott, Des Moines
 Assistant Finance Clerk Terry G. Pepper, Des Moines
 Records and Supply Clerk Judy Rutledge, Des Moines

Services

Bill Clerk Glen Beck, Des Moines
 Assistant Bill Clerk Sue Sickels, Indianola
 Special Clerk Sherry Ross, Des Moines

Switchboard Operator	Betty Lawler, Des Moines
Switchboard Operator	Betty Schwengels, Fairfield
Postmaster	Dino Masolini, Des Moines
Cloakroom Attendant	Mary F. Parker, Des Moines
Porter	James M. Sullivan, Des Moines
Elevator Operator	Agnes Bertogli, Des Moines
Secretary to Human Resources Committee Staff	Vickie Adair, Des Moines

Technical

Recording Clerk	Elizabeth Ligouri, Des Moines
Chief Indexer	Maxine E. Gunton, Des Moines
Assistant Indexer	Caryll Wilbur, Indianola

Journal

Journal Editor	C. Suzanne Thomsen, Des Moines
Assistant Journal Editor	Beth I. Stanton, Ankeny
Compositor	C. J. Reeves, Altoona
Compositor	Martha Higgins, West Des Moines

Sergeant-at-Arms

Sergeant-at-Arms	William C. Sloan, Des Moines
Assistant Sergeant-at-Arms	B. W. Rulon, Des Moines
Chief Doorkeeper	Leonard Borg, Des Moines
Doorkeeper	Harry D. Alvord, Des Moines
Doorkeeper	Catherine L. DeHeck, Des Moines
Doorkeeper	Richard W. Dunker, Des Moines
Doorkeeper	Charles M. McCoun, Des Moines
Doorkeeper	Frank J. Murphy, Des Moines
Doorkeeper	Ray J. Prosperri, Des Moines

Law Library

Law Library Clerk	Judy Neff, Altoona
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Majority Caucus

Administrative Assistant to Majority Leader	G. Kay Bolton, West Des Moines
Caucus Director	Jim R. Riordan, Boone
Research Analyst	Daryl D. Frey, Minneapolis
Research Analyst	Robert D. Haug, Ames
Research Analyst	Craig Palmer, Mt. Vernon
Research Analyst	Nancy E. Smith, Prole
Research Analyst	Michael L. Tramontina, Des Moines

Minority Caucus

Administrative Assistant to

- Minority Leader Donald W. Johnson, Cherokee
- Research Analyst Ann L. Hale, Ankeny
- Research Analyst Darrell R. Hanson, Strawberry Point
- Research Analyst Patricia A. Miller, Des Moines
- Research Analyst Brian D. Rude, Des Moines

GEORGE R. KINLEY, Chairperson

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

Senator Hill of Polk raised the point of order that under Article III, Section 38, of the Constitution of the State of Iowa, general elections of the General Assembly must be by voice vote and entered in the journal.

The Chair ruled the point well taken.

The vote was:

Ayes, 45:

- | | | | |
|-----------|------------|--------------|-------------|
| Ashcraft | DeKoster | Kelly | Readeringer |
| Bergman | Doderer | Kinley | Redmond |
| Bisenius | Drake | Merritt | Robinson |
| Briles | Gallagher | Miller, A.V. | Rodgers |
| Burroughs | Glenn | Miller, C.P. | Rush |
| Calhoon | Hill, E.M. | Miller, E.R. | Schwengels |
| Carr | Hill, P.B. | Nystrom | Scott |
| Coleman | Hulse | Orr | Shaff |
| Craft | Hultman | Palmer | Shaw |
| Culver | Hutchins | Priebe | Slater |
| Curtis | Junkins | Ramsey | Tieden |
| Willits | | | |

Nays: None

Absent or not voting, 5:

- | | | |
|---------|--------|-----------|
| Hansen | Murray | Van Gilst |
| Nolting | Taylor | |

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.

ELECTION OF SENATE SECRETARIES

Senator Kinley submitted the following report of the committee on rules and administration and moved its adoption:

REPORT OF COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Your committee on rules and administration begs leave to submit the following persons for employment by the Senators:

- Forrest F. Ashcraft Ruth Darlene Calvert
- Irvin L. Bergman Vera Bergman
- Stephen W. Bisenius Doris Flo Saf
- James E. Briles Mary T. Wilcox
- Cliff Burroughs Dorothy R. Bahls
- James Calhoon Regina L. Tramontina
- Robert M. Carr Jane Fowler
- C. Joseph Coleman Kathleen H. Needles
- Rolf V. Craft Golda Beals
- Louis P. Culver Norma Bliquez
- Warren E. Curtis Emily Curtis
- Lucas J. DeKoster Elsie L. Haun
- Minnette F. Doderer Kay Doderer
- Richard F. Drake F. Jean McClatchey
- James V. Gallagher Katie Doyle
- Gene W. Glenn Constance Eichhorn
- Willard R. Hansen Nancy Henter
- Eugene M. Hill Genevieve Snetselaar
- Philip B. Hill Sylvia M. Tow
- Merlin D. Hulse Marcella L. Nelson
- Calvin O. Hultman Marjorie H. Helkenn
- C. W. (Bill) Hutchins Jean H. Lanning
- Lowell L. Junkins Kathlyn K. Hillman
- E. Kevin Kelly Nanci Ann Memmelaar
- George R. Kinley Linda Pearson
- Milo Merritt Marjorie Merritt
- Alvin V. Miller Paula J. Cox
- Charles P. Miller Virginia Miller
- Elizabeth R. Miller Betty Speagh
- John S. Murray Betty B. Wise
- Fred W. Nolting Brenda K. Jotzke
- John N. Nystrom E. Rose Bielfelt

Joan Orr	Vivian L. Haag
William D. Palmer	Jean Ann Luthe
Berl E. Priebe	Peggy Thomson
Richard R. Ramsey	Dorothy F. Nepstad
David M. Readinger	Sharlyn Pardubsky
James M. Redmond	Dixie Risbeck
Cloyd E. Robinson	Geraldine McCarthy
Norman G. Rodgers	Grace M. Rehnblom
Bob Rush	Ruth B. Root
Forrest V. Schwengels	Hazel Schroedel
John Scott	Jeanne W. Heller
Roger J. Shaff	Margaret H. Bruce
Elizabeth Shaw	Loanne M. Dodge
Tom Slater	Rita During
Ray Taylor	Jane Bevington
Dale L. Tieden	Betty J. Gottschalk
Bass Van Gilst	Bonnie King
Earl M. Willits	Rosemary Randolph

GEORGE R. KINLEY, Chairperson

The motion prevailed and the report was adopted.

Senator Kinley moved the election of the Senate secretaries placed in nomination by the committee on rules and administration.

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

ELECTION OF SENATE PAGES

Senator Kinley submitted the following report of the committee on rules and administration and moved its adoption:

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 nominations as pages for the Senate for the 1977 Regular Session of the Sixty-seventh General Assembly:

Pages

Page Rebecca Askew, Thurman

Page Debra Bennett, Runnells
Page Sherri Bisbey, Fairfield
Page Carol Cox, Fort Dodge
Page Michael Daniels, Elberon
Page Michelle Elowsky, Lowden
Page David Fastenau, West Des Moines
Page Cassandra Foens, Waterloo
Page Mary Hobson, Spirit Lake
Page Andrea Morine, Lamont
Page Timothy Ness, Slater
Page Sandra Schmidt, Zwingle
Page Patricia Sefcik, Pocahontas

GEORGE R. KINLEY, Chairperson

The motion prevailed and report was adopted.

Senator Kinley moved the election of the Senate pages placed in nomination by the committee on rules and administration.

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

DESIGNATION OF LIÉUTENANT GOVERNOR'S PAGE

President Neu designated Sherri Bisbey of Fairfield, Jefferson County, Iowa, as his page for the 1977 Regular Session of the Sixty-seventh General Assembly.

DESIGNATION OF PAGE FOR THE SECRETARY OF THE SENATE

The Secretary of the Senate designated Cassandra Foens of Waterloo, Black Hawk County, Iowa, as his page for the 1977 Regular Session of the Sixty-seventh General Assembly.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Van Gilst reported that the committee assigned to notify the Governor that the Senate was organized and ready to receive communications had performed its duty.

The report was accepted and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Doderer 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.

BADGES AND UNIFORMS AUTHORIZED

Senator Curtis moved that the Secretary of the Senate be authorized to secure suitable badges and uniforms for such officers as require them, which motion prevailed.

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 10, 1977, adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 1 a resolution realting to a joint convention of the two houses on January 11, 1977, for the state of the state message.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE RESOLUTION 1

By: COMMITTEE ON ETHICS

- 1 *Whereas*, section sixty-eight B point ten (68B.10), of the
- 2 Code requires that the senate committee on ethics shall prepare
- 3 a code of ethics within thirty days after the commencement
- 4 of the session; and
- 5 *Whereas*, the Code further provides that the code of ethics
- 6 shall not become effective until approved by the senate, and
- 7 that the code of ethics may be amended either upon the
- 8 recommendation of the ethics committee or by the members of
- 9 the senate; *Now Therefore*,
- 10 *Be It Resolved by the Senate*, That the senate code of
- 11 ethics for the sixty-seventh general assembly shall be:

12

SENATE CODE OF ETHICS

13 Recognizing that service in the Iowa General Assembly is
14 a part-time endeavor and that members of the general assembly
15 are honorable individuals who are active in the affairs of
16 their localities and elsewhere and that it is necessary that
17 they maintain a livelihood and source of income apart from
18 their legislative compensation, the following rules are adopted
19 pursuant to section sixty-eight B point ten (68B.10) of the
20 Code, to assist the members in the conduct of their legislative
21 affairs.

22 1. Taking into account that legislative service is part-
23 time, no legislator shall accept economic or investment
24 opportunity, under circumstances where he knows, or should
25 know, that there is a reasonable possibility that the
26 opportunity is being afforded him with intent to influence
27 his conduct in the performance of his official duties.

28 2. No legislator may charge to or accept from a person,
29 corporation, partnership or association known to have a
30 legislative interest a price, fee, compensation or other

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1 consideration for the sale or lease of any property or the
2 furnishing of services which is in excess of that which the
3 legislator would charge another.

4 3. No legislator in order to further his own economic
5 interests, or those of any other person, may disclose or use
6 confidential information acquired in the course of his official
7 duties.

8 4. A member of the general assembly may appear before
9 a governmental agency or board in any representation case,
10 except that he shall not appear before a governmental agency
11 or board if the matter is subject to legislative review.
12 Whenever a member of the general assembly appears before a
13 governmental agency or board, he shall carefully avoid all
14 conduct which might in any way lead members of the general
15 public to conclude that he is using his official position
16 to further his professional success or personal financial
17 interest.

18 5. In order to permit the general assembly to function
19 effectively, a legislator will sometimes be required to vote
20 on bills and participate in committee work which will affect
21 his employment and other monetary interests. In making a
22 decision relative to his activity on given bills or committee
23 work which are subject to the code, the following factors
24 shall be considered:

25 a. Whether a substantial threat to his independence of
26 judgment has been created by the conflict situation.

27 b. The effect of his participation on public confidence
28 in the integrity of the legislature.

- 29 c. Whether his participation is likely to have any
30 significant effect on the disposition of the matter.
31 d. The need for his particular contribution, such as
32 special knowledge of the subject matter, to the effective
33 functioning of the legislature.
34 A legislator with a conflict of interest may participate
35 in floor debate if prior to debate the legislator indicates

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- 1 his conflict of interest.
2 6. Each legislator shall file with the secretary of the
3 senate within ten days after the adoption of the Code of
4 Ethics by the senate, and within ten days after the convening
5 of each session of the general assembly, a statement on forms
6 provided by the secretary of the senate setting forth the
7 following information:
8 a. The nature of each business in which he is engaged
9 and the nature of the business of each company in which he
10 or his spouse has a financial interest.
11 b. The name of any state or national business, trade,
12 labor, farm, professional, religious, educational or charitable
13 association, foundation or organization which is involved
14 in supporting or opposing legislation brought before the
15 general assembly and by which he, his partner or business
16 associate is employed or retained or has rendered services
17 for compensation within the last twelve months.
18 c. Every office or directorship held by the legislator
19 in any corporation, firm, enterprise, labor union, farm
20 organization, cooperative, religious, educational or charitable
21 association or organization, or trade or professional
22 association held during the last twelve months and every
23 membership in such an organization which is engaged in ac-
24 tively supporting or opposing legislation in the general
25 assembly. The name of the entity shall be set out.
26 Disclosures required under this rule shall be as of the
27 date filed unless provided to the contrary, and shall be
28 amended to include interests and changes encompassed by this
29 rule that occur while the general assembly is in session.
30 All filings under this rule shall be open to public inspection
31 in the office of the secretary of the senate at all reasonable
32 times.
33 The secretary of the senate shall inform the ethics
34 committee of the statements which are filed and shall report
35 to the ethics committee the names of any senators who appear

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- 1 not to have filed complete statements. The ethics committee
2 shall require any senator who appears not to have filed a

3 complete statement to appear before the committee.

4 7. Members of the general assembly are urged to familiarize
5 themselves with chapter 68B and chapter 739 of the Code.

6 8. Legislators shall not charge any amount or item to
7 any charge account to be paid for by any lobbyist or any
8 organization he represents.

9 9. No senator shall charge to the state of Iowa amounts
10 for travel and expenses unless the senator actually has
11 incurred those mileage and expense costs. Senators shall
12 not file the vouchers for weekly mileage reimbursement required
13 by section two point ten (2.10), subsection one (1), of the
14 Code unless the travel was actually incurred at commensurate
15 expense to the senator.

16 10. Complaints against any member of the general assembly
17 or any lobbyist shall be in writing, made under oath and filed
18 with the ethics committee of the house in which the legislator
19 is a member or of the house in which the lobbyist operates.
20 If the ethics committee determines that the complaint sets
21 out an apparent violation of the law or Code of Ethics or
22 Rules Governing Lobbyists, it shall set the matter for hearing,
23 notify the accused of his right to appear in person, to be
24 represented by counsel, to present statements and evidence
25 and to cross-examine witnesses. The committee shall hold
26 a hearing and consider all relevant evidence and shall make
27 its recommendations to the appropriate house.

Read first time and PLACED ON CALENDAR.

SENATE CONCURRENT RESOLUTION 1

By: Senate Rules and Administration Committee
(House Rules Committee)

1 *Be It Resolved by the Senate, the House Concurring:* That
2 the joint rules of the senate and house in the sixty-seventh
3 general assembly shall be:

JOINT RULES OF THE SENATE AND HOUSE

Rule 1

Suspension of Joint Rules

6 The joint rules of the general assembly may be suspended
7 by concurrent resolution, duly adopted by a constitutional
8 majority of the senate and the house.

Rule 2

Designation of Sessions

11 Each regular session of a general assembly shall be
12 designated by the year in which such regular session commences.

Rule 3

Sessions of a General Assembly

16 The organization and standing committees in each house
 17 of the general assembly and action taken by each house shall
 18 carry over from the first to the second regular session of
 19 the same general assembly. The status of each bill and
 20 resolution shall be the same at the beginning of the second
 21 regular session as it was immediately before adjournment of
 22 the first regular session; however, the rules of either house
 23 may provide for re-referral of some or all bills and
 24 resolutions to standing committees upon adjournment of the
 25 first session or at the beginning of the second regular
 26 session, except those which have been adopted by both houses
 27 in different forms.

28 Rule 4

29 Presentation of Messages

30 All messages between the two houses shall be sent by the

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1 secretary of the senate or the chief clerk of the house of
 2 representatives, shall be announced and communicated to the
 3 chair.

4 Rule 5

5 Printing and Form of Bills 6 and Other Documents

7 Bills and joint resolutions shall be introduced, numbered,
 8 prepared, and printed as provided by law, or in the absence
 9 of such law, in a manner determined by the secretary of the
 10 senate and the chief clerk of the house of representatives.

11 All bills and joint resolutions introduced shall be in
 12 a form and number approved by the secretary of the senate
 13 and chief clerk of the house.

14 The legal counsel of each house shall read and approve
 15 all bills before introduction.

16 Rule 6

17 Companion Bills

18 When identical bills are introduced in each house they
 19 shall be called companion bills. Each house shall designate
 20 the sponsor in the usual way followed in parentheses by the
 21 sponsor of the companion bill in the other house. The house
 22 where the bill is first introduced shall print the complete
 23 text. The printed companion bill shall contain the title,
 24 enacting clause, and a statement that the bill is a companion
 25 bill. However, if the bill is not more than four pages in
 26 length, the complete text shall be printed in both houses.

27 Rule 7

28 Reprinting of Bills

29 Whenever any bill has been substantially amended by either
 30 house, the secretary of the senate or the chief clerk shall
 31 order the bill reprinted on paper of a different color. All

32 adopted amendments shall be distinguishable.
 33 The secretary of the senate or the chief clerk may order
 34 the printing of a reasonable number of additional copies of
 35 any bill, resolution, amendment, or journal.

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1 Rule 8
 2 Daily Clipsheet

3 The secretary of the senate and the chief clerk shall
 4 prepare a daily clipsheet covering all amendments filed.

5 Rule 9
 6 Reintroduction of Bills and Other Measures

7 When a bill or resolution which has passed one house is
 8 rejected in the other, it shall not be again introduced during
 9 the general assembly.

10 Rule 10
 11 Certification of Bills and Other Enrollments

12 When any bill or resolution which has passed one house
 13 is rejected or adopted in the other, notice of such action
 14 and the date thereof shall be given to the house of origin
 15 in writing signed by the secretary or the chief clerk.

16 Rule 11
 17 Amendments by Other House

18 I. When a bill which originated in one house is amended
 19 in the other house, the house originating the bill may amend
 20 the amendment, concur in full in the amendment, or refuse
 21 to concur in full in the amendment. Precedence of motions
 22 shall be in that order.

23 A. If the house originating the bill concurs in the
 24 amendment, the bill shall then be read for the last time as
 25 amended, and placed upon its final passage.

26 B. If the house originating the bill refuses to concur
 27 in the amendment, the bill shall be returned to the amending
 28 house which shall either:

29 1. Recede, after which the bill shall be read for the
 30 last time and placed upon its final passage; or

31 2. Insist, which will send the bill to a conference
 32 committee.

33 C. If the house originating the bill amends the amendment,
 34 that house shall concur in the amendment as amended and the
 35 bill shall be read for the last time as amended, shall be

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1 placed on final passage, and shall be returned to the other
 2 house. The other house cannot further amend the bill.

3 1. If the amending house which gave second consideration
 4 to the bill concurs in the amendment to the amendment, the

5 bill shall then be read for the last time as finally amended,
6 and placed upon its final passage.

7 2. If the amending house refuses to concur in the amendment
8 to the amendment, the bill shall be returned to the house
9 originating the bill which shall either:

10 a. Recede, after which the bill shall be read for the
11 last time as amended and placed upon its final passage; or

12 b. Insist, which will send the bill to a conference
13 committee.

14 II. A motion to recede has precedence over a motion to
15 insist. Failure to recede means to insist; and failure to
16 insist means to recede.

17 III. A motion to lay on the table or to indefinitely
18 postpone shall be out of order with respect to motions to
19 recede from or insist upon and to amendments to bills which
20 have passed both houses.

21 IV. A motion to concur, refuse to concur, recede, insist,
22 or adopt a conference committee report is in order even though
23 the subject matter has previously been acted upon.

24 Rule 12

25 Conference Committee

26 1. Within one legislative day after either house insists
27 upon an amendemnt to a bill, the presiding officer of the
28 house shall appoint five members to a conference committee.
29 The majority leader of the senate, the president pro tempore
30 of the senate and the two assistant majority leaders of the
31 senate shall appoint three majority party members to a
32 conference committee and after consultation with the president
33 of the senate shall also appoint two minority party members
34 to a conference committee. The papers shall remain with the
35 house that originated the bill.

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1 2. The conference committee shall meet before the end
2 of the next legislative day after their appointment, shall
3 select a chair and shall discuss the controversy.

4 3. The authority of the committee shall cover free
5 conference during which the committee has authority to propose
6 amendments to any portion of a bill provided the amendment
7 is within the scope of the title of the bill.

8 4. An agreement on recommendations must be approved by
9 at least three members from each house. The committee shall
10 submit two originals of the report signed by at least three
11 members of each house with one signed original and three
12 copies to be submitted to each house. The report shall first
13 be acted upon in the house originating the bill. Such action,
14 including all papers, shall be immediately referred by the

15 secretary of the senate or the chief clerk of the house of
16 representatives to the other house.

17 5. The report of agreement is debatable, but cannot be
18 amended. If the report contains recommended amendments to
19 the bill, adoption of the report shall automatically adopt
20 all amendments contained therein. After the report is adopted,
21 there shall be no more debate, and the bill shall immediately
22 be placed upon its final passage.

23 6. Refusal of either house to adopt the conference
24 committee report has the same effect as if the committee had
25 disagreed.

26 7. If the conference committee fails to reach agreement,
27 a report of such failure signed by at least three members
28 of each house shall be given promptly to each house. The
29 bill shall be returned to the house that originated the bill
30 and the members of the committee shall be immediately
31 discharged and a new conference committee appointed by the
32 presiding officer of the house from members who have not
33 previously served on a conference committee on the bill under
34 consideration. The majority leader of the senate, the pres-
35 ident pro tempore of the senate and the two assistant majority

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1 leaders of the senate shall appoint three majority party
2 members and after consultation with the president of the
3 senate shall also appoint two minority party members all of
4 whom shall not have previously served on a conference committee
5 on the bill under consideration.

6 Rule 13

7 Enrollment and Authentication of Bills

8 When a bill or resolution has passed both houses, it shall
9 be enrolled in the house of origin under the direction of
10 either the secretary or the chief clerk and its house of
11 origin shall be certified by the endorsement of the secretary
12 or the chief clerk.

13 After enrollment, each bill shall be signed by the president
14 and by the speaker.

15 Rule 14

16 Concerning other Enrollments

17 All resolutions and other matters which are to be presented
18 to the governor for his approval shall be enrolled, signed,
19 and presented in the same manner as bills.

20 All resolutions and other matters which are not to be
21 presented to the governor or the secretary of state shall
22 be enrolled, signed and retained permanently by the secretary
23 of the senate or chief clerk of the house.

24 Rule 15

25 Transmission of Bills to the Governor

26 After a bill has been signed in each house, it shall be

27 presented to the governor by the secretary or the chief clerk
28 of the house of origin. The secretary or the chief clerk
29 shall report the date of the presentation, which shall be
30 entered upon the journal of the house of origin.

31 Rule 16

32 Fiscal Notes

33 A fiscal note shall be attached to any bill or joint
34 resolution which will have an annual effect of at least one
35 hundred thousand dollars or a combined total effect within

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1 five years after enactment of five hundred thousand dollars
2 or more on the revenues, expenditures or fiscal liability
3 of the state or its subdivisions. This rule does not apply
4 to appropriation measures where the total effect is stated
5 in dollar amounts.

6 The preliminary determination of whether the bill appears
7 to require a fiscal note shall be made by the legislative
8 service bureau which shall indicate that a bill requires a
9 fiscal note by stamping "FISCAL NOTE REQUIRED" prominently
10 on the bill jacket. Upon completion of the bill draft, the
11 legislative service bureau shall immediately send a copy to
12 the legislative fiscal director for his review.

13 When a committee reports a bill to the floor, the committee
14 shall state in the report whether a fiscal note is or is not
15 required.

16 The fiscal note shall be printed on the bill before
17 introduction if practicable; and in any event the secretary
18 of the senate or chief clerk of the house shall attach the
19 fiscal note to the bill when the bill is reported out by a
20 committee.

21 The legislative fiscal director shall prepare the fiscal
22 note within a reasonable time after receiving the request.
23 A copy of the fiscal note shall be filed by the legislative
24 fiscal director with the secretary of the senate or the chief
25 clerk of the house. The legislative fiscal director may
26 request the cooperation of the state comptroller or any state
27 department or agency. If a fiscal note is prepared by the
28 comptroller or any state department or agency at the request
29 of the fiscal director, that fact shall be stated in the note.

30 Each fiscal note shall state in dollars the estimated
31 effect of the bill on the revenues, expenditures, and fiscal
32 liability of the state during each of the first five years
33 after enactment. Sources of funds for expenditures under
34 the bill shall be stated, including federal funds. If the
35 fiscal director cannot make an accurate estimate, he shall

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1 state his best available estimate or shall state that no
2 dollar estimate can be made and state concisely the reason.
3 The fiscal note shall be attached or printed in the bill
4 following the explanation or shall be printed in the daily
5 clip sheet.

6 A revised fiscal note may be requested by a committee
7 chairman or a sponsor of the bill if the fiscal effect of
8 the bill has been changed by adoption of an amendment.
9 However, a request for a revised fiscal note shall not delay
10 action on a bill unless so ordered by the presiding officer
11 of the house in which the bill is under consideration.

12 If a date for adjournment has been set, then a
13 constitutional majority of the house in which the bill is
14 under consideration may waive the fiscal note requirement
15 during the three days prior to the date set for adjournment.

16 Rule 17

17 Joint Legislative Intern Committee

18 There shall be a joint legislative intern committee to
19 organize and supervise a legislative intern program for Iowa
20 college and university students. The committee shall consist
21 of fourteen members: two members of the senate, one appointed
22 by the majority leader and one appointed by the minority
23 leader; two members of the house, one appointed by the majority
24 leader and one appointed by the minority leader; the secretary
25 of the senate or his designee; the chief clerk of the house
26 or his designee; the director of the legislative service
27 bureau or his designee; a person from each of the three state
28 universities selected by each of the universities; a per-
29 son representing the Drake University College of Law selected
30 by Drake University; a person representing the University
31 of Iowa College of Law selected by the college of law; and
32 two persons from Iowa private colleges selected by the other
33 members of the committee.

34 The members of the joint legislative intern committee,
35 except the two persons from Iowa private colleges, shall be

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1 named by the appropriate appointing authorities within twenty
2 days after the convening of the first regular session of each
3 general assembly. The two persons from Iowa private colleges
4 will be selected at the committee's first meeting, or as soon
5 as practical. Members shall serve until their successors
6 have been duly appointed or selected. The committee shall
7 elect a chairman and vice chairman from its membership. A
8 vacancy shall be filled in the same manner as the original
9 appointment.

10 The purpose of the legislative intern program shall be:

11 1) to provide useful staff services to legislators not

12 otherwise provided by the general assembly; 2) to give
 13 interested college, graduate, and law school students practical
 14 experience in the legislative process as well as providing
 15 a meaningful educational experience; and 3) to enrich the
 16 curriculum of participating colleges and universities.

17 The joint legislative intern committee shall have the
 18 following duties and responsibilities:

- 19 1. Provide procedures for the recruitment, selection,
 20 assignment, and supervision of all interns in each house.
- 21 2. Establish the duties of interns.
- 22 3. Provide orientation and seminar programs for interns.
- 23 4. Consult and work with faculty and staff at Iowa colleges
 24 and universities to encourage participation in the legislative
 25 intern program.
- 26 5. Prepare and distribute materials designed to explain
 27 the legislative intern program.
- 28 6. Prescribe all necessary forms.
- 29 7. Make recommendations to the general assembly regarding
 30 the legislative intern program.
- 31 8. Such other duties and responsibilities as are necessary
 32 to effectively organize and supervise the legislative intern
 33 program.

34 The joint legislative intern committee shall report to
 35 the general assembly in January of each year. The report

Page 10

- 1 shall include a description of the results of the legislative
- 2 intern program during the last preceding session and the
- 3 proposed legislative intern program for the session convening
- 4 during the month the report is submitted.

Read first time and PLACED ON CALENDAR.

SENATE CONCURRENT RESOLUTION 4

By: Rules and Administration Committee
 (Administration Committee)

- 1 *Whereas*, section two point eleven (2.11) of the Code
- 2 provides that "The compensation of chaplains, officers and
- 3 employees of the general assembly shall be fixed by joint
- 4 action of the house and senate by resolution at the opening
- 5 of each session, or as soon thereafter as conveniently can
- 6 be done.", *Now Therefore*,
- 7 *Be It Resolved by the Senate, the House Concurring*, That
- 8 the compensation for the following officers for the period
- 9 commencing January 10, 1977, and ending January 8, 1979, shall
- 10 be within the following ranges:

- 11 Secretary of the Senate and Chief
 12 Clerk of the House \$19,292 to \$27,196
 13 Assistant Secretary of the Senate \$14,066 to \$23,478
 14 Within the indicated ranges the exact compensation shall be
 15 set or adjusted for the senate officers by the senate rules
 16 and administration committee and for the chief clerk by the
 17 house administration committee.
 18 *Be It Further Resolved*, That the compensation of the
 19 employees of the sixty-seventh general assembly is set,
 20 effective from January 10, 1977, until January 8, 1979, in
 21 accordance with the following salary schedule:

Page 2

1	No. 7	No. 8	No. 9	No. 10	No. 11
2	5,226.00	5,434.00	5,668.00	5,954.00	6,214.00
3	201.00	209.00	218.00	229.00	239.00
4	2.51	2.61	2.73	2.86	2.99
5					
6	No. 12	No. 13	No. 14	No. 15	No. 16
7	6,552.00	6,864.00	7,150.00	7,488.00	7,800.00
8	252.00	264.00	275.00	288.00	300.00
9	3.15	3.30	3.44	3.60	3.75
10					
11	No. 17	No. 18	No. 19	No. 20	No. 21
12	8,112.00	8,476.00	8,866.00	9,282.00	9,724.00
13	312.00	326.00	341.00	357.00	374.00
14	3.90	4.08	4.26	4.46	4.68
15					
16	No. 22	No. 23	No. 24	No. 25	No. 26
17	10,192.00	10,686.00	11,206.00	11,700.00	12,298.00
18	392.00	411.00	431.00	450.00	473.00
19	4.90	5.14	5.39	5.63	5.91
20					
21	No. 27	No. 28	No. 29	No. 30	No. 31
22	12,844.00	13,442.00	14,066.00	14,716.00	15,418.00
23	494.00	517.00	541.00	566.00	593.00
24	6.18	6.46	6.76	7.08	7.41
25					
26	No. 32	No. 33			
27	15,886.00	16,692.00	17,524.00	18,408.00	19,292.00
28	611.00	642.00	674.00	708.00	742.00
29	7.64	8.03	8.43	8.85	9.28
30					
31	20,280.00	21,294.00	22,360.00	23,478.00	
32	780.00	819.00	860.00	903.00	
33	9.75	10.24	10.75	11.29	

34 In this schedule, each numbered block shall be the yearly,
 35 bi-weekly and hourly compensation for the pay grade of the

36 number heading the block. Within each grade there shall be
 37 eight steps numbered "1" through "8". In the above schedule
 38 the steps for all grades are determined in the following
 39 manner. Each numbered block is counted as the "1" step for
 40 that grade. The next higher block is counted as the "2" step;
 41 the next higher block is the "3" step; the next higher block
 42 is the "4" step; the next higher block is the "5" step; the
 43 next higher block is the "6" step; the next higher block is
 44 the "7" step; and the next higher block is the "8" step.

45 All employees, other than those designated "part-time"
 46 shall be compensated for 40 hours of work in a one-week pay
 47 period. Except for the personnel designated to the contrary

Page 3

1 in this resolution, employees who are required to work in
 2 excess of 40 hours in a one-week pay period shall either be
 3 compensated at a rate of pay equal to one and one-half times
 4 the hourly pay provided in this resolution or allowed
 5 compensatory time off at a rate of one and one-half hours
 6 for each hour of overtime.

7 The following personnel shall not be paid an overtime
 8 premium:

9 Secretary of the Senate
 10 Chief Clerk of the House
 11 Assistant Secretary of the Senate
 12 Assistant Chief Clerk of the House
 13 Senate Legal Counsel
 14 House Legal Counsel
 15 Executive Secretary to the Secretary
 16 Executive Secretary to the Chief Clerk
 17 All Administrative Assistants
 18 All Research Assistants
 19 All Secretaries to Senators and Clerks to Representatives
 20 House Public Information Office Director
 21 All Caucus Staff Directors

22 All employees shall be available to work daily until
 23 completion of the senate's and house of representatives'
 24 business. The secretary of the senate and chief clerk of
 25 the house shall schedule all employees' working hours to,
 26 as far as possible, maintain regular working hours.

27 *Be It Further Resolved*, That in the event the salary
 28 schedule for employees of the State of Iowa as promulgated
 29 by the merit employment commission pursuant to section nineteen
 30 A point nine (19A.9), subsection two (2), Code 1975, is revised
 31 upward at any time during the sixty-seventh general assembly,
 32 such revised schedule shall simultaneously be adopted for
 33 the compensation of the employees of the sixty-seventh general
 34 assembly assigned a grade by this resolution.

35 *Be It Further Resolved*, That the employees of the sixty-

Page 4

1 seventh general assembly be placed in the following pay grades:
2
3 **EMPLOYEES OF THE HOUSE**
4 Assistant Chief Clerk and Reading Clerk Grade 29 to Grade 33
5 Legal Counsel II Grade 33
6 Legal Counsel I Grade 29
7 Executive Secretary to Speaker Grade 22
8 Caucus Staff Director Grade 26 to 30
9 Leader's Administrative Assistant Grade 25 to Grade 30
10 Research Analyst Grade 23 to Grade 26
11 Executive Secretary to Chief Clerk Grade 22
12 Clerk to Chief Clerk Grade 14
13 Public Information Office Director Grade 26 to Grade 30
14 Clerk to Public Information
15 Office Director Grade 18
16 Supervisor of Clerks Grade 20
17 Journal Editor Grade 23
18 Assistant Journal Editor Grade 18
19 Composer Grade 16
20 Finance Clerk Grade 20
21 Assistant Finance Clerk Grade 13
22 Recording and
23 Amendment Clerk Grade 18
24 Assistant to the Legal Counsel and
25 Engrossing/Enrolling Clerk Grade 19
26 Assistant to the Legal Counsel Grade 19
27 Chief Indexer Grade 18
28 Indexing Assistant Grade 16
29 Supply Clerk Grade 13
30 Swing Clerk Grade 13
31 Switchboard Operator Grade 13
32 Clerk I Grade 13
33 Clerk II Grade 15
34 Administrative Assistant I Grade 13
35 Administrative Assistant II Grade 15

Page 5

1 Bill Clerk Grade 13
2 Assistant Bill Clerk Grade 12
3 File Clerk Grade 8
4 Postmaster Grade 10
5 Sergeant-at-Arms Grade 15
6 Assistant Sergeant-at-Arms Grade 13
7 Parking Attendant Grade 9
8 Doorkeepers Grade 9

9	Elevator Operator	Grade 8
10	Porter	Grade 8
11	Cloakroom Attendant	Grade 8
12	Pages	Grade 7
13	Aide to Public Information Office	
14	(80 hours a week maximum)	\$2.40/hr.
15	Aide to the Chief Clerk	\$4.00/hr.

16

17

EMPLOYEES OF THE SENATE

18	Legal Counsel II	Grade 33
19	Legal Counsel I	Grade 29
20	Caucus Staff Director	Grade 26 to Grade 30
21	Leader's Administrative Assistant	Grade 25 to Grade 30
22	Research Analyst	Grade 23 to Grade 26
23	Executive Secretary to the Secretary	Grade 22
24	Secretary to the Secretary of the Senate	Grade 18
25	Journal Editor	Grade 23
26	Assistant Journal Editor	Grade 18
27	Compositor	Grade 16
28	Assistant to the Legal Counsel	Grade 17
29	Finance Clerk	Grade 20
30	Assistant Finance Clerk	Grade 13
31	Recording Clerk	Grade 17
32	Engrossing/Enrolling Clerk	
33	and Terminal Operator	Grade 19
34	Chief Indexer	Grade 18
35	Indexing Assistant	Grade 16

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1	Records and Supply Clerk	Grade 17
2	Special Clerk	Grade 14
3	Switchboard Operator	Grade 13
4	Secretary I	Grade 13
5	Secretary II	Grade 15
6	Administrative Assistant I	Grade 13
7	Administrative Assistant II	Grade 15
8	Bill Clerk	Grade 13
9	Assistant Bill Clerk	Grade 12
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	Parking Attendant	Grade 9
16	Doorkeepers	Grade 9
17	Elevator Operator	Grade 8
18	Porter	Grade 8
19	Cloakroom Attendant	Grade 8

20 Pages Grade 7
 21 Secretary to Human Resources Committee
 22 Staff under contract with Legis/50 Grade 17
 23 Aide to the Secretary of the Senate \$4.00/hr.
 24

JOINT EMPLOYEE

25
 26 Law Library Clerk Grade 9
 27 *Be It Further Resolved*, That there shall be four classes
 28 of appointments as employees of the general assembly.
 29 An "intermittent" employee is appointed to be employed
 30 for only a portion of the year, usually the legislative
 31 session, the period of which is set as provided by this
 32 resolution.
 33 A "permanent" employee is appointed to be employed the
 34 year around.
 35 A "full-time" employee is either a permanent or intermittent

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1 employee but is employed for a normal work week of 40 hours.
 2 A "part-time" employee is either a permanent or intermittent
 3 employee but is employed for less than a normal work week
 4 (40 hours).

5 *Be It Further Resolved*, That the exact grade for each
 6 position to which a range of grades is assigned by this
 7 resolution shall be set or changed for senate employees by
 8 the senate rules and administration committee and for the
 9 house employees by the house administration committee. The
 10 committees shall base the assignment upon the following
 11 factors:

- 12 1. The extent of formal education required of the position;
- 13 and,
- 14 2. The extent of the responsibilities to be assigned to
- 15 the position; and,
- 16 3. The amount of supervision placed over the position;
- 17 and,
- 18 4. The number of persons the position is assigned to
- 19 supervise and skill and responsibilities of those positions
- 20 supervised.

21 The committees shall report the exact grades assigned to
 22 each position on the next legislative day, or, if such action
 23 is during the interim, on the first day the senate or house
 24 shall convene. Any action by the senate or house to disapprove
 25 a report or a portion of a report shall be effective the day
 26 after the action.

27 *Be It Further Resolved*, That a senator may employ a Secre-
 28 tary I or Secretary II and each representative may employ
 29 a Clerk I or Clerk II who shall perform such clerical duties
 30 as the senator or representative shall designate under the
 31 administrative direction, as appropriate, of the secretary

32 of the senate or the chief clerk of the house.
 33 Each standing committee chairperson and each appropriations
 34 subcommittee chairperson shall before April 1, 1977, designate
 35 a secretary or clerk of at least the Secretary II or Clerk

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1 II level to be the Secretary or Clerk to the Committee. Such
 2 Secretary or Clerk shall prepare committee minutes, committee
 3 reports, type committee correspondence, maintain committee
 4 records, and otherwise assist the committee. Such duties
 5 shall be performed in accordance with standards which shall
 6 be provided by the secretary of the senate and chief clerk
 7 of the house. After April 1, 1977, no person may be designated
 8 as the secretary for the committee who is not employed in
 9 the status of a Secretary II or a Clerk II. The chairperson
 10 of a senate committee may designate any Secretary II to be
 11 the committee secretary. The chairperson of a house committee
 12 may designate any Clerk II to be the committee secretary.
 13 In making the designation, chairpersons shall consider persons
 14 for possible designation as the secretary or clerk to the
 15 committee in the following order:

16 First: The secretary or clerk to the chairperson.

17 Second: The secretary or clerk to the committee's ranking
 18 majority member.

19 Third: The secretary or clerk to any other member of the
 20 committee.

21 Fourth: The secretary or clerk to any other member in
 22 the same house as the committee.

23 A Secretary II and Clerk II is a person who has been
 24 certified by Merit Employment as having passed a typing
 25 performance examination of at least 40 words per minute, and
 26 a stenographic performance examination or the equivalent of
 27 80 words per minute and who has at least two years of
 28 secretarial experience.

29 A Secretary I and Clerk I is a person who in the judgment
 30 of the senator or representative employing such person
 31 possesses the necessary skills to perform the duties such
 32 senator or representative shall designate.

33 *Be It Further Resolved*, That as an alternative to each
 34 senator and representative having a secretary, senators and
 35 representatives may hire an Administrative Assistant I or

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1 II as provided by this paragraph. Senators and representatives
 2 may employ an assistant only if two or more senators or two
 3 or more representatives or two or more senators and
 4 representatives agree to jointly employ a secretary or
 5 secretaries and the assistant in a total number not greater

6 than the senators and representatives participating in the
7 joint hiring. Without an agreement between the hiring senators
8 or representatives to the contrary, the secretary or
9 secretaries and the assistant shall each devote their time
10 equally to each of the persons for whom they work.

11 An Administrative Assistant II is a person who has
12 participated in two years of education beyond high school
13 or the equivalent experience, demonstrates a comprehensive
14 knowledge of the legislative process and the capability of
15 properly using the English language in research papers.

16 An Administrative Assistant I is a person who in the
17 judgment of the senators or representatives employing such
18 person, possesses the necessary skills to perform the duties
19 such senators or representatives shall designate.

20 *Be It Further Resolved*, That a Legal Counsel II shall be
21 a person who has graduated from an accredited school of law
22 and is admitted to practice in Iowa as an Attorney and
23 Counselor at Law and possesses either a Masters of Law degree
24 or has at least two years of legal experience after admission
25 to practice.

26 A Legal Counsel I shall be a person who has graduated from
27 an accredited school of law and is admitted to practice in
28 Iowa as an Attorney and Counselor at Law.

29 *Be It Further Resolved*, That part-time employees shall
30 be compensated at the scheduled hourly rate for their pay
31 grade and step. While assisting interim committees they shall
32 be compensated at the scheduled hourly rate for grade 16.

33 *Be It Further Resolved*, That employees of the general
34 assembly shall be eligible for mobility within pay steps—
35 —at the discretion of the chief clerk of the house and the

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1 secretary of the senate, and subject to the approval of the
2 house committee on administration or the senate committee
3 on rules and administration, as the case may be—in accord
4 with the following schedule:

5 (1) Progression from step "1" to "2" and step "2" to "3"
6 — six months of actual employment.

7 (2) Progression from step "3" to "4", and step "4" to
8 "5", and step "5" to "6" — twelve months of actual employment.

9 (3) Progression from step "6" to "7" and step "7" to "8"
10 — twenty-four months of actual employment.

11 *Be It Further Resolved*, That in addition to the steps
12 provided in the preceding paragraph, that secretaries to
13 senators and clerks to representatives shall be eligible for
14 additional steps as provided in this paragraph. At the
15 discretion of the secretary of the senate and chief clerk
16 of the house and subject to the approval of the senate

17 committee on rules and administration or the house committee
18 on administration, as appropriate, secretaries and clerks
19 may be granted additional steps in accord with the following
20 schedule:

21 1. One additional step for a secretary or clerk to a
22 standing committee chairperson who is not the designated com-
23 mittee secretary or clerk.

24 2. One additional step for a secretary or clerk to a
25 ranking majority or minority member of a standing committee.

26 3. Two additional steps for a designated secretary or
27 clerk to a committee or assistant floor leader, and one addi-
28 tional step for each such position held beyond the first
29 position.

30 4. Three additional steps for a secretary or clerk to
31 a majority or minority floor leader, speaker pro tempore or
32 president pro tempore.

33 Except as provided in subparagraph three (3), steps may be
34 granted only under one of the subparagraphs and only once
35 within each subparagraph.

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1 *Be It Further Resolved*, That the entrance salary for
2 employees of the general assembly shall be at step 1 in the
3 grade of the position held. Such officer or employee may
4 be hired above the entrance step if possessing outstanding
5 and unusual experience for the position, provided that the
6 entrance is not beyond step 3. Such officer or employee who
7 is hired above the entrance step shall be mobile above that
8 step in the same period of time as other officers or employees
9 in that same step. An officer or employee who is moved to
10 another position may be considered for partial or full credit
11 for their experience in the former position in determining
12 the step in the new grade.

13 *Be It Further Resolved*, That a pay increase for employees
14 of one step within the pay grade for the position may be made
15 for exceptionally meritorious service in addition to step
16 increases provided for in this resolution, upon recommendation
17 of the secretary of the senate or chief clerk of the house
18 and the approval of the senate committee on rules and
19 administration or the house committee on administration.
20 Exceptionally meritorious service pay increases shall be
21 governed by the following:

22 a. The employee must have served in the position for at
23 least twelve months;

24 b. Written justification, setting forth in detail the
25 nature of the exceptionally meritorious service rendered,
26 must be submitted to the senate rules and administration
27 committee or house administration committee and approved in

28 advance of granting the pay increase;
29 c. No more than one exceptionally meritorious service
30 pay increase may be granted in any twelve month period.
31 *Be It Further Resolved*, That the secretary of the senate
32 and chief clerk of the house shall receive applications for
33 employment, arrange for any necessary examinations, contact
34 references and make recommendations for hiring. The senate
35 rules and administration committee and the house administration

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1 committee shall both hire officers and employees for their
2 respective bodies and fill any vacancies which may occur,
3 to be effective at such time as they shall set. The committee
4 shall report the names of those it has hired for the positions
5 specified in this resolution or the filling of any vacancies
6 on the next legislative day or, if such action is during the
7 interim, on the first day the senate or house shall convene.
8 Any action by the senate or house to amend or disapprove a
9 report or a portion of a report shall be effective the day
10 after the action.

11 The chief clerk of the house shall submit to the house
12 committee on administration and the secretary of the senate
13 shall submit to the senate committee on rules and
14 administration the list of names, or amendments thereto, of
15 employee classifications and recommended pay step for each
16 officer and employee. Such list shall include recommendations
17 for the pay step for all employees. Each respective committee
18 shall approve or amend the list of recommended classifications
19 and pay steps and publish said list in the journal. The
20 secretary of the senate and the chief clerk of the house shall
21 set the period of employment of intermittent employees under
22 such direction as the senate rules and administration committee
23 and the house administration committee may provide.

24 *Be It Further Resolved*, That permanent employees of the
25 general assembly shall receive vacation allowances, sick
26 leave, health and accident insurance, life insurance, and
27 disability income insurance as are provided for full-time
28 permanent state employees. The computations shall be
29 maintained by the finance clerks in each house and coordinated
30 with the state comptroller.

31 *Be It Further Resolved*, That should any employee have a
32 grievance concerning their compensation, hours of work,
33 performance of work, or other matter, the grievance shall
34 be resolved as provided in this paragraph.

35 The grievance shall first be brought to the attention of

1 the secretary of the senate or chief clerk of the house.
 2 The procedure may be informal and oral except that the employee
 3 may require the secretary or chief clerk to give their final
 4 conclusion in writing.

5 After consulting the secretary or chief clerk, an employee
 6 may request the Senate Rules and Administration Committee
 7 or the House Administration Committee to consider the
 8 grievance. The committee's consideration shall be informal
 9 except that accurate minutes shall be kept and the final
 10 conclusion shall be in writing.

11 Any employee having a grievance shall have access to all
 12 relevant house or senate records, may have the assistance
 13 of counsel, and, if the grievance involves a disciplinary
 14 action, shall have a written statement of the grounds for
 15 the disciplinary action.

16 *Be It Further Resolved*, That the compensation of chaplains
 17 officiating at the opening of the daily sessions of the house
 18 of representatives and the senate of the sixty-seventh general
 19 assembly be fixed at ten (10) dollars for each house of the
 20 general assembly, and that mileage for chaplains be fixed
 21 at the rate of fifteen (15) cents per mile to and from the
 22 State Capitol.

Read first time and PLACED ON CALENDAR.

ADOPTION OF RESOLUTION

House Concurrent Resolution 1

Senator Kinley asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 1 and moved its adoption:

HOUSE CONCURRENT RESOLUTION 1

By: Fitzgerald

1 *Be It Resolved by the House, the Senate*
 2 *Concurring*: That a joint convention of the
 3 two houses of the Sixty-seventh General Assembly
 4 be held on Tuesday, January 11, 1977, at 10:00 a.m.
 5 *Be It Further Resolved*: That Governor Robert
 6 D. Ray be invited to present his state of the
 7 state message at this joint convention of the two
 8 houses of the General Assembly and that the Speaker
 9 of the House and the President of the Senate be
 10 designated to deliver the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF RESOLUTION

Senate Concurrent Resolution 2

Senator Carr asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 2 and moved its adoption:

SENATE CONCURRENT RESOLUTION 2

By: Carr and Schwengels

1 *Be It Resolved by the Senate, the House Concurring:*
2 That the superintendent of printing be directed to
3 furnish copies of the 1977 Code of Iowa; copies of the
4 Acts of the 1975 and 1976 regular sessions of the sixty-
5 sixth general assembly, and copies of the 1975 Code of
6 Iowa to such members of the sixty-seventh general
7 assembly of Iowa who may request the same. Senate
8 members will leave orders for Codes and Acts at the
9 secretary of the senate's desk and house members at the
10 chief clerk of the house of representative's desk.

11 *Be It Further Resolved:* That the superintendent of
12 printing is directed to furnish copies of the 1977 Code
13 of Iowa and Acts of the 1975 regular session and 1976
14 regular session of the sixty-sixth general assembly as
15 requested by the secretary of the senate and by the chief
16 clerk of the house for the use of the staff in their
17 respective offices.

18 *Be It Further Resolved:* That the superintendent of
19 printing is directed to furnish copies of the 1977 Code
20 of Iowa and the Acts of the 1975 and 1976 regular sessions
21 of the sixty-sixth general assembly to members of the
22 press who are assigned desks in the senate and house
23 chambers, to be requested by the secretary of the senate
24 for members of the press with desks there assigned and by
25 the chief clerk of the house of representatives for copies
26 to be furnished members of the press assigned desks in
27 the house chamber. Such requests shall be made before
28 February 1, 1977.

The motion prevailed and the resolution was adopted.

ELECTION OF PRESIDENT PRO TEMPORE

Senator Kinley placed in nomination the name of Senator C. Joseph Coleman of Webster County as a candidate for the office of President pro tempore of the Senate of the Sixty-seventh General Assembly.

There being no further nominations, the Chair put the question and the Secretary called the roll.

The vote for Senator Coleman was:

Ayes, 48:

Ashcraft	Drake	Merritt	Redmond
Bergman	Gallagher	Miller, A.V.	Robinson
Bisenius	Glenn	Miller, C.P.	Rodgers
Briles	Hansen	Miller, E.R.	Rush
Burroughs	Hill, E.M.	Murray	Schwengels
Calhoon	Hill, P.B.	Nolting	Scott
Carr	Hulse	Nystrom	Shaff
Craft	Hultman	Orr	Shaw
Culver	Hutchins	Palmer	Slater
Curtis	Junkins	Priebe	Tieden
DeKoster	Kelly	Ramsey	Van Gilst
Doderer	Kinley	Readinger	Willits

Nays, none.

Voting present, 1:

Coleman

Absent or not voting, 1:

Taylor

The Chair announced that Senator Coleman had been elected President pro tempore of the Sixty-seventh General Assembly.

President Neu requested Senators Palmer, Redmond and Priebe to escort Senator Coleman to the rostrum.

Senator Coleman appeared, took the oath of office, was congratulated and presented to the Senate by President Neu.

In accepting the office, Senator Coleman made the following remarks:

Mr. President, Members of the Senate, Ladies and Gentlemen:

It is indeed a high honor and privilege to be standing here this afternoon as

your newly-elected President pro tempore. It is with a sense of humility and yet a sense of elation that I accept this office.

As you know, the Iowa Senate has been a very important part of my life for the past twenty years, and now to be elected by you to the only position in state government that is not voted upon the parties or by the people, but by the Senate alone is the proudest point of my political career.

In the years I have served in this body, I have been in both the minority and the majority but whichever group was in power there was always the concern of the people of Iowa that was uppermost in the minds of the Senate. Rare indeed were the times when the minority did not join the majority for solutions of difficult problems.

In this new session, I know there will be differences of opinions on bills of the majority. I hope that if this comes to pass the minority again will provide the help to pass needed legislation.

We have considerable work ahead in solving many perplexing problems, and it must be shared by every member both old and new, and as we work on these matters let us strive to respect each person's opinions and motives, for in our zeal to do our best, let us never forget that deep in the hearts of every senator there lies the desire to do right for our state and its people through legislative leadership and action.

I know that the duties and responsibilities of the President pro tempore are contingent responsibilities only, and this office becomes active if circumstances not now foreseen happen to occur—but if this office should become active, I will earnestly seek the help and counsel of everyone gathered here, for certainly it would only be through that kind of assistance that I could serve effectively the Senate and the citizens of Iowa.

You have accorded me a great honor in selecting me as your President pro tempore of this Senate I so dearly love, and I will serve you in the manner of fairness and frankness as have those many capable people who have preceded me.

ADOPTION OF RESOLUTION

Senate Concurrent Resolution 3

Senator Burroughs asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 3 and moved its adoption:

SENATE CONCURRENT RESOLUTION 3

By: Rodgers and Burroughs

- 1 *Be It Resolved by the Senate, the House Concurring:*
- 2 That the superintendent of printing be instructed to

3 mail to each county auditor in the state of Iowa one
 4 copy of the daily corrected senate and house journals,
 5 one copy of each senate and house bill, one copy of
 6 each senate and house reprinted bill, one copy of each
 7 senate and house enrolled bill, and one copy of each
 8 senate and house clipsheet for the duration of the
 9 sixty-seventh general assembly and that the same, with
 10 binders, be furnished to such officers free of charge,
 11 to be paid for out of the general fund not otherwise
 12 appropriated.

13 *Be It Further Resolved:* That the superintendent of
 14 printing be instructed to mail to Senator Dick Clark,
 15 Senator John C. Culver, Congressman Berkley Bedell,
 16 Congressman Michael T. Blouin, Congressman Charles E.
 17 Grassley, Congressman Thomas Harkin, Congressman James
 18 Leach, Congressman Neal Smith one copy of the daily
 19 corrected senate and house journals, one copy of each
 20 senate and house bill, one copy of each senate and
 21 house reprinted bill, one copy of each senate and house
 22 enrolled bill, and one copy of each senate and house
 23 clipsheet for the duration of the sixty-seventh general
 24 assembly and that the same, with binders, be furnished
 25 to such officers free of charge, to be paid for out of
 26 the general fund not otherwise appropriated.

27 *Be It Further Resolved:* That the superintendent of
 28 printing make such mailings at least once weekly.

The motion prevailed and the resolution was adopted.

COMMITTEE ON MILEAGE

Senator Tieden moved that a committee of four be appointed as a committee on mileage.

The motion prevailed and the Chair appointed as such committee Senators Redmond, Ramsey, Gallagher and Hill of Polk.

COMMITTEE ON PHOTOGRAPHS

Senator Briles moved that a committee of one be appointed to cooperate with the State Printing Division and the editor of the Iowa Official Register in securing Senate photographs for use in the Iowa Official Register.

The motion prevailed and the Chair appointed Senator DeKoster.

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

The Senate resumed session, President pro tempore Coleman presiding.

PRESENTATION OF VISITORS

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

Thirty-one students from Meservey-Thornton Community School District, Meservey, Iowa, accompanied by Donald Johnson. Senator Scott.

One hundred students from Albia High School, Albia, Iowa, accompanied by Mr. Wilkening, Mr. Teege, Mr. Johnson and Mrs. Van Zante. Senator Glenn.

ANNOUNCEMENTS BY THE PRESIDENT OF THE SENATE

President Neu, pursuant to Section 2A.1, 1975 Code of Iowa, announced the reappointment of J. Duane Mortensen 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 appointment, in accordance with Section 97B.8, 1975 Code of Iowa, of Senator Warren E. Curtis to the IPERS Advisory Council to fill the unexpired portion of a term ending June 30, 1977.

On motion of Senator Kinley, the Senate adjourned at 4:25 p.m., until 9:30 a.m., Tuesday, January 11, 1977.

JOURNAL OF THE SENATE

SECOND CALENDAR DAY—SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 11, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend James Kiernan, pastor of the St. John's Catholic Church, Des Moines, Iowa.

APPROVAL OF THE JOURNAL

Senator Hill of Polk rose to request that although he believed a proposed amendment to the permanent rules of the Senate for the 1977 regular session of the Sixty-seventh General Assembly would eliminate the printing of the text of amendments in the Senate Journal, the established practice of past General Assemblies has been to print the text of amendments, and in accordance with this practice, the text of amendment S-3001 to the Report of the Credentials Committee offered by Senators Hill of Polk and Shaff on page 8 of the Senate Journal should be printed.

The Chair announced it would take the matter of printing texts of amendments in the Senate Journal under advisement and that no corrected Senate Journals would be printed until a ruling was made.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. B.G. Wiltfang, Grinnell, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the day on request of Senator Hultman.

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 1, 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 1, 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 Culver moved that a committee of six, three members from the Senate and three members from the House of Representatives, 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 Culver, Miller of Marshall and Priebe on the part of the Senate, and Representatives Cusack, Dieleman and Crabb 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:

The high visibility points in the lives of public officials are relatively few. One of these, of course, is election day. That time has come and gone and as I look out into this chamber, I see a number of new legislators. I would ask you to help me recognize these new people. Would those who comprise this

freshman class of the General Assembly—you men and women who for the first time proudly hold the office of Representative or Senator—please stand.

Will all of you join me in a warm welcome to these new lawmakers.

Congratulations and welcome to our State Capitol as partners in government.

To you newcomers, let me say we look forward to the fresh ideas, energy, vitality and new insights you bring to this Assembly.

I can say to you that you are in for the time of your lives. The time of your lives. Better still, we are all in the time of our lives.

This is much more than a familiar old phrase—it can be an inspirational theme. It is, in fact, the new theme for a special Iowa 2000 follow-up effort that soon will be launched.

It was Thomas Mann who said, "Time has no divisions to mark its passage, there is never a thunderstorm or blare of trumpets to announce the beginning of a new month or year."

While that is true in a philosophical sense, people find it necessary to measure time with certain benchmarks.

We have several points now to mark a new beginning in this—the time of our lives.

This is the beginning of a new legislature.

This is the beginning of a new year.

This is the beginning of a new century—Century III for America.

A fresh snowfall sparkling in the winter sunshine invigorates the human spirit. It raises optimism because its untracked expanse invites us to make our mark. The sparkling expanse of challenges and opportunities before us invites our tracks on a crisp and clean new era of time fixed as 1977.

In charting clear directions through the uncluttered landscape of a new year, take care not to litter it with cynicism or pettiness for political gain.

We can make our way with a confidence that comes from experience gained in prior successes—and even failures.

We can proceed with the knowledge we are an especially fortunate community—blessed with resources far greater than most people on this globe, with free and open government, with a resilient economy and an ability to solve problems ourselves.

We can rejoice also in the selection of our political leaders—through the exciting, but orderly process of free elections—a privilege we experienced again in 1976.

And, let me inject that those of you who are followers of the political scene knew my presidential preference. But now the election is behind us.

Our thanks and admiration go out to Gerald Ford for his calm and forthright stewardship. And now, our hopes and prayers go out to Jimmy Carter, who will assume the awesome mantle of the Presidency.

Rarely have solutions to the problems facing a new President appeared more elusive, yet seldom have the people across this country been more united in wishing a new President success. Most certainly we do.

* * *

It is the beginning of a new General Assembly—time for the Governor to report to the people of Iowa on the condition of the state.

I can tell you this morning that the condition of the state is basically

sound—our economy is strong—our people have confidence—and our future is bright. Why do I say that?

Look at agriculture. Despite last year's drought, our farmers produced another billion bushel corn crop, a near record yield of soybeans and remained first in the nation in hog production. Unfortunately, our cattlemen sustained serious losses, but cattle production turned up 13 per cent.

Despite erratic prices, fluctuating markets and frustrating weather, the fundamental skill and persistence of our farmers kept us foremost in world food production.

Look at industry. Development rebounded in 1976 with new capital investment in Iowa manufacturing plants of nearly \$400 million, second highest ever. More than 12,000 new jobs were created for Iowans last year, up over 170 per cent from 1975.

When jobless people can and want to work, any unemployment is too much. However, our unemployment rate is a full 3 points below the national average.

And look at our people. As we begin our 131st year as a state, there is a renaissance of pride among Iowans.

In 1976, some 200,000 Iowans serving on local committees spread the spirit of the Bicentennial. They gave it meaning. They served not just because they liked the hoopla, but because they love our heritage.

Last year we saw a record number of cities and towns compete in our Iowa Community Betterment Program; and every town that participated was a winner.

Wherever you looked in our state in 1976, a wave of intense involvement among our Iowans produced exciting results—the rededication of our Old Capitol in Iowa City, the remodeling of the Five Flags Civic Center in Dubuque, the opening of the UNI-Dome in Cedar Falls, the completion of the community sports complex in Glidden, the development of a handicapped village and elderly housing project in Hartley, and the commitment to construct a civic center in Des Moines are examples that come to mind.

This litany of local achievement will inspire Iowans for future generations.

What you do here in 1977 can do the same. What happens in this legislative session will have downstream effects on the lives of Iowans for years—and even decades.

Remember, programs you start in this legislative session may be deceptively easy to set in motion. Those same programs may later prove to be agonizingly difficult to maintain.

Remember also that problems smothered with money don't necessarily get solved. Consider the corn plant: it thrives with the right amount of moisture, but quickly withers and weakens when flooded.

We are financially solvent because we have shown discipline in money matters.

You are going to find there are times when prudence dictates saying, "no, no, no!"

Avoiding fiscal temptations means keeping a lean and limber government team. It means keeping government's hands out of the people's pockets for every new program or idea. It means keeping steady pressure on the managers of government to develop new answers.

One of the satisfactions a governor experiences is the testing of new ideas, new formulas, and new concepts which do not necessarily carry big price tags. Let me cite a few examples.

Iowa leads the nation in state railroad assistance. We began with a small appropriation which Iowa shippers promptly matched with their own money. Iowa's rail assistance plan proved so successful that 23 other states are now following our leadership. Our soil conservancy and tuition grant programs are also national models.

Visionary legislators who embraced these ideas deserve to share fully in the credit for their success. And our capable government administrators deserve to be recognized for making those ideas work.

* * *

During the weeks and months ahead, your work on the state budget will be of critical importance. I will share my budget recommendations with you Friday and obviously, they effect the legislative recommendations I make today.

As you consider what to legislate, you should know that. . .

—People are challenging us to take decisive action on property taxes to prevent them from being driven off their farms and out of their homes. My proposals, to be outlined in detail Friday, will be designed to avoid the painful financial shocks which hit property owners.

—People are challenging us to protect the limited resource upon which we all depend—our precious soil. That can be done with equitable and effective land use legislation.

—People are challenging us to assure them of a clean environment. One workable step is to enact legislation encouraging the return and reuse of beverage containers.

—People are challenging us to reflect society's concern for those who are sick, aged and disabled, and for others who justifiably need our help. We must not back off from that responsibility.

—People are challenging us to make certain that Iowa's transportation system adequately meets their needs. Maintaining our roads needs attention.

—People are challenging us to make government more open. One way would be to open our collective bargaining process to the public.

—And, people are challenging us to further streamline government, tightening control over many of its elements. And I propose to do that.

Let me elaborate on what I've just mentioned. . .

For six years, I have stood before you asking for the protection of our land. After extensive debate and effort, the House did pass a land-use bill. It did not, however, reach my desk for signature.

We have waited long enough. The need is defined. The problem has been thoroughly studied, and we are ready for action this session!

Our environment gives us good reason to be proud of where we live. Nevertheless, Iowans say it is not enough just to have fresh air and clean water, and I agree with them. Why not conserve energy and clean up our countryside by making sure that bottles and cans are returned and reused?

The plan I submit is based on solid experience elsewhere. It has worked in other places and it will work here. Do not delay this simple, but proven idea for two, three or four years. Take action in 1977.

Nowhere do solutions come harder than in the area of human needs. Thus, successes are particularly heartening. An example is our intensive infant care program. Since it began, 500 babies who likely would have died are alive and with their families today.

A woman welfare recipient offers another perspective. She wrote: "I happen to be one who receives help, but it is not because I want to. I would rather pay, but my right side is paralyzed and in June I had another stroke that took my voice. If (someone) would like to take my disabilities and get free medical care, I will trade. But I thank God that there are people in this land who care for people who are less fortunate than they."

I am glad we can care for her and others like her.

Programs to meet human needs are as complex as they are encompassing. They can be as promising as special education for preschool kids with developmental disabilities and as sensible as finding ways to employ our elderly people. They can be as comforting as providing in-home health care services for those needing nursing care and as life-sustaining as Aid to Dependent Children.

They can be costly, too. Just to maintain current human resource program levels will require \$52 million in more state money for the biennium. This staggering increase is caused by rising hospital and medical costs, additional eligible recipients and most of all, by a loss in federal funds.

You should resist, as we have, the temptation to abandon the painful struggle for solutions to thorny problems of human services. To those who wonder why we keep struggling, I say, "If we ever stop, you will find out."

As difficult as the answers are, we must seek them, lovingly.

* * *

Our network of roads and highways is basic to the continued health of Iowa business and agriculture and it affects all of us. Note that the typical Iowa farm moves an incredible 600 tons on and off its acreage each year—by road. And we should not let that fine system of roads falter.

I urge the legislature to act this session to resolve the questions of funding levels and funding distribution, which will effect an improved classification of our highway system.

State government has already taken great steps to operate in clear view of the public. Opening the collective bargaining process is another step we can take. Public officials negotiate public payrolls in public places. That is a persuasive argument for the public's right to know what goes on in the collective bargaining process.

* * *

All of us in government know that the public pulse quickens when you discuss the frustrations of bureaucracy. The longer it takes for government to respond, the harder it is to understand.

Past legislatures have worked with the Executive Branch to make government more efficient. There are many examples, but let me mention two recent ones—the Departments of General Services and Transportation. Those who had confidence in these initiatives have been proven right. The centralization of support functions in General Services has strongly improved the management of state facilities and purchases. And the Department of Transportation's payroll has been reduced by 700 people.

And now I have a number of suggestions for further improvements. These include:

- the merger of our Iowa Drug Abuse Authority and the Alcoholism Division.
- the consolidation of four commissions of the Department of Environmental Quality into one; the absorption of the Natural Resources Council into other existing agencies.
- the restructuring of the boards of the Law Enforcement Academy, the State Fair and the Department of Banking.
- the coordination of our mental health programs.
- and the abolishment of the Hospital and Other Health Facilities Advisory Council, Eugenics Board and the War Surplus Board.

We can seek further efficiencies. We should create a volunteer team to examine the purpose and value of licensing and regulatory boards. This would save both time and money by targeting for extinction and rejecting those boards which we can indeed live without. We don't need a costly, tedious separate review of every single unit of government.

In seeking "sunset" results, let us act responsibly.

There are a number of legislative recommendations spelled out in the written addendum to my remarks, and some I will discuss with you on Friday. My program includes support for education, the pursuit of energy conservation, continued assistance to our cities and towns and improved criminal justice procedures. Recommendations regarding corrections should be reserved until the citizens' task force reports its findings.

This program also includes ideas which I have suggested before as well as new ones—some which come, not from me, but from the public—and many which don't cost much money.

All of these have merit—and, in my opinion, they deserve your consideration.

* * *

During this session, you will debate and discuss, and I will support, much more than the legislative suggestions I make today. Indeed, I am told over 500 separate bills have already been drafted and are waiting to be filed!

As you begin to think about which bills you will support, I want to remind you what scientist and humanist Buckminster Fuller said: "The possibility of a good life for any man depends upon the possibility of realizing it for all men."

I suggest we ponder that thought in a slightly different context—that the possibility of a good life for any Iowan depends upon the possibility of realizing it for all Iowans.

That is our goal. To achieve it we must do the very best we can for Iowa's citizens with their finite and limited resources.

I have set a course. I have rejected many requests for increased government spending. And this week I am submitting a program and a budget that are both disciplined and prudent.

The power to legislate is now yours. But as the Iowa Constitution clearly points out, the separation of the Executive, Legislative and Judicial powers shall be maintained. It is that respect filled separation which enables us to have alternate perspectives.

Iowans elected me to do my job. They elected you to do yours. And they expect from each of us the wisdom to know the difference.

Earlier, we recognized the new men and women serving in this General Assembly. I can also tell you that we miss some people who are not here. They are not here because they could not make the sacrifice from their careers and families to serve again in another 298 day General Assembly.

On this, the second day of your new session, I commend you on the initiatives you have already taken to shorten its length—such as an early emphasis on committee work.

* * *

This is not an easy time to be in public life. But you are here because you choose to be—because you have a willingness to lead people, or to serve people, and, hopefully, to do both.

The cynicism and distrust of government that abounds at all levels will often be discouraging. But you can take solace in the knowledge that there remains a residual core of trust in government.

Lest you dispute that statement, consider the last time you refueled your car at a service station. I doubt whether you questioned the accuracy of the pump—accuracy regulated by government.

You purchase fresh meat in a grocery store with assurance that the government says it is fresh and wholesome.

The airplane you ride flies through dense overcast guided by people on the ground—and you literally put your life in a government worker's hands.

That trust—latent for the most part—is a part of our daily fabric of life. With our vigilance, government can continue to succeed where it is succeeding—and it can be made to work where it is not. By this process, we build public confidence in government.

At the recent Time Magazine Leadership Conference, I was reminded of the observations of Dr. David Barber of Duke University. When he spoke of trust in government he said: "Sore as the public is, there is strong evidence that they are American to the core: uninterested in revolution, increasingly concerned for the civil liberties, ready for sacrifice on an equal basis with the privileged and above all, watching and waiting for leadership to express and effect their new sense of the country's commitment to community, humaneness and candor."

So it is, also, that our people, Iowans to the core, will be waiting, and watching, as you begin. You, too, can leave a legacy of commitment to community, humaneness and candor, if you want to.

And I know you do!

Thank you.

GOVERNOR'S RECOMMENDATIONS

CHILD CUSTODY JURISDICTION

We must do all we can to minimize the heart-rending conflict over child custody after divorce or separation. The Uniform Child Custody Act provides a mechanism to resolve child custody disputes between parents and guardians caused by conflicting decrees of courts in different states.

CONTINUING EDUCATION FOR WESTERN IOWA

Recent studies have underscored the need for continuing education and degree opportunities. We should remove time and geographical barriers for students, especially those in western Iowa, who cannot participate in traditional higher education by implementing a Regents continuing education program.

CRIMINAL CODE REVISION

No legislative package as massive as the criminal code revision can be undertaken without certain necessary corrections and amendments. You should pay close attention to the fine tuning required for effective implementation.

DRUNK DRIVER CLARIFICATION

Since I asked you to clarify the presumptive evidence rule to help get drunken drivers off the road last year, drunken drivers have killed 277 people in this state. We hardly need more incentive to act.

ENERGY

We must emphasize energy conservation to reduce our state's energy vulnerability. A way we can help do that is by including mandatory lighting and thermal efficiency standards for the state building code.

HAZARDOUS SUBSTANCE SPILLS

When the responsible party is unable or unwilling to take appropriate action which results in a substantial threat to the public health or environment, the Department of Environmental Quality should be authorized to make arrangements to clean up the spillage of hazardous or toxic substances.

JUVENILE JUSTICE

Review and change our system of juvenile justice so that we have uniform procedures and standards. Juvenile rights need to be clearly defined and protected.

LAND USE

Iowa's most important natural resource—our land—must be protected while recognizing the rights of individual land owners. It is time that final approval be given to land use legislation.

MINORITY STOCKHOLDERS PROTECTION

Under present law, it is possible for a majority of the stockholders of an Iowa corporation to treat its minority investors unfairly. Corrective changes in our

corporation law should be adopted to protect minority stockholders.

OPEN MEETINGS

Iowa's open meeting law benefits the public. Collective bargaining sessions should also be open. The negotiations of public payrolls by public officials in public places is a persuasive argument for the public's right to know what goes on in the collective bargaining process.

PHYSICAL FITNESS

We can expand and maximize our school and community physical fitness programs by the placement of a director for the Governor's Physical Fitness and Sports Council in the Department of Public Instruction.

REORGANIZATION OF STATE GOVERNMENT

In continuing to make state government more efficient and effective, the following reorganization proposals are advocated. These include:

—The merger of our Iowa Drug Abuse Authority and the Alcoholism Division.

—The consolidation of the four commissions of the Department of Environmental Quality into one.

—The absorption of the Natural Resources Council into other existing agencies.

—The restructuring of the Law Enforcement Academy Board.

—The restructuring of the State Fair Board.

—The restructuring of the Banking Board.

—The coordination of our mental health programs.

—The abolishment of the Hospital and Other Health Facilities Advisory Council.

—And the abolishment of the Eugenics Board and the War Surplus Board.

RETURNABLE BEVERAGE CONTAINERS

A law requiring returnable beverage containers would have positive effects for Iowa. Energy can be saved, litter reduced, the environment improved, and consumers benefited, based on the solid experience gained in other states.

SCREENING OF REGULATORY BOARDS

The purpose of regulating professions and occupations is to protect the health, safety and welfare of the public. Unnecessary licensure and regulatory proliferation can be prevented by a screening commission to examine pertinent facts and the value of existing and proposed regulatory efforts.

UNEMPLOYMENT INSURANCE BENEFITS FUNDING

A new permanent funding plan for the Iowa Unemployment Insurance Fund should be enacted to replace the temporary measures adopted during the past two years. We can adopt a system to pay current unemployment benefits plus rebuild the trust fund to a financially adequate level.

PROPOSALS PREVIOUSLY OFFERED

In earlier sessions of the General Assembly I have recommended the adoption of several innovations and reforms which still warrant your attention. I want to renew my request for these items. They include:

- priority for public use of abandoned railroad right-of-ways
- mobile home tie-downs
- park user fees
- the use of a limited number of private liquor outlets
- uniform bidding for local governments
- Washington, D. C. office

* * *

The above legislative items are in no way intended to cover all my recommendations for your action. The Governor's budget message will contain a number of important and essential recommendations and priorities covering the multitude of areas affected by state government.

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.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Senate Concurrent Resolution 1

Senator Willits asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 1, relating to the joint rules of the Senate and House, found on pages 23-30 of the Senate journal.

Senator Ramsey offered amendment S-3008 by Senators Ramsey, et al., and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3008 be adopted?" (S.C.R. 1) the vote was:

Ayes, 22:

Ashcraft	DeKoster	Kelly	Readinger
Bergman	Drake	Miller, E.R.	Schwengels
Bisenius	Hansen	Murray	Shaff
Burroughs	Hill, P.B.	Nystrom	Shaw
Craft	Hulse	Ramsey	Tieden
Curtis	Hultman		

Nays, 25:

Calhoon	Hutchins	Nolting	Rodgers
Carr	Junkins	Orr	Rush
Coleman	Kinley	Palmer	Scott
Culver	Merritt	Priebe	Slater
Gallagher	Miller, A.V.	Redmond	Van Gilst
Glenn	Miller, C.P.	Robinson	Willits
Hill, E.M.			

Absent or not voting, 3:

Briles	Doderer	Taylor
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Amendment S-3008 lost.

(Senate Concurrent Resolution 1 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 2:00 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 Concurrent Resolution 1

The Senate resumed consideration of Senate Concurrent Resolution 1.

Senator Hultman offered amendment S-3012 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3012 be adopted?" (S.C.R. 1) the vote was:

Ayes, 22:

Ashcraft	DeKoster	Kelly	Readerger
Bergman	Drake	Miller, E.R.	Schwengels
Bisenius	Hansen	Murray	Shaff
Briles	Hill, P.B.	Nystrom	Shaw
Burroughs	Hulse	Ramsey	Tieden
Curtis	Hultman		

Nays, 26:

Calhoon	Hill, E.M.	Nolting	Rodgers
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Carr	Hutchins	Orr	Rush
Coleman	Junkins	Palmer	Scott
Culver	Kinley	Priebe	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn	Miller, C.P.		

Absent or not voting, 2:

Craft	Taylor
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Amendment S—3012 lost.

Senator Shaw offered amendment S—3013 by Senators Shaw and Ramsey, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3013 be adopted?" (S.C.R. 1) the vote was:

Ayes, 22:

Ashcraft	DeKoster	Kelly	Readerger
Bergman	Drake	Miller, E.R.	Schwengels
Bisenius	Hansen	Murray	Shaff
Briles	Hill, P.B.	Nystrom	Shaw
Burroughs	Hulse	Ramsey	Tieden
Curtis	Hultman		

Nays, 25:

Calhoon	Hill, E.M.	Miller, C.P.	Rodgers
Carr	Hutchins	Nolting	Rush
Coleman	Junkins	Orr	Scott
Culver	Kinley	Palmer	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn			

Absent or not voting, 3:

Craft	Priebe	Taylor
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Amendment S—3013 lost.

Senator Kelly offered amendment S—3005 and called for a division of the amendment, lines 3 and 4 to be considered as

division S-3005A; lines 5 and 6 to be considered as division S-3005B.

Action on division S-3005A of the amendment was temporarily deferred.

Senator Kelly moved the adoption of division S-3005B.

The motion prevailed and division S-3005B of the amendment was adopted.

Senator Hansen offered amendment S-3015 by Senators Hansen, et al.

President pro tempore Coleman took the chair at 2:45 p.m.

Senator Hansen moved the adoption of amendment S-3015 and requested a record roll call.

On the question "Shall amendment S-3015 be adopted?" (S.C.R. 1) the vote was:

Ayes, 22:

Ashcraft	DeKoster	Kelly	Readerger
Bergman	Drake	Miller, E.R.	Schwengels
Bisenius	Hansen	Murray	Shaff
Burroughs	Hill, P.B.	Nystrom	Shaw
Craft	Hulse	Ramsey	Tieden
Curtis	Hultman		

Nays, 26:

Calhoon	Hill, E.M.	Nolting	Rodgers
Carr	Hutchins	Orr	Rush
Coleman	Junkins	Palmer	Scott
Culver	Kinley	Priebe	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn	Miller, C.P.		

Absent or not voting, 2:

Briles	Taylor
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Amendment S-3015 lost.

The Senate resumed consideration of division S-3005A of the Kelly amendment previously deferred.

Senator Redmond offered amendment S-3018 to division S-3005A of the amendment and moved its adoption.

The motion prevailed and amendment S-3018 was adopted.

Senator Kelly moved the adoption of division S-3005A of the amendment as amended.

The motion prevailed and division S-3005A of the amendment as amended was adopted.

Senator Willits moved the adoption of Senate Concurrent Resolution 1, as amended.

The motion prevailed and the resolution as amended and the Joint Rules of the Senate and House contained therein were adopted by the Senate.

Senator Willits asked and received unanimous consent that SENATE CONCURRENT RESOLUTION 1 be IMMEDIATELY MESSAGED to the House, which request was complied with.

President Neu took the chair at 3:05 p.m.

ADOPTION OF CONCURRENT RESOLUTION

Senate Concurrent Resolution 4

Senator Kinley asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 4 found on pages 30-40 of the Senate Journal.

Senator Junkins offered amendment S-3014.

Action on amendment S-3014 was temporarily deferred.

Senator Hill of Polk offered amendment S-3009 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3009 be adopted?" (S.C.R. 4) the vote was:

Ayes, 18:

Ashcraft	Craft	Hulse	Readerger
Bergman	Curtis	Hultman	Schwengels
Bisenius	DeKoster	Nystrom	Shaff
Briles	Drake	Ramsey	Shaw
Burroughs	Hill, P.B.		

Nays, 31:

Calhoon	Hill, E.M.	Miller, E.R.	Rodgers
Carr	Hutchins	Murray	Rush
Coleman	Junkins	Nolting	Scott
Culver	Kelly	Orr	Slater
Doderer	Kinley	Palmer	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller, A.V.	Redmond	Willits
Hansen	Miller, C.P.	Robinson	

Absent or not voting, 1:

Taylor

Amendment S-3009 lost.

Senator Hill of Polk offered amendment S-3010 and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 28.

Amendment S-3010 lost.

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

The Senate resumed session, President pro tempore Coleman presiding.

Senator Curtis offered amendment S-3011 and moved its

adoption.

A record roll call was requested.

On the question "Shall amendment S-3011 be adopted?" (S.C.R. 4) the vote was:

Ayes, 22:

Ashcraft	Curtis	Hultman	Readerger
Bergman	DeKoster	Kelly	Schwengels
Bisenius	Drake	Murray	Shaff
Briles	Hansen	Nystrom	Shaw
Burroughs	Hill, P.B.	Ramsey	Tieden
Craft	Hulse		

Nays, 25:

Calhoon	Hutchins	Nolting	Rodgers
Carr	Junkins	Orr	Rush
Coleman	Kinley	Palmer	Scott
Culver	Merritt	Priebe	Slater
Doderer	Miller, A.V.	Redmond	Van Gilst
Glenn	Miller, C.P.	Robinson	Willits
Hill, E.M.			

Absent or not voting, 3:

Gallagher	Miller, E.R.	Taylor
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Amendment S-3011 lost.

Senator Redmond offered amendment S-3006 by Senators Redmond and Palmer and called for a division of the amendment, section 1 and 2, lines 2 through 9 to be considered as division S-3006A; section 3 lines 10 through 18 to be considered as division S-3006B.

Senator Redmond moved the adoption of division S-3006A of the amendment and requested a non record roll call.

The ayes were 25, nays 22.

Division S-3006A of the amendment was adopted.

Senator Redmond moved the adoption of division S—3006B of the amendment.

The motion prevailed and division S—3006B of the amendment was adopted.

Senator Junkins offered amendment S—3002.

Senator Junkins offered amendment S—3016 to amendment S—3002 and moved its adoption.

The motion prevailed and amendment S—3016 to amendment S—3002 was adopted.

Senator Junkins moved the adoption of S—3002 as amended.

The motion prevailed and amendment S—3002 as amended was adopted.

Senator Nystrom offered amendment S—3003, moved its adoption and requested a non record roll call.

The ayes were 23, nays 24.

Amendment S—3003 lost.

Senator Junkins offered amendment S—3007 and moved its adoption.

The motion prevailed and amendment S—3007 was adopted.

The Senate resumed consideration of amendment S—3014 by Senator Junkins previously deferred.

Senator Hill of Polk offered amendment S—3019 to amendment S—3014, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3019 to amendment S—3014 be adopted?” (S.C.R. 4) the vote was:

Ayes, 22:

Ashcraft	Curtis	Hultman	Readerger
Bergman	DeKoster	Kelly	Schwengels
Bisenius	Drake	Murray	Shaff
Briles	Hansen	Nystrom	Shaw
Burroughs	Hill, P.B.	Ramsey	Tieden
Craft	Hulse		

Nays, 25:

Calhoon	Hutchins	Nolting	Rodgers
Carr	Junkins	Orr	Rush
Coleman	Kinley	Palmer	Scott
Culver	Merritt	Priebe	Slater
Doderer	Miller, A.V.	Redmond	Van Gilst
Glenn	Miller, C.P.	Robinson	Willits
Hill, E.M.			

Absent or not voting, 3:

Gallagher	Miller, E.R.	Taylor
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Amendment S-3019 lost.

Senator Junkins moved the adoption of amendment S-3014.

The motion prevailed and amendment S-3014 was adopted.

Senator Junkins moved the adoption of Senate Concurrent Resolution 4.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 4) the vote was:

Ayes, 26:

Calhoon	Hutchins	Nolting	Rodgers
Carr	Junkins	Orr	Rush
Coleman	Kelly	Palmer	Scott
Culver	Kinley	Priebe	Slater
Doderer	Merritt	Redmond	Van Gilst
Glenn	Miller, A.V.	Robinson	Willits
Hill, E.M.	Miller, C.P.		

Nays, 21:

Ashcraft	Curtis	Hulse	Readerger
Bergman	DeKoster	Hultman	Schwengels
Bisenius	Drake	Murray	Shaff
Briles	Hansen	Nystrom	Shaw
Burroughs	Hill, P.B.	Ramsey	Tieden
Craft			

Absent or not voting, 3:

Gallagher	Miller, E.R.	Taylor
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The resolution having received a constitutional majority was declared to have been adopted by the Senate.

Senator Junkins asked and received unanimous consent that SENATE CONCURRENT RESOLUTION 4 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 January 11, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 2, a resolution relating to the distribution of the codes to members of the general assembly and the press.

Also: That the House has on January 11, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 3, a resolution providing for distribution of the daily journals and bills to the county auditors and the congressional delegation in Washington, D.C.

Also: That the House has on January 11, 1977, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 2, a resolution relating to a joint convention of the two houses on Friday, January 14, 1977, at 9:00 a.m. for the Governor's budget message.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 2

By: Fitzgerald and Millen

- 1 *Be It Resolved by the House, the Senate*
- 2 *Concurring:* That a joint convention of the
- 3 two houses of the Sixty-seventh General Assembly
- 4 be held on Friday, January 14, 1977, at 9:00 a.m.
- 5 *Be It Further Resolved:* That Governor Robert
- 6 D. Ray be invited to present his budget message
- 7 at this joint convention of the two houses of the
- 8 General Assembly and that the Speaker of the
- 9 House and the President of the Senate be designated
- 10 to deliver the invitation to him.

Read first time and PASSED ON FILE.

INTRODUCTION OF BILL

SENATE FILE 1, by Senator Curtis, a bill for an act appropriating funds for a demonstration solar energy unit for the state capitol complex.

Read first time and PASSED ON FILE.

On motion of Senator Kinley, the Senate adjourned at 5:25 p.m., until 9:00 a.m., Wednesday, January 12, 1977.

JOURNAL OF THE SENATE

THIRD CALENDAR DAY—THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 12, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Carl Benander, pastor of the Grace Lutheran Church, Muscatine, Iowa.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Castles, Dallas Center, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ramsey for the day on request of Senator Hultman.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 Mr. George Osborne, Alta, Buena Vista County, Iowa, for appointment as a member of the Air Quality Commission of the Department of Environmental Quality pursuant to Section 455B.4, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Mr. John D. Thorson, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the Air Quality Commission of the Department of Environmental Quality pursuant to Section 455B.4, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Glenn R. Bowles, Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Commission on the Aging pursuant to Chapter 1143, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Harlan L. Gronewold, Atlantic, Cass County, Iowa, for appointment as a member of the State Board of Accountancy pursuant to Section 116.3, 1975 Code of Iowa, for the 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 George E. Deininger, Dubuque, Dubuque County, Iowa, for appointment

as a member of the State Board of Architectural Examiners pursuant to Section 118.1, 1975 Code of Iowa, for the 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 James M. Duffy, Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Architectural Examiners pursuant to Section 118.1, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

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.

COMMITTEE ON CHAPLAINS

Senator Bergman moved that Senator Culver be appointed as a committee of one to work with a House committee in securing chaplains for the Senate during the Sixty-seventh General Assembly, which motion prevailed.

REPORT OF COMMITTEE ON MILEAGE

Senator Kinley asked and received unanimous consent to take up the report of the committee on mileage and moved its adoption.

MR. PRESIDENT: Your committee appointed to determine the mileage for the Lieutenant Governor and the members of the Senate submits the following report:

NAME	ROUND TRIP MILES
Ashcraft, Forrest F.	334
Bergman, Irvin L.	460
Bisenius, Stephen W.	344
Briles, James E.	200
Burroughs, Cliff	270
Calhoon, James	420
Carr, Robert M.	410
Coleman, C. Joseph	236
Craft, Rolf V.	420
Culver, Louis P.	260
Curtis, Warren E.	360
DeKoster, Lucas J.	488
Doderer, Minnette F	230
Drake, Richard F.	306
Gallagher, James V.	304
Glenn, Gene W.	174
Hansen, Willard R.	220
Hill, Eugene M.	66
Hill, Philip B.	None
Hulse, Merlin D.	300
Hultman, Calvin O.	238
Hutchins, C. W. "Bill"	120
Junkins, Lowell L.	372
Kelly, E. Kevin	420
Kinley, George R.	None
Merritt, Milo	330
Miller, Alvin V.	230
Miller, Charles P.	334
Miller, Elizabeth R.	98
Murray, John S.	70
Nolting, Fred W.	240
Nystrom, John N.	100
Orr, Joan	112
Palmer, William D.	None
Priebe, Berl E.	280
Ramsey, Richard R.	100
Readinger, David M.	None
Redmond, James M.	270
Robinson, Cloyd E.	250
Rodgers, Norman G.	68
Rush, Bob	270
Schwengels, Forrest V.	240
Scott, John	300
Shaff, Roger J.	400
Shaw, Elizabeth	360
Slater, Tom	264
Taylor, Ray	160

Tieden, Dale L.	400
Van Gilst, Bass	140
Willits, Earl M.	None
Neu, Arthur A.	200

Respectfully submitted,

JAMES M. REDMOND, Chairperson
 JAMES V. GALLAGHER
 PHILIP B. HILL
 RICHARD R. RAMSEY

The motion prevailed and the report was adopted.

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

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.

ADOPTION OF RESOLUTION

Senate Resolution 1

Senator Kinley asked and received unanimous consent to take up for consideration Senate Resolution 1, relating to the Senate Code of Ethics found on pages 20-23 of the Senate Journal.

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

The Senate resumed session, President Neu presiding.

Senator Merritt offered amendment S-3021 and moved its adoption.

The motion prevailed and amendment S-3021 was adopted.

Senator Merritt moved the adoption of Senate Resolution 1.

The motion prevailed and the resolution as amended was adopted.

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

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 1, by Senator Redmond, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to judges of the Supreme Court, Court of Appeals, and District Courts.

Read first time and PASSED ON FILE.

SENATE FILE 2, by Senators Kelly and Junkins, a bill for an act relating to safety glazing material in hazardous locations and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 3, by Senator Miller of Marshall, a bill for an act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age.

Read first time and PASSED ON FILE.

SENATE FILE 4, by Senator Miller of Marshall, a bill for an act to regulate the use of beverage containers and providing penalties.

Read first time and PASSED ON FILE.

SENATE FILE 5, by Senator Murray, a bill for an act to provide for board of directors meetings of nonprofit corporations by conference telephone or similar communications equipment.

Read first time and PASSED FILE.

SENATE FILE 6, by Senators Redmond, Hill of Jasper, Miller

of Cerro Gordo and Merritt, a bill for an act relating to the real estate transfer tax as it relates to family farm corporations.

Read first time and PASSED ON FILE.

SENATE FILE 7, by Senator Doderer, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

Read first time and PASSED ON FILE.

SENATE FILE 8, by Senators DeKoster, Bergman and Curtis, a bill for an act making an appropriation to Lyon County, Iowa, for reimbursement of certain court-appointed attorney fees and expenses.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 5

By: Hill of Polk and Hansen

- 1 *Whereas*, January 15 is the birthdate of the
 2 Reverend Martin Luther King, Jr.; and
 3 *Whereas*, the Reverend Martin Luther King, Jr. has
 4 been recognized by all people of the world as having
 5 made great contributions towards the promotion of
 6 equality of man and the furtherance of peace; and
 7 *Whereas*, pursuant to this recognition the
 8 Reverend Martin Luther King, Jr. was awarded the
 9 Nobel Peace Prize; and
 10 *Whereas*, it is appropriate that the General
 11 Assembly of the State of Iowa pay tribute to the
 12 memory of the Reverend Martin Luther King, Jr. on
 13 the anniversary of his birth; *Now Therefore*
 14 *Be It Resolved by the Senate, the House Con-*
 15 *curring*, That the General Assembly of the State
 16 of Iowa meeting in the year 1977 humbly honors
 17 the memory of the Reverend Martin Luther King,
 18 Jr. and the accomplishments and contributions
 19 which he made to this nation and the world; and
 20 *Be It Further Resolved*, That copies of this
 21 resolution be forwarded to the widow of the
 22 Reverend Martin Luther King, Jr.

Read first time and PASSED ON FILE.

AMENDMENTS FILED

S.F. 1

S-3020

Warren E. Curtis

On motion of Senator Redmond, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Thursday, January 13, 1977.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY—FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 13, 1977

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.

RULING ON JOURNAL APPROVAL

The Chair announced its ruling on the request of Senator Hill of Polk, Tuesday, January 11, 1977, found on page 46 of the Senate Journal.

The Chair ruled that the Senate Journals were in proper form in excluding texts of amendments, with the exception of the text of the Hill of Polk and Shaff amendment, S-3001, to the Report of the Credentials Committee; which would be printed in the journal on Monday, January 10, 1977.

The Journals of Monday, January 10, 1977; Tuesday, January 11, 1977; and Wednesday, January 12, 1977, were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rawland, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Hill of Polk, Briles, Ramsey and Kelly for the day on request of Senator Hultman.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 Daniel W. Clifford, Des Moines, Polk County, Iowa, for appointment as a member of the City Finance Committee pursuant to the provisions of Section 384.13, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

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 E. Lindsay, Ida Grove, Ida County, Iowa, for reappointment as a member of the City Finance Committee pursuant to the provisions of Section 384.13, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

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 E. Smith, Indianola, Warren County, Iowa, for appointment as a member of the City Finance Committee pursuant to the provisions of Section 384.13, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Elwyn H. Hemken, Blairsburg, Hamilton County, Iowa, for reappointment as a member of the Iowa Commission for the Blind pursuant to Sections 601B.1 and 601B.2, 1975 Code of Iowa, for the 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 Ronald O. Masters, II, D.C., Mason City, Cerro Gordo County, Iowa, for appointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Gretchen N. Schreffler, D.C., Iowa City, Johnson County, Iowa, for reappointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

ADOPTION OF RESOLUTION

House Concurrent Resolution 2

Senator Kinley asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 2, found on page 67 of the Senate journal and moved its adoption.

The motion prevailed and the resolution was adopted.

SUPPLEMENTAL REPORT
OF
COMMITTEE ON RULES AND ADMINISTRATION

Senator Kinley submitted the following supplemental report:

MR. PRESIDENT: Your committee on rules and administration begs leave to submit the name of the following personnel for nomination as a permanent officer and employee of the Senate for the Sixty-seventh General Assembly:

Office of the Secretary

Assistant Secretary of the Senate Kevin P. Light, Des Moines

GEORGE R. KINLEY, Chairperson

Senator Kinley moved the adoption of the Supplemental Report of the Committee on Rules and Administration.

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

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

AFTERNOON SESSION

The Senate resumed session, President pro tempore Coleman presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

ADOPTION OF RESOLUTION

Senate Resolution 2

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Resolution 2, relating to the Senate Rules Governing Lobbyists.

SENATE RESOLUTION 2
By: Committee on Ethics

1 *Whereas*, section sixty-eight B point ten (68B.10) of the
2 Code provides that the senate committee on ethics shall prepare
3 rules relating to lobbyists and lobbyists' activities; and

4 *Whereas*, the Code further provides that the rules governing
5 lobbyists shall not become effective until approved by the
6 senate, and that the rules may be amended either upon
7 recommendation of the ethics committee or by the members of
8 the senate; *Now Therefore*,

9 *Be It Resolved by the Senate*, That the rules governing
10 lobbyists for the 1977 session of the sixty-seventh general
11 assembly shall be:

12
13 SENATE RULES
14 GOVERNING LOBBYISTS
15

16
17 1. For the purposes of these rules "lobbyist" is defined
18 as a person who:

19 a. Is paid compensation for encouraging the passage,
20 defeat, or modification of legislation; or

21 b. Expends money under paragraph one (1) of rule eight
22 (8) of these rules in an attempt to encourage the passage,
23 defeat or modification of legislation; or

24 c. Represents on a regular basis an organization which
25 has as one of its purposes the encouragement of the passage,
26 defeat, or modification of legislation; or

27 d. Is a federal, state, or local government official or
28 employee representing the official position of his or her
29 department, commission, board, or agency and who attempts
30 to encourage the passage, defeat, or modification of

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1 legislation.

2 2. The term "lobbyist" shall not include within its
3 definition:

4 a. Officials and employees of a political party orga-
5 nized in the state of Iowa representing more than two percent
6 of the total votes cast for governor in the last preceding
7 general election, but only when representing the political
8 party in an official capacity.

9 b. Representatives of the news media engaged only in
10 the reporting and dissemination of news and editorials.

11 c. Federal, state, or local government officials and
12 employees who in the course of their official duties submit
13 proposed legislation or amendments to a senator or senate

14 committee or who provide information or are requested or
15 required to provide information to a senator or to appear
16 before a senate committee and who do not actively encourage
17 the passage, defeat, or modification of legislation.

18 d. The governor and lieutenant governor of the state of
19 Iowa, and all other elected state officials.

20 e. Persons who exclusively represent their own interests
21 (as distinguished from the interests of a group, employer,
22 or organization), provided they are neither compensated by
23 anyone for lobbying nor do they incur any reportable
24 expenditures under paragraph one (1) of rule eight (8).

25 3. These rules are only applicable to lobbying activities
26 involving the Iowa General Assembly.

27 4. All lobbyists who will make reportable expenditures
28 while lobbying shall, on or before the day their lobbying
29 activity begins, register with the secretary of the senate
30 by filing a lobbyist registration statement listing:

31 a. Name, permanent business address, temporary residential
32 and business address in Polk County during the legislative
33 session, and telephone numbers. If two or more lobbyists
34 are associated together or consistently work together in all
35 their lobbying, then they may file a joint registration.

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1 The name, permanent business address, temporary residential
2 and business address in Polk County during the legislative
3 session, and telephone numbers of all persons included in
4 the joint registration shall be listed. If a joint
5 registration is filed, then all reports filed pursuant to
6 this resolution, shall include the activities of all the
7 lobbyists in the joint registration but those activities
8 attributable to each joint registrant need not be disclosed
9 on the reports.

10 b. The name and address of all individuals, companies,
11 firms, corporations, unions, associations or causes for which
12 he or she lobbies.

13 c. The general subjects of legislation in which the
14 lobbyist is or may be interested, the number of the bills
15 and resolutions (if known) which will be lobbied, and whether
16 the lobbyist intends to lobby for or against each bill (if
17 known).

18 d. A detailed description of any agreement, arrangement,
19 or understanding concerning contingent fees.

20 e. Whether the lobbyist is a person defined in subparagraphs
21 (a), (b), (c), or (d) of rule one (1).

22 Any change in or addition to the foregoing information
23 shall be registered with the secretary of the senate within
24 ten days after the change or addition is known to the lobbyist.

25 4. All lobbyists who will not make reportable expenditures
26 while lobbying shall, on or before the day their lobbying
27 activity begins, register with the secretary of the senate
28 by filing a lobbyist registration statement listing the same
29 information stated in rule 3. Lobbyists registering under
30 this rule shall also subscribe to a statement that they have
31 read and understand the rules of the senate regarding
32 reportable lobbying expenditures and that they will not incur
33 any such expenditures during the year.
34 If a lobbyist subsequently wishes to make expenditures,
35 the lobbyist may cancel the registration under this rule and

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1 refile under rule 3. No monthly reports are required of
2 lobbyists registering under this rule. It is a violation
3 of this rule for a lobbyist to make reportable expenditures
4 while registered under this rule.
5 5. All federal, state, and local officials or employees
6 representing the official position of their departments,
7 commissions, boards or agencies shall present to the secretary
8 of the senate a letter of authorization from their department
9 or agency heads prior to the commencement of their lobbying.
10 The lobbyist registration statement of such officials and
11 employees shall not be deemed complete until the letter of
12 authorization is attached thereto.

13 6. Federal, state, and local officials who wish to lobby
14 in opposition to the official position of their departments,
15 commissions, boards or agencies must indicate such on their
16 lobbyist registration statements.

17 7. Each month of the year, by the twentieth day of that
18 month, separately or jointly registered lobbyists registered
19 under rule 3 who have made no reportable expenditures during
20 the month shall file with the secretary of the senate a report
21 consisting of a simple form stating that no reportable
22 expenditures were incurred during the preceding calendar
23 month.

24 8. Each month of the year, by the twentieth day of that
25 month, separately or jointly registered lobbyists who have
26 made reportable expenditures shall file a monthly report with
27 the secretary of the senate concerning their lobbying
28 activities during the preceding calendar month which includes
29 the following:

30 1) The monthly report shall list the totals of all expen-
31 ditures, excluding expenditures reported under rule nine (9)
32 or ten (10), made or incurred by the lobbyist and his or her
33 employer or employers (if the amounts attributable to the
34 employer or employers are known or readily available) expended
35 directly upon the members of the senate, collectively, in

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1 the performance of lobbying service during the period covered
2 and shall include subtotals recorded for the following
3 categories:

- 4 a. food and refreshment,
- 5 b. entertainment (including the cost of providing
6 a hospitality room),
- 7 c. the provision of travel for senators,
- 8 d. recreation expenses,
- 9 e. lodging expenses away from home, and
- 10 f. other expenditures.

11 2) The report shall also list the senators, senate
12 candidates, or their immediate families, for whom amounts
13 in excess of five dollars were expended directly during the
14 preceding month, shall list such totals, and shall include
15 subtotals recorded for the foregoing seven categories.

16 3) The report shall also list the amount of any honorarium
17 for a speaking engagement paid to a senator, senate candidate
18 or their immediate family. Such honorarium shall not exceed
19 the actual expenditures of the person to whom it is paid and
20 a reasonable and customary charge for speaking.

21 4) If a lobbyist represents more than one employer and
22 all employers did not contribute equally to the
23 expenditures, the lobbyist may, in addition to the other reports
24 required, also list each employer and state their pro rata
25 share.

26 9. Each month of the year, by the twentieth day of that
27 month, separately or jointly registered lobbyists who have
28 joined with other lobbyists in any lobbying activity or shared
29 or split a lobbying expenditure with another lobbyist or
30 lobbyists shall file a report with the secretary of the senate
31 concerning such matters during the preceding calendar month.
32 The report shall:

33 1) Identify by name, address and phone number all lobbyists
34 joining in any lobbying activity or sharing or splitting a
35 lobbying expenditure.

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1 2) List the names of the senators, senate candidates,
2 or their immediate families upon whom the expenditure was
3 made.

4 3) State the date and describe the purpose of the
5 expenditure.

6 4) State the total amount expended upon each senator,
7 senate candidate or their immediate families without dividing
8 it or averaging it either among the lobbyists or their
9 employers who joined in the lobbying activity or shared or

10 split the expenditure. If the expenditure was made upon two
11 or more members of the general assembly and it cannot be
12 precisely attributed to each member, the report shall average
13 the expenditure upon all those who attended upon whom the
14 expenditure was made. The fact that averaging was used must
15 be disclosed.

16 5) If a lobbyist represents more than one employer and
17 all employers did not contribute equally to the expenditures,
18 the lobbyist may, in addition to the other reports required,
19 also list each employer and state their pro rata share.

20 6) Be signed by all the lobbyists joining the activity
21 or sharing the expenditure.

22 10. Each month of the year, by the twentieth day of that
23 month, separately or jointly registered lobbyists who have
24 made an expenditure for a gathering at which all members of
25 the general assembly or members of the general assembly in
26 large numbers are invited shall file a report with the
27 secretary of the senate concerning such gatherings during
28 the preceding calendar month. Lobbyists who join with other
29 lobbyists or share or split a lobbying expenditure for such
30 gathering shall report under rule nine (9) and not under this
31 rule. The report shall:

32 1) State the name, business address and phone number of
33 the lobbyist filing the report.

34 2) List the names of the senators, senate candidates or
35 their immediate families who attended the gathering.

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1 3) State the total amount expended upon the senator,
2 senate candidate or their immediate families by averaging
3 the total expenditure among all those who attended and upon
4 whom the expenditure was made.

5 4) If a lobbyist represents more than one employer and
6 all employers did not contribute equally to the expenditures,
7 the lobbyist may, in addition to the other reports required,
8 also list each employer and state their pro rata share.

9 11. A lobbyist or lobbyists who can reasonably expect
10 that an amount will be expended by the lobbyist or lobbyists
11 on one occasion which will result in an expenditure in excess
12 of twenty-five dollars (\$25.00) in one calendar month
13 cumulatively upon a senator, a senator's spouse and a senator's
14 unemancipated minor children, shall notify the senator of
15 the expected expenditure before it is expended. Upon
16 notification, if the senator agrees to reimburse the lobbyist
17 either for the expenditure or that portion of it in excess
18 of twenty-five dollars, to the extent of the agreed
19 reimbursement, the expenditure shall not be reportable by
20 the lobbyist, provided that the lobbyist is reimbursed prior
21 to the date of filing the monthly report required by these

22 rules. If a lobbyist represents more than one employer, then
23 unless the lobbyist attributes a pro rata share to each
24 employer, the expenditure limitations of this rule apply to
25 the lobbyist personally, notwithstanding the number of
26 employers the lobbyist represents. If a lobbyist representing
27 more than one employer attributes a pro rata share to each
28 employer, then the expenditure limitations of this rule apply
29 to each employer assigned a pro rata share. The expenditure
30 limitations of this rule apply cumulatively to all lobby-
31 ists representing a single employer. Unless a lobbyist
32 attributes a pro rata share to each employer, the total
33 expenses of any joint lobbying activity or the total expense
34 of any shared expense are chargeable, for the purpose of this
35 rule, to each lobbyist joining or sharing the expense. For

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1 each lobbyist who attributes a pro rata share to their
2 employers, the total expenses of any joint lobbying activity
3 or the total expense of any shared expense are chargeable,
4 for the purposes of this rule, in the pro rata portion assigned
5 to each employer assigned a pro rata share.

6 12. A lobbyist shall not cumulatively expend upon a
7 senator, senator's spouse and unemancipated minor children
8 more than fifty dollars (\$50.00) in any calendar year. For
9 the purpose of determining whether this limit is exceeded,
10 the limitation applies cumulatively to all expenditures
11 reportable under rules eight (8), nine (9), and ten (10)
12 except that campaign contributions are not included. A
13 lobbyist who can reasonably expect that an amount will be
14 expended by the lobbyist on one occasion which will result
15 in an expenditure in excess of fifty dollars (\$50.00) in one
16 calendar year upon a senator, senator's spouse and a senator's
17 unemancipated minor children shall notify the senator of the
18 expected expenditure. If a lobbyist represents more than
19 one employer, then unless the lobbyist attributes a pro rata
20 share to each employer, the expenditure limitations of this
21 rule apply to the lobbyist personally, notwithstanding the
22 number of employers the lobbyist represents. If a lobbyist
23 representing more than one employer attributes a pro rata
24 share to each employer, then the expenditure limitations of
25 this rule apply to each employer assigned a pro rata share.
26 The expenditure limitations of this rule apply cumulatively
27 to all lobbyists representing a single employer. Unless a
28 lobbyist attributes a pro rata share to each employer, the
29 total expenses of any joint lobbying activity or the total
30 expense of any shared expense are chargeable, for the purpose
31 of this rule, to each lobbyist joining or sharing the expense.
32 For each lobbyist who attributes a pro rata share to their
33 employers, the total expenses of any joint lobbying activity

34 or the total expense of any shared expense are chargeable,
35 for the purposes of this rule, in the pro rata portion assigned

Page 9

1 to each employer assigned a pro rata share.
2 13. If a lobbyist's service on behalf of a particular
3 employer, client, or cause is concluded prior to the end of
4 the calendar year, the lobbyist may cancel his or her
5 registration on appropriate forms supplied by the secretary
6 of the senate. Upon cancellation of registration, a lobbyist
7 is not required to file monthly lobbyist activity reports,
8 but is prohibited from engaging in any lobbying activity on
9 behalf of that particular employer, client, or cause until
10 re-registering and complying with these rules.

11 14. Any lobbyist who fails to file a monthly lobbyist
12 activity report as required by these rules shall be deemed
13 to have voluntarily cancelled his or her registration. The
14 secretary of the senate shall notify the lobbyist of such
15 cancellation. Such lobbyist shall be prohibited from engaging
16 in any lobbying activity for the remainder of that calendar
17 year on behalf of any employer, client, or cause without re-
18 registering to lobby and filing all delinquent reports.

19 15. Each person registered any time during the calendar
20 year pursuant to rule 3 shall file with the secretary of the
21 senate a year-end report containing the unitemized total
22 annual expenditures related to lobbying for the previous
23 calendar year incurred by each individual, company, firm,
24 corporation, union, association or cause for whom that person
25 lobbies. Such unitemized total required to be filed by this
26 rule shall include, but shall not be limited to:

- 27 1. The salary or compensation of the registered person.
- 28 2. The expenses incurred to encourage the passage, defeat or
29 modification of legislation including:
 - 30 a. food and refreshment,
 - 31 b. entertainment,
 - 32 c. travel for senators,
 - 33 d. recreation,
 - 34 e. lodging,
 - 35 f. advertisement,

Page 10

- 1 g. postage and printing,
- 2 3. Other miscellaneous expenses not listed here but incurred
3 to encourage or defeat the passage of legislation.
- 4 The report required by this paragraph shall be filed with
5 the secretary of the senate no later than January 20 of the
6 year subsequent to the calendar year which is reported.

7 16. Lobbyists and the organizations they represent shall
8 not allow any senators to charge any amounts or items to any
9 charge account to be paid for by those lobbyists or by the
10 organizations they represent.

11 17. A lobbyist, or an employer of a lobbyist, shall not
12 offer economic or investment opportunity or promise of employ-
13 ment to any senator with intent to influence his or her con-
14 duct in the performance of official duties.

15 18. A lobbyist, or employer of a lobbyist, shall not pay
16 for membership in or contributions to clubs or organizations
17 on behalf of a senator.

18 19. Lobbyists shall not be permitted on the floor of the
19 senate while the senate is in session. Elected state offi-
20 cials, except the governor, lieutenant governor, and the
21 members of the house of representatives, shall not be permitted
22 on the floor of the senate while the senate is in session
23 to encourage the passage, defeat, or modification of
24 legislation.

25 20. Each senator shall file, each month of the year, by
26 the twentieth day of that month, with the secretary of the
27 senate a report of all items or services of an apparent value
28 in excess of five dollars which he or she received during
29 the preceding month from a lobbyist, or the individual,
30 organization, corporation, or cause represented by the
31 lobbyist. This filing shall include the date each was
32 received, the name of the lobbyist, and the individual, orga-
33 nization, corporation, or cause represented by the lobbyist.
34 The types of items or services shall include all expenditures
35 reportable by lobbyists under these rules. It shall not be

Page 11

1 necessary to affix a monetary value to each listing. All
2 honoraria for speaking received from a registered lobbyist
3 shall be stated and the amount listed.

4 21. No senator shall solicit or knowingly accept
5 expenditures by any lobbyist of cumulatively more than fifty
6 dollars (\$50.00) in any calendar year upon themselves, their
7 spouse and their unemancipated minor children. For the purpose
8 of determining whether this limit is exceeded, the limitation
9 applies cumulatively to all expenditures reportable by the
10 lobbyist under rules eight (8), nine (9) and ten (10).
11 Apparent violations of this rule shall be disposed of by the
12 ethics committee according to the procedures set forth in
13 the Senate Code of Ethics. For the purposes of this rule,
14 "lobbyist" means a lobbyist, as defined in these rules,
15 personally unless they represent more than one employer.
16 If a lobbyist represents more than one employer, then the
17 limitation applies to each employer and not to the lobbyist
18 personally.

19 22. The secretary of the senate shall submit, each month
20 of the year, by the twenty-fifth day of that month, to the
21 senate ethics committee a list of the lobbyists and senators
22 who appear to have failed to file the reports required by
23 rules seven (7) through eleven (11) and twenty-two (22).
24 The senate ethics committee may require, on its own motion,
25 any lobbyist or senator who appears to have failed to file
26 a report or who appears to have filed an incomplete or
27 inaccurate report to appear before the committee to explain
28 the failure to file said report or the incomplete or inaccurate
29 report.

30 23. Any member of the general assembly may file a complaint
31 against a lobbyist or a senator alleging violation of law
32 or the senate rules governing lobbyists. The complaint shall
33 be in writing, made under oath, and filed with the secretary
34 of the senate. The secretary of the senate promptly shall
35 transmit the complaint to the chair of the senate ethics

Page 12

1 committee, who promptly shall convene that committee to
2 consider the complaint.

3 If the ethics committee determines that the complaint sets
4 out an apparent violation of law or the senate rules governing
5 lobbyists, it shall set the matter for hearing, and then
6 notify the accused of his or her right to appear in person,
7 to be represented by counsel, to present statements and
8 evidence, and to cross-examine witnesses. The committee shall
9 hold a hearing, consider all relevant evidence, and make its
10 recommendation to the senate. Violation of the senate rules
11 governing lobbyists may result in the suspension of a lobbyist,
12 if directed by a two-thirds vote of the senate in accordance
13 with section 68B.10 of the Code.

14 24. The senate ethics committee is authorized to meet
15 during the time the general assembly is not in session to
16 conduct hearings and other business that properly may come
17 before it. If the committee submits a report seeking senate
18 action against a lobbyist after the second regular session
19 of a general assembly has adjourned sine die, said report
20 shall be submitted to and considered by the subsequent general
21 assembly.

22 25. A lobbyist's registration shall be valid for only
23 one calendar year. If an individual desires to continue
24 lobbying activity, he or she must re-register at the begin-
25 ning of each calendar year.

26 26. These rules governing lobbyists shall be in effect
27 throughout the calendar year, whether or not the general
28 assembly is in session.

29 27. The secretary of the senate shall prescribe forms

30 and procedures for compliance with these rules. The secretary
 31 of the senate may require a lobbyist to clarify or explain
 32 any report.
 33 28. All statements and reports under these rules shall
 34 be public records open to public inspection at all reasonable
 35 times. Records relating to lobbying in one general assembly

Page 13

1 shall be retained by the secretary of the senate through the
 2 succeeding general assembly.

Senator Merritt offered amendment S-3043 to page 1 of the resolution and moved its adoption.

The motion prevailed and amendment S-3043 was adopted.

Senator Merritt offered amendment S-3044 to pages 3 through 12 of the resolution and moved its adoption.

The motion prevailed and amendment S-3044 was adopted.

Senator Shaff offered amendment S-3027 to pages 9 and 10 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3027 be adopted?" (S.R. 2) the vote was:

Rule 25 was invoked.

Ayes, 22:

Ashcraft	Curtis	Hultman	Shaff
Bergman	DeKoster	Miller, A.V.	Shaw
Bisenius	Drake	Miller, E.R.	Taylor
Burroughs	Gallagher	Nystrom	Tieden
Coleman	Hansen	Schwengels	Van Gilst
Craft	Hulse		

Nays, 23:

Calhoon	Hutchins	Nolting	Rodgers
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Carr	Junkins	Orr	Rush
Culver	Kinley	Palmer	Scott
Doderer	Merritt	Priebe	Slater
Glenn	Miller, C.P.	Readinger	Willits
Hill, E.M.	Murray	Redmond	

Absent or not voting, 5:

Briles	Kelly	Ramsey	Robinson
Hill, P.B.			

Amendment S—3027 lost.

Senator DeKoster offered amendment S—3030 to pages 9 and 10 of the resolution.

President Neu took the chair at 2:10 p.m.

Senator DeKoster moved the adoption of amendment S—3030.

A record roll call was requested.

On the question “Shall amendment S—3030 be adopted?” (S.R. 2) the vote was:

Rule 25 was invoked.

Ayes, 23:

Ashcraft	Curtis	Merritt	Shaff
Bergman	DeKoster	Miller, A.V.	Shaw
Bisenius	Drake	Miller, E.R.	Taylor
Burroughs	Hansen	Murray	Tieden
Coleman	Hulse	Nystrom	Van Gilst
Craft	Hultman	Schwengels	

Nays, 23:

Calhoon	Hill, E.M.	Orr	Rodgers
Carr	Hutchins	Palmer	Rush
Culver	Junkins	Priebe	Scott
Doderer	Kinley	Readinger	Slater
Gallagher	Miller, C.P.	Redmond	Willits
Glenn	Nolting	Robinson	

Absent or not voting, 4:

Briles

Hill, P.B.

Kelly

Ramsey

The Chair voted "aye" to break the tie and declared amendment S-3030 adopted.

Senator Merritt moved the adoption of Senate Resolution 2 as amended, which motion prevailed and the resolution and the Senate rules governing lobbyists contained therein was adopted.

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

The Senate resumed session, President Neu presiding.

ADOPTION OF RESOLUTION

Senate Resolution 3

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Resolution 3, relating to the permanent rules of the Senate.

SENATE RESOLUTION 3

By: Committee on Rules and Administration

1 *Be It Resolved by the Senate, That the permanent rules*
2 *of the senate for the sixty-seventh general assembly be as*
3 *follows:*

RULES OF THE SENATE

Rule 1

Quorum

8 A constitutional majority shall constitute a quorum of
9 the senate. Any senator may insist a quorum be present.

Rule 2

Adoption and Amendment of Rules

12 Whenever the senate is operating under temporary rules,
13 the rules may be amended or repealed, or permanent rules may
14 be adopted, by a constitutional majority of the senators.
15 After adoption of permanent rules of the senate during any
16 general assembly, the rules may be amended or repealed by
17 a vote of twenty-six senators.

Rule 3

Rules of Parliamentary Procedure

20 In cases not covered by senate rules or joint rules, Mason's
21 Manual of Legislative Procedure shall govern.

22

Rule 4

23

Sessions of the General Assembly

24

The organization and committees of the senate shall carry over from the first to the second regular sessions of the same general assembly.

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All bills and resolutions introduced in the first regular session of a general assembly and all appointments received from the governor for senate confirmation, which are not withdrawn, lost, or indefinitely postponed shall carry over

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into the second regular session of the same general assembly. Except as provided by this rule, they shall be automatically referred back to committee upon the adjournment of the first regular session. The secretary of the senate shall publish in the journal a list of the bills returned to committee under this rule. Within seven days after the first committee meeting after the convening of the second regular session, committees shall either authorize the chair to refer such bills and resolutions to a subcommittee for consideration or report them out to the floor and place them on the calendar. The committee chair shall report to the senate the bill or resolution number and the names of the subcommittee members.

Bills and resolutions which have been voted upon on final passage in the first regular session shall remain on the calendar in the same status as at the end of the first regular session.

Appointments received from the governor for senate confirmation shall not be returned to committee.

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Rule 5

20

Regular Order of Daily Business

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The following order shall govern, subject to any special order:

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1. Correction of the journal.
2. Introduction of bills and resolutions.
3. Communications to the senate.
4. Consideration of senate calendar.

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Rule 6

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Senate Calendar

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1. Each legislative day the secretary of the senate shall prepare a listing of bills to be known as the "Senate Calendar".

2. The senate calendar may contain a listing under the category "Special Order" which shall be placed at the head of the calendar. Bills in such category shall be those which are specifically set for debate on a certain date and time.

Page 3

1 Bills shall be listed by the secretary in the order they are
2 set for debate.

3 3. The senate calendar shall include separate listings
4 for any bills and resolutions in the following categories:

5 a. Conference Committee Report.

6 b. Bills in Conference Committee.

7 c. House Amendment to Senate Amendment to House File.

8 d. House Refuses to Concur in Senate Amendment to House
9 File.

10 e. Senate Files Amended by the House.

11 f. Motions to Reconsider.

12 4. The secretary shall list bills and resolutions in the
13 above categories in the order they are received. Upon their
14 first publication in the calendar, bills and resolutions in
15 the above categories may be called up for debate at any time
16 by the majority leader. Motions to reconsider shall be called
17 up as provided by Rule 23.

18 5. The senate calendar shall include a listing of senate
19 budget committee bills and bills reported out by the senate
20 budget committee. The list shall be known as the "Budget
21 Calendar". The secretary shall list the bills in the order
22 they are received. Upon their first publication in the
23 calendar, bills on the budget calendar may be called up for
24 debate at any time by the majority leader.

25 6. The senate calendar shall include a list of bills and
26 resolutions, known as the "Ready Calendar", which shall consist
27 of bills and resolutions reported out by a senate committee.
28 The secretary shall list bills and resolutions in the order
29 they are reported out by committees.

30 7. Each Thursday, the majority leader shall select bills
31 on the previous legislative day's ready calendar and create
32 a new listing which shall be known as the "Debate Calendar".
33 The debate calendar shall list bills as the majority leader
34 expects to take them up during the following week.

Page 4

1 If a bill is not reached for debate during
2 the week, it shall be returned by the secretary to the ready
3 calendar.

4 8. Each Thursday the majority leader may initiate action
5 to create a list of bills which may be debated at any time
6 upon being called up for debate by the majority leader. Such
7 list shall be known as the "Noncontroversial Calendar". Any
8 bill which appeared on the previous day's ready calendar may
9 be placed by any senator on the "Proposed
10 Noncontroversial Calendar", which shall be published on Friday.
11 Any bill on the proposed noncontroversial calendar shall be
12 stricken from the calendar if any senator files a written
13 objection with the secretary of the senate on the legislative

14 day it appears on the proposed noncontroversial calendar.
 15 The secretary shall prepare the noncontroversial calendar
 16 which shall consist of all bills on the proposed
 17 noncontroversial calendar to which no objection was received.

18 9. If the senate shall not be in session on a day assigned
 19 in paragraphs seven and eight for action upon a calendar,
 20 such assigned action shall occur on the next succeeding
 21 legislative day.

22 10. On any bill called up for debate from any calendar,
 23 debate may continue from day to day until it is adopted,
 24 fails, or is postponed or deferred. If further debate is
 25 postponed or deferred without a time to continue being set,
 26 except for bills on the debate calendar, the bill shall remain
 27 on the calendar on on which it was originally listed with
 28 the indication that it is unfinished business. Bills on the
 29 debate calendar upon which further debate is postponed or
 30 deferred without a time to continue being set shall return
 31 to the ready calendar.

32 Rule 7

33 When Eligible for Consideration

34 Bills, resolutions, and appointments shall be eligible
 35 for consideration by the senate as follows:

Page 5

1 1. An appointment by the governor which requires senate
 2 confirmation shall be eligible one week after the president
 3 appoints the committee to investigate the appointee.

4 2. A house or individually sponsored bill or resolution
 5 reported out by a committee shall be eligible one legislative
 6 day after it is first printed in the senate calendar.

7 3. A committee bill or resolution sponsored by the
 8 appropriations committee or the ways and means committee shall
 9 be eligible one legislative day after it is first printed
 10 in the senate calendar.

11 4. Any other committee bill or resolution shall be eligible
 12 three legislative days after it is first printed in the senate
 13 calendar.

14 5. Any bill or resolution placed on the steering committee
 15 calendar is eligible for consideration the legislative day
 16 following its placement on that calendar.

17 When a bill or resolution on the calendar is not yet
 18 eligible, the date when it will become eligible shall be
 19 printed in the calendar.

20 Rule 8

21 Debate and Decorum

22 Before addressing the senate, the senator shall request
 23 recognition by depressing the "speak" device and, when
 24 recognized, rise and respectfully address the chair.

25 The senator shall confine all remarks to the question under
26 debate and shall avoid discussing personalities or implication
27 of improper motives. No questions except by the senator
28 recognized shall be entertained after a senator is recognized
29 to give final remarks.

30 Rule 9

31 Point of Personal Privilege

32 A point of personal privilege shall only be recognized
33 when there is no motion pending or other business being consid-
34 ered by the senate. Senators speaking on a point of personal
35 privilege shall be limited to ten minutes.

Page 6

1 Rule 10

2 Introduction and Presentation of Guests

3 Only former members of the senate and former and present
4 members of Congress shall be presented to the senate, except
5 that the president of the Senate may present a visitor whose
6 presence is of special significance to the Senate. No
7 presentation shall be made during debate or discussion on
8 legislation. The presence of school groups accompanied by
9 school officials shall be announced by the president of the
10 senate and shall be recorded in the journal upon written
11 request of a member of the senate.

12 Rule 11

13 Form and Withdrawal of Motions, Amendments and Signatures

14 Motions need not be in writing unless required by the pres-
15 ident or by the senate. No motion requires a second. Any
16 amendment, motion (including a motion to reconsider), or
17 resolution may be withdrawn by the mover if it has not been
18 amended by the senate and if no amendment is pending. All
19 amendments to bills, resolutions, and reports shall be in
20 writing and filed before being acted upon by the senate.

21 No amendment to the Rules of the Senate, resolution, or
22 bill, or amendment to an amendment or conference committee
23 report shall be considered by the membership of the senate
24 without a copy of said amendment to rule, resolution, bill,
25 amendment to an amendment, or conference committee report
26 being on the desks of the entire membership of the senate
27 prior to consideration.

28 All amendments, reports, petitions or other documents
29 requiring a signature shall have the name typed under the
30 place for the signature. Once a signature is affixed, it
31 shall not be removed.

32 Rule 12

33 Order and Precedence of Motions

34 When a question is under debate, no motion shall be received
35 but to adjourn, to recess, questions of privilege, to lay

Page 7

1 on the table, for the previous question, to postpone to a
 2 day certain, to refer, to amend, to postpone indefinitely,
 3 to defer, or incidental motions. A substitute is not in order
 4 unless it is in the form of a motion to substitute. Such
 5 motions shall have precedence in the order in which they are
 6 named. No motion to postpone to a day certain, to refer,
 7 or postpone indefinitely, being decided, shall be again allowed
 8 on the same day with regard to the same question. A motion
 9 to strike out the enacting clause of a bill shall have
 10 precedence over all amendments and, if carried, shall be
 11 considered equivalent to the rejection of the bill.

Rule 13

Designation of Motions

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 14 Motions before the senate shall be identified by the
 15 following numerical designations, which shall be displayed
 16 on the electronic voting system display boards following the
 17 word "motion":

- 18 1. Quorum call (and call of the senate roll call).
- 19 2. Motion to recess or adjourn.
- 20 3. Motion to refer.
- 21 4. Motion to defer to postpone.
- 22 5. Motion to reconsider and reconsider and lay on the table
 23 (Double-barreled motion).
- 24 6. Motion to table or take from the table.
- 25 7. Motion to suspend the rules.
- 26 8. Motion to adopt a report.
 27 (including a conference committee report).
- 28 9. Motion to confirm an appointment of the governor.
- 29 10. Motion to concur in house amendment (Refuse to concur).
- 30 11. Motion to recede (Insist).
- 31 12. Motion for the previous question.
- 32 13. Motion to sustain a decision of the chair.
- 33 14. Motion to strike the enacting clause.
- 34 15. All other motions.

Rule 14

Page 8

- 1 Motions not Debatable
- 2 The following motions are not debatable:
- 3 Adjourn.
 - 4 Recess.
 - 5 Call of the Senate.
 - 6 Lay on Table or Take from Table.
 - 7 Previous Question.
 - 8 A Motion to Reconsider and Lay the Motion to Reconsider
 9 on the Table (Double-barreled Motion).

10 A motion to suspend the rules is debatable.

11 Rule 15

12 Division of the Question

13 Any senator may call for a division of a question, which
14 shall be divided if it includes propositions so distinct that
15 if one is taken away, a substantive proposition shall remain
16 in a technically proper form for the decision of the senate.
17 A motion to strike out and insert is indivisible; but a motion
18 to strike out, if lost, shall not preclude amendments to the
19 matter attempted to be stricken or a motion to strike out
20 and insert.

21 Rule 16

22 The Previous Question

23 The previous question shall be in this form: "Shall debate
24 be closed on the pending question?" A motion for the previous
25 question may be adopted by a majority of the senators present
26 and voting. Its effect shall be to put an end to debate and
27 bring the senate to a direct vote upon the pending question.
28 However, any senator who has not previously spoken on the
29 pending question and who, after the main question is taken
30 up and before the motion for the previous question has been
31 made, requested recognition by depressing the "speak" device
32 may speak no longer than five minutes on the pending question.
33 If action on the pending question continues into another
34 legislative day or is deferred, the previous question shall
35 apply and the requests to be recognized shall be honored.

Page 9

1 When the motion applies to an amendment, the senator
2 proposing the amendment shall have five minutes to close
3 debate on the amendment.

4 The senator handling the measure under consideration shall
5 have ten minutes to close debate on the main question.

6 Rule 17

7 Call of the Senate

8 Ten senators may file in writing a call of the senate on
9 any single item of legislative business. A call of the senate
10 requires the presence of every senator. The sergeant-at-arms
11 shall return promptly all absent senators. Debate on the
12 item may continue while absent senators are returning, but
13 no vote on the item is in order on it until all have returned.
14 Adoption of a motion to recess or adjourn to a specific time
15 will not lift the call. The call may be lifted, or a senator
16 may be excused from the call without lifting the call, by
17 a vote of a constitutional majority of the senators.

18 Rule 18

19 Committee of the Whole

20 The senate may resolve itself into a committee of the whole

21 senate when it wishes to permit more free and informal dis-
 22 cussion. Persons other than senators may appear and present
 23 information.

24 Any senator may move "that the senate now resolve itself
 25 into a committee of the whole to consider" a stated subject.
 26 The motion to resolve into a committee of the whole is
 27 equivalent to a motion to refer.

28 The president of the senate shall be chairman of the
 29 committee of the whole unless otherwise ordered by the senate.

30 The procedure in committee of the whole is subject to the
 31 rules of the senate. The previous question and the motion
 32 to reconsider shall be in order.

33 The committee of the whole cannot take any final action
 34 and its power is limited to recommendation to the senate.
 35 The proceedings of the committee of the whole, including any

Page 10

1 roll call vote, shall be printed in the journal.

2 Any senator may at any time, except while voting or while
 3 a senator has the floor, move that "The committee rise and
 4 report" which is equivalent to a motion to adjourn.

5 After adoption of the motion to rise, the chairman shall
 6 report to the senate in the same manner as other committee
 7 reports are given.

Rule 19

Last Reading and Passage of Bills

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 10 When a motion to place a bill on its last reading is lost,
 11 the same motion shall be in order at any later time. After
 12 the last reading of a bill, no amendment shall be received.
 13 The vote on final passage immediately shall be taken without
 14 debate.

Rule 20

Engrossment of Bills

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 17 An engrossment is a proofreading and verification in order
 18 to be certain that a bill before the senate is identical with
 19 the original bill as introduced with all amendments which
 20 have been adopted correctly inserted. A bill shall be
 21 considered engrossed when ordered to its last reading.

22 In an engrossed bill, all obvious typographical, spelling
 23 or other clerical errors are corrected and section or paragraph
 24 numbers and internal references are changed as required to
 25 conform the original bill to any amendments which have been
 26 adopted. All such corrections or changes shall be reported
 27 in the journal by the secretary of the senate. The engrossed
 28 bill shall be placed in the bill file with the original bill
 29 and amendments.

Rule 21

Manner of Voting

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- 32 On voice vote, the question shall be distinctly put in
 33 this form: "Those in favor of (the question) say 'aye'."
 34 "Those opposed to (the question) say 'no'."
 35 A non-record or record roll call vote may be requested

Page 11

1 by any senator or ordered by the president any time before
 2 the results are announced. A non-record roll call shall be
 3 requested by asking for a "division". A record roll call
 4 shall be requested by asking for a "roll call". Upon request
 5 for a non-record or record roll call vote, the president
 6 shall announce that such a roll call vote has been requested
 7 and shall state the question to be put to the senate. The
 8 president then shall direct the secretary of the senate to
 9 receive the votes.

10 Senators present may cast their votes, either by oper-
 11 ating the voting mechanism located at their assigned desk
 12 or by signaling the president if they are unable to vote at
 13 their assigned desk. The president shall enter the votes
 14 of senators signaling their votes.

15 After sufficient time has elapsed for all senators present
 16 to record their votes, the president shall direct the secretary
 17 of the senate to close the voting system. The president shall
 18 still enter the senators' votes at any time prior to directing
 19 the secretary to lock the voting system. The president shall
 20 then immediately announce the vote.

21 During a non-record or record roll call vote, both
 22 individual votes and vote totals shall be indicated openly
 23 on the display boards. On non-record roll calls, only vote
 24 totals shall be printed in the journal.

25 In the event the electronic voting system is not in
 26 operating order, the president shall direct the secretary
 27 of the senate to take the roll call by calling the names of
 28 the senators in alphabetical order.

Rule 22

Duty of Voting

30 Every senator present when a question is put shall vote
 31 "aye", "no" or "present" unless previously excused by the
 32 senate. Upon demand being made by any senator, the secretary
 33 shall call in alphabetical order the names of the senators
 34 not voting or voting "present". Those senators called shall
 35

Page 12

1 vote "aye" or "no" unless the senator states that he or she
 2 has a personal interest in the question or concludes that
 3 he or she should not vote under the senate code of ethics.

Rule 23

Reconsideration

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6 When a motion or question has been decided by the senate,
 7 any senator having voted on the prevailing side may move to
 8 reconsider the vote on the same or next legislative day.
 9 Motions to reconsider a vote by which a bill or joint
 10 resolution was adopted on final passage shall be in writing
 11 and filed with the secretary of the senate. A motion to
 12 reconsider an amendment shall be in writing and filed with
 13 the Secretary of the Senate anytime prior to the disposition
 14 of the main question or upon reconsideration of the main ques-
 15 tion. A constitutional majority is necessary to reconsider
 16 a bill or joint resolution. During three legislative days
 17 from the date the motion to reconsider a bill or resolution
 18 is filed, only the mover may call it up. Thereafter, any
 19 senator may call up the motion. If a date for adjournment
 20 has been set by resolution of the senate, any senator may
 21 call up a motion to reconsider at any time within three days
 22 prior to the date set for adjournment.

23 If the motion to reconsider a bill or resolution prevails,
 24 motions to reconsider amendments thereto shall be in order
 25 and shall be disposed of without delay.

26 A motion that any action taken by the senate be reconsidered
 27 and the motion to reconsider be laid upon the table shall
 28 be a single and indivisible motion, known as the double-
 29 barreled motion, which, if carried, shall have the effect
 30 of preventing reconsideration unless a motion to take from
 31 the table prevails. A constitutional majority is necessary
 32 for the double-barreled motion to prevail on a bill or joint
 33 resolution. The double-barreled motion can only be made from
 34 the floor after the vote is announced and the member who moved
 35 the final reading shall have priority in making it.

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1 A motion to reconsider and lay on the table shall have
 2 priority over a motion to reconsider if they are both filed
 3 on the same legislative day.

4 In the event that a motion to reconsider is pending at
 5 the end of the first session of any general assembly, or the
 6 general assembly adjourns sine die, and the motion has not
 7 been voted upon by the senate, it shall be determined to have
 8 failed.

9 Rule 24 10 Suspension of Rules and Taking from Table

11 No standing rule or rules incorporated by reference under
 12 rule 3 or order of the senate shall be rescinded or suspended,
 13 nor shall any matter, tabled upon motion, be taken up, except
 14 by an affirmative vote of twenty-six or more senators.

15 INTRODUCTION AND FORM OF BILLS

16 Rule 25

17 Time and Method of Introducing Bills and Amendments

18 All bills to be introduced in the senate shall be typed
19 in proper form by the legislative service bureau and shall
20 be filed with the secretary of the senate not later than 3:00
21 p.m.

22 All amendments shall be typed in proper form and filed
23 with the secretary of the senate not later than 4:30 p.m.,
24 or adjournment, whichever is later.

25 Amendments to bills which have been special ordered for
26 more than five legislative days in advance of the date set
27 for debate shall be filed no later than the second legislative
28 day next preceding the date the bill is to be debated.

29 Rule 26

30 Limit on Introduction of Bills

31 Except those cosponsored by the majority and minority floor
32 leaders no bill or joint resolution shall be introduced in
33 the senate after 4:00 p.m. on Friday of the seventh week of
34 the first regular session of a general assembly unless a
35 written request for drafting the bill has been filed with

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1 the legislative service bureau before that time. After
2 adjournment of the first regular session, bills may be prefiled
3 at any time before the convening of the second regular session.
4 No bill shall be introduced after 4:00 p.m. on Friday of the
5 second week of the second regular session of a general assembly
6 unless a written request for drafting the bill has been filed
7 with the legislative service bureau before that time. However,
8 standing committees may introduce bills and joint resolutions
9 at any time. Senate and concurrent resolutions may be
10 introduced at any time.

11 Rule 27

12 Introduction, Reading and Form of Bills and Resolutions

13 Every senate bill and resolution shall be introduced by
14 one or more senators or by any standing committee of the
15 senate and shall at once be given its first reading.

16 If the senate is in session when a bill or resolution is
17 introduced, the first reading shall consist of reading its
18 file number, the title and sponsor of the bill. If the senate
19 is not in session but a journal is published for the day,
20 the first reading shall consist of a journal entry of the
21 bill's file number, title, sponsor and the notation "Read
22 first time under Rule 27."

23 Any bill or resolution approved for introduction by a
24 standing committee during an interim period shall be introduced
25 without further action by the committee at the next succeeding
26 session of the same General Assembly and placed immediately
27 upon the ready calendar.

28 Every bill and resolution referred to committee shall have
29 received two readings before its passage.

30 The subject of every bill shall be expressed in its title.

31 Rule 28

32 Explanations

33 No bill, except appropriations committee bills, shall be
34 introduced unless a concise and accurate explanation is
35 attached. The chief sponsor or a committee to which the bill

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1 has been referred may add a revised explanation at any time
2 before the last reading, and it shall be included in the daily
3 clipsheet.

4 Rule 29

5 Resolutions

6 1. A "senate resolution" is a resolution acted upon only
7 by the senate which expresses sentiment or is used for the
8 appointment of special committees within the senate. A senate
9 resolution requires the affirmative vote of a majority of
10 the senators present and voting. It shall be filed with the
11 secretary of the senate and printed in the journal.

12 2. A "concurrent resolution" is a resolution to be adopted
13 by both houses of the general assembly which expresses the
14 sentiment of the general assembly or deals with temporary
15 legislative matters. It may authorize the expenditure, for
16 any legislative purpose, of funds appropriated to the general
17 assembly. A concurrent resolution is not limited to, but
18 may provide for a joint convention of the general assembly,
19 adjournment or recess of the general assembly, or requests
20 to a state agency or to the general assembly or a committee.
21 A concurrent resolution requires the affirmative vote of a
22 majority of the senators present and voting. It shall be
23 filed with the secretary of the senate and printed in the
24 journal.

25 3. A "joint resolution" is a resolution which requires
26 for approval the affirmative vote of a constitutional majority
27 of each house of the general assembly. A joint resolution
28 which appropriates funds or enacts temporary laws must contain
29 the clause "Be It Enacted by the General Assembly of the State
30 of Iowa:", is equivalent to a bill, and must be transmitted
31 to the governor for his approval. A joint resolution which
32 proposes amendments to the Constitution of the State of Iowa,
33 ratifies amendments to the Constitution of the United States,
34 proposes a request to Congress or an agency of the government
35 of the United States of America, proposes to Congress an

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1 amendment to the Constitution of the United States of America,

2 or creates a special commission or committee must contain
 3 the clause "Be It Resolved by the General Assembly of the
 4 State of Iowa:" and shall not be transmitted to the governor.
 5 No joint resolution shall amend a statute in the Code of Iowa.

6 Rule 30

7 Resolutions, Applicable Rules

8 Unless specifically provided to the contrary in these
 9 rules, all rules applicable to bills shall apply to
 10 resolutions, except as altered by Rule 33.

11
 12 COMMITTEES AND COMMITMENT

13 RULE 31

14 Committee Appointments

15 Committee appointments shall be made by the majority leader
 16 after consultation with the leadership of the minority
 17 political party. No senator shall serve on more than five
 18 committees. The majority leader shall designate the
 19 chairperson and vice-chairperson of each standing committee.
 20 The minority leader shall designate the ranking member of
 21 each standing committee from the minority membership of that
 22 committee appointed by the majority leader.

23 Rule 32

24 Standing Committees

25 The names of the standing committees of the senate shall be:

26 Agriculture

27 Budget

28 Cities

29 Commerce

30 County government

31 Education

32 Energy

33 Labor and industrial relations

34 Human resources

35 Judiciary

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1 Natural resources

2 Rules and administration

3 State government

4 Transportation

5 Ways and means

6 Rule 33

7 Committee on Rules and Administration

8 The committee on rules and administration shall recommend
 9 rules and rule changes to the senate, shall hire senate
 10 employees, shall recommend salary scales for all senate
 11 employees, and shall oversee senate administration matters.

12 The majority party members of the committee on rules and
 13 administration will select, for senate approval, an individ-

14 ual to serve as secretary of the senate.

15 The minority party members of the committee on rules and
16 administration will select, for senate approval, an individual
17 to serve as assistant secretary of the senate.

18 Rule 34

19 Budget Committee

20 The budget committee shall consist of thirteen members,
21 eight of whom shall be members of the majority party and five
22 shall be members of the minority party. The budget committee
23 shall receive bills committed to it and shall assign each
24 to one of the budget subcommittees.

25 There shall be eight budget subcommittees which shall be
26 named:

27 Claims

28 Education

29 Human Resources

30 Social Services

31 Natural Resources

32 Regulatory and Finance

33 State Government

34 Transportation and Law Enforcement

35 The budget subcommittees shall receive bills assigned to

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1 them or may originate draft bills for sponsorship by the
2 budget subcommittees which are within the subcommittee's
3 jurisdiction as defined by the budget committee. After
4 appropriate consideration of the bill, each subcommittee may
5 submit bills together with the subcommittee's recommended
6 action and any amendments to the budget committee.

7 If bills or bill drafts are first submitted by a budget
8 subcommittee to the budget committee prior to March 15th of
9 each year, the budget committee may either approve the bill
10 and report or re-refer it together with the budget committee's
11 objections to the budget subcommittee from which it was
12 originally referred or which originated the draft bill.

13 If a bill or bill draft is submitted to the budget committee
14 a second time by a budget subcommittee or any bill submitted
15 on or after March 15th of each year, the budget committee
16 may:

17 1. approve the bill and report it;

18 2. approve the bill with amendments and report it with the
19 amendments;

20 3. draft a new bill for sponsorship by the budget
21 committee and report it; or

22 4. re-refer it together with the budget committee's
23 objections to the budget subcommittee from which it
24 was originally referred or which originated the draft
25 bill.

- 26 Draft bills sponsored by budget subcommittees shall be
27 introduced only upon approval of the budget committee.
28 The budget committee is authorized to meet anytime upon
29 call of the chairperson to:
30 1. Act upon bills submitted to it by budget subcommittees
31 as provided by this rule.
32 2. Prepare, review or revise a proposed legislative budget.
33 3. After March 15, initiate any bill relating to budget or
34 appropriation matters.
35 The budget committee may meet jointly with the budget

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1 committee of the house of representatives.

2 Rule 35

3 First Reading and Commitment

4 Upon the first reading of an individual bill or resolution,
5 the majority leader, president pro tempore and the two
6 assistant majority leaders shall refer the bill or resolution
7 to an appropriate standing committee unless otherwise ordered
8 by the senate. If the bill or resolution is a committee bill
9 or resolution, the president shall place it on the calendar
10 after its first reading. If the subject of the bill or
11 resolution is not germane to the title of the committee
12 presenting it, the majority leadership or the senate may refer
13 it to a committee deemed appropriate.

14 All bills carrying an appropriation for any purpose or
15 involving the expenditure of state funds shall be referred
16 to the committee on appropriations.

17 All bills pertaining to the levy, assessment or collection
18 of taxes shall be referred to the committee on ways and means.

19 Any bill which provides for a new state board, commission,
20 agency or department or makes separate or autonomous an exist-
21 ing state board, commission, agency or department, shall be
22 referred to the committee on state government. This rule
23 shall also apply when such a provision is added to a bill
24 or resolution by amendment adopted by the senate. If the
25 bill or resolution is so referred after being sponsored or
26 reported out by another committee, and if the committee on
27 state government does not report out the bill or resolution
28 within ten legislative days after referral, the bill or
29 resolution shall automatically be restored to the calendar
30 with the same priority it had immediately before referral.

31 Rule 36

32 Rules for Standing Committees

33 The following rules shall govern all standing committees
34 of the senate. Any committee may adopt additional rules which
35 are consistent with these rules:

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1 1. A majority of the members shall constitute a quorum.

2 2. The chair of a committee shall refer each bill and
3 resolution to a subcommittee within seven days after the bill
4 or resolution has been referred to the committee. The chair
5 may appoint subcommittees for study of bills and resolutions
6 without calling a meeting of the committee, but the
7 subcommittee must be announced at the next meeting of the
8 committee. No bill or resolution shall be reported out of
9 a committee until the next meeting after the subcommittee
10 is announced, except that the chair of the budget committee
11 may make the announcement of the assignment to a subcommittee
12 by placing a notice in the journal. Any bill so assigned
13 by the budget committee chair shall be eligible for
14 consideration by the committee upon report of the subcommittee
15 but not sooner than three legislative days following the
16 publication of the announcement in the journal.

17 When a bill or resolution has been assigned to a
18 subcommittee, the chair shall report to the senate the bill
19 or resolution number and the names of the subcommittee members
20 and such reports shall be reported in the journal of the last
21 legislative day of each week.

22 Where standing subcommittees of any committee have been
23 named, the names of the members and the title of the
24 subcommittee shall be published once and thereafter publication
25 of assignments may be made by indicating the title of the
26 subcommittee.

27 Bills or resolutions may only be withdrawn from a
28 subcommittee by a majority vote of the committee.

29 3. No bill or resolution shall be considered by a committee
30 until it has been referred to a subcommittee and the
31 subcommittee has made its report unless otherwise ordered
32 by a majority of the members.

33 4. The rules adopted by a committee, including these
34 rules, may be suspended by an affirmative vote of a majority
35 of the members.

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1 5. The affirmative vote of a majority of the members of
2 a committee is needed to sponsor a committee bill or resolution
3 or to report a bill or resolution out for passage.

4 6. The vote on all bills and resolutions shall be by roll
5 call and a record shall be kept by the secretary.

6 Rule 37
7 Voting in Committee

8 All committee meetings shall be open at all times. Voting
9 by secret ballot is prohibited. Roll call votes shall be

10 taken in each committee when final action on any bill or
11 resolution is voted, or at the request of a member upon any
12 amendment or motion. All results shall be entered in the
13 minutes which shall be public records. Records of these votes
14 shall be made available by the chair or the committee secretary
15 at any time. This rule also applies to the steering committee
16 and budget subcommittees.

17 The committee shall not authorize the introduction of a
18 committee bill or resolution until the members have received
19 final copies of the bill with amendments incorporated, typed
20 into proper form by the legislative service bureau.

21 Rule 38

22 Announcement of Committee Meetings

23 It shall be in order for the chair of any committee to
24 announce to the senate the time and place of committee
25 meetings. The announcement shall include a proposed agenda
26 for the meeting. The sergeant-at-arms shall post at the rear
27 of the chamber the daily schedule of committee meetings.

28 Rule 39

29 Withdrawal of Bills and Resolutions from Committee

30 The secretary of the senate shall note on each bill and
31 resolution the date of its reference to committee. No bill
32 or resolution shall be withdrawn from any committee within
33 fifteen legislative days after the bill or resolution has
34 been referred to the committee and thereafter only upon written
35 petition for the withdrawal of such bill or resolution signed

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1 by a constitutional majority of the senators, except as
2 provided in rule 35. Only senators may circulate such a
3 petition.

4 Rule 40

5 Committee Reports

6 All committees shall file a report with the secretary of
7 the senate of:

8 a. All meetings, and
9 b. Bills which are reported out of the committee for floor
10 action.

11 Reports regarding meetings shall be in such form as the
12 secretary shall prescribe and shall state:

13 a. The time the meeting convened; and
14 b. Those senators who were present and absent at the time
15 the meeting convened; and
16 c. The vote on any bill reported out of the committee
17 for floor action; and
18 d. The time the meeting adjourned; and
19 e. An indication of other bills or other matters discussed; and
20 f. Such other matters as the committee chair shall direct.

21 Reports regarding bills shall be in such form as the
 22 secretary shall prescribe and shall state:
 23 a. The file number and title of the bill; and
 24 b. Whether the committee recommends that the bill be passed,
 25 amended and passed, indefinitely postponed, or without recom-
 26 mendation.
 27 No committee report shall be read, but all committee reports
 28 shall be printed by the secretary in the Journal. Upon
 29 printing, all committee reports shall then stand approved
 30 unless the senate directs otherwise.

31 Rule 41

32 Bills or Resolutions Recommended for Indefinite Postponement
 33 When a question is postponed indefinitely, it shall not
 34 be again acted upon during that general assembly. If a bill
 35 or resolution is reported back from a committee recommending

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1 indefinite postponement, the report shall be placed on the
 2 calendar and shall be disposed of within three legislative
 3 days. If not, the committee recommendation shall be considered
 4 adopted. However, no senate bill or resolution recommended
 5 for indefinite postponement shall be considered in the absence
 6 of the chief sponsor or, if a house bill or resolution, in
 7 the absence of the senator representing the district in which
 8 the sponsor resides. If a committee report recommends
 9 indefinite postponement, it shall require a vote of thirty-
 10 four senators to prevent indefinite postponement, and debate
 11 shall be limited to ten minutes on each side.

12 GENERAL RULES

13 Rule 42

14 Admission to Senate Chamber 15 and Prohibition of Lobbying

16 While the senate is in session and for a period of ten
 17 minutes before the convening of any session until the daily
 18 adjournment, only legislators, employees of the senate,
 19 authorized senate interns, and aides to senators shall be
 20 allowed in the senate chamber. Employees of the legislative
 21 service bureau authorized by its director and employees of
 22 the legislative fiscal bureau authorized by its director shall
 23 be allowed in the senate chamber. A person or group accom-
 24 panied by a senator or persons going directly to committee
 25 meetings may be admitted during recess. Former legislators
 26 not registered as lobbyists in either house shall also be
 27 admitted to the senate floor. News reporters shall be
 28 permitted to occupy the seats assigned for the press and to
 29 go to or from those seats. No other persons shall be allowed
 30 on the senate floor without express permission of the presiding
 31 officer of the senate. The presiding officer shall require

32 persons normally allowed in the senate chamber, other than
33 senators, to leave the chamber if they are not at that time
34 necessary for the senate's business.

35 Rule 43

Page 24

1 Legislative Interns and Aides

2 Legislative interns for senators shall be allowed on the
3 floor of the senate in accordance with Rule 42; provided that
4 each intern first has been approved by the joint legislative
5 intern committee and the intern has obtained a name badge
6 from the secretary of the senate. The secretary of the senate
7 shall issue an appropriate name badge to all interns for
8 senators approved by the joint legislative intern committee.

9 In addition, those persons designated as "aides to senators"
10 shall be allowed on the floor of the senate, provided that
11 such individual first has been approved by the two senators
12 serving on the joint legislative intern committee and the
13 secretary of the senate, or designee on the joint committee.
14 The secretary of the senate shall issue an appropriate name
15 badge for such individuals.

16 Rule 44

17 Clearing of Lobby and Gallery

18 In case of disturbance or disorderly conduct in the lobby
19 or gallery, the presiding officer may order it cleared.

20 Rule 45

21 Presentation of Petitions

22 Each petition shall contain a brief statement of its subject
23 matter and the name of the senator presenting it. Petitions
24 shall be filed with the secretary of the senate and shall
25 be noted in the journal.

26 Rule 46

27 Distribution of Printed Material

28 No general distribution of printed material in the senate
29 shall be allowed unless authorized by the secretary of the
30 senate or by a senator.

31 Rule 47

32 Concerning the Printing of Papers

33 Any paper, other than that contemplated by Section 10,
34 Article III of the Constitution of the State of Iowa, presented
35 to the senate may, with the consent of a constitutional

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1 majority, be printed in the journal.

2 Rule 48

3 Reprinting of Bills

4 When any bill has been substantially amended by the senate,

5 the secretary of the senate shall order the bill reprinted
 6 on paper of a different color. All adopted amendments
 7 inserting new material shall be distinguishable.
 8 The secretary of the senate may order the printing of a
 9 reasonable number of additional copies of the bill, resolution,
 10 amendment, or journal.

11 OFFICERS AND EMPLOYEES

12 Rule 49

13 Duties of the President

14 The president shall call the senate to order at the hour
 15 to which the senate is adjourned. Unless otherwise ordered
 16 by the senate, the president shall proceed with the regular
 17 order of daily business. The president shall preserve order
 18 and decorum and decide all questions of order and corrections
 19 to the journal, subject to an appeal to the senate.

20 Rule 50

21 The President Pro Tempore

22 The senate shall elect a president pro tempore. When the
 23 president is absent, the president pro tempore shall preside,
 24 except when the chair is filled by temporary appointment by
 25 the president.

26 Rule 51

27 Secretary of the Senate

28 The secretary of the senate shall be an officer of the
 29 senate and shall:

- 30 1. Serve as chief administrative officer of the senate.
- 31 2. Have charge of the secretary's desk.
- 32 3. Be responsible for the custody and safekeeping of all
- 33 bills, resolutions, and amendments filed, except while they
- 34 are in the custody of a committee.
- 35 4. Have charge of the daily journal.

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- 1 5. Have control of all rooms assigned for the use of the
- 2 senate.
- 3 6. Clear all bills as to proper form prior to introduction
- 4 and keep a detailed record of senate action thereon.
- 5 7. Process the handling of amendments when filed and
- 6 during the floor consideration of bills.
- 7 8. Insert adopted amendments into bills before transmittal
- 8 to the house of representatives and prior to final enrollment.
- 9 9. Prescribe the duties of and supervise all senate
- 10 employees.
- 11 10. Serve as parliamentarian for the senate.

12 Rule 52

13 Legal Counsel

14 The legal counsel shall be an employee of the senate and
 15 shall:

- 16 1. Serve as attorney and counselor for the senate.
 17 2. Supervise the legal counsel's office.
 18 3. Clear all bills, resolutions, and amendments as to
 19 proper form prior to introduction.
 20 4. Provide assistance to interim committees in cooperation
 21 with the legislative service bureau during periods between
 22 legislative sessions.

23 Rule 53

24 Sergeant-at-Arms

25 The sergeant-at-arms shall be an employee of the senate
 26 and shall:

- 27 1. Wear the appropriate badge of his office.
 28 2. Attend the senate during its sessions.
 29 3. Aid in the enforcement of order under the direction
 30 of the president of the senate and the secretary of the senate.
 31 4. Execute the commands of the senate.
 32 5. See that no unauthorized person disturbs the contents
 33 of the senators' desks.
 34 6. Supervise the doorkeepers, the assistant sergeant-at-
 35 arms, and pages.

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- 1 7. Announce all delegations from the governor or house.
 2 8. Supervise the seating of visitors and press represent-
 3 atives.

4 Rule 54

5 Senate Secretaries

6 Every senator shall be permitted to employ for each session
 7 of a general assembly a secretary of their own selection.

8 Rule 55

9 Use of Electronic Voting System

10 Any officer or employee of the senate, other than a duly
 11 elected member of the senate voting at their assigned desk,
 12 who operates the electronic voting machine mechanism located
 13 at the desk of a member of the senate shall be subject to
 14 immediate termination from employment. The provisions of
 15 this paragraph only shall apply during the taking of a roll
 16 call vote utilizing the electronic voting system.

17 CONFIRMATION OF APPOINTMENTS

18 Rule 56

19 Investigating Committees

20 Investigating committees appointed by the president of
 21 the senate shall be composed of three senators from the
 22 majority party and two senators from the minority party.
 23 The senator of whom a governor's nominee is a constituent
 24 shall not chair the investigating committee for that nominee.

25 Within five days after the investigating committee is
 26 appointed, any member of the investigating committee may

27 obtain a hearing upon the nominee's confirmation, by filing
28 a written request with the chair of the investigating
29 committee. At the hearing, the nominee may be questioned
30 as to his or her qualifications to fulfill the office to which
31 nominated and be further questioned as to his or her view-
32 points on issues facing the office to which nominated. The
33 public may, at the discretion of the investigating committee,
34 be permitted to submit oral or written statements as to the
35 qualifications of the nominee.

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1 Any senator may submit, within five days after the
2 investigating committee is appointed, written questions to
3 be answered by the nominee prior to consideration of the
4 nominee's confirmation by the senate.

5 Rule 57

6 Appointments

7 The secretary of the senate shall maintain a file of all
8 appointments received from the governor for confirmation.
9 The file shall show whether an investigating committee has
10 been appointed, whether the nominee has been introduced and
11 whether a committee report has been filed.

12 When an investigating committee's report is filed, the
13 name of that nominee shall be placed on an "En bloc
14 Confirmation Calendar". The en bloc confirmation calendar
15 shall be published daily by the secretary of the senate and
16 any senator may remove a name from the calendar by filing
17 a written request with the secretary of the senate. Any name
18 so removed shall be listed on an "Individual Confirmation
19 Calendar".

20 Upon the motion of any senator the nominees on the en bloc
21 Confirmation calendar shall be confirmed en bloc by the
22 affirmative vote of two-thirds of the members elected to the
23 senate. The journal shall separately reflect an identical
24 roll call on each appointment subject to the en bloc
25 confirmation vote. Prior to an en bloc vote, any senator
26 may orally request an individual vote on any nominee on the
27 en bloc confirmation calendar. The senate shall then vote
28 separately on the nominee. If voting on the nominee is
29 deferred, the secretary shall list the nominee on the
30 individual confirmation calendar.

31 Nominees on the individual confirmation calendar shall
32 be confirmed by the same two-thirds vote; however, the senate
33 shall take a separate roll call on each nominee.

Senator Taylor offered amendment S-3035 and moved its adoption.

The motion prevailed and amendment S—3035 was adopted.

Senator Kinley offered amendment S—3049 to page 3 of the resolution and requested a division of the amendment; lines 2, 3 and 4 to be considered as division S—3049A of the amendment; the remainder of the amendment to be considered as division S—3049B of the amendment.

Senator Kinley withdrew division S—3049A of the amendment.

Senator Hultman called for a further division of the amendment, page 1, lines 8 through 20 to be considered as division S—3049C of the amendment; lines 21 through 23 to be considered as division S—3049D of the amendment; lines 40 through 45 to be considered as division S—3049E of the amendment.

Senator Drake offered amendment S—3054 to division S—3049C of the amendment and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3054 to division S—3049C of the amendment be adopted?" (S.R. 3) the vote was:

Ayes, 20:

Ashcraft	Curtis	Hultman	Schwengels
Bergman	DeKoster	Miller, E.R.	Shaff
Bisenius	Drake	Murray	Shaw
Burroughs	Hansen	Nystrom	Taylor
Craft	Hulse	Readinger	Tieden

Nays, 26:

Calhoon	Hill, E.M.	Nolting	Rush
Carr	Hutchins	Orr	Scott
Coleman	Junkins	Palmer	Slater
Culver	Kinley	Priebe	Van Gilst
Doderer	Merritt	Redmond	Willits
Gallagher	Miller, A.V.	Robinson	
Glenn	Miller, C.P.	Rodgers	

Absent or not voting, 4:

Briles	Hill, P.B.	Kelly	Ramsey
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Amendment S-3054 to division S-3049C of the amendment lost.

Senator Kinley moved the adoption of division S-3049C of the amendment.

Division S-3049C of the amendment was adopted.

Senator Hultman offered amendment S-3050 to division S-3049D of the amendment, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3050 to division S-3049D of the amendment be adopted?" (S.R. 3) the vote was:

Ayes, 20:

Ashcraft	Curtis	Hultman	Schwengels
Bergman	DeKoster	Miller, E.R.	Shaff
Bisenius	Drake	Murray	Shaw
Burroughs	Hansen	Nystrom	Taylor
Craft	Hulse	Readinger	Tieden

Nays, 26:

Calhoon	Hill, E.M.	Nolting	Rodgers
Carr	Hutchins	Orr	Rush
Coleman	Junkins	Palmer	Scott
Culver	Kinley	Priebe	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn	Miller, C.P.		

Absent or not voting, 4:

Briles	Hill, P.B.	Kelly	Ramsey
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Amendment S-3050 to division S-3049D of the amendment lost.

Senator Kinley moved the adoption of division S-3049D of the amendment.

Division S-3049D of the amendment was adopted.

Senator Shaw offered amendment S-3056 to division S-3049E of the amendment and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3056 to division S-3049E of the amendment be adopted?" (S.R. 3) the vote was:

Ayes, 19:

Ashcraft	DeKoster	Miller, E.R.	Shaff
Bergman	Drake	Murray	Shaw
Bisenius	Hansen	Nystrom	Taylor
Craft	Hulse	Readinger	Tieden
Curtis	Hultman	Schwengels	

Nays, 25:

Calhoon	Hill, E.M.	Miller, C.P.	Rodgers
Carr	Hutchins	Nolting	Rush
Coleman	Junkins	Orr	Scott
Culver	Kinley	Palmer	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn			

Absent or not voting, 6:

Briles	Hill, P.B.	Priebe	Ramsey
Burroughs	Kelly		

Amendment S-3056 to division S-3049E of the amendment lost.

Senator Kinley moved the adoption of division S-3049E of the amendment.

The motion prevailed and division S-3049E of the amendment was adopted.

Senator DeKoster called for a further division of amendment S-3049, page 1, lines 24 and 25 to be considered as division S-3049F of the amendment.

Senator DeKoster offered amendment S-3053 to division S-3049B of the amendment and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 26.

Amendment S-3053 to division S-3049B of the amendment lost.

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

The Senate resumed session, President Neu presiding.

Senator Tieden offered amendment S-3059 to division S-3049B of the amendment and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 26.

Amendment S-3059 to division S-3049B of the amendment lost.

Senator Kinley moved the adoption of division S-3049B of the amendment.

A non record roll call was requested.

The ayes were 27, nays 18.

Division S-3049B of the amendment was adopted.

With the adoption of division S-3049B of the amendment, the following amendments were ruled out of order:

Amendment S-3022 by Senator Hultman.

Amendment S-3024 by Senator Hultman.

Amendment S-3025 by Senator Hultman.

Amendment S—3026 by Senator Hultman

Amendment S—3036 by Senator Taylor.

Senator Kinley moved the adoption of division S—3049F of the amendment.

The motion prevailed and division S—3049F of the amendment was adopted.

Senator Nystrom offered amendment S—3034 to page 9 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 24.

Amendment S—3034 lost.

Senator Shaw offered amendment S—3055 to page 11 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 24.

Amendment S—3055 lost.

Senator Drake offered amendment S—3046 to page 14 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 25.

Amendment S—3046 lost.

Senator DeKoster offered amendment S—3031 to page 14 of the resolution and moved its adoption.

The motion prevailed and amendment S—3031 was adopted.

Senator Murray offered amendment S—3058 to page 17 of the resolution, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3058 be adopted?” (S.R. 3) the vote was:

Ayes, 19:

Ashcraft	DeKoster	Miller, E.R.	Shaff
Bergman	Drake	Murray	Shaw
Bisenius	Hansen	Nystrom	Taylor
Craft	Hulse	Readinger	Tieden
Curtis	Hultman	Schwengels	

Nays, 25:

Calhoon	Hutchins	Nolting	Rodgers
Carr	Junkins	Orr	Rush
Coleman	Kinley	Palmer	Scott
Culver	Merritt	Priebe	Slater
Gallagher	Miller, A.V.	Redmond	Van Gilst
Glenn	Miller, C.P.	Robinson	Willits
Hill, E.M.			

Absent or not voting, 6:

Briles	Doderer	Kelly	Ramsey
Burroughs	Hill, P.B.		

Amendment S—3058 lost.

Senator Hansen offered amendment S—3060 to page 17 of the resolution, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3060 be adopted?” (S.R. 3) the vote was:

Ayes, 19:

Ashcraft	DeKoster	Miller, E.R.	Shaff
Bergman	Drake	Murray	Shaw
Bisenius	Hansen	Nystrom	Taylor
Craft	Hulse	Readinger	Tieden
Curtis	Hultman	Schwengels	

Nays, 26:

Calhoon	Hill, E.M.	Nolting	Rodgers
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Carr	Hutchins	Orr	Rush
Coleman	Junkins	Palmer	Scott
Culver	Kinley	Priebe	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn	Miller, C.P.		

Absent or not voting, 5:

Briles	Kelly	Hill, P.B.	Ramsey
Burroughs			

Amendment S—3060 lost.

Senator DeKoster offered amendment S—3047 to page 18 of the resolution, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3047 be adopted?" (S.R. 3) the vote was:

Ayes, 18:

Ashcraft	DeKoster	Murray	Shaff
Bergman	Drake	Nystrom	Shaw
Bisenius	Hansen	Readinger	Taylor
Craft	Hulse	Schwengels	Tieden
Curtis	Hultman		

Nays, 25:

Calhoon	Hutchins	Orr	Rush
Carr	Junkins	Palmer	Scott
Coleman	Kinley	Priebe	Slater
Culver	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn	Miller, C.P.	Rodgers	
Hill, E.M.	Nolting		

Absent or not voting, 7:

Briles	Doderer	Kelly	Ramsey
Burroughs	Hill, P.B.	Miller, E.R.	

Amendment S—3047 lost.

Senator Drake offered amendment S—3045 to page 20 of the resolution and moved its adoption.

The motion prevailed and amendment S-3045 was adopted.

Senator Tieden offered amendment S-3042 to page 22 of the resolution and called for a division of the amendment, lines 2 through 4 as division S-3042 of the amendment; lines 5 and 6 as division S-3042B of the amendment.

Senator Tieden withdrew division S-3042B of the amendment.

Senator Tieden moved the adoption of division S-3042A of the amendment.

A non record roll call was requested.

The ayes were 19, nays 24.

Division S-3042A of the amendment lost.

Senator Shaff offered amendment S-3041 to page 23 of the resolution by Senators Shaff, Tieden and Curtis and moved its adoption.

The motion prevailed and amendment S-3041 was adopted.

Senator Shaw offered amendment S-3057 to page 27 of the resolution and moved its adoption.

The motion prevailed and amendment S-3057 was adopted.

Action on Senate Resolution 3 was temporarily deferred.

ADOPTION OF SENATE CONCURRENT RESOLUTION 6

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 6.

SENATE CONCURRENT RESOLUTION 6 By: Committee on Rules and Administration

- 1 *Whereas*, the Sixty-seventh General Assembly con-
- 2 vened on January 10, 1977; and,
- 3 *Whereas*, the committee system provides the basic
- 4 forum for the perfection of legislation; and,
- 5 *Whereas*, it is necessary to provide sufficient time

6 for the committees of the senate and house of repre-
7 sentatives to carry out their work; and,

8 *Whereas*, providing sufficient time for committee
9 operation can insure rapid and effective completion
10 of the work of the 1977 Session of the Sixty-seventh
11 General Assembly;

12 *Now Therefore*,

13 *Be It Resolved by the Senate, the House of Repre-*
14 *sentatives Concurring* that:

15 1. The period from January 10, 1977 through
16 February 18, 1977, shall be known as "committee time".

17 2. During committee time the senate and house of
18 representatives may adjourn to a time certain which may
19 be of periods longer than three days. By adoption of
20 this resolution each house consents, without further
21 authorization, to adjournments of the other pursuant to
22 Article III, Section 14, of the Constitution of Iowa.

23 3. Notwithstanding the provisions of paragraph two (2)
24 of this resolution, during committee time the senate shall
25 convene at a time earlier than that set at the prior
26 adjournment upon the call of the majority leader and the
27 house of representatives shall convene at a time earlier
28 than that set at the prior adjournment upon the call of the
29 speaker. Before issuing a call, the majority leader or
30 speaker shall notify the minority leader of their respective

Page 2

1 intention to issue the call. A call is issued by the majority
2 leader filing it with the secretary of the senate and the speaker
3 filing it with the chief clerk of the house. The secretary and
4 chief clerk shall exercise their best efforts to ensure that all
5 members of their respective houses are personally notified of
6 the call and the date and time set in it.

7 4. During the committee time the senate and house of repre-
8 sentatives are not in session, the speaker of the house and
9 majority leader of the senate shall schedule meetings of the
10 standing committees of their respective bodies.

11 5. During committee time standing committees shall give
12 priority to consideration of bills and resolutions for con-
13 sideration on the floor during the remainder of the 1977 Session.

14 6. During committee time the secretary of the senate and
15 chief clerk of the house shall receive for filing bills, amend-
16 ments, reports or other matters of legislative business and
17 print and distribute them as soon as possible. Filings shall
18 be recorded by the secretary and chief clerk on the date they
19 are actually received.

20 7. During committee time the journal of the proceedings of
21 the senate and house shall be published each day standing com-

- 22 mittees are scheduled to meet, Journals published for days in
 23 which the senate or house of representatives are not in session
 24 on the floor shall reflect filings, referrals, reports, messages
 25 and all other business.
 26 8. Each day commencing with the first day of the legislative
 27 session and ending with the day of final adjournment of the 1977
 28 regular session shall constitute a session for the purposes of
 29 section two point ten (2.10), paragraph one (1), Code 1975.
 30 9. The debate calendars for the senate and house of repre-
 31 sentatives shall first be created on February 10, 1977.

Senator Willits offered amendment S-3061 by Senators Kinley et al., to page 2 of the resolution and moved its adoption.

The motion prevailed and amendment S-3061 was adopted.

Senator Willits moved the adoption of Senate Concurrent Resolution 6 as amended.

The motion prevailed and Senate Concurrent Resolution 6 as amended was adopted.

The Senate resumed consideration of Senate Resolution 3 previously deferred.

Senator Kinley moved adoption of Senate Resolution 3 as amended.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 3) the vote was:

Ayes, 26:

Calhoon	Hill, E.R.	Nolting	Rodgers
Carr	Hutchins	Orr	Rush
Coleman	Junkins	Palmer	Scott
Culver	Kinley	Priebe	Slater
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Miller, A.V.	Robinson	Willits
Glenn	Miller, C.P.		

Nays, 17:

Ashcraft	DeKoster	Hultman	Schwengels
Bergman	Drake	Murray	Shaff

Bisenius	Hansen	Nystrom	Taylor
Craft	Hulse	Readinger	Tieden
Curtis			

Absent or not voting, 7:

Briles	Hill, P.B.	Miller, E.R.	Shaw
Burroughs	Kelly	Ramsey	

The resolution having received a constitutional majority was declared to have been 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 13, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 1, a resolution providing for the joint rules of the senate and house for the sixty-seventh general assembly.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 9, by Senators Shaw, Kelly, Drake, Burroughs, Hultman, Hill of Polk and Ashcraft, a bill for an act to provide that certain hearings and meetings conducted for public collective bargaining purposes be open to the public, and providing a penalty for violations.

Read first time and PASSED ON FILE.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate Resolution 2 was adopted by the Senate on Thursday, January 13, 1977.

CALVIN O. HULTMAN

On motion of Senator Kinley, the Senate adjourned at 7:50 p.m., until 8:45 a.m., Friday, January 14, 1977.

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY—FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 14, 1977

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, January 13, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redmond for the day on request of Senator Scott.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 Harriette Bruce, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Civil Rights Commission pursuant to Section 601A.3, 1975 Code of Iowa, for the unexpired portion of a 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 Thomas J. Mann, Jr., Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Civil Rights Commission pursuant to Chapter 1143, Section 2, Acts of the Sixty-sixth General Assembly, 1976 Regular Session to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Jack W. Peters, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Iowa Civil Rights Commission pursuant to Section 601A.3, 1975 Code of Iowa, for the unexpired portion of a 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 Doris Ellwood, Radcliffe, Hardin County, Iowa, for appointment as a member of the State Board of Cosmetology Examiners, pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Barbara A. Failor, Ankeny, Polk County, Iowa, for appointment as a public member of the State Board of Cosmetology Examiners pursuant to

Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

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 2, 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 2, 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 Kinley moved that a committee of six, consisting of 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 Chair appointed as such committee Senators Rush, Bisenius and Slater, on the part of the Senate, and Representatives Dunton, Wells and Varley, on the part of the House.

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

MR. PRESIDENT, MR. SPEAKER, SENATORS AND REPRESENTATIVES,
STATE OFFICIALS, DISTINGUISHED GUESTS, LADIES AND
GENTLEMEN.

This is my second message in less than a week. With a longer term for the Governor, there is no inaugural. Something good comes from that. First, it

saves the state money, and second, it saves you from listening to a third speech.

On Tuesday, I reported on the condition of the state and submitted my legislative recommendations. A major theme was that of living within our means. This struck a responsive chord with many legislators. I want to thank the people of both parties who expressed their support for my proposals.

I know there are a number of you who relish detail. Today's message should satisfy even the most ravenous appetite.

This is the first time in modern Iowa history the legislature has received the Governor's budget during its first week. I hope this will aid your prompt start with committee work.

To begin, I will discuss the premises used in developing this budget, followed by a review of our financial condition today. I will then present program priorities which will be followed by our anticipated financial condition at the end of the biennium.

I will define a starting point, the rules of the road and a final destination. That destination is a balanced budget, yet one that meets our needs. Like an overland journey, it is likely that if you and I take paths that are too far apart and travel at speeds that are too different, we will end up at different destinations. I doubt that would be to your liking or mine.

* * *

The fundamental duty of government is to serve the public—doing neither more nor less than what the public wants, and is willing to pay for.

Like the average homeowner, that means doing the best we can with what we have. A family recognizes its financial limits and often cannot afford that new car, that new TV, or that new toy. These same limits apply to state government.

Accordingly, this budget is based on three premises:

- First, there will be no increase in sales and income taxes.
- Second, we will live within our resources. . . we will have a balanced budget.
- And third, we will get the maximum value for each hard-earned tax dollar.

The notion of no new taxes is a simple one. The public has told us, again and again, they do not want new taxes. In short, it might be said that the one thing the public likes less than new taxes is the politician who raises them.

The concept of living within one's resources is basic to good management.

Smart businessmen and women keep a careful watch on their inventories. Astute farmers try to anticipate the weather and changing markets. Government must also look ahead, avoiding unnecessary burdens on our limited resources.

Getting the best for one's money is also easily understood. No one wants to pay for the toaster that doesn't work, the shampoo that doesn't lather, or the suit that doesn't fit.

Consumer value creates consumer confidence. Government value creates citizen confidence.

* * *

PROPERTY TAX

Before discussing the budget, I will address a very major issue. The issue affects every property-owner in Iowa. That issue is obviously property taxes.

News stories, opinion polls, and questionnaires you have answered, list property taxes as the single most important topic of this session. That issue is a lightning rod for discussion in main street cafes across Iowa.

The 1975 equalization of property assessments across 99 counties triggered alarms that the tax levies would skyrocket. They did.

And, early indications from Iowa State University and the Department of Revenue indicate that similar large increases in valuations are still ahead for farmers and homeowners.

I addressed the problem one year ago with a five-part package that, among other things, was designed to cap the amount of property taxes collected and thus, curb spending.

The 1976 legislature wrestled with the problem. It finally mustered the votes to pass legislation which was not only unacceptable to me, but even to some legislators who voted for it! The first year of that tax package was not vetoed because of the approaching deadline for tax collections.

Time was also a problem for our citizens' Task Force that looked at property taxes. I had hoped the task force would have sufficient time to do a complete job. It didn't. Nonetheless, its findings were most helpful in defining the problem. And I want to thank the members of the Task Force, especially Lieutenant Governor Art Neu who chaired it.

It is clear that large jolts in property valuations must be mitigated. Property owners deserve better than to be shocked by the abrupt and immense increases in the taxes they have to pay. Both rural and urban Iowans are asking for tax stability.

Even after the increase in agricultural property assessments that ranged up to 78%, and 53% for residential property, there is a very real possibility that large increases are in store for farmers and homeowners again. Something must be done.

State government doesn't collect or spend a dime of property taxes. That is the activity of local government, yet since the state allows property to be taxed, we have a responsibility for affecting the extent that it can be taxed.

Therefore, we must get to the core of this tax problem, which is the rapidly increasing assessments.

I am submitting to you a plan with 15 parts which will address this major issue. Let me mention several key ones.

- We restrict the growth in assessments of agricultural land and residential properties in an assessing district to not more than 5% a year.
- We continue to provide for uniform procedures for assessing property as well as equalizing property to achieve greater equity in assessments within taxing districts. Yet taxes would be levied only against the limited assessed value of property, not against the full market value.
- We retain the \$4500 homestead tax credit and also continue the \$42 million for agricultural land tax credits.
- We allow the property tax spending limitations imposed by the last legislative session to expire.

There are significant advantages to this proposal:

- It blocks sharp increases in property assessments.
- It offers predictability and stability.
- It gives local governments budget freedom and a stable growth rate in their tax base.

* * *

Cities, counties, and other local jurisdictions face many heavy demands. It is my belief that if the people of a community so desire, they should have the authority to seek other revenue sources. In the spirit of home rule, I recommend that local governments be allowed to have a local option sales tax if the people vote to have it.

Cities and counties can also benefit by a hotel-motel tax. . . similar to what our Iowans pay when they travel out of state. Local officials should decide if they want that source of new income.

You can read the specific proposals of this plan in the addendum to my remarks that will be handed out to you today. As a package, my plan can help resolve the property tax difficulties that beset Iowans.

I ask that you pass—a good bill—early this session!

* * *

CORPORATE TAX

Another matter of concern is the uncertainty that hangs over Iowa's corporation tax law. The recent district court ruling has confused business and government alike, and has raised the specter of refund claims.

We await final court action. Pending that outcome, we remain convinced there are advantages to our single-factor formula. It has encouraged business to locate and to expand in our state—creating new jobs for Iowa workers and broadening the tax base.

However, we should not disregard the possibility of an adverse court decision. Specifically, to protect against the contingency of refunds—I am advocating a change in corporate tax payment schedules from annual payments to quarterly payments—consistent with federal corporate income tax collection.

As a result of this change, the state will have a "windfall" of approximately \$35 million. Of this amount, it is imperative that the sum of \$25 million be set aside in a special reserve account, designated for the payment of refunds . . . if the court ultimately orders it.

If we have learned anything, it is that caution should be used when a matter of substantial importance is pending before our courts. I urge you not to take hasty, ill-advised action. We do not need further disruptions in our business climate.

Iowa industry should be allowed to focus on its task—that of being productive and competitive. Iowa jobs are at stake.

* * *

Now, to the current financial condition of the state.

On July 1, 1977, the beginning of the new biennium, we expect a treasury balance of \$106 million. For those who had hoped this surplus might be larger, you should remember the last General Assembly appropriated, on a recurring basis, some \$30 million over and above my budget.

I have just mentioned our beginning point. Now I want to tell you about the projected revenue for the next two years and what I recommend for appropriations. That will bring us to our destination of a positive balance at the end of this biennium. That is what the challenge of budget balancing is all about.

I would like you to know how we assembled this budget—a biennial budget

required by law and one which I believe saves time and dollars as we look ahead beyond just one year.

First, we sought the most accurate revenue projections. We pooled many predictions—especially those from the Comptroller's office, the state economist, university computer models, and from the Governor's Economic Advisory Council. And this was important because it gave us the best possible projections available.

Projections are not an absolute science. We feel it is important that you know the origins of our forecast because they are far superior to a "roll of the dice" or poor projections.

Second, we followed "modified-base" program budgeting.

Third, we again held open budget hearings. This time, we specifically expanded our open hearing process to solicit comment from the general public.

When we put the budget together, it totaled \$400 million in appropriation requests over and above revenue estimates. Some suggested their program could be met by adding one little penny to the sales tax. In fact, I've heard that suggestion so many times during the past eight years in which I have served as Governor that we could have easily added one cent each year. . . giving you an eleven cent sales tax, and—a new Governor.

Believe me, we didn't go through the agony of removing taxes on food and drugs just to start adding them back under a different name, when we don't have to.

Since we couldn't print money, my only alternatives were to raise taxes or to slash the requests. I thought of our essential needs that had to be met, and I thought of Iowans' pocketbooks. The choice was clear and I cut \$400 million!

And today, I submit to you a balanced budget.

To keep it in balance you must not spend more than our available resources. And, you must not engage in wild spending schemes.

Still, we must maintain the momentum achieved in so many areas. My budget sets the course. Let me highlight some of our priorities . . .

EDUCATION

It has been said that, "What sculpture is to a block of marble, education is to the human soul." We Iowans are committed to a good education, from kindergarten through graduate school. Indeed, over half of our state budget goes for education.

The school foundation plan furnishes funds for local schools and stabilizes local taxes. Begun in 1971, and modified since, this plan is working. It has earned the deserved respect of many early skeptics. And, it is being continued in this budget.

The Regents' institutions have been stunned by the loss of nearly \$2 million in federal funds, this school year alone. This budget will offset some of those losses.

This budget also provides:

- Funds to open \$44 million worth of new campus facilities recently constructed.
- Money for the long-delayed Lindquist Center at the University of Iowa.
- Nearly \$1 million to remove campus barriers so handicapped young Iowans can get the same education as other students.
- And, \$500,000 for an innovative continuing education program in western Iowa.

Rural Iowa communities need family doctors. Last June, we graduated our first full class from the recently established Family Practice program of the University of Iowa. Ten communities have new doctors from this class. One-hundred seventy medical students are now enrolled in this program, and my budget gives it strong support.

Programs at the area vocational-technical schools will again receive strong support.

In addition, we will add \$500,000 to our novel tuition grant program which helps young Iowans who could not otherwise afford an education. This welcome assistance to students has steadied enrollment at 31 Iowa schools and should be increased to the extent we can.

We all know the financial value of education. What we often overlook is its value to the individual and the contribution he or she makes to society.

Good education remains a top priority in Iowa!

HUMAN RESOURCES

People programs have consistently been a priority during my eight years in office. It is a priority again during this biennium.

We think it is important to continue to provide care, support and assistance for those who truly need our help. We know also that it is becoming more costly to provide that care. And, one big reason is the withdrawal of federal support funds.

We find ourselves with little choice but to shoulder much of that burden—and we will.

My budget recommendations for Human Resource programs include:

- Sufficient funding to support the planned conversion of two of our mental retardation institutions to full intermediate care facilities.
- A reasonable increase in aid to dependent children.
- Additional funds for senior volunteer and employment programs such as RSVP, Green Thumb, and our RICEP program, which you might be interested in knowing, during its first nine months of operation, found jobs for 1,000 workers over the age of 55.
- A renewal of funding for the foster care program.
- And, continued support for our Area Educational Agencies which serve our handicapped children.

* * *

Finally, I ask you to extend our community-based corrections system. This is a program which I have steadfastly backed.

Even though this approach will not, nor can it, solve all of our corrections problems, it is a good alternative for many offenders. The Fort Des Moines facility is a prime example of what can be done, and it is a model for 23 other states.

Community-based corrections are relatively new and contemporary, and much remains to be learned by experience. I am, nonetheless, convinced that success or failure will depend heavily upon a commitment on the part of local communities.

We have seen enough success to have hope.

We also await the forthcoming report from the Blue-Ribbon Task Force on Corrections. Their recommendations should be helpful as we look ahead for answers to crowded conditions at our penal institutions.

* * *

You should know that headway is being made in policing the welfare system to keep it honest. Our Child Support Recovery Unit is making collections of about \$6 million per year properly due for the support of children. And, the error rate in welfare payments has been cut in half.

It is easy to talk tough about welfare—and it sounds popular in most circles. But who among you would raise your hand if I were to ask if you would be willing to turn out an elderly patient from a nursing home because she could not make this month's payment on her own and had no other place to go?

Raise your hand if you could leave a fatherless child to fend for herself

because her working mother can't be home to care for her.

Raise your hand if you can—I cannot. I don't think you could either.

As we examine human needs and their costs, we find evidence that the problems in Iowa, as difficult as they are, are more manageable than in most states. We are 25th in population yet we rank 38th in overall crime and 37th in the percentage of people on welfare. We can feel good about those numbers, but we can never be satisfied.

To maintain our current pace—and to cover lost federal dollars, inflation and increased caseloads—will cost an additional \$52 million.

The money is in my budget, and I ask that you keep it there.

CONSERVATION AND NATURAL RESOURCES

On Tuesday, I again asked you to approve land use legislation to protect our soil. Today, I ask your continued support for our first-in-the-nation soil conservancy cost-sharing program.

This budget also includes \$1 million to preserve undeveloped Iowa land. And, this budget supports our soil survey and topographic mapping projects, and the statewide water study, slated to be finished in 1979.

Even though it is not currently a budgetary item, I want it to be known that the idea of a Rathbun Lodge offers a unique opportunity for the people of this state and we are hopeful the business community will recognize the potential.

Our soil and our forests and our lakes and rivers are so very valuable. We must protect our natural resources so that future Iowans can share their wonder.

TRANSPORTATION

A bright spot in state government is our Department of Transportation. Our unified approach to air, water, rail and highway transportation has achieved national recognition in just two years.

Successful programs such as railroad branch line assistance are continued in this budget. I am pleased to report that funds are beginning to come back from the railroads, enabling us to pare my request from the last biennium. The program is moving into a configuration where it can, to some extent, become financially self-sustaining.

The Great River Road in eastern Iowa has long been sought and has finally been funded by the federal government. My request and departmental funds

will utilize all available federal monies, and allow construction to begin.

Finally, adequate funding of the state's roads is a problem, and so is the distribution of those funds. Substantial inequities exist because that distribution under which we are operating today is based on 15-year old needs studies.

The cities deserve a larger share of the Road Use Tax Fund and the counties should not receive less money than at present.

The implementation of functional classification awaits the resolution of both issues.

For two years I have been suggesting a percentage user fee for fuel. I have also urged changes in the distribution formula and those changes still have merit. So far, nothing has happened.

I would be interested in hearing your ideas on this problem. It needs attention, and I will await your recommendations.

Our road system moves food, people, and manufactured goods. It is critical to Iowa's health. We must act this session to preserve that system.

CITIES, TOWNS, COUNTIES

Our local units of government are under pressure. We are offering ways to ease that pressure:

- Adjustment of the Road Use Tax formula just mentioned could make a substantial contribution to cities and towns without adversely affecting counties. Further, we provide for transit assistance which will benefit both.
- Local option taxes, noted earlier in my remarks, could provide both cities and counties with additional flexibility and so could the hotel-motel tax. The extent to which they take advantage of these revenue opportunities will be up to them.
- Even though our federal revenue sharing has been trimmed, this budget continues the local revenue sharing from the state which began in 1969.
- And, this budget provides \$6 million in construction grants to help local governments build adequate sewage treatment facilities. This is an integral part of our state's environmental protection.

The above budgetary items add up to significant assistance for our Iowa cities and counties.

OTHER PRIORITIES

My budget also includes specific requests for other worthwhile programs which are in the best interest of the public. I would like to mention a few:

- Iowans pay over \$1 billion annually in utility bills. Our small Commerce Commission staff ensures that rates are based on legitimate costs. Increased manpower here will be real consumer protection.
- Expanded law enforcement efforts will continue as state administrators scramble to replace lost federal funds. Failure to replace these funds is to invite increases in crime in Iowa.
- Restaurant inspection is important when you consider that 1 out of 3 meals is eaten away from home. Additional restaurants, sanitation, and consumer confidence demand that government step up its level of inspection. My budget provides for that.
- The National Guard responds whenever we need them during crises such as floods and tornadoes. Their strength and preparedness are invaluable to the strength and security of this state. The \$150,000 that would provide a small tuition incentive would be money wisely spent so that our Iowa Guard can remain competitive with neighboring states in recruiting volunteers.
- I request that you restore the \$250,000 appropriation for our exciting solar heating facility project which was reverted. I can't believe you lawmakers wanted to "sunset" our solar initiative.
- \$375,000 is requested to fund the new Appeals Court.
- The special fund that you gave us for volunteer committees, used so effectively by our Council for Children, is still needed. New long-range energy research will begin soon and a temporary Iowa Paperwork Commission will be created. These are two resourceful initiatives.
- Finally, details concerning capital requests, such as the new vocational-rehabilitation building, are contained in a separate appendix to this message.

* * *

If this budget is followed, our financial condition at the end of the biennium will be satisfactory. We will have a balance of \$86 million, less than the cost of salary adjustments. And keep in mind, that balance does not include the \$25 million reserve we will have set aside for the corporate tax question.

A positive financial condition should be the goal of all managers of public funds. We in Iowa can achieve this goal if we exercise discipline in our financial planning.

In concluding my remarks, I want to share two brief observations.

First, there is reason for concern over federal-state programs. We often become willing participants, only to later become unwilling victims when funding is halted and programs dumped in our laps.

As much as we might like to, we will not be able to always replace federal funds in the future. A wise course might be to thoroughly explore our entanglements with Washington before they boomerang.

Second, there are sound reasons for a conservative budget. If the dollars become available, it is always easy to spend them. On the other hand, if we have another dry year, farm income stands to drop. You can be sure if that happens, we will then be thankful for our cautious budgetary approach.

Last year I declared 18 counties disaster areas because of drought. An over-blown budget could create a financial drought in all 99.

* * *

In the coming days of this session, should you begin to weaken in your resolve, I would ask you to recall what Winston Churchill said when he spoke about the role of government in people's lives in Great Britain.

"I do not believe in the power of the state to plan and enforce, no matter how numerous are the committees they set up or the ever growing hordes of officials they employ. . .set the people free. Get out of their way and let them make the best of themselves."

That is a sobering thought as you consider the financial conditions of England where the government tried to do everything for everyone and lost.

We cannot let Iowa get caught in that trap. This budget does not try to provide everything for every Iowan.

Recall the three premises I outlined at the beginning of my remarks.

- No increase in sales and income taxes.
- Living within our resources and balancing our budget.
- Getting maximum value for each tax dollar.

I am personally committed to those tenets and so are all members of my administration.

I hope that my two messages this week will encourage you to think about the challenge we share—that of giving Iowans no more government than they need, want, or can afford.

Thank you.

GOVERNOR'S RECOMMENDATIONS

Recommendations on property taxes submitted to the Sixty-seventh General Assembly, 1977 Session.

The recent experience with the reassessments and equalization that occurred in 1975 remains fresh in our memories. Two classes of property—agricultural and residential—received jolting increases in valuations. The increase in agricultural property assessments ranged up to 78 percent in one county and 53 percent for residential property in another county.

There is a very real prospect that large increases in valuations for farmers and home owners are again in store when reassessment and equalization are required for January 1, 1978.

Having just been hit by one large increase in assessments, Iowa home owners and farmers face the prospect of equally unsettling increases a year from now. Large jolts in property valuations must be alleviated. We must cease the shocking of our property owners. At a time when rural and urban Iowans are yearning for stability in their taxes, we need to design a method that will moderate large increases in property valuations.

State government doesn't collect or spend a dime of property taxes. That is the activity of local government. Yet since the state allows property to be taxed, we have a responsibility for affecting the extent to which it is taxed. Within the limited resources available to state government, what can we do?

We can and should direct our attention to the core of the property tax problem—rapidly increasing assessments. We have a workable approach that will provide an answer to this nagging and difficult problem.

The recommendations that follow in the areas of assessment practices, assessment mechanics and local budgets and finances are a comprehensive response to the property tax question. The adoption of these measures will reassure Iowans that they will not be clobbered by staggering increases in valuations as a common occurrence and help insure fair and equitable assessments for farmers and home owners.

* * *

I. Assessment Practices

A. Implement a regulated assessment method which limits the growth of aggregate assessments of agricultural land and residential properties in an assessing district to no more than five percent a year. This is to be implemented January 1, 1978, to correspond with the required reassessment and equalization.

B. Continue uniform procedures for assessing property. Values must be equalized on market value and productivity, as used in the case of

agricultural property. Yet taxes would be levied only against the assessed value, not the market value.

C. Retain the present \$4,500 homestead tax credit and establish a standing limited appropriation for the \$42,000,000 currently being spent on agricultural land tax credits.

D. Retain productivity (50%) for agricultural land valuations.

E. Tax buildings on agricultural land in cities at the full city levy rate yet leave the agricultural land itself at the present reduced tax rate.

II. Assessment Mechanics

A. Require the full disclosure, by affidavit, of the terms of sale of all real estate.

B. Establish a state revolving fund to provide loans to counties and cities which are ordered by the Department of Revenue to do a revaluation of real estate.

C. Require assessors to physically reinspect all real estate every four years.

D. Mandate recertification of all assessors.

III. Local Budgets and Finances

A. Let the property tax spending limitations imposed during the 1976 legislative session expire according to law. Make no change in the traditionally established levy limitations of local governments, such as the \$8.10 per \$1,000 assessed valuation for a city's general fund.

B. Enable cities and counties by a vote of the people to extend property taxes beyond the limits.

C. Permit local governments to take advantage of a local option sales tax, if and when the voters approve.

D. Permit local governments to take advantage of a local option transient guest (hotel-motel) tax without a referendum as is done in so many other states where Iowans travel.

IV. Research

A. Continue and intensify the research efforts that were initiated by the Local Government Task Force.

B. Establish a major research effort to explore the needs and requirements of local services and alternative ways of effectively and efficiently

meeting the necessary services in cities, counties, and school districts.

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

Representative Fitzgerald moved that the joint convention be dissolved, which motion prevailed.

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

SPECIAL GUEST

Senator Carr rose on a point of personal privilege to welcome to the Senate, the Honorable Richard J. Norpel, Sr., former member of the House of Representatives and member of the Senate of the Sixty-sixth General Assembly from Jackson County.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 1	Judiciary
S.F. 1	Budget
S.F. 2	Commerce
S.F. 3	Judiciary
S.F. 4	Energy
S.F. 5	Judiciary
S.F. 6	Ways and Means
S.F. 7	County Government
S.F. 8	Budget
S.F. 9	Labor and Industrial Relations
S.C.R. 5	Rules and Administration

On motion of Senator Willits, the Senate adjourned at 9:50 a.m., until 12:00 noon, Monday, January 17, 1977.

JOURNAL OF THE SENATE

EIGHTH CALENDAR DAY—SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 17, 1977

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

Prayer was offered by the Reverend Henry I. Thomas, pastor of the Union Baptist Church, Des Moines, Iowa.

The Journal of Friday, January 14, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Foster, Newton, Iowa.

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 17, 1977, amended and adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 4, providing for the compensation of the officers and employees of the sixty-seventh general assembly.

Also: That the House has on January 17, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 6, providing for the committee operation for the 1977 session of the sixty-seventh general assembly.

DAVID L. WRAY, Chief Clerk

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 James P. Fuller, Muscatine, Muscatine County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Chapter 1088, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Harriette Lindberg, Des Moines, Polk County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Chapter 1088, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Lillian M. McElroy, Percival, Fremont County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Chapter 1088, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

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 H. Pelton, Clinton, Clinton County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Chapter 1088, Section 1, Acts of the Sixty-sixth General Assembly to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Virginia E. Phipps, Cherokee, Cherokee County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Chapter 1088, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

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 D. Porter, Sioux City, Woodbury County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Chapter 1088, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Raymond L. Sullivan, Des Moines, Polk County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Chapter 1088, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Judith E. Glasgow, Coralville, Johnson County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Jean A. Tester, Iowa City, Johnson County, Iowa, for reappointment as a member of the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Clarence C. Wyse, D.D.S., Wayland, Henry County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

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

The Senate resumed session, President pro tempore Coleman presiding.

On motion of Senator Kinley, the Senate recessed until 4:30 p.m.

The Senate reconvened, President pro tempore Coleman presiding.

QUORUM CALL

President pro tempore Coleman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 4

Senator Kinley called up for consideration Senate Concurrent Resolution 4, relating to the compensation of chaplains, officers and employees of the Sixty-seventh general assembly, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 4

S-3063

- 1 Amend Senate Concurrent Resolution 4 as
- 2 follows:
- 3 1. Page 8, line 30, by striking the words "or
- 4 the equivalent".
- 5 2. Page 8, by striking lines 31 and 32 and
- 6 inserting in lieu thereof the words "80 words per
- 7 minute using shorthand, speed writing, recording
- 8 devices or any similar method of transcribing."

Senator Junkins offered amendment S-3065 to House amendment S-3063 by Senators Junkins, Ramsey and Doderer and moved its adoption.

The motion prevailed and amendment S-3065 to House amendment S-3063 was adopted.

On motion of Senator Junkins, the Senate concurred in House amendment S-3063 as amended.

Senator Junkins moved that the resolution as amended by the House, further amended 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.C.R. 4) the vote was:

Ayes, 34:

Ashcraft	Doderer	Merritt	Redmond
Briles	Gallagher	Miller, A.V.	Rodgers
Burroughs	Glenn	Miller, C.P.	Rush
Calhoon	Hansen	Murray	Schwengels
Carr	Hill, E.M.	Nolting	Scott
Coleman	Hultman	Orr	Shaw
Craft	Hutchins	Palmer	Slater
Culver	Junkins	Readinger	Willits
Curtis	Kinley		

Nays, 6:

DeKoster	Hulse	Shaff	Tieden
Hill, P.B.	Ramsey		

Absent or not voting, 10:

Bergman	Kelly	Priebe	Taylor
Bisenius	Miller, E.R.	Robinson	Van Gilst
Drake	Nystrom		

The resolution having received a two-thirds majority was declared to have been adopted by the Senate.

Senator Junkins asked and received unanimous consent that SENATE CONCURRENT RESOLUTION, 4 be IMMEDIATELY MESSAGED to the House, which request was complied with.

INTRODUCTION OF BILL

SENATE FILE 10, by Senator Briles, a bill for an act to exempt the gross receipts of sales of dog food to licensed commercial breeders from the sales and use tax.

Read first time and PASSED ON FILE.

PETITION

The following petition was presented and placed on file:

By Senator DeKoster from one thousand five hundred thirty-five residents of Lyon County favoring an appropriation for reimbursement of certain court appointed attorney fees and expenses.

COMMUNICATIONS

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

IOWA DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE RULES

IN THE MATTER OF
SPECIAL RULES GOVERNING
THE LENGTH OF A
COMBINATION OF THREE VEHICLES

REPORT OF
THE DEPARTMENT
OF TRANSPORTATION

To the 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa.

Section 1. Pursuant to the authority of Section 307.10(5) of the Code and in accordance with the special rulemaking provisions of that section, the Iowa Transportation Commission in public session December 14, 1976, adopted the following motion:

The staff submit a rule showing sixty feet to be the maximum length for double bottom truck combinations.

By virtue of the adoption of this rule, the Commission hereby rescinds the proposed rule previously approved by it on January 13, 1976, and filed with the legislature on January 16, 1976.

Section 2.

PROPOSED RULE:
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 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.

Respectfully submitted,
Iowa Department of Transportation
Victor Preisser
Director of Transportation

ACKNOWLEDGEMENT

I, Steven Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 17th day of January, 1977, of the foregoing report of the Iowa Department of Transportation pertaining to the length of three vehicle combinations.

Steven Cross
Secretary of the Senate
1977 Regular Session of the
Sixty-Seventh General Assembly
of the State of Iowa

STATE BOARD OF REGENTS

A copy of the State Board of Regents ten-year building program for 1977-1987, submitted in accordance with Chapter 262A.3, Code 1975.

On motion of Senator Kinley, the Senate adjourned at 4:45 p.m. until 4:30 p.m., Wednesday, January 19, 1977.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY—SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 18, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following Senate Journal was printed while the Senate was not in session, but during which time standing committees were scheduled to meet.

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

Senator Kinley announced the following committee assignments for the Sixty-seventh General Assembly:

STANDING COMMITTEES OF THE SENATE APPOINTED BY SENATOR GEORGE R. KINLEY, MAJORITY FLOOR LEADER

AGRICULTURE

Van Gilst, Chairperson	Tieden, Ranking Member	Hulse Hutchins	Miller, E.R. Readinger
Merritt, Vice Chairperson	Calhoon	Miller, A.V.	Scott

BUDGET

Palmer, Chairperson	Shaw, Ranking Member	Hultman Junkins	Priebe Ramsey
Hill, E.M. Vice Chairperson	Carr DeKoster	Kelly Nolting	Willits Van Gilst

CITIES

Miller, A.V., Chairperson	Schwengels, Ranking Member	Gallagher Hansen	Orr Readinger
Slater, Vice Chairperson	Briles	Miller, C.P.	

COMMERCE

Hill, E.M., Chairperson	Bergman, Ranking Member	Burroughs Curtis	Palmer Robinson
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Priebe, Vice Chairperson	Bisenius	Nolting	Rodgers
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COUNTY GOVERNMENT

Redmond, Chairperson	Briles, Ranking Member	Merritt Miller, C.P.	Orr Taylor
Hutchins, Vice Chairperson	Hill, P.B.	Murray	Van Gilst

EDUCATION

Orr, Chairperson	Hansen, Ranking Member	DeKoster Merritt	Shaw Slater
Willits, Vice Chairperson	Carr	Scott	Taylor

ENERGY

Gallagher, Chairperson	Burroughs, Ranking Member	Briles Culver	Ramsey Rodgers
Scott, Vice Chairperson	Bisenius	Glenn	

HUMAN RESOURCES

Miller, C.P., Chairperson	Murray, Ranking Member	Hill, E.M. Hill, P.B.	Rush Slater
Carr, Vice Chairperson	Calhoon Craft	Miller, A.V. Miller, E.R.	Taylor

JUDICIARY

Glenn, Chairperson	DeKoster, Ranking Member	Doderer Hill, P.B.	Scott Shaw
Rush, Vice Chairperson	Ashcraft Coleman	Ramsey Redmond	Willits

LABOR AND INDUSTRIAL RELATIONS

Nolting, Chairperson	Hulse, Ranking Member	Merritt Murray	Palmer Robinson
Calhoon, Vice Chairperson	Burroughs	Nystrom	

NATURAL RESOURCES

Priebe, Chairperson	Miller, E.R., Ranking Member	Burroughs Calhoon	Slater Tieden
Culver, Vice Chairperson	Bergman	Junkins	

RULES AND ADMINISTRATION

Kinley,
Chairperson
Jenkins,
Vice Chairperson

Ramsey,
Ranking Member

Coleman
Hultman

Willits

STATE GOVERNMENT

Doderer,
Chairperson
Coleman,
Vice Chairperson
Nystrom,
Ranking Member

Ashcraft
Carr
Culver
Drake

Glenn
Jenkins
Kelly
Rush

Schwengels
Shaff
Slater

TRANSPORTATION

Robinson,
Chairperson
Glenn,
Vice Chairperson

Drake,
Ranking Member
Ashcraft

Coleman
Doderer
Gallagher

Hutchins
Shaff
Tieden

WAYS AND MEANS

Rodgers,
Chairperson
Nolting,
Vice Chairperson
Curtis,
Ranking Member

Craft
Hill, E.M.
Hultman
Jenkins

Kelly
Palmer
Priebe
Readinger

Redmond
Shaff
Van Gilst

SENATE ETHICS COMMITTEE*

Merritt,
Chairperson
Shaff,
Vice Chairperson

Hutchins
DeKoster

Willits
Mr. John Mowry

Mr. Nolden Gentry

*Statutory Committee

ANNOUNCEMENT OF SUBCOMMITTEE APPOINTMENTS

Senator Kinley announced the appointment of the following subcommittees pursuant to Senate Rule 35, duly adopted.

SENATE BUDGET SUBCOMMITTEES

CLAIMS

Palmer, Chairperson	Glenn, Vice Chairperson	Miller, E.R., Ranking Member	Merritt
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EDUCATION

Van Gilst, Chairperson	Robinson, Vice Chairperson	Hill, P.B., Ranking Member	Hutchins Nystrom
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HUMAN RESOURCES

Nolting, Chairperson	Miller, A.V., Vice Chairperson	Readinger, Ranking Member	Calhoon Craft
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NATURAL RESOURCES

Junkins, Chairperson	Orr, Vice Chairperson	Bisenius, Ranking Member	Redmond Schwengels
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REGULATORY AND FINANCE

Hill, E.M., Chairperson	Miller, C.P., Vice Chairperson	Curtis, Ranking Member	Hulse Scott
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SOCIAL SERVICES

Priebe, Chairperson	Culver, Vice Chairperson	Murray, Ranking Member	Bergman Rush
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STATE GOVERNMENT

Willits, Chairperson	Rodgers, Vice Chairperson	Taylor, Ranking Member	Doderer Tieden
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TRANSPORTATION AND LAW ENFORCEMENT

Carr, Chairperson	Coleman, Vice Chairperson	Drake, Ranking Member	Gallagher Hansen
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SENATORS AND THEIR RESPECTIVE COMMITTEES

SENATOR ASHCRAFT

Judiciary
State Government
Transportation

SENATOR BERGMAN

Commerce, Ranking Member
Natural Resources
Social Services Budget Sub-
committee

SENATOR BIENIUS

Commerce
Energy
Natural Resources Budget Subcommittee, Ranking Member

SENATOR BURROUGHS

Energy, Ranking Member
Commerce
Labor and Industrial Relations
Natural Resources

SENATOR CARR

Human Resources, V. Ch.
Budget
Education
State Government
Transportation & Law Enforcement
Budget Subcommittee, Ch.

SENATOR CRAFT

Human Resources
Ways and Means
Human Resources Budget Subcommittee

SENATOR CURTIS

Ways and Means, Ranking Member
Commerce
Regulatory and Finance Budget
Subcommittee, Ranking Member

SENATOR DODERER

State Government, Ch.
Judiciary
Transportation
State Government Budget Subcommittee

SENATOR GALLAGHER

Energy, Ch.
Cities
Transportation
Transportation & Law Enforcement Budget Subcommittee

SENATOR BRILES

County Government, Ranking
Member
Cities
Energy

SENATOR CALHOON

Labor and Industrial
Relations, V. Ch.
Agriculture
Human Resources
Natural Resources
Human Resources Budget Subcommittee

SENATOR COLEMAN

State Government, V. Ch.
Judiciary
Rules and Administration
Transportation
Transportation & Law Enforcement
Budget Subcommittee, V. Ch.

SENATOR CULVER

Natural Resources, V. Ch.
Energy
State Government
Social Services Budget Subcommittee, V. Ch.

SENATOR DE KOSTER

Judiciary, Ranking Member
Budget
Education
Ethics

SENATOR DRAKE

Transportation, Ranking Member
State Government
Transportation & Law Enforcement
Budget Subcommittee, Ranking
Member.

SENATOR GLENN

Judiciary, Ch.
Transportation, V. Ch.
Energy
State Government
Claims Budget Subcommittee, V. Ch.

SENATOR HANSEN

Education, Ranking Member
 Cities
 Transportation and Law Enforcement Budget Subcommittee

SENATOR P. HILL

County Government
 Human Resources
 Judiciary
 Education Budget Subcommittee, Ranking Member

SENATOR HULTMAN

Budget
 Rules and Administration
 Ways and Means

SENATOR JUNKINS

Rules and Administration, V. Ch.
 Budget
 Natural Resources
 State Government
 Ways and Means
 Natural Resources Budget Subcommittee

SENATOR KINLEY

Rules and Administration, Ch.

SENATOR A. MILLER

Cities, Ch.
 Agriculture
 Human Resources
 Human Resources Budget Subcommittee, V. Ch.

SENATOR E. MILLER

Natural Resources, Ranking Member
 Agriculture
 Human Resources
 Claims Budget Subcommittee,
 Ranking Member

SENATOR E. HILL

Commerce, Ch.
 Budget, V. Ch.
 Human Resources
 Ways and Means
 Regulatory & Finance Budget Subcommittee, Ch.

SENATOR HULSE

Labor & Industrial Relations,
 Ranking Member
 Agriculture
 Regulatory & Finance Budget Subcommittee

SENATOR HUTCHINS

County Government, V. Ch.
 Agriculture
 Ethics
 Transportation
 Education Budget Subcommittee

SENATOR KELLY

Budget
 State Government
 Ways and Means

SENATOR MERRITT

Ethics, Ch.
 Agriculture, V. Ch.
 County Government
 Education
 Labor & Industrial Relations
 Claims Budget Subcommittee

SENATOR C. MILLER

Human Resources, Ch.
 Cities
 County Government
 Regulatory and Finance Budget Subcommittee, V. Ch.

SENATOR MURRAY

Human Resources, Ranking Member
 County Government
 Labor & Industrial Relations
 Social Services Budget Subcommittee, Ranking Member

SENATOR NOLTING

Labor & Industrial Relations, Ch.
Ways and Means, V. Ch.
Budget
Commerce
Human Resources Budget Sub-
committee, Ch.

SENATOR ORR

Education, Ch.
Cities
County Government
Natural Resources Budget Sub-
committee, V. Ch.

SENATOR PRIEBE

Natural Resources, Ch.
Commerce, V. Ch.
Budget
Ways and Means
Social Services Budget Sub-
committee, Ch.

SENATOR READINGER

Agriculture
Cities
Ways and Means
Human Resources Budget Sub-
committee, Ranking Member

SENATOR ROBINSON

Transportation, Ch.
Commerce
Labor and Industrial Relations
Education Budget Subcommittee,
V. Ch.

SENATOR RUSH

Judiciary, V. Ch.
Human Resources
State Government
Social Services Budget Sub-
committee

SENATOR SCOTT

Energy, V. Ch.
Agriculture
Education
Judiciary
Regulatory and Finance Budget
Subcommittee

SENATOR NYSTROM

State Government, Ranking Member
Labor & Industrial Relations
Education Budget Subcommittee

SENATOR PALMER

Budget, Ch.
Commerce
Labor & Industrial Relations
Ways and Means
Claims Budget Subcommittee, Ch.

SENATOR RAMSEY

Rules and Administration, Ranking
Member
Budget
Energy
Judiciary

SENATOR REDMOND

County Government, Ch.
Judiciary
Ways and Means
Natural Resources Budget Sub-
committee

SENATOR RODGERS

Ways and Means, Ch.
Commerce
Energy
State Government Budget Sub-
committee, V. Ch.

SENATOR SCHWENGELS

Cities, Ranking Member
State Government
Natural Resources Budget Sub-
committee

SENATOR SHAFF

Ethics, V. Ch.
State Government
Transportation
Ways and Means

SENATOR SHAW

Budget, Ranking Member
Education
Judiciary

SENATOR TAYLOR

County Government
Education
Human Resources
State Government Budget Subcommittee, Ranking Member

SENATOR VAN GILST

Agriculture, Ch.
Budget
County Government
Ways and Means
Education Budget Subcommittee, Ch.

SENATOR SLATER

Cities, V. Ch.
Education
Human Resources
Natural Resources
State Government

SENATOR TIEDEN

Agriculture, Ranking Member
Natural Resources
Transportation
State Government Budget Subcommittee

SENATOR WILLITS

Education, V. Ch.
Budget
Ethics
Judiciary
Rules and Administration
State Government Budget Subcommittee, Ch.

APPOINTMENT OF MEMBERS OF THE ETHICS COMMITTEE IN THE
SENATE OF THE IOWA GENERAL ASSEMBLY BY THE CHIEF JUSTICE
OF THE IOWA SUPREME COURT

To The Senate of the Iowa General Assembly:

Pursuant to the provisions of section 68B.10, Code 1975, the undersigned, Chief Justice of the Iowa Supreme Court, hereby reappoints John L. Mowry, of Marshalltown, and Nolden Gentry, of Des Moines, neither of whom is an employee of the General Assembly, as members of the Ethics Committee in the Senate.

Done this 21st day of December, 1976.

C. EDWIN MOORE, Chief Justice
Iowa Supreme Court

The original and a true copy of this Order have been filed with the Secretary of the Senate of the Iowa General Assembly on this 21st day of December, 1976.

STEVEN C. CROSS
Secretary of Senate

COMMUNICATIONS

The following communications were filed with the Secretary of the Senate on January 12, 1977.

January 11, 1977

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 148 claims of a general nature that have been denied by the State Appeal Board during the year 1976.

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

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

Receipt of the above is hereby acknowledged.

STEVEN C. CROSS, Secretary of Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
83-63-25	Ralph E. McElhaney/ Remac Company Morristown, Tennessee License fee refund	\$ 6.00	Disapproved
87-64-25	Gilbert F. Hotz Lone Tree, Iowa Gax tax refund	65.03	Disapproved
2409-64-25	Thompson Livestock Comm. Co. Lamoni, Iowa Prorate license fee refund	60.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2695-64-25	Don Hood Rolfe, Iowa License fee refund	207.83	
2911-64-25	T. A. Kirchner Thoman, Missouri Reciprocity refund	195.70	Disapproved
344-65-25	H. A. Salzman Co. Rock Island, Illinois Prorate license fee refund	37.91	Disapproved
382-65-25	Valley Supply & Equipment Co. Ottumwa, Iowa Registration fee refund	75.00	Disapproved
558-65-25	Winters & Merchant South Sioux City, Nebraska Registration fee refund	275.00	Disapproved
682-65-25	Peavey Co. Dealer Service Sioux City, Iowa License fee refund	30.62	Disapproved
758-65-25	Artic Transport, Inc. Council Bluffs, Iowa License fee refund	663.85	Disapproved
762-65-25	Artic Transport, Inc. Council Bluffs, Iowa License fee refund	663.85	Disapproved
763-65-25	Artic Transport, Inc. Council Bluffs, Iowa License fee refund	663.85	Disapproved
765-65-25	Riverside Transfer & Storage Riverside, California Decal refund	2.00	Disapproved
823-65-25	Atlantic Bottling Co. Atlantic, Iowa License fee refund	22.08	Disapproved
826-65-25	Bray Lines, Inc. Cushing, Oklahoma Registration fee refund	250.00	Disapproved
857-65-25	William Gless Blue Grass, Iowa License fee refund	517.36	Disapproved
873-65-25	Hyman Freightways, Inc. Plymouth, Minnesota Registration fee refund	238.17	Disapproved
891-65-25	Hamm's Des Moines, Inc. Des Moines, Iowa License fee refund	52.92	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
955-65-25	Albin DePue d/b/a DePue Hay Co. Lakeside, Iowa License fee refund	65.19	Disapproved
1017-65-25	Warren Transport, Inc. Waterloo, Iowa License fee refund	2,070.54	Disapproved
1050-65-25	Edgerton & Sons Produce, Inc. Hubbard, Iowa License fee refund	919.80	Disapproved
2071-65-25	William Granstra Sheldon, Iowa License fee refund	88.52	Disapproved
2095-65-25	Harvey H. Pearson St. Paul, Minnesota Fine refund	15.00	Disapproved
2221-65-25	Livestock Transport Ossian, Iowa License fee refund	456.71	Disapproved
2227-65-25	Ken D. Johnson Amity, Missouri Permit fee refund	41.00	Disapproved
2459-65-25	Anderson Trucking Service, Inc. St. Cloud, Minnesota License fee refund	668.08	Disapproved
2499-65-25	Buettel Truck Rental, Inc. Carroll, Iowa License fee refund	1,027.85	Disapproved
(6)2719-66-25	Fehrle Trucking Cedar Rapids, Iowa License fee refund	507.28	Disapproved
166-66-25	Ellsworth Hospital Iowa Falls, Iowa Outdated invoice	1,241.70	Disapproved
241-66-25	Ottawa Cartage, Inc. Ottawa, Illinois Fine & permit fee refund	40.35	Disapproved
434-66-25	Myron R. Swanson Royal, Iowa License fee refund	788.70	Disapproved
454-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	285.34	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
456-66-25	H & M Transport, Co., Inc. Rudd, Iowa License fee refund		Disapproved
459-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	171.21	Disapproved
470-66-25	Tyler Truck Lines Kelley, Iowa License fee refund	796.49	Disapproved
478-66-25	Merit Baking Co. Boone, Iowa License fee refund	483.40	Disapproved
485-66-25	H. R. Neece Sigourney, Iowa License fee refund	638.82	Disapproved
495-66-25	Myron R. Swanson Royal, Iowa License fee refund	142.33	Disapproved
995-66-25	Powers Transportation Co. Storm Lake, Iowa Prorate fee refund	10,295.62	Disapproved
1010-66-25	Vitalis Truck Lines, Inc. Des Moines, Iowa License fee refund	2,072.54	Disapproved
1374-66-25	Saunders Leasing System, Inc. Des Moines, Iowa Permit fee, court costs and fine refund	20.00	Disapproved
1525-66-25	Mau Trucking Early, Iowa License fee refund	101.79	Disapproved
1545-66-25	Arthur J. Silversmith Sioux City, Iowa License fee refund	56.93	Disapproved
1567-66-25	Page County Clarinda, Iowa Patient care reimbursement	163.40	Disapproved
1575-66-25	Charles Van Hofwegen Orange City, Iowa License fee refund	139.08	Disapproved
1590-66-25	Max & Mark Princehouse Montour, Iowa License fee refund	660.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1635-66-25	Sun Oil Co. Waterloo, Iowa License fee refund	17.50	Disapproved
1685-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	36.00	Disapproved
1714-66-25	Processed Beef Express, Inc. Dakota City, Nebraska License fee refund	854.15	Disapproved
1735-66-25	Wilson & Co., Inc. Omaha, Nebraska License fee refund	475.96	Disapproved
1784-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	24.00	Disapproved
1788-66-25	Dallas Co. Home-Health Aide Service, Inc. Adel, Iowa Outdated invoice	500.51	Disapproved
1789-66-25	Shoemaker Trucking Co. Boise, Idaho Trip permit refund	60.76	Disapproved
1815-66-25	Hope Haven Rock Valley, Iowa Invoice reimbursement	11.31	Disapproved
1845-66-25	Viking Pump Division of Houdaille Cedar Falls, Iowa License fee refund	347.40	Disapproved
1873-66-25	Leo C. Snyder Eau Claire, Wisconsin Trip permit & fine refund	25.00	Disapproved
1888-66-25	Transport, Inc. of South Dakota Sioux Falls, South Dakota Prorate refund	119.40	Disapproved
1903-66-25	Williams Truck Line Audubon, Iowa License fee refund	666.71	Disapproved
1905-66-25	Russell & Janet Stickel Davenport, Iowa Burial expense reimbursement	2,546.75	Disapproved
1909-66-25	Dwight Short d/b/a Shorts Feed & Grain Cantril, Iowa License fee refund	560.72	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1936-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	12.00	Disapproved
1990-66-25	Rollins Leasing Corp. Portland, Oregon License fee refund	32.00	Disapproved
1993-66-25	Devereux Foundation Devon, Pennsylvania Outdated invoice	2,247.37	Disapproved
2009-66-25	Feld Internal Management Corp. Kansas City, Missouri License fee refund	225.50	Disapproved
2023-66-25	U.S. Agri-Controls (Big Dutchman) Zeeland, Michigan License fee refund	1,367.52	Disapproved
2043-66-25	Rebecca Jo Anne Dea Woodward, Iowa Personal injury	200.00	Disapproved
2062-66-25	International Transport, Inc. Rochester, Minnesota License fee refund	388.35	Disapproved
2063-66-25	Lucius B. Liddy West Des Moines, Iowa Outdated claim for vacation pay	2,846.00	Disapproved
2068-66-25	Hope Haven School Rock Valley, Iowa Outdated invoice	292.50	Disapproved
2086-66-25	Hope Haven School Rock Valley, Iowa Outdated invoice	5,114.51	Disapproved
2100-66-25	Ace Lines, Inc. Des Moines, Iowa License fee refund	1,557.10	Disapproved
2119-66-25	Victor H. Ruckman Neola, Iowa Reimbursement of legal fees	213.75	Disapproved
2120-66-25	Victor H. Ruckman Neola, Iowa Property damage	75.00	Disapproved
2141-66-25	Family & Children's Services Davenport, Iowa Outdated invoice	360.60	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2170-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	313.90	Disapproved
2172-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	31.67	Disapproved
2175-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	285.34	Disapproved
2177-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	285.34	Disapproved
2180-66-25	Bruce Transfer & Storage Kansas City, Missouri License fee refund	285.34	Disapproved
2222-66-25	Robert J. Elliott, Inc. Des Moines, Iowa License fee refund	243.52	Disapproved
2235-66-25	Adapt, Inc. Des Moines, Iowa Outdated invoice	2,118.10	Disapproved
2236-66-25	Adapt, Inc. Des Moines, Iowa Outdated invoice	1,579.60	Disapproved
2271-66-25	Trojan Seed Co. Olivia, Minnesota License fee refund	20.29	Disapproved
2277-66-25	Newton Trucking Hornick, Iowa License fee refund	919.80	Disapproved
2288-66-25	Rock Island Motor Transit Co. Des Moines, Iowa License fee refund	5,712.00	Disapproved
2308-66-25	Jeanone McClure Perry, Iowa Broken eyeglasses	45.50	Disapproved
2309-66-25	Devern Wilson Woodward, Iowa Broken eyeglasses	16.50	Disapproved
2418-67-25	Stanfield Trucking Co. Union, Iowa License fee refund	841.86	Disapproved
2481-67-25	Hope Haven School Rock Valley, Iowa Outdated invoice	155.43	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2528-67-25	Dr. T. L. McKee Lincoln, Nebraska Outdated invoice	120.00	Disapproved
2536-67-25	Iowa Better Trucking Bureau Sioux City, Iowa Trip permit refund	10.00	Disapproved
2537-67-25	Jacobsma Transport Co. Sioux City, Iowa License fee refund	157.40	Disapproved
2541-67-25	Sharon Kirk Ogden, Iowa Personal property reimbursement	200.00	Disapproved
2542-67-25	Gerald M. Donahue d/b/a Donahue Farms & Tri State New Albin, Iowa License fee refund	711.80	Disapproved
2552-67-25	J. W. Kerslake Construction Co. Sioux Falls, South Dakota Prorate expenses reimbursement	142.50	Disapproved
2574-67-25	Opal Bielman Clarinda, Iowa Outdated invoice	33.87	Disapproved
2593-67-25	Spencer Foods, Inc. Spencer, Iowa Permit fee refund	5.00	Disapproved
2598-67-25	Lester J. Johannsen, Inc. Dixon, Iowa Prorate refund	485.83	Disapproved
2604-67-25	Cedar Rapids Radiologists, P.C. Cedar Rapids, Iowa Outdated invoice	40.00	Disapproved
2606-67-25	William A. Miller Dubuque, Iowa License fee refund	10.00	Disapproved
2614-67-25	Arthur Tiefenthaler Breda, Iowa License fee refund	39.12	Disapproved
2620-67-25	Pyramid Van Lines, Inc. San Francisco, California License fee refund	364.80	Disapproved
2630-67-25	System Reefer Service, Inc. Cypress, California Trip permit refund	101.10	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2633-67-25	International Multifoods Corp. Minneapolis, Minnesota License fee refund	64.00	Disapproved
2640-67-25	Brown Truck Leasing Corp. Des Moines, Iowa Prorate refund	197.44	Disapproved
2644-67-25	Huckfeldt Trucking Co. Torrington, Wyoming Fine & permit refund	50.00	Disapproved
2648-67-25	Gerald C. Larson, President Super Centers, Inc. Waterloo, Iowa Filing fee refund	185.00	Disapproved
2653-67-25	Duane H. Rhamy Villisca, Iowa License fee refund	281.70	Disapproved
2657-67-25	Penn-Dixie Steel Corp. Kokomo, Indiana License fee refund	1,127.49	Disapproved
2660-67-25	Max Hansen d/b/a Hansen Trucking Gilbert, Arizona Trip permit refund	100.00	Disapproved
2662-67-25	Greenfield Medical Clinic Dr. Baker Greenfield, Iowa Outdated invoice	20.00	Disapproved
2673-67-25	Max Dockendorff Danville, Iowa License fee refund	90.00	Disapproved
2718-67-25	Ralston Purina Co. Omaha, Nebraska License fee refund	582.42	Disapproved
2725-67-25	Olsen Implement Huron, South Dakota Fine & trip permit refund	40.00	Disapproved
2733-67-25	Ellsworth Freight Lines, Inc. Eagle Grove, Iowa License fee refund	409.03	Disapproved
2734-67-25	Ellsworth Freight Lines, Inc. Eagle Grove, Iowa License fee refund	409.03	Disapproved
2741-67-25	Cerro Gordo County Dept. of Social Services Mason City, Iowa Foster care reimbursement	1,675.43	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2792-67-25	Midwest Victorian Marble Shawnee Mission, Kansas License fee refund	34.35	Disapproved
2796-67-25	Hope Haven School Rock Valley, Iowa Duplicate outdated invoice	342.80	Disapproved
2799-67-25	Hope Haven School Rock Valley, Iowa Outdated invoice	162.70	Disapproved
2849-67-25	B. F. Walker, Inc. Denver, Colorado License fee refund	12.00	Disapproved
2910-67-25	Baumgart Trucking Sioux Falls, South Dakota License fee refund	139.50	Disapproved
2931-67-25	Youngs Transfer Corning, Iowa Prorate refund	225.67	Disapproved
2936-67-25	Valerie Ann Hunter Des Moines, Iowa Merit pay adjustment	513.00	Disapproved
2940-67-25	Nelsen Brothers, Inc. Nebraska City, Nebraska Prorate refund	191.65	Disapproved
2941-67-25	Virco Manufacturing Co. Conway, Arkansas Prorate refund trip permits	20.00	Disapproved
2963-67-25	Linus J. Barloon Garner, Iowa Mobile home tax refund	85.00	Disapproved
2968-67-25	G.D. Squier d/b/a Dean's Truck Line Osage, Iowa License fee refund	90.00	Disapproved
2989-67-25	Leo D. Hutchens Des Moines, Iowa License fee refund	22.00	Disapproved
2995-67-25	D.B. Ford, Inc. Omaha, Nebraska License fee refund	2,125.68	Disapproved
2996-67-25	D.B. Ford, Inc. Omaha, Nebraska License fee refund	350.11	Disapproved
3005-67-25	Everett F. Hedrick Forsyth, Montana Prorate refund	Undetermined	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3008-67-25	Kevin D. Luppen Iowa Falls, Iowa License fee refund	Undetermined	Disapproved
3020-67-25	Yellow Freight System, Inc. Shawnee Mission, Kansas Registration fee refund	9.00	Disapproved
3023-67-25	Virgil Martins Postville, Iowa License fee refund	70.00	Disapproved
3034-67-25	North Grand Care Center Ames, Iowa Outdated invoice	102.97	Disapproved
3044-67-25	Beatrice Foods Co. St. Joseph, Missouri Prorate refund	88.99	Disapproved
3055-67-25	D.B. Ford, Inc. Omaha, Nebraska Prorate refund	120.04	Disapproved
3061-67-25	Nichols Well & Pump Co. Sioux City, Iowa Prorate refund	50.61	Disapproved
3074-67-25	Jet Leasing, Inc. Sioux Falls, South Dakota License fee refund	686.12	Disapproved
3080-67-25	Eagle Hawk Corp. Eagle Grove, Iowa License fee refund	590.82	Disapproved
3100-67-25	John W. Ver Steeg Des Moines, Iowa Printing refund	2.00	Disapproved
3126-67-25	Omaha Happy Hogs CB Radio Club Omaha, Nebraska Printing Reimbursement	80.00	Disapproved
3158-67-25	Morris Budd, Lessor Westhoff, Inc., Lessee Sioux City, Iowa Prorate refund	220.83	Disapproved
3165-67-25	W-E-W Company McCook, Nebraska License fee refund	Undetermined	Disapproved
3166-67-25	Iowa Dept. of Social Services Clay County Spencer, Iowa Foster care reimbursement	70.26	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3182-67-25	The Huffman Manufacturing Co. Celina, Ohio License fee refund	Undetermined	Disapproved
3197-67-25	James A. Schall Storm Lake, Iowa Outdated expense claim	57.20	Disapproved

January 11, 1977

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 General Tort claims, Highway Tort claims, settlements and judgments paid during 1976 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, 1976

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-203-66	Roger Thomson	Property damage	\$ 30.00	\$ 20.00
T-209-66	William H. Cash	Property damage	45.00	30.00
T-421-66	Marsha J. Cutty	Hand caught in elevator door	250.00	62.50
T-1985-66	Marjorie L. Knutson	Broken windshield	158.53	158.53
T-2143-66	State Farm Mutual Insurance Company	Auto damage	121.74	121.74
T-2256-66	Pearl M. Santee	Broken ankle	503.08	203.08
T-2283-66	Twyla Mae Rowley	Clothing loss	75.00	75.00
T-2337-66	Karole L. Fuller	Personal injury	185.50	185.50
T-2401-67	Ronald Good & State Farm Mutual	Paint damage to auto	77.25	77.25
T-2405-67	Hawkeye Security Insurance Company	Contribution store damages	764.52	764.52
T-2478-67	Sharon Sedore	Personal injury	373.88	200.00
T-2508-67	Harris Van Zante	Auto damage	269.56	283.30
T-2540-67	Jefferson County	Destruction of property	499.20	499.20
T-2575-67	Audrey Georgia Allard	Personal injury	Undetermined	189.65
T-2601-67	J. L. Pardock	Broken windshield	139.41	139.41
T-2602-67	Ellett B. Bond	Personal injury	2,000.00	500.00
T-2624-67	James R. W. Fane & Harriet I. Fane	Property loss	3,683.25	3,000.00
T-2634-67	Terry Allan Griffin	Property destroyed	35.00	35.00
T-2647-67	Wilbert A. Russell	Auto paint damage	99.39	99.39
T-2654-67	Joyce Farquharson	Personal injury	1,346.53	500.00
T-2656-67	Dorothy Hess	Auto paint damage	375.85	305.00
T-2697-67	Douglas M. Anderson	Property damage	100.00	100.00
T-2703-67	Minnie Wiese	Auto paint damage	406.00	285.00
T-2711-67	Gary W. Messersmith	Auto paint damage	250.00	309.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-2713-67	Mark Allison Raders	Auto paint damage	225.00	202.50
T-2720-67	Edward R. Burke	Auto paint damage	75.00	75.00
T-2722-67	James P. Kulis	Auto paint damage	275.00	250.00
T-2724-67	Bradley Alan Jones	Auto paint damage	200.00	175.00
T-2732-67	Eric Van Sickle	Auto paint damage	200.00	170.00
T-2735-67	Stephen Louis Koehn	Auto paint damage	250.00	240.00
T-2736-67	Robert E. Coffman	Auto paint damage	250.00	175.00
T-2742-67	Kevin J. Kochheiser	Auto paint damage	200.00	145.00
T-2743-67	Bruce Dean Huber	Auto paint damage	300.00	299.73
T-2744-67	Paul Robert Grell	Auto paint damage	250.00	123.60
T-2745-67	Brent E. Pulsipher	Clothing damage	12.00	12.00
T-2746-67	Mary C. O'Connor	Personal injury	443.05	443.05
T-2750-67	Bruce Dale Frink	Auto paint damage	82.40	82.40
T-2758-67	Tim Willcutt	Auto paint damage	406.70	370.00
T-2763-67	Kevin L. Launderville	Auto paint damage	269.86	245.00
T-2768-67	Darrell H. Burmeister	Auto paint damage	250.00	200.00
T-2769-67	Clayton David Laurie	Auto paint damage	236.90	215.00
T-2774-67	Scott Utterback	Auto paint damage	144.20	144.20
T-2779-67	Gale Eugene Bonsall	Auto paint damage	276.25	265.00
T-2790-67	Wilma De Bruin	Personal injury & property damage	50.00	50.00
T-2791-67	Bradley Trent Geerdes	Auto paint damage	439.40	418.00
T-2795-67	Donald Calvin Sexton	Auto paint damage	206.00	206.00
T-2800-67	Ruth Margaret Nietert	Auto damage	Undetermined	323.63
T-2801-67	Dale Henry Schmidt	Auto paint damage	295.00	295.00
T-2803-67	Michael C. Loughran	Auto paint damage	78.28	78.28
T-2808-67	Amy M. Dierks and Maurice E. Dierks	Auto paint damage	370.50	200.00
T-2826-67	Robert Leslie Reid	Auto paint damage	Undetermined	391.20
T-2838-67	Robert Thomas Mills	Auto paint damage	247.20	175.00
T-2839-67	Wesley Huisinga	Auto paint damage	507.28	301.28
T-2874-67	Patrick E. Hogan	Auto paint damage	250.00	125.00
T-2880-67	Daniel Martin Streit	Auto paint damage	527.63	395.72
T-2914-67	Michael E. Adamson	Auto paint damage	Undetermined	300.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-2921-67	Charles T. Gibbons	Auto paint damage	84.46	84.46
T-2947-67	William G. Fleming	Property damage (eye glasses)	32.00	32.00
T-2951-67	William Craigue Morse, Jr.	Auto paint damage	258.50	235.00
T-2952-67	James Fullerton	Auto damage	Undetermined	252.71
T-2955-67	Frank Joseph Boever	Auto paint damage	300.00	275.00
T-2959-67	Jack W. Maybee	Personal injury & property damage	4,589.40	800.00
T-2962-67	Jo Anne Vint	Auto paint damage	321.49	291.49
T-2976-67	Mary Passmore	Auto damage	Undetermined	31.93
T-2990-67	Brent Lee Jenkins	Auto paint damage	154.50	80.00
T-2991-67	Myra Kay Jenkins	Auto paint damage	154.50	125.00
T-3002-67	Butler Center Cemetery Association	Property damage	250.00	250.00
T-3018-67	John D. Stalberger	Auto paint damage	402.83	402.83
T-3025-67	Bill Bowman	Auto paint damage	412.00	247.26
T-3089-67	Marcel Frigard	Auto damage	59.64	59.64
T-3178-67	Julia Hiller	Stolen article	65.00	65.00
T-3213-67	Russell D. Wright	Auto damage	120.00	104.55

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1976

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-159-66-T	Theodore E. Dohrmann	Crop damage	\$ 7,974.25	\$ 1,125.00
H-169-66-T	Herbert D. Plagge	Crop loss	509.61	509.61
H-170-66-T	James Donald McVeigh	Damage to trees & bushes	100.00	100.00
H-172-66-T	Earl Johansen	Crop damage	480.00	480.00
H-180-66-T	Gerald Flemming	Crop loss	7,000.00	885.00
H-181-66T	Fred Benedix	Crop loss	7,000.00	885.00
H-183-66-T	Russell Maynes	Ruined stock pond	4,000.00	2,000.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-189-66-T	Raymond Frana	Auto damage	293.30	221.10
H-192-66-T	Donald A. Lemke	Fruit crop loss	160.00	160.00
H-201-66-T	Gary D. Ratcliff	Auto damage	76.65	76.65
H-208-66-T	Vern Wray & Douglas Symens	Crop loss	5,809.50	1,125.00
H-212-66-T	Jack Steinberg	Tile damage	182.40	182.40
H-213-66-T	Helen C. Carnell	Auto damage	353.02	353.02
H-225-67-T	Lake Court Motel (Marian A. Hageman)	Loss of rentals	96.00	48.00
H-227-67-T	Vern E. Witt Estate	Crop loss	765.00	765.00
H-228-67-T	Glenn Howard Chrystal	Clean plugged tile	110.75	110.75
H-230-67-T	Francis W. Retz	Merit review date error	130.00	130.00
H233-67-T	Rev. E. Laon Schneider	Tire damage	25.00	25.00
H-235-67-T	Wayne Plagge	Crop loss	363.00	363.00
H-236-67-T	Maynard Henderson	Crop loss & repair tile	151.50	151.50
H-246-67-T	Doreen Mayberry	Tree & shrub damage	14.00	14.00
H-247-67-T	Vivian M. Steinbauer	Auto damage	245.31	245.31
H-253-67-T	Northwestern Bell	Property damage (severed cable)	120.51	120.51
H-257-67-T	Dennis E. Hall	Auto damage & medical bills	192.51	192.51
H-259-67-T	Paul Vincent Steinberg	Auto damage	66.59	66.59
H-260-67-T	Bernice Willer	Auto damage	169.05	169.05
H-261-67-T	Larry Charles Winegar	Auto damage	118.15	118.15
H-262-67-T	Leonard G. Mason	Property damage	350.02	25.00
H-265-67-T	Mrs. Larry D. Campbell	Auto damage	165.78	165.78
H-266-67-T	Ruan Transport Corp.	Trailer damage	140.43	140.43
H-277-67-T	Dean B. Siesseger	Auto damage	308.75	308.75
H-278-67-T	Milton L. Wilson	Water damage	2,425.00	470.00
H-282-67-T	Victor D. Williams	Auto damage, crop loss & tractor damage	1,745.48	1,745.48
H-287-67-T	Gerald J. Gisel	Crop loss	30,000.00	13,985.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-288-67-T	Jim White, Inc.	Property damage	118.00	118.00
H-299-67-T	Lois Jean Remmer	Tire loss	49.60	49.60
H-307-67-T	Marion Sinclair	Paint damage to auto	203.94	203.94
H-323-67-T	Lynn Marianne Prim	Auto damage	48.41	48.41

CHAPTER 25A — TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL — 1976

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-45-65-T	Thomas Hunt	Personal injury (Judgment on Appeal)	\$ 750,000.00	\$ 501,000.00
T-2532-65	Ruth Ann Davis and Harry Davis, Adm.	Personal injury (Judgment on Appeal)	1,000,000.00	233,823.94
T-1718-66	Harry Davis, Adm. of Estate of Wendy Davis, Deceased	Wrongful death (Judgment on Appeal)	160,000.00	48,477.00
T-515-65	James Speed	Personal injury (Sup. Ct. Judgment)	3,500,000.00	750,000.00 + Int.
T-2667-67	State Employees (Social Services)	Back wages (Judgment)	310,930.57	310,930.57
H-209-64-T	Carl Francis Ehlinger	Personal injury (Judgment)	1,250,000.00	638,000.00 + Int.
H-183-65-T	Charles Gabus & Charles Gabus Ford	Loss of sale of property (Judgment)	55,000.00	30,000.00 + Int.
Civil Suit	Sitzman vs Morrison	Personal injury (Settlement)	75,535.00	6,500.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
Civil Suit	Albert Boekelman vs State	Wrongful dismissal (Settlement)	50,000.00	13,500.00
T-457-65	Steven C. Goshon	Personal injury (Settlement)	50,000.00	3,500.00
T-499-65	Bonnie Dunagon	Personal injury (Settlement)	23,612.50	2,100.00
T-2300-65	Cathy Stowe	Wrongful death (Settlement)	450,000.00	84,000.00
T-2410-65	James Courtney	Personal injury (Settlement)	35,000.00	10,000.00
T-573-66	Michael Murray	Personal injury (Settlement)	20,000.00	3,000.00
T-1751-66	Billy W. Church and Jo Anne Church, as Parents and sole heirs of Marc Church, Dec.	Wrongful death (Settlement)	60,000.00	16,500.00
T-1894-66	Miles Puhrmann	Personal injury (Settlement)	181,000.00	4,000.00
T-1902-66	Kevin J. Graney	Personal injury	1,200,000.00	13,500.00
H-45-65-T	Thomas Hunt	Personal injury (Judgment on Appeal)	750,000.00	501,000.00
T-1928-66	Chris Ligocki	Personal injury (Settlement)	10,110.00	2,755.00
T-1979-66	Lawrence Holderness	Personal injury (Settlement)	25,000.00	600.00
T-2338-66	Eva M. Boese	Personal injury (Settlement)	Undetermined	7,500.00
H-176-64-T	John Rich, Adm. of Estate of Lucille Rich, Deceased	Wrongful death (Settlement)	160,000.00	3,000.00
H-213-64-T	Gerald Ehlinger	Personal injury	78,809.06	20,000.00

Claim No.	Name of Claimant	Nature	Amount Claimed	Amount Approved
H-222-64-T & H-64-65-T H-17-65-T	Joseph J. Rose	Personal injury (Settlement)	955.89	5,375.00
H-123-65-T	Barry Miller	Personal injury (Settlement)	100,000.00	600.00
H-33-66-T	State Automobile & Casualty Underwriters	Property damage & personal injury (Settlement)	1,525.00	4,000.00
H-101-66-T & H-102-66-T	Donald Peters	Property damage & personal injury (Settlement)	44,310.50	1,000.00
H-108-66-T & H-109-66-T	Leonard Adams	Personal injury (Settlement)	100,070.00	11,000.00
H-115-66-T	Estate of Ida Adams	Personal injury (Settlement)	20,199.67	3,000.00
H-116-66-T	Raymond Franker	Personal injury (Settlement)	132,355.31	4,500.00
H-188-66-T	Connie Franker	Personal injury (Settlement)	13,000.00	2,000.00
	Geraldine Van Cleave	Personal injury (Settlement)	65,000.00	4,000.00
	Toney Haney	Wrongful death (Settlement)	103,766.00	2,000.00
	Jerry L. Gooden	Property damage & personal injury (Settlement)	50,927.23	4,000.00
			15,845.48	

9th Day

TUESDAY, JANUARY 18, 1977

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INTRODUCTION OF BILL

SENATE FILE 11, 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 under Senate Rule 28 and PASSED ON FILE.

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 17, 1977, concurred in Senate amendment to House amendment and adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 4, providing for the compensation of the officers and employees of the Sixty-seventh General Assembly.

DAVID L. WRAY, Chief Clerk

BILL ASSIGNED TO COMMITTEE

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

S.F. 10 Ways and Means

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rogers, Eldora, Iowa.

JOURNAL OF THE SENATE

TENTH CALENDAR DAY—EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 19, 1977

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Honorable Charles P. Miller, member of the Senate from Burlington, Des Moines County, Iowa.

The Journals of Monday, January 17, 1977; and Tuesday, January 18, 1977, were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. M. Collison, Oskaloosa, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 Herbert W. Anderson, Des Moines, Polk County, Iowa, for appointment as Commissioner of Insurance pursuant to Section 505.3, 1975 Code of Iowa, for the unexpired portion of a 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 R. Bruce Hopkins, Cedar Falls, Blackhawk 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 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 Harrison Kane, Ph.D., Iowa City, Johnson County, Iowa, for reappointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for the 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 Mildred F. Coughlon, Fort Dodge, Webster County, Iowa, for appointment as a member of the State Board of Examiners for Hearing Aid Dealers pursuant to Sections 154A.2 and 154A.3, 1975 Code of Iowa, for the 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 Donna P. Gabriel, Clinton, Clinton County, Iowa, for reappointment as a member of the State Board of Funeral Director and Embalmer Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Richard A. Martin, Emmetsburg, Palo Alto County, Iowa, for appointment as a member of the State Board of Funeral Director and Embalmer Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

MOTION TO RECONSIDER WITHDRAWN

Senator Hultman withdrew the motion to reconsider the vote by which SENATE RESOLUTION 2, a resolution relating to the Senate rules governing lobbyists, was adopted by the Senate, filed by him on January 13, 1977, and found on page 123 of the Senate Journal.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 18, 1977, 1:30 p.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Hulse; Hutchins; A. Miller; E. Miller; Readinger and Scott.
Members Absent: Calhoon.

Other Business: Organizational meeting.

Adjourned: 2:00 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: January 18, 1977, 9:00 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: Robinson, Vice Chairperson (arrived 9:12 a.m.).

Other Business: Organizational meeting.

Adjourned: 9:40 a.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: January 19, 1977, 9:00 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: Robinson, Vice Chairperson (arrived 9:08 a.m.).

Other Business: Hearings—Veterans Bonus Board and Iowa Commission for the Blind.

Adjourned: 11:30 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 18, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: Presentation by the State Board of Medical Examiners.

Adjourned: 11:20 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 19, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member and Craft.

Members Absent: Calhoon.

Other Business: Presentations by the State Board of Nursing and Commission on the Employment of the Handicapped.

Adjourned: 11:20 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 18, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Hearings—Board of Accountancy, State Treasurer, Iowa Real Estate Commission and State Board of Watchmaking Examiners.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 19, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Budget hearings on State Board of Engineering Examiners, Insurance Department, Secretary of State, and State Auditor.

Adjourned: 12:00 noon.

CITIES

Convened: January 17, 1977, 1:40 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Briles; Gallagher; Hansen; C. Miller; Orr and Readinger.

Members Absent: none.

Other Business: Adopted rules; discussed committee objectives.

Adjourned: 2:00 p.m.

COMMERCE

Convened: January 18, 1977, 1:30 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Other Business: Representatives of the Iowa Commerce Commission and the utilities were present to discuss electric transmission lines.

Adjourned: 3:00 p.m.

EDUCATION

Convened: January 18, 1977, 3:05 p.m.

Members Present: Orr, Chairperson; Willits, Vice Chairperson; Hansen, Ranking Member; Carr; DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: none.

Other Business: A review of areas of greatest problems presented by the Department of Public Instruction.

Adjourned: 4:30 p.m.

ENERGY

Convened: January 17, 1977, 3:00 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Briles; Culver; Glenn; Ramsey and Rodgers.

Members Absent: Bisenius.

Other Business: Adopted rules; Energy Policy Council discussed fuel allocation.

Adjourned: 4:10 p.m.

HUMAN RESOURCES

Convened: January 17, 1977, 3:05 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Other Business: Organization of committee and adoption of rules.

Adjourned: 3:45 p.m.

JUDICIARY

Convened: January 19, 1977, 1:35 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; Doderer; P. Hill; Ramsey; Redmond; Scott and Shaw.

Members Absent: Willits (arrived 1:50 p.m.).

Other Business: Kenny Wise, Clerk of Wapello County District Court and President of District Court Clerks Association, guest speaker, gave recommendations on Clerks of Court.

Adjourned: 2:40 p.m.

JUDICIARY

Convened: January 17, 1977, 1:35 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Ramsey; Redmond and Scott.

Members Absent: Shaw, Willits, Doderer (arrived 1:40 p.m.).

Other Business: Organization of committee.

Adjourned: 2:15 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: January 17, 1977, 1:30 p.m.

Members Present: Nolting, Chairperson; Calhoon, Vice Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray; Nystrom and Palmer.

Members Absent: Robinson.

Other Business: Organizational meeting.

Adjourned: 1:55 p.m.

STATE GOVERNMENT

Convened: January 18, 1977, 1:30 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Schwengels; Shaff and Slater.

Members Absent: Kelly and Rush.

Other Business: Rules adopted, study bills assigned.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: January 19, 1977, 3:05 p.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Ashcraft; Coleman; Hutchins; Shaff and Tieden.

Members Absent: Gallagher, Doderer (arrived 3:15 p.m.).

Other Business: Organizational meeting; L. A. Holland, Director of Public Affairs, gave proposals for the Department of Transportation.

Adjourned: 3:40 p.m.

WAYS AND MEANS

Convened: January 18, 1977, 3:00 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Priebe; Readinger; Shaff and Van Gilst.

Members Absent: Kelly, Junkins (arrived 3:10 p.m.), Palmer (arrived 3:25 p.m.), Redmond (arrived 3:10 p.m.).

Other Business: Adopted committee rules, Gerald Bair, Director of Revenue, presented legislation proposed for the Department of Revenue.

Adjourned: 4:35 p.m.

BILL ASSIGNED TO COMMITTEE

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

S.F. 11 Ways and Means

On motion of Senator Kinley, the Senate adjourned at 4:45 p.m., until 4:30 p.m., Thursday, January 20, 1977.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY—NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 20, 1977

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Honorable Rolf V. Craft, member of the Senate from Decorah, Winneshiek County, Iowa.

The Journal of Wednesday, January 19, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roger Boulden, Lenox, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 William F. Dunn, West Des Moines, Polk County, Iowa, for appointment as a member of the Job Services Appeal Board pursuant to Chapter 1068, Section 11, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, for an initial term commencing July 1, 1976, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Murray C. Lawson, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the Job Services Appeal Board pursuant to Chapter 1068, Section 11, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, for an initial term commencing July 1, 1976, 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 Norma I. Lock, Des Moines, Polk County, Iowa, for appointment as a member of the Job Services Appeal Board pursuant to Chapter 1068, Section 11, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, for an initial 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 Thomas A. Barton, Ames, Story County, Iowa, for reappointment as a member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for the 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 Herman W. Thompson, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for the regular

three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 12, by Senator Priebe, a bill for an act relating to the employment of private consultants by state departments and providing for the recovery of misappropriated funds.

Read first time and PASSED ON FILE.

SENATE FILE 13, 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.

SENATE FILE 14, by Senator Hill of Jasper, a bill for an act to prohibit the use of pneumatic tires with inserted ice grips.

Read first time and PASSED ON FILE.

SENATE FILE 15, by Senator Hill of Jasper, a bill for an act relating to the corporation income tax and making the Act retroactive.

Read first time and PASSED ON FILE.

SENATE FILE 16, by Senator Gallagher, a bill for an act to define certain practices relating to accumulation of employee benefits by an employer as discriminatory.

Read first time and PASSED ON FILE.

SENATE FILE 17, by Senator Doderer, a bill for an act to require disclosure of certain information by trustees, directors, and officers of nonprofit hospitals and nonprofit health care facilities.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 18, 1977, 9:00 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member; Redmond and Schwengels.

Members Absent: none.

Other Business: Hearings on the Mississippi River Parkway Commission and the Iowa State Fair Board.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 19, 1977, 9:10 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member; Redmond and Schwengels.

Members Absent: none.

Other Business: Hearings from Energy Policy Council and the Iowa Geological Survey.

Adjourned: 12:07 p.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 18, 1977, 9:00 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Extensive reports from a representative of Haskins and Sells, Certified Public Accountants.

Adjourned: 12:05 p.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 19, 1977, 9:00 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Commissioner Kevin Burns gave a presentation by the Department of Social Services.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 18, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Tieden and Doderer.

Members Absent: none.

Other Business: Amended and adopted committee rules; held hearings for the Academy of Science, Iowa Arts Council and Capitol Planning Commission.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 19, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member and Tieden.

Members Absent: Doderer (arrived 9:05 a.m.).

Other Business: Hearings were held for the Commission on Uniform State Laws, Office of the Citizens' Aide, Iowa Executive Council, and the offices of the Governor and Lieutenant Governor.

Adjourned: 12:00 noon.

NATURAL RESOURCES

Convened: January 19, 1977, 1:35 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Bergman; Burroughs; Calhoun; Junkins; Slater and Tieden.

Members Absent: E. Miller, Ranking Member.

Other Business: Committee rules amended and adopted.

Adjourned: 1:55 p.m.

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 1

Judiciary
Coleman, Chairperson
Willits
DeKoster

SENATE FILE 5

Judiciary
Scott, Chairperson
Ashcraft
Doderer

SENATE FILE 10

Ways and Means
Junkins, Chairperson
Palmer
Craft

SENATE FILE 3

Judiciary
Willits, Chairperson
P. Hill
Redmond

SENATE FILE 6

Ways and Means
Nolting, Chairperson
Van Gilst
Readinger

SENATE FILE 11

Ways and Means
Priebe, Chairperson
E. Hill
Kelly

On motion of Senator Kinley, the Senate adjourned at 4:35 p.m., until 1:00 p.m., Monday, January 24, 1977.

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY—TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 24, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Richard E. Oehring, of Galva, Iowa, pastor of the Methodist Churches of Galva and Silver Creek, Iowa.

The Journal of Thursday, January 20, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Phil Price, Des Moines, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 William J. Brandenburg, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Merit Employment Commission pursuant to Section 19A.6, 1975 Code of Iowa, for the unexpired portion of a 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 Cyrus L. Beye, M.D., Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Medical Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Kenneth R. Carrell, D.O., Columbus Junction, Louisa County, Iowa, for reappointment as a member of the State Board of Medical Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Joseph A. McCaffrey, Ph.D., Davenport, Scott County, Iowa, for reappointment as a public member of the State Board of Medical Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Donna Rae Moore Heald, R. N., Mount Pleasant, Henry County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Barbara Ann Steen, Jesup, Buchanan County, Iowa, for reappointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 18, by Senator Murray, a bill for an act relating to gifts to minors.

Read first time and PASSED ON FILE.

SENATE FILE 19, by Senators Priebe, Culver, Rodgers, Miller of Cerro Gordo, Tieden, Curtis, Scott, Gallagher, Van Gilst, Miller of Marshall, Hulse, Schwengels, Bergman, Doderer, Miller of Des Moines, Coleman, Hutchins, Shaff, Nystrom and Merritt, a bill for an act relating to the state inheritance tax.

Read first time and PASSED ON FILE.

SENATE FILE 20, by Senator Schwengels, a bill for an act relating to the vehicular transportation of wide bales of hay.

Read first time and PASSED ON FILE.

SENATE FILE 21, by Senator Schwengels, a bill for an act to provide income tax credits for home improvements and for permanent soil and water conservation projects.

Read first time and PASSED ON FILE.

SENATE FILE 22, by Senator Schwengels, a bill for an act relating to prearranged funeral trust funds.

Read first time and PASSED ON FILE.

SENATE FILE 23, by Senator Schwengels, a bill for an act relating to the amounts which may be paid by the state toward the cost of the funeral of a person who is receiving or has received or been authorized to receive assistance under certain programs.

Read first time and PASSED ON FILE.

SENATE RESOLUTION 4

By: Bisenius

1 *Whereas*, the Western Dubuque High School of
2 Epworth, Iowa, Bobcat Marching Band was designated as
3 Iowa's official representative band in the inauguration
4 ceremonies of our thirty-ninth president, Jimmy Carter,
5 which took place in Washington, D.C., January 20, 1977;
6 and

7 *Whereas*, the Bobcat Marching Band has an illustrious
8 history of successful competition in the past few years
9 by reason of talent and hard work; *Now Therefore*,

10 *Be It Resolved by the Senate*, that the Sixty-seventh
11 General Assembly, 1977 Session, extends its heartiest
12 congratulations to the one hundred seventy-six members
13 of the band, the band director, Phil Schmitz, faculty and
14 administration of the Western Dubuque High School,
15 families and loyal fans who encouraged and supported the
16 Bobcat Marching Band; and

17 *Be It Further Resolved*, that the members of the
18 Sixty-seventh General Assembly commend the Bobcat Marching
19 Band of Western Dubuque High School of Epworth for their
20 outstanding example of cooperation, talent and industry
21 in attaining the high honor of becoming the official designee
22 of the State of Iowa to represent our state at the
23 inauguration ceremonies of our nation's thirty-ninth
24 president.

25 *Be It Further Resolved*, that a copy of this resolution
26 be sent to band leader Phil Schmitz and the Bobcat Marching
27 Band of Western Dubuque High School of Epworth.

Read first time and PASSED ON FILE.

On motion of Senator Kinley the Senate recessed until 4:30 p.m.

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

SENATE FILE 24, by Senator Curtis, a bill for an act relating

to the membership, terms of office, and organization of the capitol planning commission.

Read first time and PASSED ON FILE.

SENATE FILE 25, by Senator Taylor, a bill for an act providing that information about a person's death be entered on his or her birth certificate.

Read first time and PASSED ON FILE.

SENATE FILE 26, by Senator Miller of Marshall, a bill for an act prohibiting the use of ice grips or tire studs on certain motor vehicles.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 7

By: Committee on Rules and Administration

- 1 *Be It Resolved by the Senate, the House*
- 2 *Concurring,* That when adjournment is had on
- 3 Thursday, April 7, 1977, it be to reconvene on
- 4 Tuesday, April 12, 1977, at 10:00 a.m.

Read first time and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: January 20, 1977, 9:03 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member and Hutchins.

Members Absent: Nystrom (arrived 9:06 a.m.).

Other Business: Hearing—Higher Education Facilities Commission.

Adjourned: 11:48 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 20, 1977, 10:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Reader, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: Presentation by the State Department of Health on functions and duties of the department.

Adjourned: 11:00 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 20, 1977, 9:05 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member; Redmond and Schwengels.

Members Absent: none.

Other Business: Hearing on the Department of Agriculture.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 20, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Budget hearings on Campaign Finance Disclosure Commission and Industrial Commission.

Adjourned: 10:50 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 20, 1977, 9:00 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Bergman and Rush.

Members Absent: Murray, Ranking Member.

Other Business: Discussion and presentation by the Department of Social Services on SSI State supplementation, aid to the blind and the Work Incentive Program.

Adjourned: 11:52 a.m.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 20, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member and Tieden.

Members Absent: Doderer (arrived 9:10 a.m.).

Other Business: Hearings held for the Office of Planning and Programming and the Pioneer Lawmakers; funds recommended for the Pioneer Lawmakers Commission on Uniform State Laws, Capitol Planning Commission and office of the Lieutenant Governor.

Adjourned: 11:00 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: January 18, 1977, 9:00 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson and Gallagher.

Members Absent: Drake, Ranking Member (arrived 10:00 a.m.) and Hansen (arrived 9:30 a.m.).

Other Business: Presentation of the Iowa Crime Commission by the commissioner; explanation of budget forms by representatives from the office of the Legislative Fiscal Director.

Adjourned: 11:15 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: January 19, 1977, 9:15 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Discussion and partial approval of budget for the Iowa Crime Commission; presentation of the National Guard by the Adjutant General.

Adjourned: 11:35 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: January 20, 1977, 9:10 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Presentation by the Office of Disaster Services, continued presentation of National Guard by representative of the Department of Public Defense and partial approval of budget.

Adjourned: 11:00 a.m.

COMMERCE

Convened: January 20, 1977, 2:00 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Other Business: Commissioner of Insurance presented legislative proposals for 1977.

Adjourned: 4:00 p.m.

COUNTY GOVERNMENT

Convened: January 20, 1977, 3:00 p.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles, Ranking Member; P. Hill; Merritt; C. Miller; Murray; Orr; Taylor and Van Gilst.

Members Absent: none.

Other Business: Adopted rules, assigned subcommittees and discussed legislation relating to acceptance and expenditures of federal money for county buildings.

Adjourned: 4:30 p.m.

EDUCATION

Convened: January 20, 1977, 1:30 p.m.

Members Present: Orr, Chairperson; Willits, Vice Chairperson; Hansen, Ranking Member; Carr; DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: none.

Other Business: Discussion of declining school enrollment and school organization.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: January 19, 1977, 3:00 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Calhoon; Craft; E. Hill; P. Hill; A. Miller; Rush; Slater and Taylor.

Members Absent: none.

Other Business: Reports by Legis staff on Certificate of Need, Home Health Care, and Mental Health interim studies.

Adjourned: 4:30 p.m.

RULES AND ADMINISTRATION

Convened: January 24, 1977, 11:20 a.m.

Members Present: Kinley, Chairperson; Junkins, Vice Chairperson; Ramsey, Ranking Member; Coleman; Hultman and Willits.

Members Absent: none.

Final Action: BE ADOPTED.

Senate Concurrent Resolution 7, a resolution relating to Spring recess.

The vote was: AYES, 6; Kinley, Junkins, Ramsey, Coleman, Hultman and Willits; NAYS, none.

Also:

Other Business: Set steps for Senate employees; considered assignment of press seats.

Adjourned: 11:55 a.m.

STATE GOVERNMENT

Convened: January 20, 1977, 3:05 p.m.

Members Present: Doderer, Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Rush; Schwengels; Shaff and Slater.

Members Absent: Coleman, Vice Chairperson and Kelly.

Other Business: Assigned study bills; considered legislation for abolition of the War Surplus Commodities Board.

Adjourned: 3:20 p.m.

WAYS AND MEANS

Convened: January 20, 1977, 1:30 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Palmer; Priebe; Readinger; Shaff and Van Gilst.

Members Absent: Kelly and Redmond (arrived 1:35 p.m.).

Other Business: State Comptroller discussed financial condition of state.

Adjourned: 3:00 p.m.

**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 Air Quality Commission of the Department of Environmental Quality:

GEORGE OSBORNE, Alta, Buena Vista County, Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Robinson, Chairperson
Senator Curtis
Senator Nolting
Senator Orr
Senator Taylor

JOHN D. THORSON, Council Bluffs, Pottawattamie County, Iowa, for

reappointment to the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Merritt, Chairperson
Senator Craft
Senator Hultman
Senator Rodgers
Senator Slater

As members of the City Finance Committee:

DANIEL W. CLIFFORD, Des Moines, Polk County, Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Glenn, Chairperson
Senator Craft
Senator P. Hill
Senator Kinley
Senator Rodgers

JAMES E. LINDSAY, Ida Grove, Ida County, Iowa, for reappointment to the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Scott, Chairperson
Senator DeKoster
Senator Gallagher
Senator Hulse
Senator Palmer

KENNETH E. SMITH, Indianola, Warren County, Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Van Gilst, Chairperson
Senator Robinson
Senator Rush
Senator Shaff
Senator Shaw

As Commissioner of Insurance:

HERBERT W. ANDERSON, Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Calhoun, Chairperson
Senator Coleman
Senator Hulse
Senator Palmer
Senator Shaw

As members of the Energy Policy Council:

JAMES P. FULLER, Muscatine, Muscatine County, Iowa, for reappointment, to serve at the pleasure of the Governor.

Senator Redmond, Chairperson
 Senator Drake
 Senator Hutchins
 Senator Orr
 Senator Ramsey

HARRIETTE LINDBERG, Des Moines, Polk County, Iowa, for reappointment, to serve at the pleasure of the Governor.

Senator Robinson, Chairperson
 Senator Nolting
 Senator Readinger
 Senator Shaw
 Senator Willits

LILLIAN M. MC ELROY, Percival, Fremont County, Iowa, to serve at the pleasure of the Governor.

Senator Priebe, Chairperson
 Senator Hultman
 Senator A. Miller
 Senator Tieden
 Senator Van Gilst

CHARLES H. PELTON, Clinton, Clinton County, Iowa, to serve at the pleasure of the Governor.

Senator Hutchins, Chairperson
 Senator Burroughs
 Senator E. Hill
 Senator Junkins
 Senator Shaff

VIRGINIA E. PHIPPS, Cherokee, Cherokee County, Iowa, to serve at the pleasure of the Governor.

Senator Culver, Chairperson
 Senator Bergman
 Senator Carr
 Senator Coleman
 Senator Curtis

ROBERT D. PORTER, Sioux City, Woodbury County, Iowa, for reappointment to serve at the pleasure of the Governor.

Senator Rush, Chairperson
Senator Calhoon
Senator Hulse
Senator Kelly
Senator Scott

RAYMOND L. SULLIVAN, Des Moines, Polk County, Iowa, to serve at the pleasure of the Governor.

Senator Rodgers, Chairperson
Senator DeKoster
Senator Glenn
Senator Readinger

As Executive Director of the Iowa Civil Rights Commission:

THOMAS J. MANN, JR., Des Moines, Polk County, Iowa, to serve at the pleasure of the Governor.

Senator Junkins, Chairperson
Senator Hansen
Senator P. Hill
Senator Hutchins
Senator Palmer

As Executive Director of the Iowa Commission on Aging:

GLENN R. BOWLES, Des Moines, Polk County, Iowa, to serve at the pleasure of the Governor.

Senator Doderer, Chairperson
Senator Craft
Senator Kinley
Senator Readinger
Senator Willits

As members of the Civil Rights Commission:

HARRIETTE BRUCE, Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1977.

Senator Glenn, Chairperson
Senator P. Hill
Senator Hulse
Senator C. Miller
Senator Orr

JACK W. PETERS, Council Bluffs, Pottawattamie County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Carr, Chairperson
 Senator Drake
 Senator E. Hill
 Senator Hultman
 Senator Slater

As a member of the Iowa Commission for the Blind:

ELWYN H. HEMKEN, Blairsburg, Hamilton County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Carr, Chairperson
 Senator Craft
 Senator Hutchins
 Senator Junkins
 Senator Nystrom

As members of the Job Services Appeal Board:

WILLIAM F. DUNN, West Des Moines, Polk County, Iowa, for an initial term commencing July 1, 1976, and ending June 30, 1980.

Senator Priebe, Chairperson
 Senator Culver
 Senator Hansen
 Senator P. Hill
 Senator Orr

MURRAY C. LAWSON, Mason City, Cerro Gordo County, Iowa, for an initial term commencing July 1, 1976, and ending June 30, 1978.

Senator Glenn, Chairperson
 Senator Drake
 Senator Gallagher
 Senator A. Miller
 Senator Murray

NORMA I. LOCK, Des Moines, Polk County, Iowa, for an initial term commencing July 1, 1976, and ending June 30, 1982.

Senator Merritt, Chairperson
 Senator P. Hill
 Senator E. Miller
 Senator Nolting
 Senator Robinson

As a member of the State Board of Accountancy:

HARLAN L. GRONEWOLD, Atlantic, Cass County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Culver, Chairperson
Senator Ashcraft
Senator Briles
Senator Glenn
Senator Junkins

As members of the State Board of Architectural Examiners:

GEORGE E. DEININGER, Dubuque, Dubuque County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Coleman, Chairperson
Senator Bisenius
Senator Carr
Senator E. Hill
Senator Tieden

JAMES M. DUFFY, Sioux City, Woodbury County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Culver, Chairperson
Senator Bergman
Senator Calhoon
Senator Kelly
Senator Robinson

As members of the State Board of Chiropractic Examiners:

RONALD O. MASTERS, II, D.C., Mason City, Cerro Gordo County, Iowa, for appointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Nolting, Chairperson
Senator Burroughs
Senator DeKoster
Senator A. Miller
Senator Scott

GRETCHEN N. SCHREFFLER, D.C., Iowa City, Johnson County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Orr, Chairperson
Senator Doderer
Senator Kinley
Senator E. Miller
Senator Taylor

As members of the State Board of Cosmetology Examiners:

DORIS ELLWOOD, Radcliffe, Hardin County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Nolting, Chairperson
Senator Merritt
Senator A. Miller
Senator E. Miller
Senator Nystrom

BARBARA A. FAILOR, Ankeny, Polk County, Iowa, as a public member for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator C. Miller, Chairperson
Senator Bisenius
Senator Briles
Senator Culver
Senator Willits

As members of the State Board of Dental Examiners:

JUDITH E. GLASGOW, Coralville, Johnson County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Rodgers, Chairperson
Senator Doderer
Senator E. Miller
Senator Scott
Senator Tieden

JEAN A. TESTER, Iowa City, Johnson County, Iowa, reappointed as a public member for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Slater, Chairperson
Senator Doderer
Senator Merritt
Senator Readinger
Senator Schwengels

CLARENCE C. WYSE, D.D.S., Wayland, Henry County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Kinley, Chairperson
Senator C. Miller
Senator Ramsey
Senator Redmond
Senator Taylor

As members of the State Board of Engineering Examiners:

R. BRUCE HOPKINS, Cedar Falls, Black Hawk County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Redmond, Chairperson
Senator Hansen
Senator C. Miller
Senator Nystrom
Senator Willits

HARRISON KANE, Ph.D., Iowa City, Johnson County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Kinley, Chairperson
Senator DeKoster
Senator Doderer
Senator Junkins
Senator Murray

As a member of the State Board of Examiners for Hearing Aid Dealers:

MILDRED F. COUGHLON, Fort Dodge, Webster County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator E. Hill, Chairperson
Senator Ashcraft
Senator Briles
Senator Coleman
Senator Gallagher

As members of the State Board of Funeral Director and Embalmer Examiners:

DONNA P. GABRIEL, Clinton, Clinton County, Iowa, for reappointment as a public member to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Slater, Chairperson
Senator Redmond
Senator Scott
Senator Shaff
Senator Taylor

RICHARD A. MARTIN, Emmetsburg, Palo Alto County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Willits, Chairperson
Senator Curtis

Senator Priebe
Senator Ramsey
Senator Rush

As members of the State Board of Landscape Architectural Examiners:

THOMAS A. BARTON, Ames, Story County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Van Gilst, Chairperson
Senator Carr
Senator Murray
Senator Nystrom
Senator Rodgers

HERMAN W. THOMPSON, Cedar Rapids, Linn County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator A. Miller, Chairperson
Senator Ashcraft
Senator Burroughs
Senator Redmond
Senator Rush

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate Resolution 2, page 11, line 24, of the resolution as introduced was corrected to read "rules eight (8) through eleven (11) and twenty-one (21)."

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:

DEPARTMENT OF TRANSPORTATION

A report covering the period July 1, 1974, through June 30, 1976, entitled Highway Research and Development in Iowa, submitted in accordance with Section 310.36, Code 1975.

BILLS ASSIGNED TO COMMITTEE

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

- S.F. 12 State Government
- S.F. 13 Ways and Means
- S.F. 14 Transportation
- S.F. 15 Ways and Means
- S.F. 16 Labor and Industrial Relations
- S.F. 17 Commerce

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.

PETITION

The following petition was presented and placed on file:

By Senator Culver from eighty-eight residents of Shelby, Crawford and Pottawattamie Counties urging rescission of the Equal Rights Amendment.

On motion of Senator Kinley, the Senate adjourned at 4:40 p.m., until 4:30 p.m., Tuesday, January 25, 1977.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY—ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 25, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by Norman L. Pawlewski, Commissioner of Public Health, State Department of Health, Des Moines, Iowa.

The Journal of Monday, January 24, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Coddington, Humboldt, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 I. John Rossi, West Des Moines, Polk County, Iowa, for reappointment as a member of the Occupational Safety and Health Review Commission pursuant to Section 88.10, 1975 Code of Iowa, for the 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 Phillip E. Hottel, O.D., Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Robert F. Renfro, O.D., Sioux City, Woodbury County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Max W. Eggleston, Waverly, Bremer County, Iowa, for reappointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Dennis D. Killion, Red Oak, Montgomery County, Iowa, for reappointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Janet Kay Dunn, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Grace Rasmussen, Manilla, Crawford County, Iowa, for reappointment as a member of the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 2, by Senator Redmond, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to judges of the Supreme Court, Court of Appeals, and District Courts.

Read first time and PASSED ON FILE.

SENATE JOINT RESOLUTION 3, by Senator Redmond, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the number of judges of the supreme court.

Read first time and PASSED ON FILE.

SENATE FILE 27, by Senator Slater, a bill for an act to

exempt from the use tax tangible personal property used in interstate transportation and commerce.

Read first time and PASSED ON FILE.

SENATE FILE 28, 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 29, by Senator Priebe, a bill for an act relating to the sale of dogs and cats for scientific research.

Read first time and PASSED ON FILE.

SENATE FILE 30, by Senator Gallagher, a bill for an act relating to the installation of limited access diagonal highways and highway placement.

Read first time and PASSED ON FILE.

SENATE FILE 31, by Senator Miller of Marshall, a bill for an act to create an alcoholism rehabilitation fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

Read first time and PASSED ON FILE.

SENATE FILE 32, by Committee on Ways and Means, a bill for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive.

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 January 25, 1977, adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 4, relating to Iowa Department of Transportation proposed rule on maximum legal length of a combination of three vehicles.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 4

By: NIELSEN, WOODS, BYERLY, KRAUSE,
SCHROEDER, BAKER, KOOGLER, HALVORSON,
PONCY, MILLER of Buchanan, GARRISON,
BINNEBOESE, HUSAK, HINKHOUSE, CRABB,
LONERGAN, WEST, MILLEN, HARVEY, SCHEELHAASE,
PAVICH, DANKER, DAGGETT, WELLS, RINAS,
CONLON, GILSON, PERKINS, TOFTE, DUNTON,
MIDDLESWART, WELDEN, PELLETT, HANSEN,
JUNKER, WYCKOFF, CHIDO, DAVITT, DOYLE,
HARBOR, HOWELL, EVANS, SMALLEY, CONNORS,
STEPHENS, HULLINGER, BENNETT, WULFF,
STROMER, JESSE, SPENCER, and CLARK of
Cerro Gordo.

1 *Whereas*, on January 17, 1977, the Iowa Department of
2 Transportation filed a proposed rule establishing 60
3 feet as the maximum legal length of a combination of
4 three vehicles coupled together, one of which is a
5 motor vehicle, inclusive of front and rear bumpers,
6 which may be operated on the Iowa highways (See H.J. 120
7 and S.J. 147, 67th G.A.); and
8 *Whereas*, said action also purports to rescind a 65
9 foot rule previously filed with the legislature on
10 January 16, 1976;
11 *Now Therefore, Be It Resolved by the House of*
12 *Representatives, the Senate Concurring*, That the rule
13 and rescission proposed by the Department of Transporta-
14 tion on January 17, 1977, be, and the same hereby are,
15 disapproved.

Read first time and PASSED ON FILE.

**REPORTS OF COMMITTEE ON
RULES AND ADMINISTRATION**

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following names of officers and employees of the Senate and their respective classifications, grades and steps:

OFFICERS

Secretary of the Senate	Steven C. Cross	\$21,000.00
Assistant Secretary of the Senate	Kevin P. Light	\$17,000.00

EMPLOYEES

		Class	Grade	Step
Administrative				
Finance Clerk	Mary Ann Abbott	P-FT	20	8
Assistant Finance Clerk	Terry G. Pepper	P-PT	13	7
Records and Supply Clerk	Judy Rutledge	I-FT	17	2
Journal				
Journal Editor	C. Suzanne Thomsen	I-FT	23	3
Assistant Journal Editor	Beth I. Stanton	I-FT	18	3
Compositor	C. J. Reeves	P-FT	16	6
Compositor	Martha Higgins	I-FT	16	2
Law Library				
Law Library Clerk	Judy Neff	I-FT	9	2
Legal Counsel				
Legal Counsel	David B. Frost	P-FT	29	4
			(effective 12-10-76)	
Engrossing and Enrolling Clerk/Terminal Operator	Cynthia A. Clingan	P-FT	19	4
Assistant to the Legal Counsel	Rosemary P. Andreano	I-FT	17	3
Majority Caucus				
Administrative Assistant to Majority Leader	G. Kay Bolton	P-FT	26	2
Caucus Staff Director	Jim Riordan	I-FT	26	1
Research Analyst	Daryl Frey	I-FT	23	1
Research Analyst	Robert Haug	I-FT	23	2
Research Analyst	Craig Palmer	I-FT	23	1
Research Analyst	Nancy Smith	I-FT	23	1
Research Analyst	Michael Tramontina	I-FT	23	1
Minority Caucus				
Administrative Assistant to Minority Leader	Donald W. Johnson	P-FT	30	1
Research Analyst	Ann Hale	I-FT	23	1
Research Analyst	Darrell Hanson	I-FT	23	1
Research Analyst	Patricia Miller	I-FT	23	2
Research Analyst	Brian Rude	I-FT	23	1

	Office of the Secretary	Class	Grade	Step
Executive Secretary to the Secretary	K. Marie Thayer	P-FT	22	7
Secretary to the Secretary	Joyce M. Horner	I-FT	18	6
Aide to the Secretary	Denise M. Dolan	I-FT	\$4 per hour	
Page	Cassandra Foens	I-FT	7	1
Senate Secretaries				
Senate Secretary	Dorothy R. Bahls	I-FT	15	4
Senate Secretary	Golda Beals	I-FT	15	4
Senate Secretary	Vera L. Bergman	I-FT	13	5
Senate Secretary	Jane Bevington	I-FT	15	7
Senate Secretary	E. Rose Bielfelt	I-FT	15	4
Senate Secretary	Norma B. Bliquez	I-FT	13	5
Senate Secretary	Margaret H. Bruce	I-FT	13	8
Senate Secretary	Ruth Darlene Calvert	I-FT	15	4
Senate Secretary	Paula J. Cox	I-FT	13	5
Senate Secretary	Emily E. Curtis	I-FT	13	4
Senate Secretary	Kay Lynn Doderer	I-FT	13	4
Senate Secretary	Loanne Dodge	I-FT	15	7
Senate Secretary	Katie Doyle	I-FT	13	7
Senate Secretary	Constance Eichhorn	I-FT	15	7
Senate Secretary	Jane Fowler	I-FT	13	3
Senate Secretary	Betty J. Gottschalk	I-FT	15	5
Senate Secretary	Vivian L. Haag	I-FT	15	7
Senate Secretary	Elsie L. Haun	I-FT	15	7
Senate Secretary	Marjorie H. Helkenn	P-FT	15	8
Senate Secretary	Jeanne Heller	I-FT	13	2
Senate Secretary	Nancy Henter	I-FT	13	4
Senate Secretary	Kathlyn K. Hillman	I-FT	15	4
Senate Secretary	Brenda Kay Jotzke	I-FT	15	7
Senate Secretary	Bonnie King	I-FT	15	8
Senate Secretary	Jean Lanning	I-FT	15	2
Senate Secretary	Jean Ann Luthe	I-FT	15	4
Senate Secretary	Geraldine McCarthy	I-FT	15	8
Senate Secretary	F. Jean McClatchey	I-FT	15	8
Senate Secretary	Nanci A. Mommelaar	I-FT	13	4
Senate Secretary	Marjorie Merritt	I-FT	13	4
Senate Secretary	Virginia M. Miller	I-FT	13	6
Senate Secretary	JoAnne Minnehan	I-FT	13	2
Senate Secretary	Kathy Needles	I-FT	13	5
Senate Secretary	Marcella L. Nelson	I-FT	15	6
Senate Secretary	Dorothy F. Nepstad	I-FT	15	9
Senate Secretary	Sharlyn Pardubsky	I-FT	13	2
Senate Secretary	Linda J. Pearson	P-FT	13	6
Senate Secretary	Rosemary Randolph	I-FT	15	5
Senate Secretary	Grace M. Rehnblom	I-FT	15	7
Senate Secretary	Dixie Risbeck	I-FT	13	3
Senate Secretary	Ruth B. Root	I-FT	13	2
Senate Secretary	Doris Flo Saf	I-FT	15	3
Senate Secretary	Hazel E. Schroedel	I-FT	15	4
Senate Secretary	Genevieve E. Snetselaar	I-FT	15	7
Senate Secretary	Betty Speagh	I-FT	13	4
Senate Secretary	Peggy Thomson	I-FT	15	8
Senate Secretary	Sylvia M. Tow	I-FT	15	5
Senate Secretary	Gina Tramontina	I-FT	13	2
Senate Secretary	Mary T. Wilcox	I-FT	15	7
Senate Secretary	Betty B. Wise	I-FT	15	3

		Class	Grade	Step
Sergeant-at-Arms				
Sergeant-at-Arms	William C. Sloan	I-FT	15	3
Assistant Sergeant-at-Arms	B. W. Rulon	I-FT	13	5
Chief Doorkeeper	Leonard Borg	I-FT	10	4
Doorkeeper	Harry D. Alvord	I-FT	9	1
Doorkeeper	Catherine DeHeck	I-FT	9	1
Doorkeeper	Richard W. Dunker	I-FT	9	4
Doorkeeper	Charles M. McCoun	I-FT	9	2
Doorkeeper	Frank J. Murphy	I-FT	9	1
Doorkeeper	Ray J. Prosperi	I-FT	9	2
Page	Rebecca Askew	I-FT	7	1
Page	Debra Bennett	I-FT	7	1
Page	Carol Cox	I-FT	7	1
Page	Michael Daniels	I-FT	7	1
Page	Michelle Elowsky	I-FT	7	1
Page	David Fastenau	I-FT	7	1
Page	Mary Hobson	I-FT	7	1
Page	Andrea Morine	I-FT	7	1
Page	Timothy Ness	I-FT	7	1
Page	Sandra Schmidt	I-FT	7	1
Page	Patricia Sefcik	I-FT	7	1
Lieutenant Governor's Page	Sherri Bisbey	I-FT	7	1

Services

Bill Clerk	Glen Beck	I-FT	13	1
Assistant Bill Clerk	Sue Sickels	I-FT	12	1
Special Clerk	Sherry Ross	I-FT	14	1
Switchboard Operator	Betty Lawler	I-FT	13	2
Switchboard Operator	Betty Schwengels	I-FT	13	3
Postmaster	Dino Masolini	I-FT	10	2
Cloakroom Attendant	Mary F. Parker	I-FT	8	8
Porter	James M. Sullivan	I-FT	8	8
Elevator Operator	Agnes Bertogli	I-FT	8	4
Secretary to Human Resources Committee	Vickie Adair	P-FT	17	3

Technical

Recording Clerk	Elizabeth Ligouri	I-FT	17	6
Chief Indexer	Maxine E. Gunton	P-FT	18	8
Assistant Indexer	Caryll Wilbur	I-FT	16	6

I=Intermittent
P=Permanent
PT=Part-time
FT=Full-time

GEORGE R. KINLEY, Chairperson
Rules and Administration

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following changes in the classifications, grades or steps of the indicated officers and employees to be effective on the date indicated:

Administrative

Records and Supply Clerk	Judy Rutledge	Step 2 to Step 3 on 6/10/77
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Journal

Journal Editor	C. Suzanne Thomsen	Step 3 to Step 4 on 2/4/77
Compositor	Martha Higgins	Step 2 to Step 3 on 6/10/77
	Law Library	
Law Library Clerk	Judy Neff	Step 2 to Step 3 on 2/18/77
	Legal Counsel	
Legal Counsel	David B. Frost	Grade 29, Step 4 to Grade 33, Step 1 on 2/4/77
Engrossing and Enrolling Clerk/Terminal Operator	Cynthia A. Clingan	Step 4 to Step 5 on 7/8/77
	Majority Caucus	
Administrative Assistant to Majority Leader	G. Kay Bolton	Step 2 to Step 3 on 2/4/77
Research Analyst	Michael Tramontina	Step 1 to Step 2 on 5/13/77
	Senate Secretaries	
Senate Secretary	Golda Beals	Step 4 to Step 5 on 2/18/77
Senate Secretary	Vera L. Bergman	Step 5 to Step 6 on 2/18/77
Senate Secretary	Norma B. Bliquez	Step 5 to Step 6 on 3/4/77
Senate Secretary	Ruth Darlene Calvert	Step 4 to Step 5 on 4/15/77
Senate Secretary	Paula J. Cox	Step 5 to Step 6 on 3/4/77
Senate Secretary	Emily E. Curtis	Step 4 to Step 5 on 3/18/77
Senate Secretary	Katie Doyle	Step 7 to Step 8 on 4/1/77
Senate Secretary	Constance Eichhorn	Step 7 to Step 8 on 2/4/77
Senate Secretary	Jane Fowler	Step 3 to Step 4 on 2/18/77
Senate Secretary	Betty J. Gottschalk	Step 5 to Step 6 on 2/18/77
Senate Secretary	Vivian L. Haag	Step 7 to Step 8 on 3/4/77
Senate Secretary	Nancy Henter	Step 4 to Step 5 on 2/18/77
Senate Secretary	Brenda Kay Jotzke	Step 7 to Step 8 on 2/18/77
Senate Secretary	Nanci A. Memmelaar	Step 4 to Step 5 on 4/15/77
Senate Secretary	Marjorie Merritt	Step 4 to Step 5 on 2/18/77
Senate Secretary	Kathy Needles	Step 5 to Step 6 on 3/4/77
Senate Secretary	Marcella L. Nelson	Step 6 to Step 7 on 2/18/77

Senate Secretary	Linda J. Pearson	Step 6 to Step 7 on 9/1/77
Senate Secretary	Rosemary Randolph	Step 5 to Step 6 on 3/4/77
Senate Secretary	Dixie Risbeck	Step 3 to Step 4 on 2/18/77
Senate Secretary	Doris Flo Saf	Step 3 to Step 4 on 4/29/77
Senate Secretary	Hazel Schroedel	Step 4 to Step 5 on 3/18/77
Senate Secretary	Genevieve Snetselaar	Step 7 to Step 8 on 2/18/77
Senate Secretary	Sylvia M. Tow	Step 5 to Step 6 on 2/18/77
Senate Secretary	Betty B. Wise	Step 3 to Step 4 on 3/4/77
	Sergeant-at-Arms	
Sergeant-at-Arms	William C. Sloan	Step 3 to Step 4 on 3/4/77
Assistant Sergeant-at-Arms	B. W. Rulon	Step 5 to Step 6 on 3/4/77
Doorkeeper	Catherine DeHeck	Step 1 to Step 2 on 2/18/77
Doorkeeper	Richard W. Dunker	Step 4 to Step 5 on 3/4/77
Doorkeeper	Charles M. McCoun	Step 2 to Step 3 on 2/18/77
Doorkeeper	Ray J. Prosperi	Step 2 to Step 3 on 2/18/77
	Services	
Switchboard Operator	Betty Lawler	Step 2 to Step 3 on 2/18/77
Switchboard Operator	Betty Schwengels	Step 3 to Step 4 on 3/4/77
Postmaster	Dino Masolini	Step 2 to Step 3 on 2/4/77
Secretary to Human Resources Committee	Vickie Adair	Step 3 to Step 4 on 7/8/77
	Technical	
Assistant Indexer	Caryll Wilbur	Step 6 to Step 7 in 10.2 months

REPORTS OF COMMITTEE MEETINGS

CITIES

Convened: January 24, 1977, 1:35 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Gallagher; C. Miller and Readinger.

Members Absent: Hansen (arrived 1:40 p.m.).

Members Excused: Briles, Orr, Hansen (at 2:00 p.m.).

Other Business: The Director of Finance of Des Moines and the City Clerk of Marshalltown discussed city budgeting.

Adjourned: 2:55 p.m.

ENERGY

Convened: January 24, 1977, 3:00 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Culver; Glenn; Ramsey and Rodgers.

Members Absent: none.

Members Excused: Briles.

Other Business: A representative of the Energy Policy Council presented a film on energy conservation.

Adjourned: 3:45 p.m.

HUMAN RESOURCES

Convened: January 24, 1977, 3:05 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Slater and Taylor.

Members Absent: Calhoon, Rush (arrived 3:35 p.m.).

Other Business: A representative from the Department of Social Services presented legislative proposals for 1977.

Adjourned: 3:45 p.m.

JUDICIARY

Convened: January 24, 1977, 1:40 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Coleman; Doderer; P. Hill; Ramsey; Redmond; Scott; Shaw and Willits.

Members Absent: none.

Members Excused: Ashcraft.

Other Business: Study bills assigned.

Adjourned: 1:55 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: January 24, 1977, 1:30 p.m.

Members Present: Nolting, Chairperson; Calhoon, Vice Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray; Nystrom; Palmer and Robinson.

Members Absent: none.

Other Business: The Industrial Commissioner discussed operations of Industrial Commission and current backlog of cases.

Adjourned: 2:55 p.m.

WAYS AND MEANS

Convened: January 24, 1977, 3:30 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; Hultman; Junkins; Kelly; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: E. Hill (arrived 3:43 p.m.), Palmer, Priebe.

Other Business: Dr. Marvin Julius reported on the 1976 Iowa Local Government Task Force Report to the Governor.

Adjourned: 4:40 p.m.

WAYS AND MEANS

Convened: January 25, 1977, 3:00 p. m.

Members Present: Rodgers, Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Palmer; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Nolting, Vice Chairperson; Priebe.

Final Action: DO PASS.

SENATE FILE 32, a bill for an Act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive.

The vote was: AYES, 12; Rodgers, Curtis, Craft, E. Hill, Hultman, Junkins, Kelly, Palmer, Readinger, Redmond, Shaff and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 2; Nolting and Priebe.

Adjourned 3:25 p.m.

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 a member of the Iowa Merit Employment Commission:

WILLIAM J. BRANDENBURG, Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1981.

Senator Willits, Chairperson
Senator DeKoster
Senator P. Hill
Senator Priebe
Senator Rodgers

As a member of the Occupational Safety and Health Review Commission:

I. JOHN ROSSI, West Des Moines, Polk County, Iowa, for reappointment to the regular six-year term commencing July 1, 1976, and ending June 30, 1982.

Senator Rodgers, Chairperson
Senator P. Hill
Senator Priebe
Senator Robinson
Senator Schwengels

As members of the State Board of Optometry Examiners:

PHILLIP E. HOTTEL, O.D., Iowa City, Johnson County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator C. Miller, Chairperson
Senator Doderer
Senator Glenn
Senator Readinger
Senator Taylor

ROBERT F. RENFRO, O.D., Sioux City, Woodbury County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Gallagher, Chairperson
Senator Calhoon
Senator Kelly
Senator A. Miller
Senator Ramsey

As members of the State Board of Medical Examiners:

CYRUS L. BEYE, M.D., Sioux City, Woodbury County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Kinley, Chairperson
Senator Bergman
Senator Calhoon
Senator Kelly
Senator Merritt

KENNETH R. CARRELL, D.O., Columbus Junction, Louisa County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Palmer, Chairperson
Senator Curtis
Senator Drake
Senator Nolting
Senator Rush

JOSEPH A. MC CAFFREY, Ph.D., Davenport, Scott County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Willits, Chairperson
Senator Ashcraft
Senator Shaw
Senator Slater
Senator Van Gilst

As members of the State Board of Nursing:

DONNA RAE MOORE HEALD, R.N., Mount Pleasant, Henry County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Scott, Chairperson
Senator Bisenius

Senator Craft
 Senator E. Hill
 Senator C. Miller

BARBARA ANN STEEN, Jesup, Buchanan County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Calhoon, Chairperson
 Senator Culver
 Senator Gallagher
 Senator Shaff
 Senator Tieden

As members of the State Board of Pharmacy Examiners:

MAX W. EGGLESTON, Waverly, Bremer County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Junkins, Chairperson
 Senator Burroughs
 Senator Redmond
 Senator Scott
 Senator Tieden

DENNIS D. KILLION, Red Oak, Montgomery County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Coleman, Chairperson
 Senator Carr
 Senator Hultman
 Senator Hutchins
 Senator Schwengels

As members of the State Board of Physical Therapy Examiners:

JANET KAY DUNN, Des Moines, Polk County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Scott, Chairperson
 Senator Culver
 Senator Curtis
 Senator Hansen
 Senator Willits

GRACE RASMUSSEN, Manilla, Crawford County, Iowa, for reappointment as a public member to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator A. Miller, Chairperson
Senator Hutchins
Senator Kelly
Senator Merritt
Senator E. Miller

BILLS ASSIGNED TO COMMITTEE

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

S.F. 18	Judiciary
S.F. 19	Ways and Means
S.F. 20	Transportation
S.F. 21	Ways and Means
S.F. 22	Commerce
S.F. 23	Human Resources
S.F. 24	State Government
S.F. 25	State Government
S.F. 26	Transportation
S.R. 4	Rules and Administration

On motion of Senator Kinley, the Senate adjourned at 4:35 p.m., until 4:30 p.m., Wednesday, January 26, 1977.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY—TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 26, 1977

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

Prayer was offered by the Honorable Elizabeth Miller, member of the Senate, from Marshalltown, Marshall County, Iowa.

The Journal of Tuesday, January 25, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Hardinger, Des Moines, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 Kathryn L. Graf, Fairfield, Jefferson County, Iowa, for reappointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for the 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 John J. Pogge, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for the 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 Vernon C. Cook, Des Moines, Polk County, Iowa, for reappointment as a member of the Public Employment Relations Board pursuant to Section 20.5, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

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 R. Loihl, Des Moines, Polk County, Iowa, for reappointment as a member of the Public Employment Relations Board pursuant to Section 20.5, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to present to the Senate for their consideration the name of Lois Eckhardt, Wellman, Washington County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the 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 Wilfred M. Spector, D.P.M., Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.19, 1975 Code of Iowa, for the unexpired portion of a 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 Joan Jacob, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTIONS OF BILLS

SENATE FILE 33, by Senators Redmond and Rush, 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 PASSED ON FILE.

SENATE FILE 34, by Senators Hutchins and Scott, a bill for an act to continue guaranteed state aid to elementary and secondary school districts.

Read first time and PASSED ON FILE.

SENATE FILE 35, by Senator Hill of Polk, a bill for an act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 25, 1977, 1:31 p.m.

Members Present: Van Gilst, Chairperson; Tieden, Ranking Member; Calhoon; Hulse; Hutchins; A. Miller; E. Miller; Readinger.

Members Absent: Merritt, Vice Chairperson (arrived 1:33 p.m.), Scott (arrived 1:39 p.m.).

Other Business: John D. Galvin, Corporations Director from the office of the Secretary of State, gave statistics and information resulting from the new Iowa Corporate Farm bill.

Adjourned: 2:15 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: January 25, 1977, 9:04 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; Hutchins and Nystrom.

Members Absent: P. Hill (arrived 9:06 a.m.).

Other Business: Hearing—IPBN TV

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 25, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members absent: none.

Other Business: Presentations from the Iowa Civil Rights Commission on the

Spanish Speaking Peoples Commission.

Adjourned: 11:50 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 25, 1977, 9:08 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member; Redmond and Schwengels.

Members Absent: none.

Other Business: Hearing—Iowa Department of Soil Conservation.

Adjourned: 11:50 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 25, 1977, 9:00 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Budget hearings—Department of Banking and Iowa Commerce Commission.

Adjourned: 11:30 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 25, 1977, 9:00 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Bergman and Rush.

Members Absent: Murray, Ranking Member.

Other Business: Presentation on WIN (Work and Training Program).

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 25, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor,

Ranking Member; Doderer and Tieden.

Members Absent: none.

Other Business: Recommended appropriation to the Governor's budget; hearing on the Historical Society, Historical Preservation, Historical Museum and Archives, Historical Board and Regional Library.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: January 25, 1977, 9:00 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Presentation and partial approval of standards and goals budget of the Iowa Crime Commission; presentation on Public Defense Disaster Services.

Adjourned: 11:00 a.m.

COMMERCE

Convened: January 25, 1977, 1:30 p.m.

Members Present: E. Hill, Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: Priebe, Vice Chairperson (arrived 1:40 p.m.).

Other Business: Richard Sheppard, Director of the Savings and Loan Division of the State Auditor's Office presented legislative proposals. William Timmons, General Counsel for the Iowa Insurance Institute, presented legislative proposals.

Adjourned: 2:30 p.m.

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 Iowa Real Estate Commission:

KATHRYN L. GRAF, Fairfield, Jefferson County, Iowa, for reappointment as a public member to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator C. Miller, Chairperson
Senator Readinger
Senator Rodgers
Senator Schwengels
Senator Willits

JOHN J. POGGE, Council Bluffs, Pottawattamie County, Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Rush, Chairperson
Senator Glenn
Senator Hultman
Senator Shaw
Senator Slater

As members of the Public Employment Relations Board:

VERNON C. COOK, Des Moines, Polk County, Iowa, for reappointment to the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Gallagher, Chairperson
Senator Calhoon
Senator DeKoster
Senator P. Hill
Senator Robinson

JOHN R. LOIHL, Des Moines, Polk County, Iowa, for reappointment to the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Carr, Chairperson
Senator Bergman
Senator P. Hill
Senator Orr
Senator Redmond

As members of the State Board of Podiatry Examiners:

LOIS ECKHARDT, Wellman, Washington County, Iowa, as a public member for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator E. Hill, Chairperson
 Senator Coleman
 Senator Kinley
 Senator Nystrom
 Senator Schwengels

WILFRED M. SPECTOR, D.P.M., Iowa City, Johnson County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Nolting, Chairperson
 Senator Bisenius
 Senator Doderer
 Senator Hansen
 Senator Palmer

As a member of the State Board of Psychology Examiners:

JOAN JACOB, Cedar Rapids, Linn County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Doderer, Chairperson
 Senator Drake
 Senator Murray
 Senator Redmond
 Senator Rush

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 2	Judiciary
S.J.R. 3	Judiciary
S.F. 27	Ways and Means
S.F. 28	State Government
S.F. 29	State Government
S.F. 30	Transportation
S.F. 31	Ways and Means
H.C.R. 4	Transportation

On motion of Senator Kinley, the Senate adjourned at 4:35 p.m., until 8:45 a.m., Thursday, January 27, 1977.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY—THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 27, 1977

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

Prayer was offered by the Honorable Warren E. Curtis, member of the Senate, from Cherokee, Cherokee County, Iowa.

The Journal of Wednesday, January 26, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lynn Leibel, Council Bluffs, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 10, 1977

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 Harris F. Seidel, Ph.D., Ames, Story County, Iowa, for reappointment as a member of the Board of Certification for Waterworks Operators of the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.53, 1975 Code of Iowa, for the 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 Beverly B. Everett, New Sharon, Mahaska County, Iowa, for reappointment as a member of the Board of Certification for Waterworks Operators of the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.53, 1975 Code of Iowa, for the 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 Samuel D. Linn, D.V.M., Humboldt, Humboldt County, Iowa, for reappointment as a member of the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for the 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 Irvin H. Palm, Red Oak, Montgomery County, Iowa, for reappointment as a member of the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for the 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 Clarence A. Gordy, Oskaloosa, Mahaska County, Iowa, for reappointment as a member of the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for the 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 William F. McGrath, Melrose, Monroe County, Iowa, for reappointment as a member of the State Transportation Commission pursuant to Section 307.5, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

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 J. Dunn, Des Moines, Polk County, Iowa, for appointment as a member of the State Transportation Commission pursuant to Section 307.5, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

January 18, 1977

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Cathy Sue Kelly, West Des Moines, Polk County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 36, by Committee on Judiciary, a bill for an act correcting an erroneous correlating amendment contained in chapter twelve hundred forty-one (1241) of the Acts of the Sixty-sixth General Assembly.

Read first time and PLACED ON CALENDAR.

SENATE FILE 37, by Senator Shaff, a bill for an act relating to the operation of a motor vehicle while having alcohol in the blood and subjecting violators to a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 38, by Senator Doderer, a bill for an act relating to jurisdiction under the uniform support of dependents law.

Read first time and PASSED ON FILE.

SENATE FILE 39, by Senator Curtis, a bill for an act making an appropriation for the planning, construction, and restoration of a rotunda covering in the state capitol.

Read first time and PASSED ON FILE.

SENATE FILE 40, by Senator Hill of Jasper, a bill for an act to provide for a state land use policy, to create a state land use policy commission and to specify its powers and duties, to provide for the regulation of the use of land, and to make an appropriation.

Read first time and PASSED ON FILE.

SENATE FILE 41, by Senator Curtis, a bill for an act relating to the management of state records.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: January 26, 1977, 9:02 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Hearing—Department of Public Instruction.

Adjourned: 11:58 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 26, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: General committee discussion.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 26, 1977, 9:10 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member; Redmond and Schwengels.

Members Absent: none.

Other Business: Hearing—Iowa Development Commission.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 26, 1977, 9:00 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Budget hearings—State Board of Architectural Examiners, State Board of Landscape Architectural Examiners and Public Employment Relations Board.

Adjourned: 11:10 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 26, 1977, 9:10 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Discussion of Child Support Recoveries.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 26, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member and Tieden.

Members Absent: none.

Members Excused: Doderer.

Other Business: Hearing— Department of Labor and the Judicial Courts.

Adjourned: 11:40 a.m.

HUMAN RESOURCES

Convened: January 26, 1977, 1:39 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Craft; Calhoon; E. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: P. Hill (arrived 1:45 p.m.).

Other Business: Appointed subcommittees and a representative from the State Department of Health discussed legislative proposals for 1977.

Adjourned: 2:35 p.m.

JUDICIARY

Convened: January 26, 1977, 3:05 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; Ashcraft; Coleman; Doderer; P. Hill; Ramsey; Redmond; Scott and Shaw.

Members Absent: Willits (arrived 3:10 p.m.).

Members Excused: DeKoster, Ranking Member.

Final Action: DO PASS.

SENATE FILE 36, a bill for an Act correcting an erroneous correlating amendment contained in Chapter 1241 of the Acts of the Sixty-sixth General Assembly.

The vote was: AYES, 11; Glenn, Rush, Ashcraft, Coleman, Doderer, P. Hill, Ramsey, Redmond, Scott, Shaw and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; DeKoster.

Adjourned: 3:40 p.m.

TRANSPORTATION

Convened: January 26, 1977, 1:30 p.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Ashcraft; Coleman; Gallagher; Hutchins and Tieden.

Members Absent: Shaff (arrived 1:35 p.m.), Doderer (arrived 1:40 p.m.).

Other Business: Committee bills assigned to subcommittees.

Adjourned: 1:45 p.m.

INTRODUCTION OF BILLS

SENATE FILE 42, by Senator Doderer, a bill for an act relating to county health centers.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 43, by Senator DeKoster, a bill for an act to require summaries of bargaining sessions and providing penalties for violations.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 44, by Senator Redmond, a bill for an act to provide that certain records required to be filed in a dissolution action shall not be public records.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 45, by Senator Redmond, a bill for an act relating to the minimum amount of cash assets required for the organization of a mutual insurance company under chapter five hundred nineteen (519) of the Code.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 46, by Senator Redmond, a bill for an act allowing law enforcement agencies to retain seized or forfeited ammunition and firearms under certain circumstances.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 47, by Senators Ramsey and Readinger, a bill for an act relating to the revocation of a motor vehicle license.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 48, by Senator Ramsey, a bill for an act relating to methods of advertising goods for sale at retail and providing civil remedies.

Read first time under Senate Rule 28 and PASSED ON FILE.

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 Department of Environmental Quality Board of Certification for Waterworks Operators:

BEVERLY B. EVERETT, New Sharon, Mahaska County, Iowa, for reappointment as a public member to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Gallagher, Chairperson
Senator Bergman
Senator Briles

Senator E. Hill
Senator Kinley

HARRIS F. SEIDEL, Ph.D., Ames, Story County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Palmer, Chairperson
Senator Bisenius
Senator Merritt
Senator Murray
Senator Priebe

As members of the State Board of Veterinary Medical Examiners:

SAMUEL D. LINN, D.V.M., Humboldt, Humboldt County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Van Gilst, Chairperson
Senator Ashcraft
Senator Burroughs
Senator Coleman
Senator Priebe

CATHY SUE KELLY, West Des Moines, Polk County, Iowa, as a public member for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Redmond, Chairperson
Senator Bergman
Senator Culver
Senator E. Hill
Senator P. Hill

As members of the State Board of Watchmaking Examiners:

CLARENCE A. GORDY, Oskaloosa, Mahaska County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Palmer, Chairperson
Senator Briles
Senator Hulse
Senator Robinson
Senator Van Gilst

IRVIN H. PALM, Red Oak, Montgomery County, Iowa for reappointment

to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Orr, Chairperson
 Senator Craft
 Senator Hultman
 Senator Rodgers
 Senator Willits

As members of the State Transportation Commission:

BARBARA J. DUNN, Des Moines, Polk County, Iowa, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Junkins, Chairperson
 Senator P. Hill
 Senator Priebe
 Senator Shaff
 Senator Slater

WILLIAM F. MC GRATH, Melrose, Monroe County, Iowa, for reappointment to the regular four-year term commencing July 1, 1976, and ending June 30, 1980.

Senator Hutchins, Chairperson
 Senator Kinley
 Senator Ramsey
 Senator Tieden
 Senator Van Gilst

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2

Commerce
 Rodgers, Chairperson
 Nolting
 Bergman

SENATE FILE 7

County Government
 Hutchins, Chairperson
 Briles
 C. Miller

SENATE FILE 13

Ways and Means
 Shaff, Chairperson
 Priebe
 Readinger

SENATE FILE 4

Energy
 Scott, Chairperson
 Burroughs
 Glenn

SENATE FILE 12

State Government
 Carr, Chairperson
 Rush
 Kelly

SENATE FILE 14

Transportation
 Glenn, Chairperson
 Robinson
 Drake

SENATE FILE 15

Ways and Means
 Redmond, Chairperson
 E. Hill
 Kelly

SENATE FILE 19

Ways and Means
 Van Gilst, Chairperson
 Hultman
 Junkins

SENATE FILE 21

Ways and Means
 Curtis, Chairperson
 Rodgers
 Nolting

SENATE CONCURRENT RESOLUTION 5

Rules and Administration
 Junkins, Chairperson
 Willits
 Hultman

SENATE FILE 18

Judiciary
 P. Hill, Chairperson
 Coleman
 DeKoster

SENATE FILE 20

Transportation
 Drake, Chairperson
 Robinson
 Coleman
 Hutchins
 Ashcraft

SENATE FILE 26

Transportation
 Glenn, Chairperson
 Robinson
 Drake

BILLS ASSIGNED TO COMMITTEE

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

S.F. 33 Human Resources
 S.F. 34 Education
 S.F. 35 Human Resources

AMENDMENT FILED

SCR 7 S-3066 Philip B. Hill
 Willard R. Hansen
 Roger J. Shaff
 Cliff Burroughs
 Lucas J. DeKoster
 James E. Briles

On motion of Senator Kinley, the Senate adjourned at 8:52 a.m., until 10:00 a.m., Monday, January 31, 1977.

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY—FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 31, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Albert Neufeld, pastor of the First Congregational Church, Edgewood, Iowa.

The Journal of Thursday, January 27, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Harry Brom, Creston, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Nolting and Robinson for the day on request of Senator Kinley; Senator Hulse for the day on request of Senator Hultman.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

January 26, 1977

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 Leslie G. Brody, West Des Moines, Polk County, Iowa, for appointment as Director of the Iowa Drug Abuse Authority pursuant to the provisions of Section 224B.3, 1975 Code of Iowa, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILL

SENATE FILE 49, by Senator Priebe, a bill for an act to allow the county treasurer to retain five percent of certain vehicle registration fees for deposit in the county general fund.

Read first time and PASSED ON FILE.

ADOPTION OF RESOLUTION

Senate Concurrent Resolution 7

Senator Kinley called up for consideration Senate Concurrent Resolution 7, a resolution relating to the Spring recess, found on page 195 of the Senate Journal.

Senator Hill of Polk offered amendment S-3066 to page 1 of the resolution filed by Senators Hill of Polk, et al., on January 27, 1977, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-3066 be adopted?" (S.C.R. 7) the vote was:

Ayes, 22:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Curtis	DeKoster	Drake
Hansen	Hill, P.B.	Hultman	Kelly
Merritt	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Schwengels	Shaff
Taylor	Tieden		

Nays, 19:

Calhoon	Carr	Coleman	Culver
Gallagher	Glenn	Hill, E.M.	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Rodgers
Shaw	Slater	Van Gilst	

Absent or not voting, 9:

Briles	Doderer	Hulse	Nolting
Redmond	Robinson	Rush	Scott
Willits			

Amendment S-3066 was adopted.

Senator Kinley moved the adoption of Senate Concurrent Resolution 7 as amended.

The motion prevailed and Senate Concurrent Resolution 7 as amended was adopted.

CONSIDERATION OF BILLS

Senate File 32

On motion of Senator Curtis, Senate File 32, a bill for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive, was taken up for consideration.

Senator Hill of Polk raised the point of order that unanimous consent was required to take up Senate File 32 since the bill was not eligible for consideration until February 1, 1977.

The Chair ruled the point well taken and that unanimous consent would be requested.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 32.

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. 32), the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw

Slater

Taylor

Tieden

Van Gilst

Nays, none.

Absent or not voting, 6:

Briles

Doderer

Hulse

Nolting

Robinson

Willits

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 50, by Senator Hill of Polk, a bill for an act relating to public and other records.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 51, by Committee on State Government, a bill for an act to repeal the authority of the war surplus commodities board.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 52, by Committee on Judiciary, a bill for an act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 53, by Committee on County Government, a bill for an act relating to the expenditure of federal funds for county buildings or facilities.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: January 27, 1977, 9:35 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Review and discussion on previous hearings.

Adjourned: 11:20 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 27, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: Presentations from the Board of Parole, Iowa Housing Finance Authority and Commission on the Status of Women.

Adjourned: 12:10 p.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 27, 1977, 9:10 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member; Redmond and Schwengels.

Members Absent: none.

Other Business: Hearing—Iowa Coal Research Project.

Adjourned: 11:55 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 27, 1977, 9:15 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill, for an Act making an appropriation for the purpose of funding the acquisition, development, installation and use of an interactive computer system encompassing state budgeting and analyses procedures.

The vote was: AYES, 4; E. Hill, C. Miller, Curtis, and Hulse. NAYS, none. ABSENT OR NOT VOTING, 1; Scott.

Also:

Other Business: Budget hearings; Job Service of Iowa—IPERS Division, and Iowa Occupational Safety and Health Review Commission.

Adjourned: 11:30 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 27, 1977, 9:00 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Recommendation for supplemental appropriation made to Title XIX program.

Adjourned: 12:10 p.m.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 27, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member and Tieden.

Members Absent: Doderer.

Other Business: Budget hearings—State Library Commission and Department of Justice.

Adjourned: 11:50 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: January 26, 1977, 9:10 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Part of budget for the Department of Public Defense tentatively approved and presentation by Iowa Law Enforcement Academy.

Adjourned: 11:45 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: January 27, 1977, 9:06 a.m.

Members Present: Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Members Excused: Carr, Chairperson

Other Business: Part of budget for the Iowa Law Enforcement Academy, tentatively approved.

Adjourned: 9:50 a.m.

COMMERCE

Convened: January 27, 1977, 3:15 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Other Business: A discussion of requested legislation by a representative of the Iowa Institute of Cooperation and a review of the Insurance Pool Interim Study Committee by Senator Junkins.

Adjourned: 4:00 p.m.

COUNTY GOVERNMENT

Convened: January 27, 1977, 3:00 p.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles, Ranking Member; P. Hill; Merritt; C. Miller; Murray; Orr; Taylor and Van Gilst.

Final Action: DO PASS.

Senate File 53, a bill for an Act relating to the expenditure of federal funds for county buildings or facilities.

The vote was: AYES, 9; Redmond, Hutchins, Briles, P. Hill, Merritt, C. Miller, Murray, Taylor, Van Gilst. NAYS, 1; Orr.

Also:

Other Business: Assigned subcommittees.

Adjourned: 3:40 p.m.

JUDICIARY

Convened: January 26, 1977, 3:05 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; Ashcraft; Coleman; Doderer; P. Hill; Ramsey; Redmond; Scott and Shaw.

Members Absent: Willits (arrived 3:10 p.m.).

Members Excused: DeKoster, Ranking Member.

Final Action: DO PASS.

Senate File 52, a bill for an Act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

The vote was: AYES, 11; Glenn, Rush, Ashcraft, Coleman, Doderer, P. Hill, Ramsey, Redmond, Scott, Shaw and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; DeKoster.

Adjourned: 3:40 p.m.

STATE GOVERNMENT

Convened: January 25, 1977, 1:35 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: none.

Final Action: DO PASS.

Senate File 51, a bill for an Act to repeal the authority of the war surplus commodities board.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none.

Also:

Other Business: Study bills assigned.

Adjourned: 1:50 p.m.

WAYS AND MEANS

Convened: January 27, 1977, 1:35 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; Hultman; Junkins; Kelly; Palmer; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: E. Hill (arrived 1:45 p.m.), Priebe (arrived 1:40 p.m.).

Other Business: Presentation on assessments by assessors from the City of Des Moines and Cherokee and Washington Counties.

Adjourned: 3:05 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 37 Judiciary
S.F. 38 Judiciary
S.F. 39 Budget
S.F. 40 Budget
S.F. 41 State Government
S.F. 42 Human Resources
S.F. 43 Labor and Industrial Relations
S.F. 44 Judiciary
S.F. 45 Commerce
S.F. 46 Judiciary
S.F. 47 Judiciary
S.F. 48 Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ronald O. Masters, II, D.C., Mason City, Cerro Gordo

County, Iowa, for appointment as a member of the State Board of Chiropractic 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.

FRED W. NOLTING, Chairperson
CLIFF BURROUGHS
ALVIN V. MILLER
LUCAS J. DE KOSTER
JOHN R. SCOTT

PETITIONS

The following petitions were presented and placed on file:

By Senator Priebe from one hundred one residents of Humboldt and Kossuth Counties favoring legislation to provide stronger penalties for persons involved in the selling of illegal drugs.

By Senator Ramsey from twenty-four members of the educational staff of the Clarke County Community School District, opposing the Needs Assessment program.

On motion of Senator Kinley, the Senate adjourned at 10:40 a.m., until 4:30 p.m., Wednesday, February 2, 1977.

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY—FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 1, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following Senate Journal was printed while the Senate was not in session, but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Anderson, Boone, Iowa.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: January 31, 1977, 11:05 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; DeKoster; Junkins; Kelly; Priebe; Ramsey; Willits and Van Gilst.

Members Absent: Carr (arrived 11:10 a.m.), Hultman (arrived 11:45 a.m.).

Members Excused: Nolting.

Other Business: A review of the Governor's budget by the State Comptroller; a presentation by the Director of the Legislative Fiscal Bureau.

Adjourned: 12:10 p.m.

CITIES

Convened: January 31, 1977, 1:30 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Briles; Gallagher; Hansen; C. Miller; Orr and Readinger.

Members Absent: none.

Other Business: A discussion of local option sales and local option income

taxes.

Adjourned: 2:23 p.m.

ENERGY

Convened: January 31, 1977, 3:00 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver and Glenn.

Members Absent: none.

Other Business: Assigned study bills; discussions—by the Director of the General Services Department on the solar project for the State Capitol; by a representative of Iowa State University on solar drying; by representatives of the Star Coal Company on the Iowa coal project; by representatives from the Office of Planning and Programming on heating problems for the elderly.

Adjourned: 4:20 p.m.

HUMAN RESOURCES

Convened: January 31, 1977, 3:07 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush and Taylor.

Members Absent: none.

Members Excused: Calhoon and Slater.

Other Business: Appointment of subcommittees.

Adjourned: 3:09 p.m.

JUDICIARY

Convened: January 31, 1977, 1:40 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Scott; Ashcraft; Doderer; Shaw; P. Hill and Ramsey.

Members Absent: Willits (arrived 1:45 p.m.), Coleman and Redmond.

Other Business: Bills assigned to subcommittees.

Adjourned: 2:00 p.m.

ANNOUNCEMENT OF INVESTIGATING COMMITTEE
FOR GOVERNOR'S APPOINTMENT

President Neu, in accordance with Section 2.32, Code 1975, announced the appointment of the following Senators to an investigating committee:

As Director of the Iowa Drug Abuse Authority:

LESLIE G. BRODY, West Des Moines, Polk County, Iowa, to serve at the pleasure of the Governor.

Senator Junkins, Chairperson
Senator P. Hill
Senator C. Miller
Senator Taylor
Senator Van Gilst

INTRODUCTION OF BILLS

SENATE FILE 54, by Senator Miller of Des Moines, a bill for an act to allow movement of vehicles in excess of the length and weight limitations for operation on the highways.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 55, by Senator Ashcraft, a bill for an act relating to the qualifications of chiefs of fire departments and chiefs of police departments.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 56, by Senator Redmond, a bill for an act providing for the procedures to be followed in setting civil and special actions for trial.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 57, by Senator Kelly, a bill for an act to repeal bounties on certain wild animals.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 49 County Government
S.F. 50 State Government

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Monday, January 31, 1977.

Had I been present, I would have voted "aye" on Senate Concurrent Resolution 7 and Senate File 32.

FRED W. NOLTING

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY—SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 2, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Lloyd R. Smith, Auditor of State.

The Journals of Monday, January 31, 1977, and Tuesday, February 1, 1977, were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Veverka, Prairie City, Iowa, and Dr. Dale Grunewald, Des Moines, Iowa.

INTRODUCTION OF BILL

SENATE FILE 58, by Senator Redmond, a bill for an act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code.

Read first time and PASSED ON FILE.

SENATE RESOLUTION 5

By: Gallagher

- 1 *Whereas*, the Archdiocesan Council of Catholic
- 2 Women of the Archdiocese of Dubuque annually ob-
- 3 serves a "Week of Prayer" for the members of the
- 4 General Assembly; and
- 5 *Whereas*, the Week of Prayer for this year is
- 6 being held from February thirteenth through Feb-
- 7 ruary nineteenth; and
- 8 *Whereas*, many special services will be held
- 9 throughout the Archdiocese; *Now Therefore*,
- 10 *Be It Resolved by the Senate*,
- 11 That the members of the General Assembly express
- 12 their appreciation for the Week of Prayer and for
- 13 the special Mass.

Read first time and PASSED ON FILE.

BILL REASSIGNED TO COMMITTEE

Senator Kinley asked and received unanimous consent that SENATE FILE 40 be reassigned to the committee on NATURAL RESOURCES.

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: February 1, 1977, 1:35 p.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Calhoon; Hulse; Hutchins; A. Miller; E. Miller; Readinger and Scott.

Members Absent: none.

Other Business: Discussion of the pending hearing on the procedure for testing of drug residue found in marketed livestock.

Adjourned: 2:05 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 1, 1977, 9:03 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Hearing—Area schools.

Adjourned: 11:45 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 1, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: Presentation by the Iowa Mental Health Authority.

Adjourned: 11:10 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 1, 1977, 9:10 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Schwengels.

Members Absent: Redmond.

Other Business: Hearing—Department of Enviromental Quality.

Adjourned: 11:40 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 1, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Budget hearings—Office of the State Comptroller and the Data Processing Division of the State Comptroller.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 1, 1977, 9:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentations by representatives from the Department of Social Services on assistance to day care centers, the Governor's Youth Opportunity Program, subsidized adoptions, and foster care group-home and residential.

Adjourned: 11:55 a.m.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 1, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Doderer and Tieden.

Members Absent: none.

Other Business: Budget hearing—Department of General Services.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 1, 1977, 9:00 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Presentation of budget for the Department of Transportation.

Adjourned: 11:45 a.m.

BILLS ASSIGNED TO COMMITTEE

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

- S.F. 54 Transportation
- S.F. 55 Cities
- S.F. 56 Judiciary
- S.F. 57 Natural Resources

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate Concurrent Resolution 7 for Messaging to the House, line 3 was corrected by striking the words "be to" and amended by inserting the word "shall".

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate File 32 for Messaging to the House, line 31, page 3, was corrected by striking the words "fifty-four" and inserting the words "fifty-five".

STEVEN C. CROSS, Secretary of the Senate

On motion of Senator Kinley, the Senate adjourned at 4:48 p.m., until 8:45 a.m., Thursday, February 3, 1977.

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY—SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 3, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Robert M. Carr, member of the Senate, from Dubuque, Dubuque County, Iowa.

The Journal of Wednesday, February 2, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison, Iowa.

INTRODUCTION OF BILL

SENATE FILE 59 by Senator Priebe, a bill for an act relating to regulating, licensing, and inspecting food service establishments and providing a penalty.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 2, 1977, 9:05 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: Robinson, Vice Chairperson.

Other Business: Budget hearing—State Board of Regents.

Adjourned: 11:58 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 2, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member and Craft.

Members Absent: none.

Members Excused: Calhoon.

Other Business: Presentation from the State Department of Health.

Adjourned: 11:45 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 2, 1977, 9:08 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Schwengels.

Members Absent: Redmond.

Other Business: Hearing—State Conservation Commission.

Adjourned: 12:08 p.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 2, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member and Hulse.

Members Absent: none.

Members Excused: Scott.

Other Business: Budget hearing—Iowa Beer and Liquor Control Department.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 2, 1977, 9:10 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Discussions on aid to the blind (remedial eye care), aid to the blind supplemental, and aid to the Indians.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 2, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Tieden and Doderer.

Members Absent: none.

Other Business: Hearings—Iowa Merit Employment Commission, Legislative Service Bureau, Legislative Fiscal Bureau and Department of General Services.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 2, 1977, 9:15 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Presentations on the budget of the Department of Transportation.

Adjourned: 11:55 a.m.

HUMAN RESOURCES

Convened: February 2, 1977, 1:35 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Other Business: Announced subcommittee assignments.

Adjourned: 1:38 p.m.

JUDICIARY

Convened: February 2, 1977, 3:05 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; P. Hill; Ashcraft; Coleman; Willits; Scott; Ramsey; Shaw and Redmond.

Members Absent: Doderer (arrived 3:08 p.m.).

Final Action: DO PASS.

Senate File 18, a bill for an Act relating to gifts to minors.

The vote was: AYES, 12; Glenn, Rush, DeKoster, P. Hill, Ashcraft, Coleman, Willits, Scott, Ramsey, Shaw, Redmond and Doderer. NAYS, none.

Also:

Other Business: Bills assigned to subcommittees; presentation of legislative proposals from a representative of the Department of Public Safety.

Adjourned: 4:10 p.m.

NATURAL RESOURCES

Convened: February 2, 1977, 3:05 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Other Business: Discussion on several proposed bills.

Adjourned: 4:25 p.m.

TRANSPORTATION

Convened: February 2, 1977, 1:30 p.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Ashcraft; Coleman; Gallagher; Hutchins; Shaff and Tieden.

Members Absent: Doderer (arrived 1:50 p.m.).

Final Action: APPROVED.

Senate File 60, a bill for an Act removing the prohibition against use of Social Security numbers for operator's motorized bicycle, or chauffeur's licenses and for motor vehicle registration.

The vote was: AYES, 8; Robinson, Glenn, Drake, Ashcraft, Coleman, Hutchins, Shaff and Tieden. NAYS, 2; Doderer and Gallagher.

Also:

Other Business: Bill assignments.

Adjourned: 2:00 p.m.

WAYS AND MEANS

Convened: February 1, 1977, 3:07 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Palmer; Priebe; Shaff; Van Gilst; Readinger and Redmond.

Members Absent: Kelly (arrived 3:10 p.m.).

Other Business: Presentation by the Deputy Director-Property Tax Division of the Department of Revenue on property assessments and equalization.

Adjourned: 4:20 p.m.

WAYS AND MEANS

Convened: February 3, 1977, 1:35 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Palmer; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Kelly (arrived 1:37 p.m.) and Priebe.

Final Action: APPROVED.

Senate File 61, a bill for an Act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

The vote was: AYES, 13; Rodgers, Nolting, Curtis, Craft, E. Hill, Hultman, Junkins, Kelly, Palmer, Readinger, Redmond, Shaff and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 1; Priebe.

Adjourned: 1:55 p.m.

INTRODUCTION OF BILLS

SENATE FILE 60, by Committee on Transportation, a bill for an act removing the prohibition against use of social security numbers for operator's, motorized bicycle, or chauffeur's licenses and for motor vehicle registration.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 61, by Committee on Ways and Means, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 62, by Senator Ramsey, a bill for an act to permit the parties to a marriage to contract prior to the marriage with regard to distribution of property, alimony and support in the event of a dissolution of the marriage.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 58	Judiciary
S.R. 5	Rules and Administration

REPORT OF COMMITTEE

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 18, a bill for an act relating to gifts to minors, 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.

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 2

Judiciary
Willits, Chairperson
Coleman
Shaw

Judiciary

SENATE JOINT RESOLUTION 3

Judiciary
Willits, Chairperson
Coleman
Shaw

SENATE FILE 1

Budget-Budget Subcommittee
on State Government
Willits, Chairperson
Rodgers
Taylor
Doderer
Tieden

SENATE FILE 17

Commerce
Rodgers, Chairperson
Priebe
Robinson

SENATE FILE 23

Human Resources
Calhoon, Chairperson
Craft
E. Miller

SENATE FILE 25

State Government
Nystrom, Chairperson
Glenn
Rush

SENATE FILE 28

State Government
Rush, Chairperson
Slater
Kelly

SENATE FILE 30

Transportation
Glenn, Chairperson
Robinson
Drake

SENATE FILE 33

Human Resources
E. Miller, Chairperson
Calhoon
Slater

SENATE FILE 35

Human Resources
Murray, Chairperson
A. Miller
E. Hill

SENATE FILE 38

Judiciary
Rush, Chairperson

SENATE FILE 8

Budget-Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Curtis
Hulse
Scott

SENATE FILE 22

Commerce
Robinson, Chairperson
Nolting
Bergman

SENATE FILE 24

State Government
Glenn, Chairperson
Culver
Ashcraft

SENATE FILE 27

Ways and Means
Palmer, Chairperson
Hultman
E. Hill

SENATE FILE 29

State Government
Drake, Chairperson
Junkins
Coleman

SENATE FILE 31

Ways and Means
Redmond, Chairperson
Priebe
Kelly

SENATE FILE 34

Education
Shaw, Chairperson
Scott
Orr

SENATE FILE 37

Judiciary
Redmond, Chairperson
Scott
P. Hill

SENATE FILE 39

Budget-Budget Subcommittee
on State Government

Ashcraft
Shaw

Willits, Chairperson
Rodgers
Taylor
Doderer
Tieden

SENATE FILE 41

State Government
Ashcraft, Chairperson
Schwengels
Junkins

SENATE FILE 42

Human Resources
A. Miller, Chairperson
E. Hill
Taylor

SENATE FILE 44

Judiciary
Scott, Chairperson
Coleman
DeKoster

SENATE FILE 46

Judiciary
Ashcraft, Chairperson
Ramsey
Doderer

SENATE FILE 47

Judiciary
Redmond, Chairperson
Scott
P. Hill

SENATE FILE 48

Judiciary
Shaw, Chairperson
Coleman
Willits

SENATE FILE 49

County Government
Orr, Chairperson
Merritt
Taylor

HOUSE CONCURRENT
RESOLUTION 4

Transportation
Drake, Chairperson
Robinson
Shaff

COMMUNICATIONS

The following communications were filed with the Secretary of the Senate on January 28, 1977.

IN THE MATTER OF	)	REPORT OF THE
THE)	
RULES OF APPELLATE PROCEDURE	)	SUPREME COURT

TO THE 1977 REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(2) and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly the new Rules of Appellate Procedure as set out in exhibit "A" hereto attached and made a part hereof.

Respectfully submitted,
THE SUPREME COURT OF IOWA
C. EDWIN MOORE, Chief Justice

Des Moines, Iowa
January 28, 1977

EXHIBIT "A"

RULES OF APPELLATE PROCEDURE

July 1, 1977

I. APPEALS IN CIVIL CASES

RULE 1. FROM FINAL JUDGMENT.

(a) All final judgments and decisions of the district court and any final adjudication in the district court under rule 86, Rules of Civil Procedure, involving the merits or materially affecting the final decision, may be appealed to the Supreme Court, except as provided in this rule and in rule 3, Rules of Appellate Procedure. For the purpose of this rule any order granting a new trial (not including an order setting aside a judgment by default other than in actions for dissolution of marriage or annulment) and any order denying a new trial shall be deemed a final decision. Any order setting aside a default decree of dissolution of marriage or annulment shall also be deemed a final decision.

(b) No interlocutory ruling or decision may be appealed except as provided in rule 2, Rules of Appellate Procedure, until after the final judgment or order. No error in such interlocutory ruling or decision is waived by pleading over or proceeding to trial. On appeal from the final judgment, appellant may assign as error such interlocutory ruling or decision or any final adjudication in the trial court under rule 86, Rules of Civil Procedure, from which no appeal has been taken, where such ruling, decision or final adjudication is shown to have substantially affected the rights of the complaining party.

RULE 2. FROM INTERLOCUTORY ORDERS.

(a) Any party aggrieved by an interlocutory ruling or decision, including one appearing specially whose objections to jurisdiction have been overruled, may apply to the Supreme Court or any justice thereof to grant an appeal in advance of final judgment. Such appeal may be granted, after service of the application and hearing as provided in rules 22 and 30, Rules of Appellate Procedure, on finding that such ruling or decision involves substantial rights and will materially affect the final decision and that a determination of its correctness before trial on the merits will better serve the interests of justice. No such application is necessary where the appeal is, pursuant to rule 1, Rules of Appellate Procedure, from a final adjudication in the trial court under rule 86, Rules of Civil Procedure.

(b) The order granting such appeal may be on terms advancing it for prompt submission. It shall stay further proceedings below and may require bond.

RULE 3. AMOUNT IN CONTROVERSY.

Subject to Section 631.16 of The Code and except where the action

involves an interest in real estate, no appeal shall be taken in any case where the amount in controversy, as shown by the pleadings, is less than three thousand dollars unless the trial judge, within thirty days after the judgment or order is entered, certifies that the cause is one in which appeal should be allowed. The right of appeal is not affected by any remission of any part of the verdict or judgment.

RULE 4. SCOPE OF REVIEW.

Review in equity cases shall be de novo. In all other cases the appellate courts shall constitute courts for correction of errors at law, and findings of fact in jury-waived cases shall have the effect of a special verdict.

RULE 5. TIME FOR APPEAL.

(a) Appeals to the Supreme Court must be taken within, and not after, thirty days from the entry of the order, judgment or decree, unless a motion for new trial or judgment notwithstanding the verdict as provided in rule 247, Rules of Civil Procedure, or a motion as provided in rule 179(b), Rules of Civil Procedure, is filed, and then within thirty days after the entry of the ruling on such motion; provided however that where an application to the Supreme Court or any justice thereof to grant an appeal under rule 2, Rules of Appellate Procedure, is made within thirty days from the date of such ruling or decision, any appeal allowed upon such application shall be deemed timely taken.

Provided further that if the Supreme Court or any justice determines that the order or decision from which application to appeal under rule 2, Rules of Appellate Procedure, is timely made is a final judgment or decision from which appeal would lie under rule 1, Rules of Appellate Procedure, an appeal therefrom shall also be deemed timely taken and perfected when the order making such determination is filed with the clerk of the Supreme Court, and rule 6(b), Rules of Appellate Procedure, shall apply.

A cross-appeal may be taken within the thirty days for taking an appeal or in any event within five days after the appeal is taken.

(b) No appeal from a judgment, ruling or order taken after it has actually been made by the trial court shall be held insufficient because the clerk of the trial court has not recorded such judgment, ruling or order upon the court records at the time the appeal is taken, if it shall appear that such record has been made prior to ten days after the date on which the appeal is docketed.

RULE 6. HOW TAKEN.

(a) An appeal other than those allowed by order under rule 2 or rule 5, Rules of Appellate Procedure, is taken and perfected by filing a notice with the clerk of the court where the order, judgment or decree was entered, signed by appellant or his attorney. It shall specify the parties taking the appeal and the decree, judgment, order or part thereof appealed from. The appellant shall serve a copy of the notice on each other party or his counsel in the manner prescribed in rule 82(b), Rules of Civil Procedure. The notice

presented to the clerk of the trial court for filing shall be accompanied by a proof of service in the form prescribed in rule 82(g), Rules of Civil Procedure. Promptly after filing the notice of appeal with the clerk of the trial court appellant shall mail or deliver to the clerk of the Supreme Court a copy of such notice for his information.

(b) An interlocutory appeal under rule 2, Rules of Appellate Procedure, shall be deemed taken and perfected when the order allowing it is filed with the clerk of the Supreme Court. No notice of such appeal is necessary. The time for any further proceeding on such appeal which would run from the notice of appeal shall run from the date such order is so filed. The clerk of the Supreme Court shall promptly transmit a copy of such order to the attorneys of record and the clerk of the trial court.

RULE 7. SUPERSEDEAS BOND.

(a) No appeal shall stay proceedings under a judgment or order unless appellant executes a bond with sureties, to be filed with and approved by the clerk of the court where the judgment or order was entered. The condition of such bond shall be that appellant will satisfy and perform the judgment if affirmed, or any judgment or order, not exceeding in amount or value the obligation of the judgment or order appealed from, which an appellate court may render or order to be rendered by the trial court; and also all costs and damages adjudged against him on the appeal, and all rents of or damage to property during the pendency of the appeal of which appellee is deprived by reason of the appeal.

(b) If the judgment or order appealed from be for money, the penalty of such bond shall be one hundred twenty-five percent of the amount thereof, including costs, unless, in exceptional cases, the trial court fixes a larger amount; in all other cases, an amount sufficient to save appellee harmless from the consequences of the appeal; but in no event less than three hundred dollars.

(c) No appeal shall vacate or affect the judgment or order appealed from; but the clerk shall issue a written order requiring appellee and all others to stay proceedings under it or such part of it as has been appealed from, when the appeal bond is filed and approved.

RULE 8. BOND—HEARING ON SUFFICIENCY.

If any party to an appeal is aggrieved by the clerk's approval of, or refusal to approve, a supersedeas bond tendered by appellant, he may apply to the trial court, on at least three days notice to the adverse party, to review the clerk's action. Pending such hearing, the court may recall or stay all proceedings under the order or judgment appealed from. On such hearing, the trial court shall determine the sufficiency of the bond, and if the clerk has not approved the bond, the court shall, by written order, fix its conditions and determine the sufficiency of the security; or if the court determines that a bond approved by the clerk is insufficient in security or defective in form, it shall discharge such bond and fix a time for filing a new one, all as appears by the circumstances shown at the hearing.

RULE 9. JUDGMENT ON BOND.

If an appellate court affirms the judgment appealed from, it may, on motion of appellee, render judgment against appellant and the sureties on the appeal bond for the amount of the judgment, with damages and costs; or it may remand the cause to the trial court for the determination of such damages and costs and entry of judgment on the bond.

RULE 10. RECORD ON APPEAL.

(a) **COMPOSITION OF RECORD ON APPEAL.** The original papers and exhibits filed in the trial court, the transcript of proceedings, if any, and a certified copy of the docket and court calendar entries prepared by the clerk of the trial court shall constitute the record on appeal in all cases.

(b) **TRANSCRIPT; DUTY OF APPELLANT TO ORDER; NOTICE IF PARTIAL TRANSCRIPT ORDERED.** Within ten days after filing the notice of appeal, appellant shall order from the reporter a transcript of such parts of the proceedings not already on file as he deems necessary for inclusion in the record. If appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, he shall include in the record a transcript of all evidence relevant to such finding or conclusion. Unless all of the proceedings are to be transcribed, appellant shall also within such ten days file with the clerk of the trial court and serve on appellee a description of the parts of the proceedings which he has ordered transcribed. With that description appellant shall file and serve a statement of the issues he intends to present on appeal. If appellee deems a transcript of other parts of the proceedings to be necessary, he shall, within ten days after the service of the statement of appellant, file with the clerk of the trial court and serve on appellant a designation of additional parts to be included. If appellant shall within four days fail or refuse to order such parts, appellee shall either order the parts or apply to the trial court to compel appellant to do so. The ordering party must make satisfactory arrangements with the reporter for payment of the transcript costs.

The reporter's transcript shall be filed with the clerk of the trial court within the time fixed or allowed for docketing the appeal; and these rules relative to such transcript shall also apply to bills of exceptions under rule 241, Rules of Civil Procedure. The cost of the transcript shall be taxed in the trial court.

(c) **STATEMENT OF THE EVIDENCE OR PROCEEDINGS WHEN NO REPORT WAS MADE OR WHEN THE TRANSCRIPT IS UNAVAILABLE.** If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, appellant may prepare a statement of the evidence or proceedings from the best available means, including his recollection. The statement shall be filed with the clerk of the trial court and served on appellee within twenty days after the filing of the notice of appeal. Appellee may file with the clerk of the trial court and serve on appellant objections or proposed amendments to the statement within ten days after service of appellant's statement. Thereupon the statement and any objections or proposed amendments shall be submitted to the trial court for settlement and approval and as settled and approved shall be included in the record on

appeal.

(d) **CORRECTION OR MODIFICATION OF THE RECORD.** If any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation or the trial court, either before or after the record is transmitted to the Supreme Court, or the appropriate appellate court on proper suggestion or on its own initiative, may direct that the omission or misstatement be corrected and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the Supreme Court, unless the questions arise after the case has been transferred to the Court of Appeals, in which event, they shall be presented to that court.

RULE 11. TRANSMISSION OF RECORD.

(a) **TIME FOR TRANSMISSION OF DOCKET ENTRIES.** Within fourteen days after the filing of the notice of appeal, the clerk of the trial court shall transmit a certified copy of the docket and calendar entries in the proceeding in the trial court to the clerk of the Supreme Court and all parties or their attorneys. The clerk of the Supreme Court shall thereupon prepare a docket page and assign a number to the case.

(b) **TRANSMISSION OF REMAINING RECORD.** Within seven days after all required briefs and the appendix have been served or at such earlier time as the parties may agree or the Supreme Court may order, appellant shall request the clerk of the trial court to transmit immediately to the clerk of the Supreme Court the remaining record not already transmitted, including the original papers and exhibits filed in the trial court and any reporter's transcript of proceedings. Appellant shall take all action necessary to enable the clerk of the trial court to assemble and timely transmit the remaining record. If more than one appeal is taken, each appellant shall comply with the provisions of rule 10(b), Rules of Appellate Procedure, and this subdivision.

When request is made by either party for transmission to the Supreme Court of portions of the record in addition to the certified copy of the docket and calendar entries, the clerk of the trial court shall number the documents comprising the remaining record and shall transmit the same to the clerk of the Supreme Court. The clerk of the trial court shall transmit with the remaining record a list of the documents correspondingly numbered and identified with reasonable definiteness. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he is directed to do so by a party or by the clerk of the Supreme Court. A party must make advance arrangements with the clerks for the transportation and receipt of exhibits of unusual bulk or weight.

Transmission of the record is effected when the clerk of the trial court mails or otherwise forwards the record to the clerk to the Supreme Court. The clerk of the trial court shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the Supreme Court.

(c) **RETENTION OF TRIAL RECORD IN TRIAL COURT.** If the record or any part thereof is required in the trial court for use pending the appeal, the trial court may make an order to that effect, and the clerk of the trial court shall retain the record or parts thereof subject to the request of an appellate court, and shall transmit a copy of the order and of the docket and calendar entries together with such parts of the original record as the parties may designate and as the trial court shall allow. The parts of the record not transmitted to the clerk of the Supreme Court shall nevertheless be part of the record on appeal for all purposes.

(d) **PORTIONS OF RECORD NOT TRANSMITTED.** Any parts of the record which have not been transmitted to the clerk of the Supreme Court shall, on the order of an appellate court or on the request of any party, be transmitted by the clerk of the trial court to the clerk of the Supreme Court.

RULE 12. DOCKETING APPEAL; FILING RECORD.

(a) **DOCKETING THE APPEAL.** Within forty days after the filing of the notice of appeal, unless the time is shortened or extended by an order under rule 20, Rules of Appellate Procedure, appellant shall pay the docket fee to the clerk of the Supreme Court, and the clerk shall thereupon enter the appeal upon the docket. If appellant is authorized by the trial court or Supreme Court to prosecute the appeal without prepayment of fees, the clerk shall enter the appeal upon the docket at the request of the party within such forty days. Simultaneously with such payment of the fee or request for docketing without fee, appellant shall serve on appellee and file with the clerk of the Supreme Court a statement as to whether the appeal does or does not involve a contest as to child custody to which rule 17, Rules of Appellate Procedure, applies. An appeal shall be docketed under the title given to the action in the trial court, with appellant identified as such, but if such title does not contain the name of appellant, his name identified as appellant shall be added to the title. The clerk of the Supreme Court shall immediately give notice to all parties or their attorneys of the date on which the appeal is entered on the docket.

(b) **CERTIFICATE OF ORDERING TRANSCRIPT.** Within fourteen days after filing notice of appeal appellant shall file with the clerk of the Supreme Court and serve on appellee a certificate of ordering transcript. The certificate shall include the name of the reporter, the date on which the transcript was ordered, a description of the portions of proceedings ordered transcribed and a statement regarding the arrangements made with the reporter for payment of the cost of the transcript. The certificate shall be signed by appellant or his attorney.

If for any reason a transcript has not been ordered within ten days after the filing of the notice of appeal, appellant shall file with the clerk of the Supreme Court and serve on appellee within such fourteen days a certificate so stating with a statement of the reason a transcript cannot or will not be prepared.

If, after the filing of the certificate of ordering transcript, a transcript of additional portions of the proceedings is ordered under rule 10(b), Rules of

Appellate Procedure, or otherwise, the party so ordering shall within four days file with the Supreme Court clerk and serve on the other party a supplemental certificate so stating.

(c) **DISMISSAL FOR FAILURE TO DOCKET.** If appellant shall fail to pay the docket fee when required, any appellee may file a motion in the Supreme Court to dismiss the appeal. The motion shall be supported by a certificate of the clerk of the trial court showing the date and substance of the judgment or order from which the appeal was taken and the date on which the notice of appeal was filed. Appellant may respond by written resistance within fourteen days of service of the motion by appellee. The clerk shall docket the appeal for the purpose of permitting the Supreme Court to entertain the motion without requiring payment of the docket fee, but appellant shall not be permitted to respond without payment of the fee unless he is otherwise exempt from prepayment.

(d) **DISMISSAL FOR FAILURE TO TRANSMIT REMAINING RECORD.** If appellant shall fail to cause timely transmission of the remaining portions of the record as required by rule 11(b), Rules of Appellate Procedure, any appellee may file a motion in the Supreme Court to dismiss the appeal. The motion shall state on what dates required briefs and the appendix were served on the parties and filed with the clerk of the Supreme Court. The motion shall be supported by a certificate of the clerk of the trial court showing the date and substance of the judgment or order from which the appeal was taken, the date on which the notice of appeal was filed and the expiration date of any order retaining the record or parts thereof in trial court or of any order extending the time for transmitting the record or parts thereof. Appellant may respond by written resistance within fourteen days of service of the motion by appellee.

(e) **RESTORING TRIAL COURT JURISDICTION.** After an appeal is taken, the filing with the clerk of the trial court of a stipulation in which all parties agree to a dismissal of an appeal shall restore jurisdiction to the trial court for the entry of an order of dismissal of the appeal, which will be a final adjudication. The clerk of the trial court shall forward a copy of such stipulation and order to the clerk of the Supreme Court.

(f) **LIMITED REMAND.** The appropriate appellate court during appeal or pending application for appeal may remand the cause to the trial court, which shall have jurisdiction for such specific proceedings as may be directed by the appellate court. Notwithstanding such remand, jurisdiction of the appeal shall remain in the appellate court which ordered the remand.

RULE 13. FILING AND SERVICE OF BRIEFS AND AMENDMENTS.

(a) **TIME FOR SERVING AND FILING BRIEFS.** Appellant shall serve and file his brief within fifty days after the date on which the appeal is docketed. Appellee shall serve and file his brief within thirty days after service of the brief of appellant. If appellant serves and files a reply brief, he shall do so within fourteen days after service of the brief of appellee. The Supreme Court may shorten these periods for serving and filing briefs, either by rule for all cases or for classes of cases or by order in specific cases.

(b) **CROSS APPEALS.** In the event of a cross appeal, appellant shall serve and file his brief within fifty days after the date on which the appeal is docketed. Appellee (cross appellant) shall serve and file his brief within thirty days after service of the brief of appellant. Appellant (cross appellee) shall serve and file his responsive reply brief within thirty days after service of the brief of appellee. Appellee (cross appellant) may serve and file a reply brief under rule 14(c), Rules of Appellate Procedure, within fourteen days after service of appellant's reply brief.

(c) **MULTIPLE ADVERSE PARTIES.** If the time for doing any act prescribed by these rules is measured from the date of service of a paper by an adverse party, then in the case of multiple adverse parties the time for doing such act shall be measured from the date of service of the last timely served paper by an adverse party or the date of expiration of time within which the adverse parties had to serve the paper.

(d) **AMENDMENTS.** An appellant may amend his required brief once within fifteen days after serving the brief, provided no brief has been served in response to his brief. The time for serving and filing of appellee's brief shall be measured from the date of service of the amendment to appellant's brief. An appellee may amend his brief once within ten days after serving his brief, provided no brief has been served in reply to his brief. The time for serving and filing appellant's reply brief shall be measured from the date of service of the amendment to appellee's brief. A reply brief may be amended at any time prior to seven days before submission of the appeal to the appellate court. Any other or further amendments to the briefs may be made only with leave of the appropriate appellate court. An amendment may be conditionally filed with a motion for leave.

(e) **NUMBER OF COPIES TO BE FILED AND SERVED.** Eighteen copies of each brief or amendment thereto shall be filed with the clerk of the Supreme Court, unless the court by order in a particular case shall direct a different number, and two copies shall be served on counsel for each party separately represented. If a party is allowed by order of the Supreme Court to file typewritten ribbon and carbon copies of a brief, the original and five legible copies shall be filed with the clerk and one copy shall be served on counsel for each party separately represented.

(f) **CONSEQUENCE OF FAILURE TO FILE BRIEFS.** If appellant fails to file his brief within the time provided by this rule, or within the time as extended, appellee may move for dismissal of the appeal. If appellee fails to timely file his brief, he will not be heard at oral argument except by special permission of the appropriate appellate court.

RULE 14. BRIEFS.

(a) **APPELLANT'S BRIEF.** The brief of appellant shall contain under appropriate headings and in the following order:

- (1) A table of contents with page references.
- (2) A table of cases (alphabetically arranged), statutes and other authorities cited, with references to all pages of the brief where they are cited.
- (3) A statement of the issues presented for review. Under each issue separately stated shall be a list of all cases, statutes and other authorities referred to in the argument covering that issue. The authorities which are considered to be the most pertinent and convincing shall be indicated by

underlining. Not less than one nor more than four authorities under each separately stated issue shall be so indicated. Failure in the brief to state, to argue or to cite authority in support of an issue may be deemed waiver of that issue.

(4) A statement of the case. The statement shall first indicate briefly the nature of the case, the course of proceedings and the disposition of the case in the trial court. It shall then recite the facts relevant to the issues presented for review. All portions of the statement shall be supported by appropriate references to the record or the appendix in accordance with subdivision (g).

(5) An argument. The argument may be preceded by a summary. The argument shall contain in separately numbered divisions corresponding to the separately stated issues the contentions of appellant with respect to the issues presented and the reasons therefor, with citations to the authorities relied on and to the pertinent parts of the record in accordance with subdivision (g).

(6) A short conclusion stating the precise relief sought.

(b) APPELLEE'S BRIEF. The brief of appellee shall conform to the requirements of subdivision (a) (1) to (6), except that a statement of the case need not be made unless appellee is dissatisfied with the statement of appellant.

(c) REPLY BRIEF. Appellant may file a brief in reply to the brief of appellee, and if appellee has cross-appealed, he may file a brief in reply to the brief of appellant responding to the issues presented by the cross appeal. No further briefs may be filed except with leave of the appropriate appellate court.

(d) REFERENCES IN BRIEFS TO PARTIES. In their briefs and oral arguments counsel should minimize references to parties by such designations as "appellant" and "appellee" and should use the actual names of the parties or descriptive terms such as "plaintiff", "defendant", "the employee", "the injured person", "the taxpayer", "the decedent".

(e) REFERENCES IN BRIEFS TO LEGAL AUTHORITIES. In citing cases the names of parties must be given. In citing Iowa cases, reference must be made to the volume and page where the case may be found in the Iowa Reports, if reported therein, and in the North Western Reporter, if reported therein. In citing cases reference must be made to the court that rendered the opinion and the volume and page where the same may be found in the National Reporter System, if reported therein. E.g., _____ Iowa _____, _____ N.W. _____ (19____); _____ N.W.2d _____ (Iowa 19____); _____ N.W.2d _____ (Iowa Ct. App. 19____); _____ S.W.2d _____ (Mo. Ct. App. 19____); _____ U.S. _____, _____ S.Ct. _____, L.Ed.2d _____ (19____); _____ F.2d _____ (____ Cir. 19____); _____ F. Supp. _____ (S.D. Cal. 19____). When quoting from authorities or referring to a specific point within an authority, the specific page or pages quoted or relied upon shall be given in addition to the required page references. Unpublished opinions of the Iowa appellate courts may not be cited as authority. When treatises or textbooks are cited, the edition must be designated. In citing authorities other than cases, references shall be made as follows: codes, to section number; treatises, textbooks and encyclopedias, to section and page; all others, to page or pages. Use of the "supra" and "infra" forms of citation is discouraged.

(f) REFERENCES IN BRIEFS TO LEGAL PROPOSITIONS. The

following propositions are deemed so well established that authorities need not be cited in support of any of them:

(1) Findings of fact in a law action, which means generally any action triable by ordinary proceedings, are binding upon the appellate court if supported by substantial evidence.

(2) In considering the propriety of a motion for directed verdict the court views the evidence in the light most favorable to the party against whom the motion was made.

(3) In ruling upon motions for new trial the trial court has a broad but not unlimited discretion in determining whether the verdict effectuates substantial justice between the parties.

(4) The court is slower to interfere with the grant of a new trial than with its denial.

(5) Ordinarily the burden of proof on an issue is upon the party who would suffer loss if the issue were not established.

(6) In civil cases the burden of proof is measured by the test of preponderance of the evidence.

(7) In equity cases, especially when considering the credibility of witnesses, the court gives weight to the fact findings of the trial court, but is not bound by them.

(8) The party who so alleges must, unless otherwise provided by statute, prove negligence and proximate cause, by a preponderance of the evidence.

(9) A motorist upon a public highway has a right to assume that others using the road will obey the law, including statutes, rules of the road and necessity for due care, at least until he knows or in the exercise of due care should have known otherwise.

(10) Generally questions of negligence, contributory negligence and proximate cause are for the jury; it is only in exceptional cases that they may be decided as matters of law.

(11) Reformation of written instruments may be granted only upon clear, satisfactory and convincing evidence of fraud, deceit, duress or mutual mistake.

(12) Written instruments affecting real estate may be set aside only upon evidence that is clear, satisfactory and convincing.

(13) In construing statutes the court searches for the legislative intent as shown by what the legislature said, rather than what it should or might have said.

(14) In the construction of written contracts, the cardinal principle is that the intent of the parties must control; and except in cases of ambiguity, this is determined by what the contract itself says.

(15) In child custody cases the first and governing consideration of the courts is the best interest of the child.

(16) An issue may be proven by circumstantial evidence; but this evidence must be such as to make the theory reasonably probable, not merely possible, and more probable than any other theory based on such evidence. Generally, however, it is for the jury or other trier of fact to say whether circumstantial evidence meets this test.

(17) Even when the facts are not in dispute or contradicted, if reasonable minds might draw different inferences from them a jury question is engendered.

(g) **REFERENCES IN BRIEFS TO THE RECORD.** References in the briefs to parts of the record reproduced in the appendix filed with the brief of appellant (see rule 15, Rules of Appellate Procedure) shall be to the pages of the appendix at which those parts appear. If the appendix is deferred, references in the briefs to portions of the record to be reproduced in the appendix shall be made in the manner stated in rule 15(c), Rules of Appellate Procedure. If references are made in the briefs to parts of the record not reproduced in the appendix, the references shall be to the pages of the parts of the record involved, e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231. Intelligible abbreviations may be used. If reference is made to evidence the admissibility of which is in controversy, reference shall be made to the pages of the appendix or of the transcript at which the evidence was identified, offered and received or rejected.

(h) **LENGTH OF BRIEFS.** Except by permission of the Supreme Court, required briefs shall not exceed fifty pages exclusive of the table of contents and table of authorities and reply briefs shall not exceed twenty-five pages. Such permission may be granted ex parte.

(i) **BRIEFS IN CROSS APPEALS.** If a cross appeal is filed, the party who first filed his notice of appeal shall be deemed appellant for the purposes of this rule and rules 13 and 15, Rules of Appellate Procedure, unless the parties otherwise agree or the Supreme Court otherwise orders. The brief of appellee shall contain the issues and argument involved in his cross appeal as well as his response to the brief of appellant.

(j) **MULTIPLE APPELLANTS OR APPELLEES.** In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, any number of either may join in a single brief, and any appellant or appellee may adopt by reference any part of the brief of another. Parties may similarly join in reply briefs.

RULE 15. APPENDIX TO BRIEFS.

(a) **DUTY OF APPELLANT; CONTENT; TIME; NUMBER.** Appellant shall prepare and file an appendix to the briefs which shall contain: (1) the relevant docket entries in the trial court proceeding; (2) any relevant portions of the pleadings, transcript, instructions, findings, conclusions and opinion; (3) the judgment, order or decision in question; (4) the notice of appeal, and (5) any other parts of the record to which the parties wish to direct the particular attention of the court. Portions of the record shall be set out verbatim in the appendix. Summaries, abstracts or narratives shall not be used unless the parties prepare an agreed statement of the case pursuant to subdivision (f) of this rule. The fact that parts of the record are not included in the appendix shall not prevent the parties or the courts from relying on such parts.

Unless filing is to be deferred pursuant to the provisions of subdivision (c) of this rule, appellant shall serve and file the appendix with his brief. Eighteen copies of the appendix, and of any amendments thereto, shall be filed with the clerk of the Supreme Court and two copies shall be served on counsel for each party separately represented unless the court shall by rule or order direct the filing of a different number. The appendix may be amended by agreement of all the parties at any time prior to assignment of the appeal for submission

to an appellate court. The written consent of all the parties must be filed with the amendment. In absence of agreement or after assignment, the appendix may be amended only with leave of the appropriate appellate court. An amendment to the appendix may be conditionally filed with a motion for leave.

(b) **DETERMINATION OF CONTENTS; COST OF PRODUCING.** The parties are encouraged to agree as to the contents of the appendix. If the parties do agree on such contents, they shall file a short memorandum of that agreement with the clerk of the Supreme Court within fourteen days after the date on which the appeal is docketed. If the parties do not so agree, appellant shall, not later than fourteen days after the date on which the appeal is docketed, serve on appellee and file with the clerk of the Supreme Court a designation of the parts of the record which he intends to include in the appendix and a statement of the issues which he intends to present for review. If appellee desires to direct the particular attention of the court to parts of the record not designated by appellant, he shall, within ten days after service of the designation, file with the clerk of the Supreme Court and serve upon appellant a designation of those parts. Appellant shall include in the appendix the parts thus designated. In designating parts of the record for inclusion in the appendix, the parties shall consider the fact that the entire record is available to the appellate courts for examination and shall not engage in unnecessary designation. Unless the parties otherwise agree, the cost of producing the appendix shall initially be paid by appellant, but if appellant considers that parts of the record designated by appellee for inclusion are unnecessary for the determination of the issues presented, he may so advise appellee and appellee shall advance the cost of including such parts. The cost of producing the appendix shall be taxed as costs in the case, but if either party shall cause matters to be unnecessarily included in the appendix the appropriate appellate court may impose the cost of producing such parts on that party.

(c) **ALTERNATIVE METHOD OF DESIGNATING CONTENTS.** Preparation of the appendix may be deferred by appellant until after typewritten or page proof copies of all the briefs have been filed. If the preparing and filing of the appendix is thus deferred, the provisions of subdivision (b) of this rule shall apply, except that the designations referred to therein shall be made by each party at the time his required brief is initially served and filed, and a statement of the issues presented shall be unnecessary. Appellant shall not later than ten days after the date on which the appeal is docketed, file with the clerk of the Supreme Court and serve on appellee a notification of his election to defer the appendix.

If a deferred appendix authorized by this subdivision is employed, each party shall serve and file typewritten or page proof copies of his brief or briefs within the time required by rule 13(a), Rules of Appellate Procedure. One typewritten carbon copy or page proof copy of each brief shall be served on opposing counsel and two copies shall be filed with the clerk of the Supreme Court. The initial copies of the briefs shall contain appropriate references to the pages of the parts of the record involved, e.g., Petition p. 6, Judgment p. 5, Transcript p. 298. Within twenty-one days after service of the initial copy of appellee's brief, appellant shall file and serve the appendix.

Within fourteen days after the appendix is served, each party shall serve and file copies of his brief or briefs in the form prescribed by rule 16(a), Rules of Appellate Procedure, containing references to the pages of the appendix in place of or in addition to the initial references to the pages of the parts of the record involved. No other changes may be made in the briefs as initially served and filed, except that typographical errors may be corrected.

(d) **ARRANGEMENT OF THE APPENDIX.** At the beginning of the appendix shall be inserted a list of the parts of the record which it contains, in the order in which the parts are set out therein, with references to the pages of the appendix at which each part begins. The relevant docket entries shall be set out following the list of contents. Thereafter, other parts of the record shall be set out in chronological order. Portions of the reporter's transcript of proceedings shall be inserted in chronological order based on the date the transcribed proceedings took place rather than on the date the completed transcript was filed. When matter contained in the transcript is set out in the appendix, the original pagination of that matter shall be indicated in the appendix by placing in brackets the number of each page of the transcript at the place in the appendix where that transcript page begins. Omissions in the text of papers, of exhibits or of the transcript, regardless of size, must be indicated by a set of three asterisks. Immaterial formal matter, such as captions, subscriptions and acknowledgments, shall be omitted. A question and its answer may be contained in a single paragraph.

(e) **REPRODUCTION OF EXHIBITS.** Exhibits or relevant portions thereof designated for inclusion in the appendix may be contained in a separate volume or volumes, suitably indexed. Eighteen copies thereof shall be filed with the appendix and two copies shall be served on counsel for each party separately represented. Relevant portions of the transcript of a proceeding before an administrative agency, board, commission or officer, used in an action in the trial court, may be regarded as an exhibit for the purpose of this subdivision.

(f) **AGREED STATEMENT OF THE CASE FILED AS THE APPENDIX.** In lieu of an appendix with contents as specified in subdivision (a) and arranged as specified in subdivision (d), the parties may prepare an agreed statement of the case which shall not incorporate by reference any part of the record. The statement shall be in narrative form, shall show how the issues presented by the appeal arose and how they were decided and shall set forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. The original agreed statement shall be signed by all parties to the appeal or their counsel, and one copy thereof shall be filed with the clerk of the Supreme Court within fourteen days after the appeal is docketed. As the appendix, appellant shall file and serve with his brief printed or duplicated copies of the agreed statement in the form required by rule 16(a), Rules of Appellate Procedure.

RULE 16. FORM OF BRIEFS, APPENDIX AND OTHER PAPERS.

(a) **FORM OF BRIEFS AND APPENDIX.** Briefs and the appendix may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. The appendix and

briefs shall be printed or duplicated on both sides of the sheet. Carbon copies of briefs and the appendix may not be submitted without permission of the court. All printed or duplicated matter must appear in at least 11 point (small pica) type on opaque, unglazed paper. When utilizing a process which duplicates or copies a typewritten original, lines of typewritten text shall be double spaced. Briefs and the appendix shall be bound on the left in volumes having pages 8 1/2 by 11 inches and type matter 6 by 8 1/2 inches. Margins on the bound side of the sheets shall be not less than 1 1/8 inches suitable for permanent binding procedures. Copies of the reporter's transcript of proceedings and other papers reproduced in a manner authorized by this rule may be inserted in the appendix, but not in such manner as to prevent subsequent uniform permanent binding. Such papers may be informally renumbered and asterisks may be added informally if necessary.

If briefs are produced by commercial printing or duplicating firms, or, if produced otherwise and colored covers are available, the cover of the brief of appellant should be blue; that of appellee, red; that of an intervenor or amicus curiae, green; that of a reply brief, gray. The cover of the appendix should be white. The cover of an amendment should be the same color as the document which it amends. The front covers of the briefs and the appendix, and amendments thereto, shall contain: (1) the name of the court and the appellate number of the case; (2) the title of the case (see rule 12(a), Rules of Appellate Procedure); (3) the nature of the proceeding in court (e.g., Appeal, Certiorari) and the name of the court (and judge), agency or board whose decision is under review; (4) the title of the document (e.g., Brief for Appellant, Appendix), and (5) the name and address of counsel representing the party on whose behalf the document is filed.

(b) FORM OF OTHER PAPERS. Motions and other papers may be produced in the manner prescribed by subdivision (a), or they be typewritten upon opaque, unglazed paper 8 1/2 by 11 inches in size. Lines of typewritten text shall be double spaced. Consecutive sheets shall be attached at the left margin. Carbon copies may be used for filing and service if legible.

A motion or other paper addressed to an appellate court shall contain a caption setting forth the name of the court, the title of the case, the file number and a brief descriptive title indicating the purpose of the paper. Three copies of motions and other papers addressed to the appropriate appellate court shall be filed with the clerk of the Supreme Court and one copy shall be served on each party separately represented unless the appropriate appellate court by order directs otherwise.

(c) PRINTING TAXED AS COSTS. The amount actually paid for printing or otherwise producing necessary copies of briefs and the appendix or copies of records authorized by these rules, exclusive of stenographic expense, shall be certified by the attorney, and if reasonable, shall be taxed in the appellate court as costs.

RULE 17. CHILD CUSTODY CASES.

In appeals involving a contest as to custody of children, adoption or termination of parent-child relationship, and in juvenile court proceedings affecting child placement, the times prescribed in rule 13, Rules of Appellate

Procedure, for serving and filing briefs shall be reduced by one-half. Reply briefs are unnecessary. If filing of the appendix is deferred pursuant to rule 15(c), Rules of Appellate Procedure, the appendix shall be served and filed not more than fifteen days after service of appellee's initial brief and printed or duplicated copies of all the briefs shall be served and filed within seven days after service of the appendix. Court reporters shall give priority to transcription of proceedings in these cases over other civil transcripts. These appeals shall be accorded submission precedence over other civil cases.

RULE 18. BRIEF OF AMICUS CURIAE.

A brief of an amicus curiae may be filed only by leave of the appropriate appellate court granted on motion, at the request of the appropriate appellate court or when accompanied by the written consent of all parties. The brief may be conditionally filed with a motion for leave. A motion for leave shall identify the interest of the applicant and shall state the reasons a brief of an amicus curiae is desirable. Any amicus curiae shall file his brief within the time allowed the party whose position as to affirmance or reversal the brief will support. The appropriate appellate court for cause shown may grant leave for later filing, specifying the period within which an opposing party may respond. A request by an amicus curiae to participate in oral argument will not be granted except for extraordinary reasons.

RULE 19. FAILURE TO PROSECUTE.

When an appellant fails to comply with an appellate rule, the clerk shall notify appellant and his counsel in accordance with rule 30(c), Rules of Appellate Procedure, that upon the expiration of fifteen days from service of notification the appeal will be dismissed for want of prosecution unless appellant remedies the default within such period. Should the appellant fail to comply, the clerk shall enter an order dismissing the appeal for want of prosecution and shall issue a certified copy thereof to the clerk of the district court as the procedendo. Appellant shall not be entitled to remedy his default after a dismissal under this rule, unless by order of the appropriate appellate court. The dismissal of an appeal shall not limit the authority of the Supreme Court to take disciplinary action against defaulting counsel.

An appeal may be dismissed, with or without notice of default, for failure to comply with an appellate rule, upon the motion of a party or of the appropriate appellate court.

RULE 20. SHORTENING OR ENLARGING TIME.

The Supreme Court, and the Court of Appeals as to appeals transferred to it, may upon its own motion or on motion of a litigant shorten or enlarge the time prescribed by the Rules of Appellate Procedure or by the rules of the court or its order for doing any act, or may permit an act to be done after the expiration of such time, but such courts may not enlarge the time for filing a notice of appeal. In cases where rule 17, Rules of Appellate Procedure, applies the motion shall so state.

RULE 21. ORAL ARGUMENT; SUBMISSION.

(a) A party desiring to be heard orally shall so state at the end of his brief; and unless he does so he will not be heard orally except by special permission or order of the appropriate appellate court.

(b) In cases submitted with oral argument, ordinarily the opening argument of appellant shall not exceed twenty-five minutes, the argument of appellee shall not exceed twenty-five minutes and appellant's reply argument shall not exceed ten minutes. The chief justice or chief judge of the appropriate appellate court may extend or shorten the time for oral argument.

(c) The appropriate appellate court may conclude, prior to submission, that even though a substantial issue exists, oral argument would not be of assistance or should be shortened. In such event counsel will be advised accordingly before submission.

(d) Failure to argue orally points properly made in the briefs shall not be deemed waiver thereof.

(e) Appeals shall be submitted to the Supreme Court or transferred to the Court of Appeals substantially in the order they are made ready except when advance submission is accorded by statute, rule or order of the Supreme Court.

(f) If an appeal involves questions of public importance or rights which are likely to be lost or greatly impaired by delay, the Supreme Court may upon the motion of a party or on its own motion order the submission or transfer of the cause in advance of the time at which it would otherwise be submitted or transferred.

RULE 22. WRITS, MOTIONS, ORDERS.

(a) **WRITS AND PROCESS, SUPREME COURT.** The Supreme Court shall issue all writs and process necessary for the exercise and enforcement of its appellate jurisdiction and in the furtherance of its supervisory and administrative control over all inferior judicial tribunals and officers thereof throughout the state; and may enforce its mandates by fine and imprisonment and imprisonment may be continued until obeyed.

(b) **WRITS AND PROCESS, COURT OF APPEALS.** The Court of Appeals shall issue writs and other process necessary for the exercise and enforcement of its jurisdiction, but a writ, order or other process in any appeal not transferred to the Court of Appeals by the Supreme Court shall be of no effect.

(c) **MOTIONS IN SUPREME COURT AND COURT OF APPEALS.** Unless another form is prescribed by these rules, an application for an order or other relief, including an order to dismiss or affirm, shall be made by serving a motion on all other parties to the appeal and filing it with the clerk of the Supreme Court. The motion shall contain or be accompanied by any matter required by a specific provision of these rules governing such a motion, shall state with particularity the grounds on which it is based and shall set forth the order or precise relief sought. Any briefs, affidavits or other papers supporting a motion shall be served and filed with the motion. Except as to motions under rule 22(e), Rules of Appellate Procedure, any party may serve

and file a resistance to a motion within fourteen days after service of the motion, unless otherwise ordered by the appropriate appellate court. A reply to the resistance may be served and filed within three days after the service of the resistance.

(d) **RULINGS, HEARINGS.** Resisted motions will be ruled on by the appropriate appellate court or a justice or judge thereof after the expiration of at least seven days from serving the resistance, unless such court, justice or judge orders a different time for submission of the motion. Unresisted motions will be ruled on after the expiration of at least three days from the last day for filing a resistance unless a different time for submission is ordered. Motions in which all parties join may be ruled on at any time. The court, justice or judge may require briefs to be filed with respect to a motion, and may set any motion for hearing and prescribe notice to be given.

(e) **MOTIONS FOR PROCEDURAL OR TEMPORARY ORDERS.** Notwithstanding the provisions of subdivisions (c) and (d) as to motions generally, motions for procedural orders, including any motion under rule 20, Rules of Appellate Procedure, and motions for temporary orders in which it appears that rights would be lost or greatly impaired by delay, may be ruled upon at any time without awaiting a resistance thereto. Any party adversely affected by such ruling may within fourteen days request reconsideration, vacation or modification of the ruling.

(f) **AUTHORITY OF A SINGLE JUSTICE TO ENTERTAIN MOTIONS.** In addition to any authority expressly conferred by rule or by statute, a single justice of the Supreme Court may entertain any motion in an appeal or original proceeding in the Supreme Court and grant or deny any relief which may properly be sought by motion, except that a single justice may not dismiss, affirm or otherwise determine an appeal or original proceeding. The action of a single justice may be reviewed by the Supreme Court.

(g) **AUTHORITY OF COURT OF APPEALS AND ITS JUDGES TO ENTERTAIN MOTIONS.** The Court of Appeals and its judges may entertain motions only in appeals which the Supreme Court has transferred to that court. In such appeals, a single judge of the Court of Appeals may entertain any motion and grant or deny any relief which may properly be sought by motion, except that a single judge may not dismiss, affirm or otherwise determine an appeal. The action of a single judge may be reviewed by the Court of Appeals.

RULE 23. MOTIONS TO DISMISS OR AFFIRM.

(a) **MOTIONS TO DISMISS.** A motion to dismiss may be served and filed without payment of the docket fee, but appellant shall not be permitted to respond without payment of the fee unless he is otherwise exempt from payment. After consideration, the appropriate appellate court may rule on the motion or may order the motion submitted with the appeal.

(b) **MOTIONS TO AFFIRM.** Appellee may move the Supreme Court to affirm the appeal on the ground that the issues raised by the appeal are frivolous and the appeal was taken solely for the purpose of delay. The motion shall be served and filed within seven days after service of appellant's brief and shall be supported by so much of the record as necessary to show

the ground for the motion. One justice of the Supreme Court may overrule, but only the Supreme Court may sustain, a motion to affirm.

(c) EXCLUDING TIME. The time between the service of a motion to dismiss or affirm and an order overruling it or ordering a motion to dismiss to be submitted with the appeal shall be excluded in measuring the time within which subsequent acts required by these rules must be done.

RULE 24. AFFIRMED OR ENFORCED WITHOUT OPINION.

When the Supreme Court determines that any of the following circumstances exists and is dispositive of a matter submitted to the court for decision: (a) a judgment of the district court is correct; (b) the evidence in support of a jury verdict is sufficient; (c) the order of an administrative agency is supported by substantial evidence, or (d) no error of law appears; and the Supreme Court also determines that the questions are not of sufficient importance to justify an opinion and that an opinion would not have precedential value, the judgment or order may be affirmed or enforced without opinion.

In such case, the Supreme Court may in its discretion enter the following order: "AFFIRMED, see rule 24, Rules of Appellate Procedure."

RULE 25. QUARTERLY PUBLICATION.

A list indicating the disposition of all decisions rendered by the Supreme Court per curiam or under rule 24, Rules of Appellate Procedure, shall be published quarterly in the North Western Reporter, except for such of those decisions as the Supreme Court specially orders to be published in the regular manner. Such decisions published quarterly shall not be cited or relied upon as authority in any litigation in any court in Iowa except when the decision establishes the law of the case, res judicata or collateral estoppel, or in a criminal action or proceeding involving the same defendant or a disciplinary action or proceeding involving the same respondent.

RULE 26. REMANDS.

When a judgment is reversed for error in overruling a motion to direct a verdict, a motion for judgment under rule 243(b), Rules of Civil Procedure or a motion to withdraw an issue from the consideration of the jury, and the granting of the motion would have terminated the case in favor of appellant, the appellate court may enter or direct the trial court to enter final judgment as if such motion had been initially sustained; provided that if it appears from the record that the material facts relating thereto were not fully developed at the trial or if in the opinion of the appellate court the ends of justice will be served thereby, a new trial shall be awarded of such issue or of the whole case.

RULE 27. PETITION FOR REHEARING IN SUPREME COURT.

(a) **TIME FOR FILING; CONTENT; ANSWER; ACTION BY SUPREME COURT IF GRANTED.** Except as stated in rule 402(e), Rules of Appellate Procedure, a petition for rehearing may be filed within fourteen days after the filing of an opinion by the Supreme Court unless the time is shortened or enlarged by order of that court. The petition shall state with particularity the points of law or fact which in the opinion of the petitioner the Supreme Court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present. Oral argument in support of the petition will not be permitted. No answer to a petition for rehearing will be received unless requested by the Supreme Court, but a petition for rehearing will ordinarily not be granted in the absence of such a request. If a petition for rehearing is granted, the Supreme Court may make a final disposition of the cause without reargument, may order reargument or resubmission or may make such other order as is deemed appropriate under the circumstances.

(b) **FORM OF PETITION; LENGTH.** The petition shall be in the form prescribed by rule 16(a), Rules of Appellate Procedure, and copies shall be served and filed as prescribed by rules 13(e) and 30, Rules of Appellate Procedure, for the service and filing of briefs. Except by permission of the court, a petition for rehearing shall not exceed ten pages.

RULE 28. COSTS.

All fees and costs shall abide the result of the appeal and be taxed to the unsuccessful party, unless otherwise ordered by the appropriate appellate court.

RULE 29. PROCEDENDO.

Unless otherwise ordered by the Supreme Court, no procedendo shall issue for fifteen days after an opinion of the Supreme Court is filed, nor thereafter while a petition for rehearing, filed according to these rules, is pending. Unless otherwise ordered by the Court of Appeals, no procedendo shall issue for twenty-one days after an opinion of the Court of Appeals is filed, nor thereafter while an application for further review by the Supreme Court is pending.

RULE 30. FILING AND SERVICE.

(a) **FILING.** Papers required or permitted to be filed in the Supreme Court or in the Court of Appeals shall be filed with the clerk of the Supreme Court. Filing may be accomplished by mail addressed to the clerk of the Supreme Court, and shall be deemed filed on the day of mailing. To be deemed filed on the day of mailing a paper must contain or be accompanied by a certificate signed by the person who will actually mail the paper. The certificate shall specify the paper filed and the date the paper will be

deposited in the United States mail. Papers received by the clerk of the Supreme Court without a certificate shall be deemed filed when received by that clerk. When these rules or an order of an appellate court require multiple copies of a paper to be filed, filing shall not be complete until all required copies are filed. If a motion requests relief which may be granted by a single justice of the Supreme Court, the justice may permit the motion to be filed with him, in which event he shall note thereon the date of filing and shall thereafter transmit it to the clerk of the Supreme Court.

(b) **SERVICE OF ALL PAPERS REQUIRED.** Copies of all papers filed by any party and not expressly required by these rules to be served by the clerk shall, at or before the time of filing, be served by a party or person acting for him on all other parties to the appeal or review. Service on a party represented by counsel shall be made on counsel.

(c) **MANNER OF SERVICE.** Service may be personal or by mail. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on mailing.

(d) **PROOF OF SERVICE.** Papers presented for filing shall contain an acknowledgment of service by the person served or proof of service in the form of a statement of the date, and manner of service and of the names of the persons served, certified by the person who made service. Proof of service may appear on or be affixed to the papers filed. The clerk of the Supreme Court may permit papers to be filed without acknowledgment or proof of service but shall require such proof to be filed promptly thereafter.

(e) **ADDITIONAL TIME AFTER SERVICE BY MAIL.** Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon him and the paper is served by mail, three days shall be added to the prescribed period.

(f) **APPLICABILITY.** This rule shall govern filing and service of papers required or permitted to be filed with the clerk of the Supreme Court under the Rules of Appellate Procedure.

II. APPEALS IN CRIMINAL CASES

RULE 101. PERFECTING APPEAL.

Appeal in a criminal action shall be taken and perfected within the time and in the manner prescribed by statute.

RULE 102. PROCEDURE.

All procedure after the perfection of an appeal in a criminal case shall be governed by the Rules of Appellate Procedure to the full extent not inconsistent with statute. The appendix prescribed by the Rules of Appellate Procedure shall constitute the abstract. Papers required to be served on the State shall be served upon the attorney general.

RULE 103. DOCKETING CRIMINAL APPEALS.

Criminal appeals shall be docketed as provided in rule 12, Rules of Appellate Procedure. If a defendant appeals and trial court has found him to be indigent and appointed appeal counsel for him, the appeal shall be docketed upon defendant's request without payment of the docket fee.

RULE 104. FRIVOLOUS APPEALS; WITHDRAWAL OF COUNSEL.

(a) If counsel appointed to represent a convicted indigent defendant in an appeal to the Supreme Court is convinced after conscientious investigation of the trial transcript that the appeal, he may move the Supreme Court in writing to withdraw. The motion must be accompanied by a brief referring to anything in the record that might arguably support the appeal.

(b) Prior to filing any motion to withdraw from an appeal, counsel shall advise his client in writing of the decision as to frivolity accompanied by a copy of counsel's motion and brief, and counsel shall attach to the filed motion a certificate showing service thereof. Counsel's notice to his client shall further advise the client that if he agrees with counsel's decision and does not desire to proceed further with the appeal, the client shall within thirty days from service of the motion and brief clearly and expressly communicate such desire, in writing signed by him, to the Supreme Court.

(c) Receipt of such communication shall result in the appeal being forthwith dismissed.

(d) Counsel's notice to his client shall further advise the client that in the event he desires to proceed with the appeal he shall within such thirty days give like communication to the Supreme Court, raising any points he chooses. The Supreme Court will then proceed, after a full examination of all the proceedings, to decide whether the appeal is wholly frivolous. If it so finds, it may grant counsel's motion to withdraw and dismiss the appeal.

(e) In order to protect his client's rights, counsel desiring to withdraw shall within the time permitted for docketing the appeal under rule 12, Rules of Appellate Procedure, make application pursuant to rule 20, Rules of Appellate Procedure, for extension of time in which to docket the appeal.

(f) If however the Supreme Court finds the legal points to be arguable on their merits and therefore not frivolous, it may grant counsel's motion to withdraw but will prior to submission of the appeal afford the indigent the assistance of new counsel, to be appointed by the trial court. Such new counsel shall proceed with the appeal pursuant to the Rules of Appellate Procedure. Appellant's brief shall raise any issues counsel believes to be meritorious after a conscientious examination of the record. Counsel shall also inform the court in appellant's brief of the issues his client raises and otherwise cause the case to be reviewed in accordance with the Rules of Appellate Procedure.

(g) Defendant's failure to communicate to the Supreme Court within the time provided in this rule or any extension thereof his disagreement with counsel's decision that the appeal is frivolous, or of defendant's desire to proceed with the appeal, shall be deemed an election by him to agree with counsel's decision.

III. DISCRETIONARY REVIEW**RULE 201. APPLICATION.**

An application for discretionary review shall be filed within the time and in the manner prescribed by statute. Simultaneously the applicant shall also mail

a copy of the application to the clerk of the Supreme Court and pay to such clerk a filing fee in the amount prescribed by the Supreme Court for filing an application for permission to appeal. The filing fee shall be waived in a criminal proceeding for discretionary review if the trial court found defendant indigent and appointed appeal counsel for him.

RULE 202. RESISTANCE; RULING.

The application may be resisted and ruled on in the manner prescribed in the Rules of Appellate Procedure relating to motions unless otherwise ordered by the Supreme Court or a justice thereof.

RULE 203. PROCEDURE; DOCKETING.

If an application for discretionary review is granted, further proceedings shall be had pursuant to the Rules of Appellate Procedure to the full extent not inconsistent with statute. The time for any further proceeding which would run from the notice of appeal shall run from the filing date of the order granting the application for discretionary review. Within forty days after the filing of such order appellant shall pay the docket fee or, if the fee has been waived, request that the proceeding be docketed. The docket fee shall be waived in a criminal proceeding for discretionary review if the trial court found defendant indigent and appointed appeal counsel for him.

IV. ORIGINAL CERTIORARI PROCEEDINGS

RULE 301. PETITION FOR WRIT OF CERTIORARI.

A petition for a writ of certiorari directed to the district court shall be filed with the clerk of the Supreme Court or a justice thereof within the time prescribed by rule 319 of the Rules of Civil Procedure. Copies of the petition shall be filed and served in the manner prescribed by the Rules of Appellate Procedure for the filing and serving of motions.

RULE 302. RESISTANCE; RULING.

The petition may be resisted and ruled on in the manner prescribed in the Rules of Appellate Procedure relating to motions unless otherwise ordered by the Supreme Court or a justice thereof.

RULE 303. ORIGINAL CERTIORARI PROCEDURE.

The procedure under writs of certiorari granted by the Supreme Court or a justice thereof shall be as prescribed by the Rules of Appellate Procedure to the full extent those rules are not inconsistent with this rule or statute. The proceeding shall be entitled in the name of the petitioner as plaintiff and the district court as defendant. The Rules of Appellate Procedure applicable to appellants shall apply to plaintiffs and those applicable to appellees shall apply to defendants. The times specified in those rules which in appeals run

from the filing of notice of appeal shall run from the filing of the order granting the writ, except that plaintiff shall cause the proceeding to be docketed within ten days after the writ is granted. Defendant shall make full return to the writ when requested to do so by plaintiff. Such request shall be made by plaintiff within seven days after all required briefs and the appendix have been served or at such earlier date as the parties may agree or the Supreme Court or a justice thereof may order.

RULE 304. APPEAL OR CERTIORARI.

If any case is brought by appeal or certiorari and the appellate court is of the opinion that the other of these remedies was the proper one, the case shall not be dismissed, but shall proceed as though the proper form of review had been sought.

A petition for writ of certiorari may under this rule be treated by the Supreme Court as an application to grant an appeal pursuant to rule 2, Rules of Appellate Procedure, and conversely an application to grant an appeal may be treated as a petition for certiorari.

Nothing in this rule shall operate to extend the time within which an appeal may be taken.

V. TRANSFER AND FURTHER REVIEW

RULE 401. TRANSFER OF CASES TO COURT OF APPEALS.

(a) The Supreme Court may by order, on its own motion, transfer to the Court of Appeals for decision any case filed in the Supreme Court except a case in which provisions of the Iowa Constitution or statutes grant exclusive jurisdiction to the Supreme Court.

(b) The Supreme Court shall ordinarily retain the following types of cases: (1) cases involving substantial constitutional questions as to the validity of a statute, ordinance or court of administrative rule; (2) cases involving substantial issues in which there is or is claimed to be a conflict with a published decision of the Court of Appeals or Supreme Court; (3) cases involving substantial issues of first impression; (4) cases involving fundamental and urgent issues of broad public importance requiring prompt or ultimate determination by the Supreme Court; (5) cases in which life imprisonment has been imposed; (6) cases involving lawyer discipline, and (7) cases appropriate for summary disposition.

(c) Other cases shall ordinarily be retained by the Supreme Court or be transferred to the Court of Appeals as follows: (1) cases which involve substantial questions of enunciating or changing legal principles shall be retained and (2) cases which involve questions of applying existing legal principles shall be transferred.

RULE 402. APPLICATION FOR FURTHER REVIEW.

(a) NO FEE. No fee shall be required for filing an application to the Supreme Court for further review of a decision of the Court of Appeals.

(b) GROUNDS. An application to the Supreme Court for further review

shall allege precisely and in what manner the Court of Appeals: (1) has erred; (2) has rendered a decision which is in conflict with a prior holding of a published Court of Appeals decision or published Supreme Court decision; (3) has not considered a potentially controlling constitutional provision in rendering its opinion, or (4) has decided a case which should have been rendered by the Supreme Court.

(c) **FORM AND LENGTH OF APPLICATION AND RESISTANCE AND NUMBER TO BE FILED.** Each copy of the application for further review shall contain or be accompanied by a copy of the opinion of the Court of Appeals, showing the date of its filing. The application shall be a single document including a brief in support of the request for review. All contentions in support of the application shall be included therein, including all legal authorities and argument. A party who desires to file a resistance shall do so within ten days after service of the application. The resistance shall be a single document which includes all contentions in opposition to the application. No authorities or argument may be incorporated into the application or the resistance by reference to another document. An application or resistance shall be in the form prescribed by rule 16(a), Rules of Appellate Procedure, except that it may be printed or duplicated on one side of the sheet. The application or resistance shall not exceed twenty pages exclusive of the Court of Appeals opinion, index of contents, table of authorities and permitted evidentiary exhibits and trial court orders. No materials shall be annexed to or filed with an application or resistance other than the opinion of the Court of Appeals, except that, if it is of unusual significance, an evidentiary exhibit not exceeding ten pages and a trial court order not exceeding that length may be annexed. Eighteen copies of an application or a resistance shall be filed. In addition, two copies shall be served on each other party separately represented.

(d) **SUPPLEMENTAL BRIEFS.** If an application for further review is granted, the Supreme Court may require the parties to file supplemental briefs on the merits of all or some of the issues to be reviewed.

(e) **PROCEDENDO.** When an application for further review is denied by order of the Supreme Court or by operation of law, the clerk of the Supreme Court shall immediately issue procedendo.

VI. OTHER PROCEEDINGS

RULE 501. PROCEDURE IN OTHER PROCEEDINGS.

Procedure in all other proceedings in the appellate courts shall, unless otherwise ordered, be the procedure prescribed in the Rules of Appellate Procedure to the full extent not inconsistent with rules specifically prescribing the procedure or with statute. An appendix under the Rules of Appellate Procedure shall be deemed an abstract of record.

VII. FORMS

RULE 601. FORMS.

The Supreme Court may by order prescribe forms for use under the Rules of Appellate Procedure.

VIII. CHANGES AND EFFECTIVE DATES.

RULE 701. CHANGES.

The Supreme Court shall have power, by order, to revoke, change or supplement the Rules of Appellate Procedure, except for rules 1 to 9, inclusive. Such changes or additions shall take effect at such time as the Supreme Court shall prescribe.

RULE 702. EFFECTIVE AND GOVERNANCE DATES.

The Rules of Appellate Procedure shall take effect on July 1, 1977. They shall govern appeals and proceedings in the appellate courts after they take effect, and also all further acts in appeals and proceedings then pending except to the extent that in the opinion of the appropriate appellate court or a justice or judge thereof their application in a particular appeal or proceeding would be infeasible or unjust, in which event the previous rules shall apply.

ACKNOWLEDGEMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 28th day of January, 1977, of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Appellate Procedure.

STEVEN C. CROSS
Secretary of the Senate, 1977
Regular Session of the Sixty-seventh
General Assembly of the State of Iowa

ACKNOWLEDGEMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on this 28th day of January, 1977, of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Appellate Procedure.

DAVID L. WRAY
Chief Clerk of the House of
Representatives, 1977 Regular
Session of the Sixty-seventh General
Assembly of the State of Iowa

IN THE MATTER OF)
THE)
RULES OF CIVIL PROCEDURE) REPORT OF THE
SUPREME COURT

TO THE 1977 REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(1) and 684.19, The Code, 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 85(c). TIME AFTER FILING MOTIONS.

That rule 85(c) and 85(c)(1) be stricken and the following substituted:

"85(c). TIME AFTER FILING MOTIONS OR SPECIAL APPEARANCES. The service of a motion or special appearance 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, or overrules the special appearance, the responsive pleading shall be served within ten days after notice of the court's action;"

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. Leave to amend, including leave to amend to conform to the proof, shall be freely given when justice so requires."

Rule 181. CERTIFICATE OF READINESS FOR TRIAL.

That the next to the last paragraph of rule 181 be stricken and the following substituted:

"Copies of any certificate of readiness filed shall be served as provided in rule 82."

Rules 331-339. APPELLATE PROCEDURE.

That rules 331-339, inclusive, be stricken.

Respectfully submitted,
THE SUPREME COURT OF IOWA
 C. EDWIN MOORE, Chief Justice

Des Moines, Iowa
 January 28, 1977

ACKNOWLEDGEMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 28th day of January, 1977, of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

STEVEN C. CROSS
 Secretary of the Senate, 1977
 Regular Session of the Sixty-seventh
 General Assembly of the State of Iowa

ACKNOWLEDGEMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on this 28th day of January, 1977, of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

DAVID L. WRAY
Chief Clerk of the House of
Representatives, 1977 Regular
Session of the Sixty-seventh General
Assembly of the State of Iowa

AMENDMENT FILED

SF 53

S-3067

Philip B. Hill
C.W. Hutchins

On motion of Senator Kinley, the Senate adjourned at 8:55 a.m., until 10:00 a.m., Monday, February 7, 1977.

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY—EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 7, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Charles Gilbert, pastor of the United Methodist Church, Carlisle, Iowa.

The Journal of Thursday, February 3, 1977, was approved.

PARLIAMENTARY INQUIRY

Senator Hill of Polk rose on a point of parliamentary inquiry to question whether or not the indication of a fiscal note was required under Joint Rule 16 on the Report of Committee regarding Senate File 18, found on page 268 of the Senate Journal.

The Chair ruled that the indication of a fiscal note was required under Joint Rule 16.

The Chair indicated that the form used for the committee report was from the previous general assembly and that in future Senate Journals, the indication of a fiscal note would be printed in the committee reports.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redmond for the day on request of Senator Kinley.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

February 3, 1977

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 Roy E. Berger, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Acts of the Sixty-sixth General Assembly, 1975 Regular Session, for the unexpired portion of a 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 Phyllis J. Peters, Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the 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 Lois M. Sherman, Cedar Falls, Black Hawk County, Iowa, for reappointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 63, by Committee on State Government, a bill for an act to change the term of one of the two new board of parole members provided for in the criminal code revision.

Read first time and PLACED ON CALENDAR.

SENATE FILE 64, by Committee on State Government, a bill for an act to provide a midshift meal to employees of the correctional institutions.

Read first time and PLACED ON CALENDAR.

SENATE FILE 65, by Committee on Commerce, a bill for an act relating to the privileges of licensed insurance agents.

Read first time and PLACED ON CALENDAR.

SENATE FILE 66, by Committee on Commerce, a bill for an act extending the period of operating authority of the temporary joint underwriting association.

Read first time and PLACED ON CALENDAR.

SENATE FILE 67, by Senator Hultman, a bill for an act authorizing ambulance services by townships.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senate File 51

On motion of Senator Glenn, Senate File 51, a bill for an act to repeal the authority of the war surplus commodities board, 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. 51) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt

Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Ramsey	Readinger	Robinson	Rush
Schwengels	Scott	Shaff	Shaw
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Calhoon	Doderer	Orr	Redmond
Rodgers	Slater		

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 51 be IMMEDIATELY MESSAGED to the House, which request was complied with.

Senate File 36

On motion of Senator Rush, Senate File 36, a bill for an act correcting an erroneous correlating amendment contained in chapter twelve hundred forty-one (1241) of the Acts of the Sixty-sixth General Assembly, was taken up for consideration.

Senator Rush moved that the bill 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. 36) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Calhoon

Orr

Redmond

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

Senate File 52

On motion of Senator Shaw, Senate File 52, a bill for an act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code, 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?" (S.F. 52) the vote was:

Ayes, 46:

Bergman	Bisenius	Burroughs	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft

Briles

Calhoon

Redmond

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

Senate File 53

On motion of Senator Hutchins, Senate file 53, a bill for an act relating to the expenditure of federal funds for county buildings or facilities, was taken up for consideration.

Senator Hill of Polk offered amendment S-3076 to page 2 of the bill filed by Senators Hill of Polk and Hutchins and called for a division of the amendment, lines 2, 3, 6 and 7 to be considered as division S-3067A of the amendment; lines 4 and 5 to be considered as division S-3067B of the amendment.

Senator Hill of Polk moved the adoption of division S-3067A of the amendment.

The motion prevailed and division S-3067A of the amendment was adopted.

Senator Hill of Polk withdrew division S-3067B of the amendment.

Senator Shaff offered amendment S-3069 to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3069 be adopted?" (S.F. 53) the vote was:

Ayes, 27:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Kelly
Miller, E.R.	Murray	Nystrom	Priebe
Ramsey	Readinger	Schwengels	Shaff
Shaw	Taylor	Tieden	

Nays, 21:

Briles	Carr	Coleman	Culver
Doderer	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Robinson	Rodgers
Rush	Scott	Slater	Van Gilst
Willits			

Absent or not voting, 2:

Calhoon	Redmond
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Amendment S-3069 was adopted.

Senator Hutchins moved that the bill 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, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readerger
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Calhoon Redmond

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

SPECIAL GUEST

President Neu welcomed the Honorable John Tapscott, former member of the Senate and the House of Representatives from Polk County, who was present in the Senate chamber.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 3, 1977, 9:03 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Presentation by the State Board of Regents.

Adjourned: 12:08 p.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 3, 1977, 9:10 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: Continuation of hearing from the State Department of Health.

Adjourned: 11:55 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 3, 1977, 9:13 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Schwengels.

Members Absent: Redmond (arrived 9:32 a.m.).

Other Business: Hearings—Natural Resources Council and Hoover Presidential Library Association, Inc.

Adjourned: 11:40 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 3, 1977, 9:10 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act relating to extending the date in the revision clause for the Correction Study Committee.

The vote was: AYES, 5; Priebe, Culver, Murray, Bergman and Rush. NAYS, none.

Also:

Other Business: Several appropriation amounts were voted on various budget appropriation requests.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 3, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Budget hearing—Department of Revenue.

Adjourned: 11:00 a.m.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 3, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Tieden and Doderer.

Members Absent: none.

Other Business: Hearing—Department of General Services. Recommended appropriations to the following departments—Academy of Science, Legislative Fiscal Bureau, Legislative Service Bureau, Executive Council, Courts.

Adjourned: 11:45 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 3, 1977, 9:15 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Continuation of budget presentation for the Department of Transportation.

Adjourned: 12:00 noon.

COMMERCE

Convened: February 3, 1977, 3:00 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Other Business: The Chairman of the Legal Committee of the Iowa Medical Association discussed medical liability insurance.

Adjourned: 3:40 p.m.

EDUCATION

Convened: February 3, 1977, 1:30 p.m.

Members Present: Orr, Chairperson; Willits, Vice Chairperson; Hansen, Ranking Member; DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: Carr.

Other Business: Short business meeting and committee divided into subcommittee meetings on the areas of declining enrollment and vocational-technical education.

Adjourned: 3:00 p.m.

STATE GOVERNMENT

Convened: February 1, 1977, 1:30 p.m.

Members Present: Doderer, Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: Coleman, Vice Chairperson (arrived 1:35 p.m.).

Final Action: APPROVED.

Senate File 63, a bill for an Act to change the term of one of the two new board of parole members provided for in the criminal code revision.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater.

NAYS, none.

Also:

Final Action: APPROVED.

Senate File 64, a bill for an Act to provide a midshift meal to employees of the correctional institutions.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none.

Also:

Other Business: Assigned bills to subcommittees.

Adjourned: 2:00 p.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 has on February 7, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 32, a bill for an act to conform the provisions of the individual and corporate income tax and other taxes and making the Act retroactive.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 32

S-3070

- 1 Amend Senate File 32, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 7 through 18 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. 2. Section four hundred twenty-two point
- 6 seven (422.7), Code 1977, is amended by adding the
- 7 following new subsections:
- 8 *NEW SUBSECTION.* For the tax year beginning on
- 9 or after January 1, 1976, the sick-pay exclusion as
- 10 provided by section one hundred five d (105(d)) of
- 11 the Internal Revenue Code of 1954 shall be computed
- 12 under the provisions of the Internal Revenue Code
- 13 of 1954 as amended to and including January 1, 1976.

14 *NEW SUBSECTION.* For tax years beginning on or
15 after January 1, 1977, and succeeding tax years,
16 individual taxpayers and married taxpayers who file
17 a joint federal income tax return and who elect to
18 file a joint return, separate returns or separate
19 filing on a combined return for Iowa income tax
20 purposes, may avail themselves of the sick-pay
21 exclusion and shall compute the amount of sick-pay
22 exclusion subject to the limitations for joint federal
23 income tax return filers provided by section one
24 hundred five d (105(d)) of the Internal Revenue Code
25 of 1954.”

26 2. Page 3, line 35, by striking the words “as
27 amended by chapter one thousand two”.

28 3. Page 4, by striking lines 1 and 2.

29 4. Page 4, line 3, by striking the words “three
30 hundred thirty-seven (337),”.

31 5. Page 5, line 24, by striking the words “as
32 amended by chapter one thousand”.

33 6. Page 5, by striking lines 25 and 26.

34 7. Page 5, line 27, by striking the words “three
35 hundred forty-three (343),”.

INTRODUCTION OF BILLS

SENATE FILE 68, by Senator Doderer, a bill for an act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 69, by Senators Kelly and Hill of Polk, a bill for an act to authorize consolidation of counties.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 8

By: Ramsey, Hultman, Shaw, Gallagher and Culver

- 1 *Whereas*, as a result of critical heating fuel short-
2 ages in the eastern states federal legislation has been
3 proposed to give the President of the United States the
4 authority to reallocate natural gas supplies; and
5 *Whereas*, Iowa too currently has a precarious supply

6 demand balance during this unusually cold winter season
 7 although major changes in distribution and storage
 8 capacity combined with dedication to energy conserva-
 9 tion techniques instituted during previous harsh win-
 10 ters have enabled the state to withstand this winter's
 11 demands; and

12 *Whereas*, it should be noted that almost thirteen
 13 percent of all natural gas consumed in Iowa is used for
 14 the production of anhydrous ammonia and without this
 15 fertilizer, Iowa farmers could not provide the one point
 16 one billion bushels of corn annually which are so vital
 17 to the nation and the world; and

18 *Whereas*, the state would not object to the diversion
 19 of natural gas allocated to Iowa to aid homes and hos-
 20 pitals in those states where the shortage is critical;

21 *Now Therefore*,

22 *Be It Resolved by the Senate, the House Concurring*,
 23 That the General Assembly urges the President of the
 24 United States to recognize the importance of Iowa's and
 25 the midwest's present natural gas allocation in meeting
 26 essential residential and agricultural production needs.

27 *Be It Further Resolved*, That the General Assembly
 28 urges the President of the United States to not penalize
 29 the people of Iowa for their dedication to energy con-
 30 servation and energy management foresight by diverting

Page 2

1 the state's fuel supplies to an extent that might
 2 jeopardize the security and well-being of Iowans.

3 *Be It Further Resolved*, That the General Assembly
 4 urges the Congress and the President of the United
 5 States to formulate a national energy policy, as state
 6 efforts to promote energy conservation and management
 7 are currently being stalled by uncertainties concern-
 8 ing the substance and direction of anticipated future
 9 national efforts in this area.

10 *Be It Further Resolved*, That the secretary of the
 11 senate is directed to send a copy of this resolution
 12 to the President of the United States and the members
 13 of Iowa's congressional delegation.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 59 State Government
S.F. 62 Human Resources

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 the following investigating committees:

As a member of the Iowa Housing Finance Authority:

ROY E. BERGER, Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Slater, Chairperson
Senator Orr
Senator Readinger
Senator Scott
Senator Shaff

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

PHYLLIS J. PETERS, Sioux City, Woodbury County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Coleman, Chairperson
Senator Ashcraft
Senator Gallagher
Senator Hutchins
Senator Kelly

LOIS M. SHERMAN, Cedar Falls, Black Hawk County, Iowa, for reappointment to the regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator A. Miller, Chairperson
Senator Bisenius
Senator Hansen
Senator Nolting
Senator Palmer

COMMUNICATIONS

The following communications have been received and placed

on file in the office of the Secretary of the Senate from:

CITY DEVELOPMENT BOARD

The fourth annual report of the City Development Board covering the period of July 1, 1975, through June 30, 1976, in accordance with Section 368.10, Code 1975.

STATE CONSERVATION COMMISSION

A report covering the "Green Thumb" program which was administered by the State Conservation Commission, in accordance with Chapter 110, Section 5, 1975 Acts of the Sixty-sixth General Assembly.

PETITIONS

The following petition was presented and placed on file by:

Senator Priebe from twenty-eight residents of Kossuth County objecting to complaints concerning the food prepared by the Commission for the Blind in the statehouse cafeteria.

The following petitions opposing legislation that would reorganize schools and determine school boundaries were presented and placed on file by:

Senator Willits from thirty-three residents of the Ventura Community School District.

Senator Taylor from one thousand four hundred thirty-five residents of:

CAL Community School District.
Goldfield Community School District.
Kanawha Community School District.
LuVerne Community School District.
Boone Valley Community School District.

On motion of Senator Kinley, the Senate adjourned at 10:50 a.m., until 4:30 p.m., Thursday, February 10, 1977.

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY—NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 8, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following Senate Journal was printed while the Senate was not in session, but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rogers, Eldora, Iowa.

REPORTS OF COMMITTEE MEETINGS

CITIES

Convened: February 7, 1977, 1:33 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Briles; Hansen; Gallagher; C. Miller; Orr and Readinger.

Members Absent: none.

Other Business: Assigned bill to subcommittee.

Adjourned: 1:45 p.m.

COUNTY GOVERNMENT

Convened: February 3, 1977, 3:00 p.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; C. Miller; Van Gilst; Taylor; Merritt; Murray; P. Hill and Orr.

Members Absent: Briles, Ranking Member.

Other Business: A discussion of the Uniform Law Enforcement Act as implemented in Louisa County by a representative of the Iowa Crime Commission, South Iowa Area Crime Commission and the Louisa County Attorney.

Adjourned: 4:20 p.m.

ENERGY

Convened: February 7, 1977, 3:05 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver; Glenn; Ramsey and Rodgers.

Members Absent: none.

Final Action: APPROVED.

Senate file 70, a bill for an Act relating to self-service gasoline station operation and handicapped persons and providing a penalty.

The vote was: AYES, 6; Gallagher, Scott, Bisenius, Culver, Glenn and Briles. NAYS, 3; Burroughs, Ramsey and Rodgers.

Also:

Other Business: Assignment of bills to subcommittees; discussions on the Iowa Coal Project and environmental standards required by the Department of Environmental Quality pertaining to pollutants from Iowa coal.

Adjourned: 4:15 p.m.

JUDICIARY

Convened: February 7, 1977, 1:35 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; Ashcraft; Coleman; Doderer; P. Hill; Ramsey and Scott.

Members Absent: Shaw, Willits (arrived 1:36 p.m.).

Members Excused: Redmond; DeKoster, Ranking Member.

Other Business: Assigned bills to subcommittees.

Adjourned: 1:40 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: February 7, 1977, 1:30 p.m.

Members Present: Nolting, Chairperson; Calhoun, Vice Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray; Nystrom and Robinson.

Members Absent: Palmer.

Other Business: Assignment of bills and a presentation from representatives of the Iowa Department of Job Service.

Adjourned: 2:45 p.m.

INTRODUCTION OF BILLS

SENATE FILE 70, by Committee on Energy, a bill for an act relating to self-service gasoline station operation and handicapped persons and providing a penalty.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 71, by Committee on State Government, a bill for an act to abolish the state board of eugenics.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 72, by Senators Murray and Hill of Polk, a bill for an act relating to the inclusion of fine arts projects in state building construction projects in cooperation with the Iowa state arts council.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 73, by Senator Junkins, a bill for an act to repeal provisions relating to the compensation of first deputy county officers in counties having dual county seats.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 67 County Government
S.F. 68 Human Resources
S.F. 69 County Government
S.C.R. 8 Energy

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY—TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 9, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following Senate Journal was printed while the Senate was not in session, but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Valin, Des Moines, Iowa.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 8, 1977, 1:40 p.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Calhoon; Hulse; Hutchins; A. Miller; E. Miller; Readinger and Scott.

Members Absent: none.

Other Business: Summary of the Packers and Stockyard Act and a review of the Corporate Farm Bill and its economic effects.

Adjourned: 3:00 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 8, 1977, 9:03 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Hearing on Health Sciences, Family Practice.

Adjourned: 12:04 p.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 8, 1977, 9:05 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: Presentation by the Commission on the Aging.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 8, 1977, 9:18 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Schwengels.

Members Absent: Redmond.

Other Business: Recommended appropriations to following departments: Department of Agriculture, Iowa Development Commission, Iowa State Fair Board and Agriculture-Trusts.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 8, 1977, 9:05 a.m.

Members Present: Culver, Vice Chairperson; Rush and Bergman.

Members Absent: none.

Members Excused: Priebe, Chairperson and Murray, Ranking Member.

Other Business: Presentation on mental health services by representatives from the Mental Health Institutes at Independence and Cherokee.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 8, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member and Tieden.

Members Absent: none.

Members Excused: Doderer.

Other Business: Recommended appropriations to the Department of Labor, Iowa State Historical Department, Iowa State Arts Council, Council on State Governments, State Library Commission, Law Library, Medical Library and Regional Library.

Adjourned: 11:10 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 3, 1977, 9:15 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Presentation by the Department of Transportation.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 7, 1977, 4:10 p.m.

Members Present: Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Members Excused: Carr, Chairperson.

Other Business: Part of budget for the Department of Transportation tentatively approved.

Adjourned: 5:30 p.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 8, 1977, 10:10 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Presentation from the Office of the State Comptroller.

Adjourned: 11:15 a.m.

STATE GOVERNMENT

Convened: February 8, 1977, 1:30 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Shaff; Schwengels and Slater.

Members Absent: none.

Other Business: Assigned study bills.

Adjourned: 1:45 p.m.

WAYS AND MEANS

Convened: February 8, 1977, 3:15 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Junkins; Kelly; Palmer; Readinger; Shaff and Van Gilst.

Members Absent: none.

Members Excused: Priebe and Redmond.

Other Business: Senator Curtis presented a report from the Department of Revenue regarding the House amendment to Senate File 32.

Adjourned: 3:45 p.m.

INTRODUCTION OF BILLS

SENATE FILE 74, by Committee on Commerce, a bill for an act relating to the capital and surplus requirements of certain insurance companies.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 75, by Senators Kelly, Priebe, Nolting, Carr, Tieden, Coleman, Miller of Des Moines, Gallagher, Robinson, Culver, Doderer, Rush, Redmond, Scott, Calhoon, Slater, Hulse, Bisenius, Readinger and Craft, a bill for an act relating to the private sale, control, distribution and taxation of wine containing not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing

penalties therefore.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 76, by Senator Slater, a bill for an act relating to the ages for compulsory school attendance.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 77, by Senator Burroughs, a bill for an act relating to the penalty provided for refusal to employ on the basis of union membership.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 78, by Senator Ashcraft, a bill for an act relating to placement of names on the certified eligible lists by the city civil service commissions.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 79, by Senator Bergman, a bill for an act relating to the extent to which the state, a county, and other political subdivisions of the state must abide by a city's comprehensive zoning ordinance.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 80, by Senator Ramsey, a bill for an act relating to the definition of employee organization in public collective bargaining.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 81, by Senator Ramsey, a bill for an act relating to the use of medical procedures to prolong life.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 82, 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 under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 83, by Senator Priebe, a bill for an act relating to licensing as health care facilities of certain retirement homes.

Read first time under Senate Rule 28 and PASSED ON FILE.

REPORTS OF COMMITTEES

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on HUMAN RESOURCES to which was referred SENATE FILE 33, 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, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CHARLES P. MILLER, Chairperson

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on TRANSPORTATION to which was referred HOUSE CONCURRENT RESOLUTION 4, a resolution relating to Iowa Department of Transportation proposed rule on maximum legal length of a combination of three vehicles, begs leave to report it has had the same under consideration and recommends the same BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

CLOYD E. ROBINSON, Chairperson

COMMUNICATION

The following communication was received by the Secretary of the Senate on February 8, 1977.

MEMO TO: Newly appointed members of the Joint Legislative Intern Committee

FROM: Cathy Engel, Aide to the Chief Clerk

Pursuant to Joint Rule 17 the following persons have been appointed to or designated to serve on the Joint Legislative Intern Committee:

Representative John Patchett
North Liberty

Professor Sam Patterson
Department of Political Science
University of Iowa

Representative Henry Wulff
Waterloo

Professor Richard Dole
University of Iowa
College of Law

Senator Norman Rodgers
Adel

Professor James L. Hutter
Department of Political Science
Iowa State University

Senator Philip B. Hill
Des Moines

Professor Jerry Bonham
Department of Political Science
University of Northern Iowa

Dan Dudley, House Legal
Counsel and Assistant Chief Clerk

Thane Johnson
Legislative Service Bureau

Kevin Light
Assistant Secretary of the Senate

Dean John Scarlett
Drake University
College of Law

The following persons have been designated to represent Iowa's private colleges:

Dr. Gunnar Wikstrom, Jr.
Associate Professor of Political Science
Buena Vista College

Professor Craig Allin
Department of Political Science
Cornell College

BILLS ASSIGNED TO COMMITTEE

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

- S.F. 72 State Government
- S.F. 73 County Government

AMENDMENT FILED

- S.F. 60 S-3071 Fred W. Nolting
Philip B. Hill

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY—TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 10, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by Richard J. Sydnes, Director of the State Audit Division, State Auditor's Office.

The Journals of Monday, February 7, 1977; Tuesday, February 8, 1977; and Wednesday, February 9, 1977; were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tony Kunz, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

PRESENTATION IN HONOR OF LINCOLN'S BIRTHDAY

President Neu presented the Reverend John D. Clinton, Executive Secretary of the Friends of Lincoln, who addressed the Senate in honor of Lincoln's birthday and the formation of the Friends of Lincoln who were instrumental in the creation of the statues of Lincoln and his son, Tad, located at the west entrance of the State Capitol.

COMMITTEE ON MEMORIAL RESOLUTIONS

Senator Kinley moved that Senators Culver, Chairperson; Curtis, Vice Chairperson; Scott and Shaw, be appointed as a committee of four to ascertain the names of the deceased members of the Senate during the past year, and that the committee be authorized to appoint other committees to prepare suitable memorial resolutions.

The motion prevailed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller of Des Moines for the day on request of Senator Kinley.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

February 10, 1977

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 Colleen P. Shearer, Carlisle, Polk County, Iowa, for appointment as Director of Job Service pursuant to the provisions of Chapter 1068, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 84, by Senator Redmond, a bill for an act to establish a state civil service appeal board and to specify its powers and duties.

Read first time and PASSED ON FILE.

SENATE FILE 85, by Senator Redmond, a bill for an act to provide a civil service system for employees of a unified law enforcement district.

Read first time and PASSED ON FILE.

SENATE FILE 86, by Senators Doderer and Orr, 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.

CONSIDERATION OF BILL

Senate File 18

On motion of Senator Murray, Senate File 18, a bill for an act relating to gifts to minors, with report of committee recommending passage, was taken up, considered, and the report of the committee 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. 18) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 3:

Hill, E.M.	Nolting	Rodgers
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Absent or not voting, 2:

Briles	Miller, C.P.
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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 CONSIDERED

Senate File 32

Senator Curtis called up for consideration Senate File 32, a bill

for an act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive, amended by House amendment S-3070 filed February 7, 1977, found on pages 308 and 309 of the Senate Journal and called for a division of the amendment, lines 26 through 35 to be considered as division S-3070A of the amendment; lines 3 through 25 to be considered as division S-3070B of the amendment.

Senator Curtis moved that the Senate concur in division S-3070A of the House amendment.

The motion prevailed and the Senate concurred in division S-3070A of the House amendment.

Senator Curtis moved that the Senate refuse to concur in division S-3070B of the House amendment.

A non record roll call was requested.

The ayes were 41; nays, 7.

The motion prevailed and the Senate refused to concur in division S-3070B.

Senator Curtis moved that the bill as amended by the House, 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. 32) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Taylor	Tieden	Van Gilst
Willits			

Nays, 3:

Calhoon Carr Slater

Absent or not voting, 2:

Briles Miller, C.P.

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

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 9, 1977, 9:10 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoon and Craft.

Members Absent: none.

Other Business: Presentations from the State Board of Pharmacy Examiners, State Board of Chiropractic Examiners, State Board of Psychology Examiners and State Department of Health.

Adjourned: 11:50 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 9, 1977, 9:10 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Schwengels.

Members Absent: Redmond (arrived 9:30 a.m.).

Other Business: Approved appropriations for the Midwest Nuclear Compact, Geological Survey (coal study), Energy Policy Council, Mississippi River Parkway and the Natural Resources Council.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 9, 1977, 9:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentations by the superintendents of the Mental Health Institutes at Clarinda and Mount Pleasant.

Adjourned: 12:08 p.m.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 9, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member and Tieden.

Members Absent: Doderer.

Other Business: Recommended appropriations to the Bureau of Labor and Department of Justice.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 9, 1977, 9:10 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Budget presentation by the Department of Public Safety.

Adjourned: 12:00 noon.

COMMERCE

Convened: February 1, 1977, 1:30 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Final Action: APPROVED.

Senate File 65, a bill for an Act relating to the privileges of licensed insurance agents.

The vote was: AYES, 10; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Curtis, Nolting, Palmer, Robinson and Rodgers. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 66, a bill for an Act extending the period of operating authority of the temporary joint underwriting association.

The vote was: AYES, 10; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Curtis, Nolting, Palmer, Robinson and Rodgers. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 74, a bill for an Act relating to the capital and surplus requirements of certain insurance companies.

The vote was: AYES, 10; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Curtis, Nolting, Palmer, Robinson and Rodgers. NAYS, none.

Adjourned: 1:50 p.m.

HUMAN RESOURCES

Convened: February 7, 1977, 3:07 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Calhoon; Craft, P. Hill; A. Miller; E. Miller; Rush and Slater.

Members Absent: E. Hill (arrived 3:12 p.m.) and Taylor.

Final Action: DO PASS.

Senate File 33, 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.

The vote was: AYES, 10; C. Miller, Murray, Calhoon, Craft, E. Hill, P. Hill, A. Miller, E. Miller, Rush and Slater. NAYS, none. ABSENT OR NOT VOTING, Carr and Taylor.

Also:

Other Business: Reviewed and discussed bills.

Adjourned: 4:45 p.m.

TRANSPORTATION

Convened: February 9, 1977, 1:35 p.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Ashcraft; Gallagher; Hutchins and Tieden.

Members Absent: Shaff (arrived 1:40 p.m.), Coleman (arrived 1:42 p.m.) and Doderer (arrived 1:45 p.m.).

Final Action: BE ADOPTED.

House Concurrent Resolution 4, a resolution relating to the Iowa Department of Transportation proposed rule on the maximum legal length of a combination of three vehicles. Calhoon; Craft; P. Hill; A. Miller; E. Miller; Rush and Slater.

The vote was: AYES, 6; Robinson, Drake, Ashcraft, Coleman, Hutchins and Tieden. NAYS, 3; Doderer, Gallagher and Shaff. VOTING PRESENT, 1; Glenn.

Also:

Other Business: Bill assignments.

Adjourned: 2:15 p.m.

REPORT OF COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following changes in positions, classifications, grades or steps of the indicated officers or employees to be effective on the date indicated:

Kay Doderer

From Senate Secretary to
Administrative Assistant II to
Senator Minnette Doderer and
Senator John Nystrom effective
January 21, 1977.
Class: I-FT
Grade: 15
Step: 3

Rose Bielfelt

From Senate Secretary to
Senate Secretary to Senator

John Nystrom and Senator Minnette
Doderer Effective January 21, 1977.
Class: I-FT
Grade: 15
Step: 4

Ruth Darlene Calvert
Vivian Haag
Carole Reeves
Jeanne W. Heller

Step 4 to Step 5 in 9 months.
Step 7 to Step 8 on February 4, 1977.
Step 7 effective January 10, 1977.
Grade 13 to Grade 15 effective
January 31, 1977.

Nancy Henter

Grade 13 to Grade 15 effective
January 31, 1977.

Nanci Memmelaar

Grade 13 to Grade 15 effective
February 1, 1977.

GEORGE R. KINLEY, Chairperson

BILLS ASSIGNED TO COMMITTEE

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

S.F. 75 Ways and Means
S.F. 76 Education
S.F. 77 Labor and Industrial Relations
S.F. 78 Cities
S.F. 79 State Government
S.F. 80 Labor and Industrial Relations
S.F. 81 Judiciary
S.F. 82 Ways and Means
S.F. 83 Human Resources

REPORTS OF COMMITTEES

Senator Carr, submitted the following report:

MR. PRESIDENT: Your committee on HUMAN RESOURCES to which was referred SENATE FILE 35, a bill for an act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

ROBERT M. CARR, Vice Chairperson

Senator Doderer submitted the following report:

MR. PRESIDENT: Your committee on STATE GOVERNMENT to which was referred SENATE FILE 28, a bill for an act relating to the birthday of Dr. Martin Luther King, Jr., begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE DODERER, Chairperson

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herbert W. Anderson, Des Moines, Polk County, Iowa, for appointment as Commissioner of Insurance under the provisions of Section 505.3, for the unexpired portion of a term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES CALHOON, Chairperson
C. JOSEPH COLEMAN
MERLIN D. HULSE
WILLIAM D. PALMER
ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donna Rae Moore Heald, Mount Pleasant, Henry County, Iowa, for appointment as a member of the State Board of Nursing 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.

JOHN R. SCOTT, Chairperson
STEPHEN W. BIENIUS
ROLF V. CRAFT
EUGENE M. HILL
CHARLES P. MILLER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Janet Kay Dunn, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners Board 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.

JOHN R. SCOTT, Chairperson
LOUIS P. CULVER
WARREN E. CURTIS
WILLARD R. HANSEN
EARL M. WILLITS

**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 Director of Job Services of Iowa:

COLLEEN P. SHEARER, Carlisle, Polk County, Iowa, to serve at the pleasure of the Governor.

Senator Doderer, Chairperson
Senator DeKoster
Senator Glenn
Senator Hansen
Senator Robinson

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Monday, February 7, 1977, when the votes were taken on Senate Files 36, 51, 52 and 53.

Had I been present, I would have voted "aye" on these bills.

JAMES M. REDMOND

SPECIAL GUEST

President Neu welcomed the Honorable William E. Gluba, former member of the Senate and the House of Representatives from Scott County.

AMENDMENT FILED

S.F. 41

S-3073

Forrest F. Ashcraft

On motion of Senator Kinley, the Senate adjourned at 5:30 p.m., until 9:00 a.m., Friday, February 11, 1977.

JOURNAL OF THE SENATE

THIRTY-THIRD CALENDAR DAY—TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 11, 1977

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

Prayer was offered by the Honorable Lucas J. DeKoster, member of the Senate, from Hull, Sioux County, Iowa.

The Journal of Thursday, February 10, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. W. F. Ramsey, Bettendorf, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Orr and Miller of Des Moines for the day on request of Senator Kinley.

INTRODUCTION OF BILLS

SENATE FILE 87, by Senator Taylor, a bill for an act relating to the preparation and adoption of a state comprehensive land use policy and policy guidelines and to the powers and duties of the state conservation commission.

Read first time and PASSED ON FILE.

SENATE FILE 88, 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 89, by Senator Glenn, a bill for an act relating to property tax exemptions to veterans who served in the armed forces of the United States during the time in which the military

draft was operative.

Read first time and PASSED ON FILE.

SENATE FILE 90, by Senator Shaw, a bill for an act relating to driver education training.

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 61.

Senate File 61

On motion of Senator Curtis, Senate File 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive, was taken up for consideration.

Senator Schwengels offered amendment S-3074 to page 1 of the bill and called for a division of the amendment, lines 2 through 7 to be considered as division S-3074A of the amendment; line 13 to be considered as division S-3074B of the amendment; lines 8 through 12 to be considered as division S-3074C of the amendment.

Senator Briles moved that action on Senate File 61 be deferred and that the bill be returned to the regular calendar as unfinished business under Senate Rule 6.

The motion lost.

Senator Schwengels moved the adoption of division S-3074A of the amendment.

A non record roll call was requested.

The ayes were 12; nays, 35.

Division S-3074A of the amendment lost.

Senator Schwengels withdrew division S-3074B of the amendment.

Senator Schwengels moved the adoption of division S-3074C of the amendment.

A non record roll call was requested.

The ayes were 15; nays, 33.

Division S-3074C of the amendment lost.

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. 61) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Murray	Nolting
Nystrom	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaff	Shaw
Slater	Taylor	Van Gilst	Willits

Nays, 8:

Briles	Burroughs	Drake	Hansen
Hutchins	Miller, E.R.	Schwengels	Tieden

Absent or not voting, 2:

Miller, C.P.	Orr
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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 63

On motion of Senator Carr, Senate File 63, a bill for an act to

change the term of one of the two new board of parole members provided for in the criminal code revision, 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. 63) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, E.R.	Murray
Nolting	Nystrom	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

Miller, A.V.

Absent or not voting, 3:

Miller, C.P.	Orr	Palmer
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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 65.

Senate File 65

On motion of Senator Palmer, Senate File 65, a bill for an act relating to the privileges of licensed insurance agents, was taken up for consideration.

Senator Junkins took the chair at 10:11 a.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. 65) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burrôugh's	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Miller, C.P. Orr

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

Senate File 66

On motion of Senator Palmer, Senate File 66, a bill for an act extending the period of operating authority of the temporary joint underwriting association, was taken up for consideration.

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. 66) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman

Craft	Culver	Curtis	DeKoster
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Doderer Miller, C.P. Orr

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

POINT OF ORDER

Senator Redmond raised the point of order that Senate File 33 should be reassigned to the committee on Budget under Senate Rule 36.

The Chair ruled the point well taken and SENATE FILE 33 was REASSIGNED to the committee on BUDGET, under Senate Rule 36.

CONSIDERATION OF BILLS

Senate File 64

On motion of Senator Carr, Senate File 64, a bill for an act to provide a midshift meal to employees of the correctional institutions, 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. 64) the vote was:

Ayes, 32:

Ashcraft	Bergman	Briles	Calhoon
Carr	Coleman	Craft	Curtis
DeKoster	Doderer	Drake	Glenn
Hansen	Hill, P.B.	Junkins	Kelly
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Readinger	Redmond
Robinson	Rush	Schwengels	Scott
Slater	Taylor	Van Gilst	Willits

Nays, 14:

Bisenius	Burroughs	Culver	Gallagher
Hill, E.M.	Hulse	Hultman	Hutchins
Merritt	Priebe	Ramsey	Shaff
Shaw	Tieden		

Absent or not voting, 4:

Miller, C.P.	Orr	Palmer	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.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As Commissioner of Insurance, Herbert W. Anderson, filed February 10, 1977, and found on page 333 of the Senate Journal.

As a member of the State Board of Chiropractic Examiners, Ronald O. Masters, II, D.C., filed January 31, 1977, and found on pages 253-254 of the Senate Journal.

As a member of the State Board of Nursing, Donna Rae Moore Heald, filed February 10, 1977, and found on page 333 of the Senate Journal.

As a member of the State Board of Physical Therapy Examiners, Janet Kay Dunn, filed February 10, 1977, and found on pages 333-334 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved that the Reports of Investigating Committees be adopted, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

HERBERT W. ANDERSON

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tiedens
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Miller, C.P.	Orr	Palmer	Rodgers
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The Chair declared the appointment of Herbert W. Anderson as Commissioner of Insurance confirmed for the unexpired portion of a term ending June 30, 1979.

RONALD O. MASTERS, II, D.C.

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman

Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Miller, C.P.	Orr	Palmer	Rodgers
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The Chair declared the appointment of Ronald O. Masters, II, D.C., as a member of the State Board of Chiropractic Examiners confirmed for the regular three-year term ending June 30, 1979.

DONNA RAE MOORE HEALD

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Miller, C.P.	Orr	Palmer	Rodgers
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The Chair declared the appointment of Donna Rae Moore Heald as a member of the State Board of Nursing confirmed for the regular three-year term ending June 30, 1979.

JANET KAY DUNN

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Miller, C.P.	Orr	Palmer	Rodgers
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The Chair declared the appointment of Janet Kay Dunn as a member of the State Board of Physical Therapy Examiners confirmed for the regular three-year term ending June 30, 1979.

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 4, by Senator Hill of Jasper, a joint resolution to establish an interim study of the feasibility of establishment of a single integrated retirement system for all public employees and to provide for an appropriation.

Read first time and PASSED ON FILE.

SENATE FILE 91, by Senator Coleman, a bill for an act relating to the service tax on storage of goods.

Read first time and PASSED ON FILE.

SENATE FILE 92, by Senator Kelly, a bill for an act relating to forfeiture of real estate contracts.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 10, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoun and Craft.

Members Absent: none.

Other Business: Presentations from the Commission on Aging and the State Department of Health.

Adjourned: 11:50 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 10, 1977, 9:12 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Schwengels.

Members Absent: Redmond (arrived 9:29 a.m.).

Other Business: Appropriations approved for Conservation Trusts, Geological Survey—General Office and Water Plan, Department of Environmental Quality and State Conservation Commission.

Adjourned: 11:55 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 10, 1977, 9:15 a.m.

Members Present: E. Hill, Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Members Excused: C. Miller, Vice Chairperson.

Other Business: Presentation by Legislative Fiscal Bureau.

Adjourned: 10:15 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 10, 1977, 9:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentations—Title XX program and the State hospitals at Woodward and Glenwood.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 10, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Tieden and Doderer.

Members Absent: none.

Other Business: An explanation of inspection fees by the Department of Labor. Recommended appropriations to the Department of Justice and the Executive Council.

Adjourned: 11:50 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 10, 1977, 9:07 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Continuation of the budget hearing for the Department of Public Safety.

Adjourned: 12:00 noon.

HUMAN RESOURCES

Convened: February 9, 1977, 1:35 p.m.

Members Present: Carr, Vice Chairperson; Murray, Ranking Member; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Members Excused: C. Miller, Chairperson.

Final Action: DO PASS.

Senate File 35, a bill for an Act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code.

The vote was: AYES, 11; Carr, Murray, Calhoon, Craft, E. Hill, P. Hill, A. Miller, E. Miller, Rush, Slater and Taylor. NAYS, none. ABSENT OR NOT VOTING, 1; C. Miller.

Also:

Other Business: Reviewed committee study bill on corrections.

Adjourned: 3:00 p.m.

NATURAL RESOURCES

Convened: February 9, 1977, 3:00 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Other Business: A presentation on the Upper Iowa River by the Conservation Chairman of the Sierra Club in Iowa. Bills assigned to subcommittees.

Adjourned: 3:50 p.m.

RULES AND ADMINISTRATION

Convened: February 10, 1977, 8:04 a.m.

Members Present: Kinley, Chairperson; Coleman; Hultman and Willits.

Members Absent: Ramsey, Ranking Member (arrived 8:08 a.m.) and Junkins, Vice Chairperson (arrived 8:12 a.m.).

Other Business: Approval for the hiring of additional compositors for the Senate Journal and resetting of steps or grades for specified employees of the Senate. Consideration of the policy on access to the Senate chamber pursuant to senate rules and the Secretary of the Senate's proposed enforcement.

Adjourned: 8:45 a.m.

WAYS AND MEANS

Convened: February 10, 1977, 1:35 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Palmer.

Other Business: Discussion of Senate File 11.

Adjourned: 2:15 p.m.

INTRODUCTION OF BILL

SENATE FILE 93, by Senator Kinley, a bill for an act to permit pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse races and racing meets; imposing taxes and fees and providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 9

By: Murray

1 *Whereas*, there are many elderly persons throughout
2 the state who are willing and able to work but who are
3 not employed; and
4 *Whereas*, many of these elderly persons have exper-
5 tise and talents in areas in which the general assembly
6 is involved; and
7 *Whereas*, employing elderly persons as legislative
8 interns would provide to legislative members and com-
9 mittees the benefit of long experience and proven talent
10 to help develop good legislation for consideration of
11 the general assembly; *Now Therefore*,
12 *Be It Resolved by the Senate, the House Concurring*,
13 that the joint intern committee shall establish an
14 elderly legislative internship program to provide staff
15 support to the general assembly during the 1978 legis-
16 lative session and interim. The joint intern committee
17 shall be responsible for hiring the interns who shall be
18 at least sixty years old and who shall come from differ-
19 ent geographic areas of the state. Employment may be on
20 a part-time or full-time intermittent basis and need

- 21 not extend the entire length of the legislative session
 22 or interim. Interns shall be compensated and shall
 23 receive expenses as approved by the general assembly, or
 24 in the absence of such approval, as approved by the leg-
 25 lative council. The compensation and expenses shall be
 26 paid from funds available under section two point twelve
 27 (2.12) of the Code. The joint intern committee
 28 may seek assistance from the director of the legislative
 29 service bureau in training and assigning duties to the interns.

Read first time under Senate Rule 28 and PASSED ON FILE.

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 9

Labor and Industrial Relations
 Nolting, Chairperson
 Nystrom
 Robinson

SENATE FILE 16

Labor and Industrial Relations
 Calhoon, Chairperson
 Merritt
 Murray

SENATE FILE 40

Natural Resources
 Culver, Chairperson
 E. Miller
 Tieden
 Junkins

SENATE FILE 43

Labor and Industrial Relations
 Nolting, Chairperson
 Nystrom
 Robinson

SENATE FILE 45

Commerce
 Palmer, Chairperson
 Bisenius
 Curtis

SENATE FILE 50

State Government
 Kelly, Chairperson
 Rush
 Slater

SENATE FILE 54

Transportation
 Glenn, Chairperson
 Robinson
 Drake

SENATE FILE 55

Cities
 Schwengels, Chairperson
 Gallagher
 C. Miller

SENATE FILE 56

Judiciary
 Ramsey, Chairperson
 Rush
 DeKoster

SENATE FILE 57

Natural Resources
 Calhoon, Chairperson
 Burroughs
 Culver

SENATE FILE 59

State Government
 Rush, Chairperson
 Kelly
 Glenn

SENATE FILE 72

State Government
 Nystrom, Chairperson
 Coleman
 Schwengels

BILLS ASSIGNED TO COMMITTEE

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

S.F. 84 State Government
S.F. 85 County Government
S.F. 86 Human Resources

AMENDMENT FILED

S.F. 60 S-3076 Fred W. Nolting
 Philip B. Hill

On motion of Senator Kinley, the Senate adjourned at 10:50 a.m., until 1:00 p.m., Monday, February 14, 1977.

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY—TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 14, 1977

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

Prayer was offered by the Reverend Vernon Sorensen, pastor of the United Methodist Church, Audubon, Iowa.

The Journal of Friday, February 11, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Schultes, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Schwengels and Drake for the day on request of Senator Hultman; Senators Calhoun and Miller of Des Moines for the day on request of Senator Kinley.

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 10, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 128, a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

Also: That the House has on February 10, 1977, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 7, a resolution amending Senate Concurrent Resolution 4 establishing a new position of Recording Clerk/Supervisor of Pages.

Also: That the House has on February 14, 1977, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 10, that the plans of the Iowa state conservation commission for a basin providing moorings for boats at West Okoboji Lake are disapproved.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 128, 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.

HOUSE CONCURRENT RESOLUTION 7

By: House Administration Committee

1 *Whereas*, certain positions within the Chief Clerk's
 2 Office have been reorganized; and
 3 *Whereas*, such reorganization necessarily involves the
 4 reassignment of duties and responsibilities; and
 5 *Whereas*, the duties and responsibilities of supervising
 6 the page program and additional duties in the well would more
 7 appropriately and efficiently be consolidated with the duties
 8 and responsibilities of the Recording and Amendment Clerk;
 9 and
 10 *Whereas*, the result of that consolidation of duties and
 11 responsibilities requires the establishment of a new position;
 12 *Now Therefore*,
 13 *Be It Resolved by the House of Representatives, the Senate*
 14 *Concurring*, That a new position, Recording Clerk/Supervisor
 15 of Pages, be established and that the position be paid at
 16 grade 22; and
 17 *Be It Further Resolved*, That in all respects the position
 18 grade, step, and benefits conform with those provided for
 19 employees in S.C.R. 4, as adopted.

Read first time and PASSED ON FILE.

HOUSE CONCURRENT RESOLUTION 10

By: Spencer and Hansen

1 *Whereas*, Acts of the Sixty-sixth General Assembly,
 2 1976 Session, chapter one thousand two hundred five

3 (1205), section five (5), authorizes the Sixty-seventh
4 General Assembly to disapprove by resolution the plans
5 of the Iowa state conservation commission to construct
6 a marina or basin providing moorings for boats at
7 Gull Point state park or any other point on or adjacent
8 to West Okoboji Lake; and
9 *Whereas*, the Sixty-seventh General Assembly has
10 determined that the last proposed recommendations
11 of the commission for the location and description
12 of such public boat docking facilities are
13 inappropriate for the area; *Now Therefore*,
14 *Be It Resolved by the House of Representatives*,
15 *the Senate Concurring*, That the plans of the Iowa
16 state conservation commission for a basin providing
17 moorings for boats at West Okoboji Lake are
18 disapproved.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 10

By: Murray

1 *Whereas*, the athletic departments of Iowa State
2 University and the University of Iowa, in response to
3 an overwhelming popular demand throughout the state,
4 scheduled six ISU-UI football games for 1977 through
5 1982; and
6 *Whereas*, the first five games were scheduled for
7 the University of Iowa stadium because the Iowa State
8 University stadium then existing was inadequate to
9 serve the Iowa spectators which were expected; and
10 *Whereas*, Iowa State University now has a new
11 stadium which can assure adequate seating for Iowans
12 interested in the ISU-UI football contest on a basis
13 equal to the University of Iowa stadium; and
14 *Whereas*, the Board in Control of Athletics at the
15 University of Iowa has decided not to cooperate with
16 Iowa State University in sharing facilities and
17 seating allocations so that all Iowa State-Iowa
18 football fans can benefit; and
19 *Whereas*, the present offer of 5,000 tickets for
20 all students, faculty, alumni, and friends of Iowa
21 State University is an example of this lack of good
22 faith cooperation by the University of Iowa; and
23 *Whereas*, both of these universities are state
24 institutions, governed by the state board of regents
25 and mandated to live up to the highest ideals of
26 public service to the citizens of the entire state;
27 *Now Therefore*,

28 *Be It Resolved by the Senate, the House Concurring,*
29 That the general assembly deplore the existing lack
30 of good faith cooperation by the Board in Control of

Page 2

1 Athletics at the University of Iowa, that the general
2 assembly strongly request that the University of Iowa
3 cooperate with Iowa State University for the benefit
4 of all the citizens of the state. It is the general
5 assembly's intent and opinion that such cooperation
6 requires a revision of earlier contracts in order to
7 provide for scheduling the Iowa State-Iowa University
8 football games on a "home and home" basis, alternating
9 sites each year, for the next six years, and the
10 negotiation of further scheduled games on a home and
11 home basis for the years after 1982.

Read first time and PASSED ON FILE.

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 32, a bill for an Act to conform the provisions of the individual and corporate income tax and other taxes and making the Act retroactive, and that the members of the Conference Committee on the part of the House are: The Representative from Pottawattamie, Mr. Pavich, Chair; the Representative from Linn, Mr. Wells; the Representative from Muscatine, Mr. Conlon; the Representative from Black Hawk, Ms. O'Halloran; and the Representative from Winnebago, Mr. Branstad.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 5, by Senator Hill of Polk, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow counties to adopt charters and provide home rule for county governments or for county-municipal corporation governments.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 94, by Committee on State Government, a bill for an act relating to moving expenses for employees of the state department of transportation.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 95, by Senator Glenn, a bill for an act to require that drivers of school buses must be at least eighteen years of age.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 4 State Government
S.F. 87 Natural Resources
S.F. 88 Transportation
S.F. 89 Ways and Means
S.F. 90 Transportation
S.F. 91 Ways and Means
S.F. 92 Judiciary
S.F. 93 Ways and Means
S.C.R. 9 Rules and Administration

PETITIONS

The following petitions were presented and placed on file:

By Senator Curtis from thirteen residents of Cherokee County favoring an appropriation to Area Education Agencies for the purchase of audio-visual materials.

By Senator Miller of Cerro Gordo from thirty-four residents of Cerro Gordo County favoring legislation that would require a referendum of voters before a liquor store could be established in a community.

The following petitions opposing legislation that would

reorganize schools and determine school boundaries were presented and placed on file by:

Senator Willits from three hundred eighty-six residents of the Ventura Community School District.

Senator Hutchins from twenty-eight residents of Shelby County.

On motion of Senator Kinley, the Senate adjourned at 1:17 p.m., until 4:30 p.m., Thursday, February 17, 1977.

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY—TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 15, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following Senate Journal was printed while the Senate was not in session, but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Walter Dean, Resident, Iowa Luthern Hospital, Des Moines, Iowa.

REPORTS OF COMMITTEE MEETINGS

CITIES

Convened: February 14, 1977, 1:33 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Briles; Hansen; Gallagher and Readinger.

Members Absent: none.

Members Excused: C. Miller; Schwengels, Ranking Member and Orr.

Other Business: Assigned bill to subcommittee.

Adjourned: 1:39 p.m.

JUDICIARY

Convened: February 14, 1977, 1:33 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Redmond and Shaw.

Members Absent: Doderer (arrived 1:34 p.m.), Ramsey (arrived 1:34 p.m.) and Willits (arrived 1:39 p.m.).

Other Business: Bill assignments.

Adjourned: 2:05 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: February 14, 1977, 1:30 p.m.

Members Present: Nolting, Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray; Nystrom; Palmer and Robinson.

Members Absent: none.

Members Excused: Calhoon, Vice Chairperson.

Other Business: Presentation from the members of the Job Services Appeals Board; bill assignments.

Adjourned: 2:05 p.m.

STATE GOVERNMENT

Convened: February 3, 1977, 3:05 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Kelly; Junkins; Rush and Shaff.

Members Absent: Slater (arrived 3:10 p.m.).

Members Excused: Schwengels.

Final Action: APPROVED.

Senate File 71, a bill for an Act to abolish the State Board of Eugenics.

The vote was: AYES, 13; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Kelly, Junkins, Rush, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 1; Schwengels.

Also:

Final Action: APPROVED.

Senate File 94, a bill for an Act relating to the payment of transportation expenses for moving household goods for employees of the State Department of Transportation.

The vote was: AYES, 13; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Kelly, Junkins, Rush, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 1; Schwengels.

Also:

Other Business: Assigned bill to subcommittee.

Adjourned: 3:25 p.m.

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 6, by Senators Hill of Polk, Doderer, Hansen, Murray, Orr, Rush, Readinger, Shaw, Redmond, Willits, Slater, Carr, Robinson, Scott and Calhoun, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights under the law shall not be denied or abridged by the state or by any of its political subdivisions on account of sex.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 96, by Senator Hill of Jasper, a bill for an act creating a department of corrections, prescribing the powers and duties thereof and providing penalties.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 97, by the Budget Regulatory and Finance Subcommittee, a bill for an act making an appropriation for the purpose of funding the acquisition, development, installation and use of an interactive computer system encompassing state budgeting and analysis procedures.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 98, by Committee on State Government, a bill for an act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 99, by Senator Kelly, a bill for an act relating to a state of the judicial department message.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 5 County Government
 S.F. 95 Transportation
 S.C.R. 10 Rules and Administration
 H.F. 128 Budget
 H.C.R. 7 Rules and Administration

APPOINTMENT OF CONFERENCE COMMITTEE

Pursuant to Joint Rule 12, the following CONFERENCE COMMITTEE on SENATE FILE 32 on the part of the Senate was appointed:

Senators Nolting, Chairperson; Craft; Curtis; Junkins and Priebe.

COMMUNICATION FROM THE SECRETARY OF STATE

SECRETARY OF THE SENATE SIXTY-SEVENTH GENERAL ASSEMBLY

On the 15th day of January, 1977, I, Melvin D. Synhorst, Secretary of State of the State of Iowa, do hereby certify that the following named newspapers were designated to publish Senate Joint Resolution 1006, Acts of the Sixty-sixth General Assembly, and in accordance with the provisions of Chapter Six, Code of Iowa, 1975, affidavits showing proof of said publication are on file in this Department and are recorded as hereinafter shown:

CONGRESSIONAL DISTRICT	NEWSPAPERS	DATES PUBLISHED
First	Burlington Hawk Eye, Burlington	7/27-8/24-9/21-10/26
	Davenport Quad City Times, Davenport	7/26-8/23-9/20-10/25

Second	Cedar Rapids Gazette, Cedar Rapids Dubuque Telegraph Herald, Dubuque	7/26-8/23-9/20-10/25 7/26-8/23-9/20-10/25
Third	Mason City Globe Gazette, Mason City Waterloo Courier, Waterloo	7/27-8/24-9/21-10/26 7/26-8/23-9/20-10/25
Fourth	Ottumwa Courier, Ottumwa Newton Daily News, Newton	7/26-8/23-9/20-10/25 7/27-8/26-9/21-10/26
Fifth	Council Bluffs Nonpareil, Council Bluffs Ames Tribune, Ames	7/28-8/26-9/22-10/27 7/27-8/24-9/21-10/26
Sixth	Sioux City Journal, Sioux City Fort Dodge Messenger, Fort Dodge	7/27-8/24-9/21-10/26 7/26-8/23-9/20-10/25

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 15th day of February, A.D., Nineteen Hundred and Seventy-seven.

MELVIN D. SYNHORST, Secretary of State

COMMUNICATION FROM THE SECRETARY OF THE SENATE

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

IOWA COMMISSION ON INTERSTATE COOPERATION

A report of the Commission on Interstate Cooperation in accordance with Section 28B.4, 1977 Code.

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY—TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 16, 1977

Pursuant to Senate Concurrent Resolution 6, duly adopted, the following Senate Journal was printed while the Senate was not in session, but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dennis Walter, Des Moines, Iowa.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: February 14, 1977, 4:35 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Kelly; Nolting; Priebe; Ramsey; Van Gilst and Willits.

Members Absent: none.

Members Excused: Hultman and Junkins.

Final Action: APPROVED.

Senate File 97, a bill for an Act making an appropriation for the purpose of funding the acquisition, development, installation and use of an interactive computer system encompassing state budgeting and analysis procedures.

The vote was: AYES, 9; Palmer, E. Hill, Carr, DeKoster, Kelly, Nolting, Priebe, Van Gilst and Willits. NAYS, 2; Shaw and Ramsey. ABSENT OR NOT VOTING, 2; Hultman and Junkins.

Adjourned: 5:00 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 15, 1977, 9:05 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Budget hearings for capital improvements for educational television and the Department of Public Instruction.

Adjourned: 11:35 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 15, 1977, 9:00 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member and Craft.

Members Absent: none.

Members Excused: Calhoon.

Other Business: Presentation from the Iowa Drug Abuse Authority and the Division on Alcoholism from the State Department of Health.

Adjourned: 11:55 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 15, 1977, 9:15 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Redmond.

Members Absent: none.

Members Excused: Schwengels.

Other Business: Recommended appropriations for the general office and district offices of the Department of Soil Conservation.

Adjourned: 11:55 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 15, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Members Excused: C. Miller, Vice Chairperson.

Other Business: Budget hearing—Job Service of Iowa; FICA; Iowa Old Age and Survivors Insurance (IOASI) and teachers and a further discussion of IPERS.

Adjourned: 10:10 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 14, 1977, 4:35 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentations on county administration by the Director of the Division of Management and Planning for the Department of Social Services; Title XX program and Iowa State Association of Counties.

Adjourned: 6:40 p.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 15, 1977, 9:00 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Bergman and Rush.

Members Absent: Murray, Ranking Member.

Other Business: Presentations on Community Based ICF/MR and Residential MR.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 15, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Doderer and Tieden.

Members Absent: none.

Other Business: Recommended appropriations to the Office for Planning and Programming, Iowa Merit Employment Commission, Office of the Citizen's Aide, Department of General Services and the National Commission of State Legislatures.

Adjourned: 11:35 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 14, 1977, 4:00 p.m.

Members Present: Gallagher and Hansen.

Members Absent: Coleman, Vice Chairperson (arrived 4:30 p.m.).

Members Excused: Carr, Chairperson (Chairing another meeting—arrived 4:20 p.m.) and Drake, Ranking Member.

Other Business: Budget presentation—Department of Public Safety.

Adjourned: 5:45 p.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 15, 1977, 9:00 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Tentative approval of the budget for the Department of Public Safety.

Adjourned: 11:50 a.m.

INTRODUCTION OF BILLS

SENATE FILE 100, by Senator Orr, a bill for an act to provide property tax relief by providing a reimbursement for property taxes paid and rent constituting property taxes paid.

Read first time under Senate Rule 28 and **PASSED ON FILE.**

SENATE FILE 101, by Senator Ramsey, a bill for an act relating to the establishment of a court-appointed attorney fee account and to the payment of court-appointed attorney fees.

Read first time under Senate Rule 28 and **PASSED ON FILE.**

SENATE FILE 102, by Senators Nolting, Willits, Robinson, Palmer, Ashcraft, Slater, Miller of Des Moines, Drake, Nystrom, Carr, Miller of Cerro Gordo, Hutchins, Calhoon and Merritt, a bill

for an act prohibiting the Iowa commerce commission from approving charges by telephone companies for telephone directory assistance.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 103, by Committee on Energy, a bill for an act providing an exemption from property taxation for solar and wind energy systems or devices and methane gas production systems.

Read first time under Senate Rule 28 and REFERRED to the committee on WAYS AND MEANS under SENATE RULE 36.

SENATE FILE 104, by Committee on Energy, a bill for an act appropriating funds to Iowa state university of science and technology for coal research.

Read first time under Senate Rule 28 and REFERRED to the committee on BUDGET under SENATE RULE 36.

SENATE FILE 105, by Senator Redmond, a bill for an act relating to prohibiting the state or any of its agencies or subdivisions from receiving free goods or services from persons or entities who would receive a competitive business advantage from the offer or receipt.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 106, by Senator Redmond, a bill for an act relating to filing multiple counts in a single information, indictment, or complaint charging false use of a financial instrument.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 107, by Senator Redmond, a bill for an act relating to the change of title for assessment tax purposes.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 108, by Senator Kelly, a bill for an act to

prohibit discrimination in education.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 109, by Committee on Agriculture, a bill for an act to update Iowa specifications and standards for cheese and cheese products.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 110, by Committee on Agriculture, a bill for an act relating to testing dairy products for manufacturing purposes.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 111, by Committee on State Government, a bill for an act relating to the employment of state inmate labor in public works projects for the state and political subdivisions.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE FILE 112, by Committee on Human Resources, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE RESOLUTION 6

By: Committee on Rules and Administration

- 1 *Be It Resolved by the Senate, That the permanent rules*
- 2 *of the senate for the sixty-seventh general assembly as adopted*
- 3 *on January 13, 1977, shall be amended by inserting the*
- 4 *following new rule:*

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Rule _____

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Study Bills

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1. A study bill is any matter which a senator wishes to have considered by a standing committee or budget subcommittee for introduction as a committee bill or resolution. The term "study bill" includes "bill drafts" provided for in Rule 35.

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2. Upon first receiving a study bill from a senator, a committee chairperson shall submit three copies to the secretary of the senate. The secretary shall number such bills in consecutive order. The secretary shall maintain a record of all study bills and their assigned number. Committee records shall refer to study bills by the number assigned by the secretary.

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3. The secretary shall file a report in the journal of each study bill received. The report shall show the study bill number, its title or subject matter and the committee which is considering it. If a study bill is referred to a subcommittee; then the committee chairperson shall report in the journal the names of the subcommittee members to which it is assigned.

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4. If a committee bill or resolution is introduced which was not previously the subject of a study bill in the sponsoring committee, the majority leadership may re-refer the bill back to the committee.

Be It Further Resolved, That this rule shall be engrossed by the secretary into the Permanent Rules of the Senate.

Page 2

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The secretary is authorized to change rule numbers and correct internal cross-references as may be required by the adoption of this rule.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE CONCURRENT RESOLUTION 11

By: Bisenius, Ramsey, Hulse, Shaff
Merritt, Burroughs, Ashcraft,
Hill of Polk, Murray, Craft,
Readinger, Rodgers, Schwengels,
DeKoster, Tieden, Shaw, Taylor,
Miller of Marshall, Hultman,
Hansen, Briles, Bergman and
Curtis

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Whereas, the general assembly of the state of Iowa advocates a strong adherence to the principles of economic stability and credibility in government; and

4 *Whereas*, the United States is presently involved in
 5 a crisis of severe unemployment; and
 6 *Whereas*, The Quadrennial Commission's recommenda-
 7 tions on federal government salary increase favors a
 8 group of employees already earning more than 95 per-
 9 cent of the American people; and

10 *Whereas*, the nature of these recommendations may
 11 well signal a universal demand for large increases
 12 of wages in the public and private sector; and

13 *Whereas*, the net result of this recommendation
 14 will be increased taxes, inflated dollars, and a
 15 serious rise in the overall cost of living for those
 16 least able to withstand such an increase; *Now*
 17 *Therefore*,

18 *Be It Resolved by the Senate, the House Concurring*,
 19 That in the interest of public service the general
 20 assembly calls upon the Congress of the United States
 21 to realize the serious repercussions these recommenda-
 22 tions will have on all state governments and their
 23 citizens, and that the congress set the proper example
 24 in disapproving these recommendations before they go
 25 into effect on February 20, 1977; and

26 *Be It Further Resolved*, That if Congress fails to
 27 act prior to February 20, 1977 the general assembly of
 28 the state of Iowa urges it to take such action which
 29 will return government salaries to the levels at which
 30 they existed prior to February 20, 1977; and

Page 2

1 *Be It Further Resolved*, That a copy of this resolu-
 2 tion be telegraphed to the President of the United
 3 States and to all members of the Iowa Congressional
 4 delegation.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 6	Judiciary
S.F. 96	State Government
S.F. 99	Judiciary

REPORT OF COMMITTEE ON
RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following changes in positions, classifications, grades or steps of the indicated officers or employees to be effective on the date indicated.

Ruth Root

Grade 13 to Grade 15 effective
February 7, 1977.

GEORGE R. KINLEY, Chairperson

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gretchen N. Schreffler, D.C., of Iowa City, Johnson County, Iowa, for reappointment as a member of the State Board of Chiropractic 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.

JOAN ORR, Chairperson
MINNETTE DODERER
GEORGE R. KINLEY
ELIZABETH R. MILLER
RAY TAYLOR

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY—TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 17, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by Robert Tyson, Office for Planning and Programming.

The Journals of Monday, February 14, 1977; Tuesday, February 15, 1977 and Wednesday, February 16, 1977, were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Schultes, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Miller of Des Moines and Calhoun 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.

INTRODUCTION OF BILLS

SENATE FILE 113, by Senators Shaw, Ashcraft, Miller of Marshall and Bergman, a bill for an act relating to equipment of motorcycles and motorcycle riders subject to a penalty provided by law.

Read first time and PASSED ON FILE.

SENATE FILE 114, by Senators Doderer and Murray, a bill for an act relating to the consent of minors for health services.

Read first time and PASSED ON FILE.

SENATE FILE 115, by Senator Burroughs, a bill for an act relating to charges made for the use of extension telephones.

Read first time and PASSED ON FILE.

SENATE FILE 116, 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 117, by Senator Schwengels, a bill for an act to provide for an income tax deduction for tuition and textbooks.

Read first time and PASSED ON FILE.

SENATE FILE 118, by Senator Schwengels, a bill for an act declaring the multiflora rose to be a noxious weed.

Read first time and PASSED ON FILE.

SENATE FILE 119, by Committee on Commerce, a bill for an act relating to the regulation of savings and loan associations.

Read first time and PLACED ON CALENDAR.

SENATE FILE 120, by Committee on Commerce, a bill for an act relating to the construction and location of electric transmission lines.

Read first time and PLACED ON CALENDAR.

CONSIDERATION OF BILLS

Senate File 60

On motion of Senator Drake, Senate File 60, a bill for an Act removing the prohibition against use of social security numbers for operator's, motorized bicycle, or chauffeur's licenses and for motor vehicle registration, was taken up for consideration.

Senator Nolting offered amendment S-3071 to pages 1 and 2 of the bill filed by Senators Nolting and Hill of Polk on February 9, 1977.

Senator Hill of Polk offered amendment S-3076 to amendment S-3071 filed by Senators Nolting and Hill of Polk on February 11, 1977, and moved its adoption.

The motion prevailed and amendment S-3076 to amendment S-3071 was adopted.

Senator Nolting moved the adoption of amendment S-3071 as amended.

A record roll call was requested.

On the question "Shall amendment S-3071 as amended be adopted?" (S.F. 60) the vote was:

Ayes, 26:

Bisenius	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Gallagher
Hansen	Hill, P.B.	Junkins	Merritt
Miller, A. V.	Murray	Nolting	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rush	Scott	Slater
Van Gilst	Willits		

Nays, 19:

Ashcraft	Bergman	Briles	Burroughs
Curtis	Drake	Glenn	Hill, E.M.
Hulse	Hutchins	Kelly	Kinley
Miller, E.R.	Rodgers	Schwengels	Shaff
Shaw	Taylor	Tieden	

Absent or not voting, 5:

Calhoon	Hultman	Miller, C.P.	Nystrom
Robinson			

Amendment S-3071 as amended was adopted.

Senator Drake moved that Senate File 60 be rereferred to the committee on Transportation.

A non record roll call was requested.

The ayes were 24; nays, 21.

The motion prevailed and SENATE FILE 60 was REREFERRED to the committee on TRANSPORTATION.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 71.

Senate File 71

On motion of Senator Drake, Senate File 71, a bill for an act to abolish the state board of eugenics, was taken up for consideration.

Senator Drake moved that the bill 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. 71) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Calhoon
Robinson

Hultman

Miller, C.P.

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 28.

Senate File 28

On motion of Senator Hill of Polk, Senate File 28, a bill for an act to commemorate the birthday of Dr. Martin Luther King, Jr., 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. 28) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Tieden	Van Gilst
Willits			

Nays, 4:

Hill, E.M.	Hulse	Nolting	Taylor
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Absent or not voting, 5:

Burroughs	Calhoon	Hultman	Miller, C.P.
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 35.

Senate File 35

On motion of Senator Hill of Polk, Senate File 35, a bill for an act to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code, 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. 35) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Calhoon	Hultman	Miller, C.P.	Nystrom
Shaw			

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

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 15, 1977, 1:30 p.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Hulse; Hutchins; A. Miller; E. Miller; Readinger and Scott.

Members Absent: none.

Members Excused: Calhoon.

Final Action: APPROVED.

Senate File 109, a bill for an Act to update Iowa specifications and standards for cheese and cheese products.

The vote was: AYES, 9; Van Gilst, Merritt, Tieden, Hulse, Hutchins, A. Miller, E. Miller, Readinger and Scott. NAYS, none. ABSENT OR NOT VOTING, 1; Calhoon.

Also:

Final Action: APPROVED.

Senate File 110, a bill for an Act relating to testing dairy products for manufacturing purposes.

The vote was: AYES, 9; Van Gilst, Merritt, Tieden, Hulse, Hutchins, A. Miller, E. Miller, Readinger and Scott. NAYS, none. ABSENT OR NOT VOTING, 1; Calhoon.

Also:

Other Business: Discussion of the Corporate Farm bill.

Adjourned: 2:10 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 16, 1977, 9:05 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member and Hutchins.

Members Absent: Robinson, Vice Chairperson (arrived 10:05 a.m.) and Nystrom (arrived 9:48 a.m.).

Other Business: Hearing—State Board of Regents requests for capital improvements.

Adjourned: 12:04 p.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 16, 1977, 9:15 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member and Craft.

Members Absent: none.

Members Excused: Calhoon.

Other Business: Presentation by the Director of the State Department of Health.

Adjourned: 11:45 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 16, 1977, 9:30 a.m.

Members Present: E. Hill, Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Members Excused: C. Miller, Vice Chairperson.

Other Business: Budget Hearing—Iowa Beer and Liquor Control Department.

Adjourned: 11:35 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 16, 1977, 9:00 a.m.

Members Present: Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Members Excused: Priebe, Chairperson (arrived 10:15 a.m.).

Other Business: Presentations on correctional institutions by Ted Wallman, superintendent of the women's reformatory at Rockwell City; Lou V. Brewer, warden at the men's penitentiary at Ft. Madison; Paul Loeffelholz,

superintendent at Oakdale and Harry Woods, Bureau Director of Community Corrections.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 16, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Tieden and Doderer.

Members Absent: none.

Other Business: Recommended appropriations to the Department of General Services.

Adjourned: 11:45 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 16, 1977, 9:00 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Finalized parts of the budget for Iowa Crime Commission, Iowa Law Enforcement Academy and Department of Public Defense.

Adjourned: 12:00 noon.

ENERGY

Convened: February 14, 1977, 3:00 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Briles; Culver; Glenn; Ramsey and Rodgers.

Members Absent: Bisenius (arrived 3:10 p.m.).

Final Action: APPROVED.

Senate File 103, a bill for an Act providing an exemption from property taxation for solar and wind energy devices and methane gas production systems.

The vote was: AYES, 8; Gallagher, Scott, Burroughs, Culver, Glenn, Ramsey, Briles and Bisenius. NAYS, none. VOTING PRESENT, 1; Rodgers.

Also:

Final Action: APPROVED.

Senate File 104, a bill for an Act appropriating funds to Iowa State University of Science and Technology for coal research.

The vote was: AYES, 9; Gallagher, Scott, Burroughs, Bisenius, Briles, Culver, Glenn, Ramsey and Rodgers. NAYS, none.

Also:

Other Business: Assigned Senate Concurrent Resolution 8 to subcommittee and discussed a study bill on energy efficiency for buildings.

Adjourned: 4:00 p.m.

HUMAN RESOURCES

Convened: February 14, 1977, 3:05 p.m.

Members Present: Carr, Vice Chairperson; Murray, Ranking Member; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Members Excused: C. Miller, Chairperson; Calhoon and Craft.

Final Action: APPROVED.

Senate File 112, a bill for an Act requiring that each judicial district in this state develop and maintain a community based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

The vote was: AYES, 8; Carr, Murray, P. Hill, A. Miller, E. Miller, Rush, Slater and Taylor, NAYS, 1; E. Hill. ABSENT OR NOT VOTING, 3; C. Miller, Calhoon and Craft.

Adjourned: 4:25 p.m.

JUDICIARY

Convened: February 16, 1977, 3:10 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Ramsey; Redmond; Scott; Shaw and Willits.

Members Absent: Doderer (arrived 3:20 p.m.).

Other Business: Bill assignments.

Adjourned: 3:35 p.m.

RULES AND ADMINISTRATION

Convened: February 16, 1977, 8:06 a.m.

Members Present: Kinley, Chairperson; Junkins, Vice Chairperson; Coleman and Hultman.

Members Absent: Willits (arrived 8:09 a.m.) and Ramsey, Ranking Member.

Final Action: APPROVED.

Senate Resolution 6, a resolution clarifying the procedure of study bills by amendment of the permanent rules of the Senate.

The vote was: AYES, 5; Kinley, Junkins, Coleman, Hultman and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Ramsey.

Also:

Other Business: Various discussions relating to Senate employees.

Adjourned: 8:30 a.m.

STATE GOVERNMENT

Convened: February 10, 1977, 3:00 p.m.

Members Present: Doderer, Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Rush; Shaff and Slater.

Members Absent: Coleman, Vice Chairperson (arrived 3:15 p.m.) and Kelly (arrived 3:10 p.m.).

Members Excused: Schwengels.

Final Action: DO PASS.

Senate File 28, a bill for an Act to commemorate the birthday of Dr. Martin Luther King, Jr.

The vote was: AYES, 12; Doderer, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 2; Coleman and Schwengels.

Also:

Final Action: APPROVED.

Senate File 98, a bill for an Act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

The vote was: AYES, 12; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Glenn, Junkins, Kelly, Rush, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 2; Schwengels and Drake.

Also:

Final Action: APPROVED.

Senate File 111, a bill for an Act relating to the employment of state inmate labor in public works projects for the state and political subdivisions.

The vote was: AYES, 13; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 1; Schwengels.

Also:

Other Business: Bills assigned to subcommittee.

Adjourned: 3:30 p.m.

TRANSPORTATION

Convened: February 16, 1977, 1:35 p.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Tieden; Coleman; Shaff; Ashcraft; Gallagher and Hutchins.

Members Absent: Doderer (arrived 1:36 p.m.) and Drake, Ranking Member (arrived 1:36 p.m.).

Other Business: Discussion of study bill and presentation by a representative of the Iowa Highway Patrol on how road conditions are determined.

Adjourned: 3:50 p.m.

WAYS AND MEANS

Convened: February 15, 1977, 3:08 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; Hultman; Junkins; Kelly; Readinger; Shaff and Van Gilst.

Members Absent: E. Hill (arrived 3:10 p.m.), Palmer (arrived 3:15 p.m.), Priebe (arrived 3:15 p.m.) and Redmond (arrived 3:12 p.m.).

Other Business: Discussion of study bills regarding the definition of a withholding agent and quarterly filings of corporations.

Adjourned: 4:05 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 100	Ways and Means
S.F. 101	County Government
S.F. 102	Commerce
S.F. 105	State Government
S.F. 106	Judiciary
S.F. 107	Judiciary
S.F. 108	Judiciary
S.C.R. 11	Rules and Administration

REPORT OF COMMITTEE

Senator Doderer submitted the following report:

MR. PRESIDENT: Your committee on State Government to which was referred SENATE FILE 41, a bill for an act relating to the management of state records, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendments S-3077 and S-3078; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE DODERER, Chairperson

REPORT OF COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following name to be

employed in the indicated position, and at the indicated classification, grade and step, effective February 21, 1977.

		Class	Grade	Step
Compositor	Mary Buban	I-FT	16	2

GEORGE R. KINLEY, Chairperson

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu announced the following appointments to statutory committees:

CAPITOL PLANNING COMMISSION (Section 18A.1)

Senator Bass Van Gilst to fill the unexpired portion of a term ending April 30, 1979.

CHILD ABUSE INFORMATION COUNCIL (Section 235A.24(1))

Senator Tom Slater, to serve at the pleasure of the Lieutenant Governor.

COMMISSION ON AGING (Section 249B.1)

Senator John Murray, to fill the unexpired portion of a term ending June 30, 1977, and for a regular four-year term commencing July 1, 1977, and ending June 30, 1981.

COMMISSION ON COMPENSATION (Section 2A.1)

Gordon James, to a regular five-year term commencing July 1, 1977, and ending June 30, 1982.

EDUCATION COMMISSION OF THE STATES (Section 272B.2)

Senator Elizabeth Shaw to a regular four-year term commencing July 1, 1977, and ending June 30, 1981.

INTERSTATE COOPERATION COMMISSION (Section 28B.1(1))

Senators Calvin O. Hultman and Richard Drake to fill unexpired portions of terms ending April 30, 1977.

Senators Calvin O. Hultman, Richard Drake, Lowell Junkins, William Palmer and Norman Rodgers to regular two-year terms commencing May 1, 1977, and ending April 30, 1979.

MEDICAL ASSISTANCE COUNCIL (Section 249A.4(8))

Senators Dale Tieden and Joseph Coleman, reappointed to regular two-year terms commencing July 1, 1977, and ending June 30, 1979.

POLICE COMMUNICATIONS REVIEW COMMISSION (Section 750.8)

Senators James Gallagher, Fred Nolting and Forrest Schwengels for regular two-year terms commencing January 10, 1977, and ending with the convening of the 68th General Assembly, January 8, 1979.

On motion of Senator Kinley, the Senate adjourned at 5:15 p.m., until 9:00 a.m., Friday, February 18, 1977.

JOURNAL OF THE SENATE

FORTIETH CALENDAR DAY—TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 18, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable David M. Readinger, member of the Senate from Des Moines, Polk County, Iowa.

The Journal of Thursday, February 17, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Erwin Wittenberg, Newton, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Craft and Hultman for the day on request of Senator Shaff; Senator Miller of Des Moines for the day on request of Senator Kinley.

INTRODUCTION OF BILLS

SENATE FILE 121, by Senators Priebe, Tieden and Shaff, a bill for an act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

Read first time and PASSED ON FILE.

SENATE FILE 122, by Senator Miller of Cerro Gordo, a bill for an act relating to the certification and collection of special assessments and delinquency assessments levied by a city.

Read first time and PASSED ON FILE.

SENATE FILE 123, by Senator Tieden, a bill for an act to provide reimbursement to school districts to replace tax revenues which will not be available because of the purchase of land for the open spaces program by the state and making an appropriation.

Read first time and PASSED ON FILE.

SENATE FILE 124, by Senator Kelly, a bill for an act disqualifying district judges, and court of appeals and supreme court judges from holding any nonjudicial office in state government while serving as a judge and for two years thereafter.

Read first time and PASSED ON FILE.

SENATE FILE 125, by Committee on Natural Resources, a bill for an act relating to prohibited traps.

Read first time and PLACED ON CALENDAR.

SENATE FILE 126, by Committee on Natural Resources, a bill for an act to repeal the requirement of a special permit tag to sell furs outside the state.

Read first time and PLACED ON CALENDAR.

CONSIDERATION OF BILLS

Senate File 97

On motion of Senator Hill of Jasper, Senate File 97, a bill for an act making an appropriation for the purpose of funding the acquisition, development, installation and use of an interactive computer system encompassing state budgeting and analysis procedures, was taken up for consideration.

President pro tempore Coleman took the chair at 9:37 a.m.

President Neu took the chair at 9:42 a.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.

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

The Senate resumed session, President Neu presiding.

On the question "Shall the bill pass?" (S.F. 97) the vote was:

Rule 23 was invoked.

Ayes, 29:

Calhoon	Carr	Coleman	Culver
Curtis	DeKoster	Doderer	Gallagher
Glenn	Hill, E.M.	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Nolting	Orr	Palmer	Priebe
Redmond	Robinson	Rodgers	Rush
Scott	Slater	Taylor	Van Gilst
Willits			

Nays, 17:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Drake	Hansen	Hill, P.B.
Hulse	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Schwengels	Shaff
Shaw			

Absent or not voting, 4:

Craft	Hultman	Kelly	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.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 97 passed the Senate on February 18, 1977.

LUCAS J. DE KOSTER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 97 passed the Senate on February 18, 1977.

WILLIAM D. PALMER

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 74.

Senate File 74

On motion of Senator Palmer, Senate File 74, a bill for an Act relating to the capital and surplus requirements of certain insurance companies, was taken up for consideration.

Senator Hill of Polk offered amendment S-3080 to pages 1, 2 and 3 of the bill, moved its adoption and requested a non record roll call.

The ayes were 29; nays, 16.

Amendment S-3080 was adopted.

Senator Hill of Polk offered amendment S-3079 to page 4 of the bill and moved its adoption.

The motion prevailed and amendment S-3079 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. 74) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Craft	Hultman	Kelly
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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 94.

Senate File 94

On motion of Senator Shaff, Senate File 94, a bill for an act relating to moving expenses for employees of the state department of transportation, was taken up for consideration.

Senator Redmond raised the point of order that a fiscal note was required under Joint Rule 16.

The Chair ruled the point not well taken since the total annual effect of the bill would not exceed one hundred thousand dollars.

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. 94) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 5:

Merritt	Nolting	Priebe	Ramsey
Scott			

Absent or not voting, 5:

Craft	Doderer	Hultman	Kelly
Miller, C.P.			

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 127, by Senators Shaw and Shaff, a bill for an act relating to the acquisition of agricultural lands by nonprofit corporations.

Read first time and PASSED ON FILE.

SENATE FILE 128, by Senator Shaff, a bill for an act relating to the applicability of the usury law to sole proprietors and partnerships.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 17, 1977, 9:12 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Discussion on appropriations to various agencies.

Adjourned: 11:24 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 17, 1977, 9:05 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member and Craft.

Members Absent: none.

Members Excused: Calhoon.

Other Business: Budget recommendations.

Adjourned: 11:50 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 17, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Members Excused: C. Miller, Vice Chairperson.

Other Business: Discussion of budget recommendations for departments.

Adjourned: 11:30 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 17, 1977, 9:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Bergman and Rush.

Members Absent: Murray, Ranking Member.

Other Business: Presentations on correctional facilities at Anamosa and Mount Pleasant; Luster Heights and Riverview Release Center, Newton, Iowa.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 17, 1977, 9:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Doderer and Tieden.

Members Absent: none.

Other Business: Appropriations were recommended for the Department of General Services, Terrace Hill and Office of the Citizens' Aide.

Adjourned: 11:30 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 17, 1977, 9:12 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Finalized parts of the budget for the Department of Public Safety.

Adjourned: 11:45 a.m.

COMMERCE

Convened: February 10, 1977, 3:15 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Final Action: APPROVED.

Senate File 119, a bill for an Act relating to the regulation of savings and loan associations.

The vote was: AYES, 9; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Nolting, Palmer, Robinson and Rodgers. NAYS, none. ABSENT OR NOT VOTING, 1; Curtis.

Adjourned: 3:30 p.m.

COMMERCE

Convened: February 15, 1977, 1:40 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Robinson and Rodgers.

Members Absent: Palmer.

Final Action: APPROVED.

Senate File 120, a bill for an Act relating to the construction and location of electric transmission lines.

The vote was: AYES, 7; E. Hill, Bergman, Bisenius, Burroughs, Curtis, Robinson and Rodgers. NAYS, 2; Priebe and Nolting. ABSENT OR NOT VOTING, 1; Palmer.

Adjourned: 2:10 p.m.

STATE GOVERNMENT

Convened: February 15, 1977, 1:35 p.m.

Members Present: Doderer, Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Shaff and Slater.

Members Absent: Coleman, Vice Chairperson (arrived 1:43 p.m.) and Rush (arrived 1:40 p.m.).

Members Excused: Junkins (excused from attendance roll call—arrived 1:40 p.m.) and Schwengels.

Final Action: AMEND AND DO PASS.

Senate File 41, a bill for an Act relating to the management of state records.

The vote was: AYES, 11; Doderer, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Shaff and Slater. NAYS, none. VOTING PRESENT, 1; Coleman. ABSENT OR NOT VOTING, 2; Nystrom and Schwengels.

Other Business: Bills assigned to subcommittees.

Adjourned: 2:05 p.m.

WAYS AND MEANS

Convened: February 17, 1977, 1:35 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Junkins; Kelly; Palmer; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Hultman and Priebe (arrived 1:40 p.m.).

Other Business: Discussion and partial approval of study bill regarding quarterly filing of corporate income tax. Presentation by the State Comptroller.

Adjourned: 3:15 p.m.

INTRODUCTION OF BILL

SENATE FILE 129, by Senators Merritt, Robinson, Miller of Des Moines, Junkins, Tieden, Shaff, Priebe and Van Gilst, 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 under Senate Rule 28 and PASSED ON FILE.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 113	Transportation
S.F. 114	Human Resources
S.F. 115	Commerce
S.F. 116	Judiciary
S.F. 117	Ways and Means
S.F. 118	Agriculture
H.C.R. 10	Natural Resources

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 32

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 32, a bill for an Act to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the Act retroactive, respectfully make the following report:

1. That the House recede from Division B, lines 3 through 25 of Amendment S-3070, to Senate File 32, as passed by the Senate.

On the Part of the Senate:

FRED W. NOLTING, Chairperson
ROLF V. CRAFT
WARREN E. CURTIS
LOWELL L. JUNKINS
BERL E. PRIEBE

On the Part of the House:

EMIL S. PAVICH, Chairperson
TERRY E. BRANSTAD
WALTER CONLON
MARY O'HALLORAN
JAMES D. WELLS

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was at Legislative Research working on a bill request of mine when the vote on Senate File 97 was taken.

Had I been present, I would have voted "aye" on this bill.

DALE L. TIEDEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 10, 1977; February 11, 1977 and February 17, 1977, when the votes were taken on Senate Files 18, 28, 32, 35, 61, 63, 64, 65, 66, 71 and the appointments of Herbert W. Anderson, Ronald O. Master, II, D.C., Donna Rae Moore Heald and Janet Kay Dunn.

Had I been present, I would have voted "aye" on these bills and appointments.

CHARLES P. MILLER

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 4

State Government
Nystrom, Chairperson
Coleman
Schwengels

SENATE JOINT RESOLUTION 6

Judiciary
DeKoster, Chairperson
Coleman
Ramsey

SENATE FILE 62

Human Resources
Calhoon, Chairperson
Craft
Taylor

SENATE FILE 68

Human Resources
E. Hill, Chairperson
Carr
Murray

SENATE FILE 73

County Government
Redmond, Chairperson
Merritt
Taylor

SENATE FILE 76

Education
Slater, Chairperson
Taylor
Scott

SENATE JOINT RESOLUTION 5

County Government
Redmond, Chairperson
Hutchins
Murray

SENATE FILE 58

Judiciary
Willits, Chairperson
Ramsey
Doderer

SENATE FILE 67

County Government
Redmond, Chairperson
Van Gilst
Briles

SENATE FILE 69

County Government
Murray, Chairperson
Redmond
Merritt

SENATE FILE 75

Ways and Means
Nolting, Chairperson
Shaff
Palmer

SENATE FILE 77

Labor and Industrial Relations
Palmer, Chairperson
Merritt
Hulse

SENATE FILE 78

Cities
Schwengels, Chairperson
Gallagher
C. Miller

SENATE FILE 80

Labor and Industrial Relations
Robinson, Chairperson
Calhoon
Burroughs

SENATE FILE 82

Ways and Means
Rodgers, Chairperson
Nolting
Curtis
Van Gilst
Kelly

SENATE FILE 84

State Government
Glenn, Chairperson
Shaff
Carr

SENATE FILE 87

Natural Resources
Culver, Chairperson
E. Miller
Tieden
Junkins

SENATE FILE 89

Ways and Means
Rodgers, Chairperson
Nolting
Curtis
Van Gilst
Kelly

SENATE FILE 91

Ways and Means
Nolting, Chairperson
Junkins
Kelly

SENATE FILE 93

Ways and Means
Nolting, Chairperson
Kelly
Palmer

SENATE FILE 79

State Government
Culver, Chairperson
Drake
Junkins

SENATE FILE 81

Judiciary
P. Hill, Chairperson
DeKoster
Scott

SENATE FILE 83

Human Resources
A. Miller, Chairperson
E. Miller
Craft

SENATE FILE 85

County Government
P. Hill, Chairperson
Taylor
Orr

SENATE FILE 88

Transportation
Drake, Chairperson
Ashcraft
Robinson
Hutchins
Coleman

SENATE FILE 90

Transportation
Glenn, Chairperson
Robinson
Drake

SENATE FILE 92

Judiciary
DeKoster, Chairperson
Redmond
Shaw

SENATE FILE 95

Transportation
Drake, Chairperson
Ashcraft
Robinson
Hutchins
Coleman

SENATE FILE 96

State Government
Carr, Chairperson
Schwengels
Doderer
Ashcraft
Culver

SENATE FILE 99

Judiciary
Rush, Chairperson
Coleman
Scott

SENATE FILE 103

Ways and Means
Rodgers, Chairperson
Nolting
Curtis
Van Gilst
Kelly

SENATE FILE 109

Agriculture
Merritt, Chairperson
A. Miller
E. Miller

SENATE FILE 110

Agriculture
Merritt, Chairperson
A. Miller
E. Miller

SENATE RESOLUTION 4

Rules and Administration
Coleman, Chairperson
Willits
Ramsey

SENATE RESOLUTION 5

Rules and Administration
Coleman, Chairperson
Willits
Ramsey

SENATE CONCURRENT RESOLUTION 8

Energy
Ramsey, Chairperson
Gallagher
Culver

SENATE CONCURRENT RESOLUTION 9

Rules and Administration
Junkins, Chairperson
Coleman
Ramsey

PRESENTATION OF VISITORS

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

Eighty-five students from Rex Mathes School, West Des Moines, Iowa, accompanied by Mrs. LeCroy, Mrs. Carter and Mrs. Olson. Senator Hill of Polk.

AMENDMENT FILED

S.F. 87

S-3081

Ray Taylor

On motion of Senator Kinley, the Senate adjourned at 11:05 a.m., until 10:00 a.m., Monday, February 21, 1977.

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY—TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 21, 1977

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

Prayer was offered by the Reverend Tom Reuss, pastor of the Central Lutheran Church, Des Moines, Iowa.

The Journal of Friday, February 18, 1977, as corrected, was approved.

INTRODUCTION OF BILLS

SENATE FILE 130, by Senator Hultman, a bill for an act relating to unemployment compensation providing for the disqualification for failure to accept suitable work.

Read first time and PASSED ON FILE.

SENATE FILE 131, by Senator Hultman, a bill for an act relating to unemployment compensation benefits for persons discharged for misconduct.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senate File 70

On motion of Senator Briles, Senate File 70, a bill for an act relating to self-service gasoline station operation and handicapped persons and providing a penalty, was taken up for consideration.

Senator Scott offered amendment S-3082 to page 1 of the bill and moved its adoption.

Amendment S-3082 was adopted.

Senator Briles offered amendment S-3083 to page 1 of the bill and moved its adoption.

Amendment S-3083 was adopted.

DEFERRED

Senator Hill of Polk moved that action on Senate File 70 be temporarily deferred.

The motion prevailed and action on Senate File 70 was temporarily deferred.

ADOPTION OF RESOLUTION

House Concurrent Resolution 4

On motion of Senator Drake, House Concurrent Resolution 4, a resolution relating to the Iowa Department of Transportation's proposed rule on maximum legal length of a combination of three vehicles filed January 25, 1977, and found on page 214 of the Senate Journal, was taken up for consideration.

Senator Redmond raised the point of order that House Concurrent Resolution 4 was out of order under Senate Rules 29 and 31 since it had no explanation attached as is required on a bill or resolution before it can be introduced in the Senate.

The Chair ruled the point not well taken because Senate Rules 29 and 31 apply only to Senate bills and resolutions.

Since House Concurrent Resolution 4 was introduced in the House, the Senate rules cannot regulate House procedure and the Senate must receive a bill or resolution in the form in which it is received from the House.

Senator Redmond moved that the Senate resolve itself into a committee of the whole for the purpose of receiving testimony from the director and commissioners of the Department of

Transportation regarding House Concurrent Resolution 4.

Senator Hutchins raised the point of order that Senator Redmond was out of order to question other Senators on House Concurrent Resolution 4 during his final remarks on whether or not the Senate should resolve itself into a committee of the whole.

The Chair ruled the point not well taken and that Senator Redmond was in order to ask questions of any Senator during final remarks on House Concurrent Resolution 4, but other Senators could not direct questions to Senator Redmond.

Senator Redmond renewed the motion that the Senate resolve itself into a committee of the whole and requested a record roll call.

On the question "Shall the Senate resolve itself into a committee of the whole?" (H.C.R. 4) the vote was:

Ayes, 19:

Bisenius	Craft	Curtis	DeKoster
Doderer	Gallagher	Hansen	Hill, E.M.
Hill, P.B.	Murray	Nolting	Orr
Ramsey	Redmond	Rush	Scott
Shaff	Shaw	Slater	

Nays, 27:

Ashcraft	Bergman	Briles	Burroughs
Calhoon	Carr	Coleman	Culver
Drake	Glenn	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Palmer	Readinger	Robinson	Schwengels
Taylor	Tieden	Willits	

Absent or not voting, 4:

Hulse	Priebe	Rodgers	Van Gilst
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The motion lost.

Senator Junkins took the chair at 11:45 a.m.

Senator Slater offered amendment S-3085 to page 1 of the resolution.

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

Senator Hansen moved that House Concurrent Resolution 4 be deferred and that the resolution be returned to the regular calendar as unfinished business under Senate Rule 6.

Senator Hill of Polk rose on a point of parliamentary inquiry to question whether House Concurrent Resolution 4 was out of order since the rule it relates to was filed contrary to Section 307.10, subsection 5, Code 1977, which requires such rules be submitted within five days after the convening of the general assembly and the Senate Journal shows that the resolution was filed on January 17, 1977.

The Chair ruled that it was not empowered to determine the legality of the date of filing.

(Senate File 70 and House Concurrent Resolution 4 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Priebe and Van Gilst for the day on request of Senator Kinley.

QUORUM CALL

Senator Robinson requested a roll call to determine that a quorum was present.

The roll call revealed a quorum present.

BUSINESS PENDING

House Concurrent Resolution 4

The Senate resumed consideration of House Concurrent Resolution 4 and the motion to defer by Senator Hansen.

Senator Hansen renewed his motion to defer House Concurrent Resolution 4.

A record roll call was requested.

On the question "Shall the motion to defer be adopted?" (H.C.R. 4) the vote was:

Ayes, 19:

Ashcraft	Bisenius	Craft	Curtis
DeKoster	Doderer	Gallagher	Hansen
Hill, E.M.	Hill, P.B.	Murray	Nolting
Orr	Ramsey	Redmond	Rush
Scott	Shaff	Shaw	

Nays, 27:

Bergman	Briles	Burroughs	Calhoon
Carr	Coleman	Culver	Drake
Glenn	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Nystrom	Palmer
Readinger	Robinson	Rodgers	Schwengels
Slater	Taylor	Willits	

Absent or not voting, 4:

Miller, C.P.	Priebe	Tieden	Van Gilst
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The motion lost.

The Senate resumed consideration of amendment S-3085 by Senator Slater, offered and pending.

Senator Drake raised the point of order that amendment S-3085 was not germane.

The Chair ruled the point not well taken and amendment S-3085 in order.

Senator Slater moved the adoption of amendment S—3085.

A record roll call was requested.

On the question "Shall amendment S—3085 be adopted?" (H.C.R. 4) the vote was:

Ayes, 33:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Craft	Culver	Curtis
DeKoster	Doderer	Gallagher	Glenn
Hansen	Hill, P.B.	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Ramsey	Redmond
Rodgers	Rush	Scott	Shaff
Shaw	Slater	Tieden	Van Gilst
Willits			

Nays, 15:

Bergman	Burroughs	Coleman	Drake
Hill, E.M.	Hulse	Hultman	Hutchins
Kelly	Miller, E.R.	Nystrom	Readinger
Robinson	Schwengels	Taylor	

Absent or not voting, 2:

Murray	Priebe
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Amendment S—3085 was adopted.

Senator Carr offered amendment S—3086 to page 1 of the resolution.

Senator Carr offered amendment S—3087 to amendment S—3086 and moved its adoption.

Senator Drake raised the point of order that amendments S—3086 and S—3087 were not germane.

The Chair ruled the point well taken and amendments S—3086 and S—3087 out of order.

Senator Willits took the chair at 3:40 p.m.

POINT OF ORDER

Senator Redmond submitted the following point of order and

asked that a ruling be given by the President of the Senate:

February 21, 1977

Arthur A. Neu
Lt. Governor of Iowa and
President of the Iowa Senate

LOCAL

Subject: Request for a parliamentary ruling.

Dear Governor Neu:

Paragraph 5, Section 307.10 of the Iowa Code provides that the Commissioners of the Iowa Department of Transportation may by rule modify the prohibition against the use of 65 foot double bottomed trucks in this State contained in Section 321.457 of the Iowa Code. Paragraph 5, Section 307.10 also states that the General Assembly may approve or disapprove any such rule within 60 days of the specified submission date. These statutes do not provide any indication of the procedure to be followed by the Legislature in officially demonstrating its approval or disapproval.

Pursuant to the powers delegated by Section 307.10, in 1975 the DOT Commissioners adopted a rule allowing 65 foot trucks in Iowa. The rule was submitted to the 66th General Assembly which by its inaction allowed 65 foot trucks to be driven in Iowa. While this rule was not effectively challenged by the Legislature, private citizens blocked the implementation of the rule due to the questionable constitutional legality of the contingencies and prerequisites attached to legislative approval by the DOT.

As of this date, the issues surrounding the controversial 1976 rule are before the Iowa Supreme Court.

House Concurrent Resolution 4 purports to disapprove the latest rule of the DOT regarding the legality of 65 foot trucks. This new rule, which reversed the DOT's previous approval of the 65 foot length, was submitted to the General Assembly on January 17, 1977. I question the effectiveness of this procedure.

The basis of my doubts about the legality of using a resolution to "approve or disapprove" the administrative rule making powers goes to the very heart of the procedural due process provisions in the Iowa Constitution. (See Article III, Sections 1, 10, 16, and 17). It lies in the very fundamental distinctions between legislative law making power and administrative rule making power and bills and resolutions. It further involves the relationship and dual responsibilities for the enactment of laws between the General Assembly and

the chief executive officer, the Governor of Iowa. In my opinion, we are attempting by passage of HCR 4 a change in the law of this State which constitutionally must be accomplished by the enactment of a bill.

The Attorney General of this State has addressed this issue previously. In an Opinion addressed to Representative Ray Baily dated May 10, 1967, the Attorney General ruled that the Code of Iowa cannot be amended to permit legislative review and modification or repeal of an administrative rule by either joint or concurrent resolutions. Any such action must be accomplished by the passage of a law subject to the Governor's veto. For a detailed and scholarly review of the principles involved I direct your attention to the copy of this opinion I have attached hereto for your convenience.

Accordingly, I hereby submit to you as President of the Senate the following parliamentary inquiry: Can the Senate in conjunction with the Iowa House, as a matter of internal procedure, constitutionally use a resolution to approve or disapprove an administrative rule?

An answer to this question is extremely important and necessary to the full and fair consideration of HCR 4. Further, it is absolutely necessary to finally establish the proper internal procedures to be used in similar circumstances. In light of these considerations I would hope that we could have a dispositive written ruling on this request in the very near future which shall be printed in the Senate Journal.

Respectfully submitted,

James M. Redmond

The Chair acknowledged receipt of the point of order and indicated that it would be taken under advisement.

Senator Drake 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?" (H.C.R. 4) the vote was:

Ayes, 30:

Bergman	Briles	Burroughs	Calhoon
Coleman	Culver	Drake	Glenn
Hulse	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nolting	Nystrom	Palmer
Readeringer	Robinson	Rush	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 18:

Ashcraft	Bisenius	Carr	Craft
Curtis	DeKoster	Doderer	Gallagher
Hansen	Hill, E.M.	Hill, P.B.	Junkins
Orr	Ramsey	Redmond	Rodgers
Shaff	Shaw		

Absent or not voting, 2:

Murray	Priebe
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The resolution having received a constitutional majority was declared to have been adopted by the Senate.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House Concurrent Resolution 4 was adopted by the Senate on February 21, 1977.

RICHARD F. DRAKE

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senator Nolting called up the report of the conference committee on Senate File 32 filed on February 18, 1977, found on page 396 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the report of the Conference Committee be adopted?" (S.F. 32) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Shaff	Shaw	Taylor
Tieden	Van Gilst	Willits	

Nays, 6:

Calhoon	Carr	Gallagher	Orr
Scott	Slater		

Absent or not voting, 1:

Priebe

The motion prevailed and the report of the Conference Committee and the recommendation contained therein 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. 32) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
Curtis	DeKoster	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Taylor
Tieden	Van Gilst	Willits	

Nays, 4:

Calhoon	Carr	Orr	Slater
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Absent or not voting, 3:

Doderer	Miller, C.P.	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.

BUSINESS PENDING

Senate File 70

The Senate resumed consideration of Senate File 70, previously deferred.

Senator Hill of Polk offered amendment S-3084 to page 1 of the bill and moved its adoption.

The motion prevailed and amendment S-3084 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. 70) the vote was:

Ayes, 16:

Briles	Carr	Culver	Gallagher
Hansen	Hill, P.B.	Kinley	Merritt
Murray	Nolting	Orr	Palmer
Redmond	Rodgers	Scott	Slater

Nays, 29:

Bergman	Bisenius	Burroughs	Calhoon
Coleman	Craft	Curtis	DeKoster
Drake	Glenn	Hill, E.M.	Hulse
Hultman	Hutchins	Junkins	Kelly
Miller, E.R.	Nystrom	Ramsey	Readinger
Robinson	Rush	Schwengels	Shaff
Shaw	Taylor	Tieden	Van Gilst
Willits			

Voting Present, 1:

Ashcraft

Absent or not voting, 4:

Doderer	Miller, A.V.	Miller, C.P.	Priebe
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The bill having failed to receive constitutional majority was declared to have failed to pass the Senate.

CONSIDERATION OF BILLS

Senate File 98

On motion of Senator Carr, Senate File 98, a bill for an act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories, was taken up for consideration.

(Senate File 98 pending on adjournment.)

INTRODUCTION OF BILLS

SENATE FILE 132, by Senators Schwengels, Merritt and Tieden, 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 133, by Senator Nystrom, a bill for an act to require the department of job service to make monthly status reports to employers.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 17, 1977, 1:30 p.m.

Members Present: Orr, Chairperson; Willits, Vice Chairperson; Hansen, Ranking Member; Carr; DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: none.

Other Business: Discussed Senate File 76 and study bill that would mandate the establishment of the State Advisory Council for Vocational Education.

Adjourned: 2:45 p.m.

HUMAN RESOURCES

Convened: February 16, 1977, 1:35 p.m.

Members Present: Carr, Vice Chairperson; Murray, Ranking Member; Craft; E.

Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Members Excused: C. Miller, Chairperson and Calhoon.

Other Business: Orientation on the Fifth Judicial Corrections Program, and discussion of the Department of Social Service study bill on mandatory wage assignment in child support orders.

Adjourned: 2:50 p.m.

STATE GOVERNMENT

Convened: February 17, 1977, 3:05 p.m.

Members Present: Doderer, Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Junkins; Kelly; Rush; Schwengels and Slater.

Members Absent: Coleman, Vice Chairperson; Glenn and Shaff (arrived 3:18 p.m.).

Other Business: Assigned bills to subcommittees.

Adjourned: 3:25 p.m.

COMMUNICATION

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

CITY OF IOWA CITY

Resolution 77-53 adopted by the City Council of Iowa City at their regular meeting on February 15, 1977, supporting legislative action in the Iowa General Assembly to regulate the use of beverage containers within the state.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 121	Agriculture
S.F. 122	County Government
S.F. 123	Budget
S.F. 124	Judiciary

S.F. 127	Agriculture
S.F. 128	Commerce
S.F. 129	Ways and Means

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on House Concurrent Resolution 4.
Had I been present, I would have voted "nay".

JOHN S. MURRAY

AMENDMENTS FILED

S-3088	S.F. 41	Minnette F. Doderer
		Lowell L. Junkins
S-3089	S.F. 98	Minnette F. Doderer

PETITIONS

The following petitions were presented and placed on file:

By Senator Kinley from one hundred seventy-four residents of Mahaska County opposing pari-mutuel betting.

By Senator Merritt from sixty-eight residents of Howard and Chickasaw Counties opposing legislation that would reorganize schools and determine school boundaries.

By Senator Merritt from sixty-eight residents of Howard and Chickasaw Counties opposing legislation that would permit further issuance of irrigation permits in Iowa.

By Senator Gallagher from thirty-nine residents of Black Hawk and Buchanan Counties opposing legislation that would require a deposit on beer and soft drink containers.

By Senator Briles from sixty-one residents of Adams County opposing legislation that would determine a state tax on gasoline based on its retail price.

By Senator Culver from nine residents of Harrison County favoring legislation to raise the legal drinking age to nineteen.

The following petitions favoring legislation that would permit the sale of certified raw milk were presented and placed on file:

By Senator Bisenius from twenty-six residents of Jackson and Clinton Counties.

By Senator Hulse from twenty-three residents of Cedar, Jackson and Jones Counties.

On motion of Senator Kinley, the Senate adjourned at 5:05 p.m., until 9:45 a.m., Tuesday, February 22, 1977.

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY—TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 22, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend William Temple, pastor of the First Baptist Church, Leon, Iowa.

The Journal of Monday, February 21, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald Boldt, Ackley, Iowa.

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 22, 1977, adopted the conference committee report and passed Senate File 32, a bill for an Act to conform the provisions of the individual and corporate income tax and other taxes and making the Act retroactive.

Also: That the House has on February 18, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 164, a bill for an act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 134, by Senators Carr, Miller of Des Moines, Doderer and DeKoster, a bill for an act relating to the required presence of an attendant on the jail premise when prisoner is incarcerated.

Read first time and PASSED ON FILE.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 164, a bill for an act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

Read first time and PASSED ON FILE.

INTRODUCTION OF BILLS

SENATE FILE 135, by Senators Slater, Calhoon, Scott, Ashcraft, Carr, Culver, Craft, Willits, Merritt, Hill of Polk, Bisenius and Bergman, a bill for an act relating to tuition rates set by the state board of regents.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 136, by Senators Robinson, Bisenius, Coleman and Rodgers, a bill for an act to establish a license for dental assistants.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 137, by Senators Robinson and Murray, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 138, by Senator Shaw, a bill for an act providing that certain structures are nuisances.

Read first time under Senate Rule 28 and PASSED ON FILE.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James M. Duffy, Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Architectural Examiners under the provisions of Section 118.1, 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.

LOUIS P. CULVER, Chairperson
 IRVIN L. BERGMAN
 JAMES CALHOON
 E. KEVIN KELLY
 CLOYD E. ROBINSON

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James P. Fuller, Muscatine, Muscatine County, Iowa, for reappointment as a member of the Energy Policy Council under the provisions of Chapter 1088, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
 RICHARD F. DRAKE
 C. W. HUTCHINS
 JOAN ORR
 RICHARD R. RAMSEY

BILLS ASSIGNED TO COMMITTEE

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

S.F. 130	Labor and Industrial Relations
S.F. 131	Labor and Industrial Relations
S.F. 132	Ways and Means
S.F. 133	Labor and Industrial Relations

On motion of Senator Kinley, the Senate adjourned at 9:55 a.m., until 9:45 a.m., Wednesday, February 23, 1977.

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY—THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 23, 1977.

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Rollin Oswald, pastor of the West Des Moines United Methodist Church, West Des Moines, Iowa.

The Journal of Tuesday, February 22, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon, Iowa.

INTRODUCTION OF BILLS

SENATE FILE 139, by Senators Glenn and Shaw, a bill for an act providing for compulsory financial responsibility for owners and operators of motor vehicles and providing penalties.

Read first time and PASSED ON FILE.

SENATE FILE 140, by Committee on Ways and Means, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

Read first time and PLACED ON CALENDAR.

SENATE FILE 141, by Committee on Ways and Means, a bill for an act relating to the definition of withholding agent for income tax purposes and making the Act retroactive.

Read first time and PLACED ON CALENDAR.

SENATE FILE 142, by Senators Miller of Des Moines, Merritt,

Ashcraft, Briles, Culver, Nystrom, Hutchins and Tieden, a bill for an act relating to the time for holding examinations by civil service commissions for applicants for certain positions with the police department and fire department.

Read first time and PASSED ON FILE.

SENATE FILE 143, by Senator Murray, a bill for an act relating to the consignment of fine art.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 22, 1977, 1:40 p.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Calhoon; Hulse; Hutchins; A. Miller; E. Miller and Readinger.

Members Absent: Scott (arrived 1:45 p.m.).

Members Excused: Tieden, Ranking Member.

Other Business: Bills assigned to subcommittees; subcommittee progress reports.

Adjourned: 2:00 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 22, 1977, 10:03 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: Robinson, Vice Chairperson (arrived 10:05 a.m.).

Other Business: Hearing from the College of Osteopathic Medicine and Surgery continued.

Adjourned: 11:28 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 22, 1977, 10:05 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoun and Craft.

Members Absent: none.

Other Business: Recommended appropriations for the Iowa Housing Finance Authority, Mental Health Authority and the Governor's Committee on Employment of the Handicapped.

Adjourned: 11:05 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 22, 1977, 10:15 a.m.

Members Present: E. Hill, Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Members Excused: C. Miller, Vice Chairperson.

Other Business: Tentative approval of budgets for the following—Board of Accountancy, State Auditor, Department of Banking, Campaign Finance Disclosure Commission, State Comptroller (General Office and Data Processing), State Board of Engineering Examiners, Industrial Commissioner, Insurance Commission, Department of Job Service (IPERS, IOASI, FICA), Occupational Safety and Health Review Board, PER Board, Iowa Real Estate Commission, Department of Revenue, Secretary of State and State Board of Watchmaking Examiners. Agreement not reached on budgets for the State Board of Architectural Examiners, Iowa Beer and Liquor Control Department, Iowa State Commerce Commission and State Board of Landscape Architectural Examiners. All departments will be notified and given the opportunity to object to committee recommendations.

Adjourned: 12:00 noon.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 22, 1977, 9:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentation—Child Support Recovery Unit and by the director of the Iowa Veteran's Home at Marshalltown, Iowa; Representative Hines discussed a proposal on energy.

Adjourned: 11:15 a.m.

INTRODUCTION OF BILL

SENATE FILE 144, by Committee on Natural Resources, a bill for an act relating to the use of artificial light on or in the waters of the state.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 134	County Government
S.F. 135	Education
S.F. 136	State Government
S.F. 137	State Government
S.F. 138	Judiciary
H.F. 164	Budget

REPORT OF COMMITTEE ON MEMORIAL RESOLUTIONS

MR. PRESIDENT: The committee on memorial resolutions has ascertained the names of former members of the Senate who have become deceased during the past year and appoints the following committees to prepare a suitable memorial resolution for each.

Graham, John Wesley - Ida Grove

Senator Coleman, Chairperson
 Senator Kelly
 Senator Scott

Hoxie, Frank - Shenandoah

Senator Hultman, Chairperson
 Senator Briles
 Senator Slater

Hush, Homer H. - Essex

Senator Hultman, Chairperson
 Senator Briles
 Senator Slater

Lundy, Hugh W. - Albia

Senator Glenn, Chairperson
Senator Schwengels
Senator Van Gilst

Nolin, Karl W. - Ralston

Senator Hutchins, Chairperson
Senator Nystrom
Senator Rodgers

Roelofs, Garritt - Sioux Center

Senator DeKoster, Chairperson
Senator Bergman
Senator Priebe

Van Drie, Rudy - Ames

Senator Murray, Chairperson
Senator Readinger
Senator Willits

LOUIS P. CULVER, Chairperson
WARREN E. CURTIS, Vice Chairperson
JOHN SCOTT
ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Daniel W. Clifford of Des Moines, Polk County, Iowa, for appointment as a member of the City Finance Committee under the provisions of Section 384.13, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
ROLF V. CRAFT
PHILIP B. HILL
GEORGE R. KINLEY
NORMAN RODGERS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Charles H. Pelton, Clinton, Clinton County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Chapter

1088, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

C.W. HUTCHINS, Chairperson
CLIFF BURROUGHS
EUGENE M. HILL
LOWELL L. JUNKINS
ROGER J. SHAFF

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert D. Porter of Sioux City, Woodbury County, Iowa, for reappointment as a member of the Energy Policy Council under the provisions of Chapter 1088, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

BOB RUSH, Chairperson
JAMES CALHOON
MERLIN D. HULSE
E. KEVIN KELLY
JOHN R. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Leslie G. Brody, of West Des Moines, Polk County, Iowa, for appointment as Director of the Iowa Drug Abuse Authority under the provisions of Section 224B.3, Code 1975, 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
PHILIP B. HILL
CHARLES P. MILLER
RAY TAYLOR
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harlan L. Gronewold, of Atlantic, Cass County, Iowa, for appointment 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.

LOUIS P. CULVER, Chairperson
FORREST F. ASHCRAFT
JAMES E. BRILES
GENE W. GLENN
LOWELL L. JUNKINS

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 reappointment 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 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.

TOM SLATER, Chairperson
JAMES M. REDMOND
JOHN R. SCOTT
ROGER J. SHAFF
RAY TAYLOR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William F. McGrath, Melrose, Monroe County, Iowa, for reappointment as a member of the State Transportation Commission pursuant to Section 307.5, Code 1975, for the regular four-year term commencing July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. W. HUTCHINS, Chairperson
GEORGE R. KINLEY
RICHARD R. RAMSEY
DALE L. TIEDEN
BASS VAN GILST

REPORTS OF COMMITTEES

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on Education to which was referred SENATE FILE 76, a bill for an act relating to the ages for compulsory school attendance, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3093; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

JOAN ORR, Chairperson

Senator Priebe submitted the following report:

MR. PRESIDENT: Your committee on Natural Resources to which was referred HOUSE CONCURRENT RESOLUTION 10, a resolution relating to plans of the Iowa State Conservation Commission for a basin providing moorings at West Okoboji be disapproved, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3094; and when so amended the resolution BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

AMENDMENTS FILED

S-3090	S.F. 41	Forrest F. Ashcraft
S-3091	S.F. 120	Roger J. Shaff
S-3092	S.F. 95	Gene W. Glenn

PRESENTATION OF VISITORS

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

Twenty-five students from the Chariton Community School, Chariton, Iowa, accompanied by Mrs. Turnquist. Senator Ramsey.

Sixty-five students from Iowa Valley Elementary School, Marengo, Iowa, accompanied by Colleen Cummings. Senator Orr.

On motion of Senator Kinley, the Senate adjourned at 9:55 a.m., until 4:30 p.m., Thursday, February 24, 1977.

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY—THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 24, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Francis Swift, pastor of the Church of the Assumption, Churchville, Iowa.

The Journal of Wednesday, February 24, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller of Des Moines for the day on request of Senator Kinley.

INTRODUCTION OF BILLS

SENATE FILE 145, by Senator Hansen, a bill for an act relating to teaching of the free enterprise economic system in high schools.

Read first time and PASSED ON FILE.

SENATE FILE 146, by Senator Hansen, a bill for an act relating to certain liens held by counties under section two hundred thirty point twenty-five (230.25), subsection two (2), of the Code.

Read first time and PASSED ON FILE.

SENATE FILE 147, by Senator DeKoster, a bill for an act relating to workmen's compensation for loss of hearing.

Read first time and PASSED ON FILE.

SENATE FILE 148, by Senator DeKoster, a bill for an act authorizing cities to impose a local income and earnings tax and making the taxes subject to applicable provisions of the Code, including penalties.

Read first time and PASSED ON FILE.

SENATE FILE 149, by Committee on Human Resources, a bill for an act relating to mandatory wage assignment in child support orders.

Read first time and PLACED ON CALENDAR.

SENATE FILE 150, by Senators Junkins, Tieden, Merritt and Priebe, 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 151, by Senators Junkins, Carr, Burroughs, Ramsey, Miller of Des Moines, Merritt, Briles, Culver, Nystrom, Hutchins and Tieden, a bill for an act relating to the retirement qualifications of members of the peace officers' retirement, accident, and disability system.

Read first time and PASSED ON FILE.

SENATE FILE 152, by Senator Rush, a bill for an act relating to exemptions from execution.

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 February 22, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 51, a bill for an act to repeal the authority of the war surplus commodities board.

Also: That the House has on February 22, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 53, a bill for an act relating to the expenditure of federal funds for county buildings or facilities.

Also: That the House has on February 22, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 127, 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 February 22, 1977, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 11, relating to temperature control in all state buildings.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 127, 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 CONCURRENT RESOLUTION 11

By: Committee on Energy

1 *Whereas*, because of the unusually severe winter,
2 natural gas shortages are being experienced in the
3 eastern states and have led to the closing of schools,
4 businesses, and factories; and

5 *Whereas*, the President of the United States has
6 requested that all Americans share the responsibility
7 of conserving energy resources, particularly during
8 this recent crisis, by turning temperature controls
9 in homes, schools, and other buildings to 65 degrees
10 F.; and

11 *Whereas*, the state of Iowa has led the nation in
12 meaningful energy planning, allowing Iowa to avoid
13 the crisis experienced in many other states, and Iowa
14 should set an example for its citizens by lowering
15 temperature controls in state-owned buildings to 65
16 degrees F.; and

17 *Whereas*, Iowa is not immune from a future crisis,

18 particularly with the dwindling availability of natural
19 gas, and with the recent federal legislation which
20 authorizes the President to reallocate natural gas
21 supplies among the states; *Now Therefore,*
22 *Be It Resolved by the House of Representatives,*
23 *the Senate Concurring,* That the General Assembly urges
24 that, during the winter season, temperature controls
25 in all buildings owned by the state or a political
26 subdivision of the state, except health care
27 facilities, be modified if necessary for efficient
28 operation and set to maintain a temperature of 65
29 degrees F., and
30 *Be It Further Resolved,* That the General Assembly
31 urges that air conditioning equipment in state
32 buildings not be operational during the months
33 beginning October first and ending May thirty-first
34 unless the outside temperature reaches twenty-seven
35 degrees Celsius.
36 *Be It Further Resolved,* That the General Assembly
37 requests that further energy conservation efforts
38 be instituted in government-owned buildings, such
39 as turning off lights in buildings when not in use,
40 as a further demonstration of our willingness to
41 assist not only our fellow Americans but also ourselves
42 in tailoring our energy demands to meet supplies.

Read first time and PASSED ON FILE.

MOTION TO RECONSIDER WITHDRAWN

Senator Drake withdrew the motion to reconsider House Concurrent Resolution 4, a resolution relating to the Iowa Department of Transportation's proposed rule on maximum legal length of a combination of three vehicles, filed by him on Monday, February 21, 1977, and found on page 408 of the Senate Journal.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

UNFINISHED BUSINESS

Senate File 98

On motion of Senator Carr, Senate File 98, a bill for an act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories, was taken up for further consideration.

Senator Carr offered amendment S-3096 to strike everything after the enacting clause of the bill and moved its adoption.

The motion prevailed and amendment S-3096 was adopted.

With the adoption of amendment S-3096, amendment S-3089 filed by Senator Doderer on February 21, 1977, was ruled out of order.

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. 98) the vote was:

Ayes, 47:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Bergman	Burroughs	Miller, C.P.
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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 RESOLUTION

Senate Resolution 6

On motion of Senator Willits, Senate Resolution 6, a resolution relating to study bills, was taken up for consideration.

Senator Willits moved the adoption of Senate Resolution 6.

A non record roll call was requested.

The ayes were 43; nays, 4.

The motion prevailed and Senate Resolution 6 was adopted.

CONSIDERATION OF BILLS

Senate File 109

On motion of Senator Merritt, Senate File 109, a bill for an act to update Iowa specifications and standards for cheese and cheese products, 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. 109) the vote was:

Ayes, 45:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 2:

Kelly Priebe

Absent or not voting, 3:

Bergman Burroughs Miller, C.P.

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

Senate File 110

On motion of Senator Merritt, Senate File 110, a bill for an act relating to testing dairy products for manufacturing purposes, 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. 110) the vote was:

Ayes, 46:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst		

Nays, none.

Absent or not voting, 4:

Bergman Burroughs Miller, C.P. Willits

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

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 23, 1977, 10:03 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Hearing—Department of Public Instruction.

Adjourned: 12:02 p.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 23, 1977, 10:05 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member and Craft.

Members Absent: none.

Members Excused: Calhoon.

Other Business: Presentation by nurses from the Department of Public Health on the Well-Elderly Clinics.

Adjourned: 11:15 a.m.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 23, 1977, 9:05 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member; Redmond and Schwengels.

Members Absent: none.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

The vote was: AYES, 5; Junkins, Orr, Bisenius, Redmond and Schwengels. NAYS, none.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

The vote was: AYES, 5; Junkins, Orr, Bisenius, Redmond and Schwengels. NAYS, none.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making an appropriation to agencies whose responsibilities relate to energy policy and research.

The vote was: AYES, 5; Junkins, Orr, Bisenius, Redmond and Schwengels. NAYS, none.

Adjourned: 9:40 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 23, 1977, 10:00 a.m.

Members Present: E. Hill, Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Members Excused: C. Miller, Vice Chairperson.

Other Business: Continuation of budget hearings—Board of Accountancy, State Board of Architectural Examiners and Iowa State Commerce Commission.

Adjourned: 11:30 a.m.

BUDGET SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 23, 1977, 10:00 a.m.

Members Present: Willits, Chairperson; Rodgers, Vice Chairperson; Taylor, Ranking Member; Tieden and Doderer.

Members Absent: none.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making appropriations to the department of general services and the executive council for capital improvements.

The vote was: AYES, 5; Willits, Rodgers, Taylor, Doderer and Tieden. NAYS, none.

Also:

Other Business: Also recommended appropriations to various executive, legislative, and judicial state departments, and approved salaries for judicial, elected officials and legislators.

Adjourned: 11:30 a.m.

EDUCATION

Convened: February 22, 1977, 3:00 p.m.

Members Present: Orr, Chairperson; Willits, Vice Chairperson; Hansen, Ranking Member; Carr; DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: none.

Final Action: AMEND AND DO PASS.

Senate File 76, a bill for an Act relating to the ages for compulsory school attendance.

The vote was: AYES, 7: Orr, Willits, Hansen, Carr, Merritt, Scott and Slater. NAYS, 2: DeKoster and Taylor. ABSENT OR NOT VOTING: 1; Shaw.

Also:

Other Business: Discussed declining enrollment and the Career Education Advisory Council.

Adjourned: 4:20 p.m.

NATURAL RESOURCES

Convened: February 16, 1977, 3:05 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Junkins; Slater and Tieden.

Members Absent: none.

Members Excused: Calhoon.

Final Action: APPROVED.

Senate File 125, a bill for an Act relating to prohibited traps.

The vote was: AYES, 8; Priebe, Culver, E. Miller, Bergman, Burroughs, Junkins, Slater and Tieden. NAYS, none. ABSENT OR NOT VOTING: 1; Calhoon.

Also:

Final Action: APPROVED.

Senate File 126, a bill for an Act to repeal the requirement of a special permit tag to sell furs outside the state.

The vote was: AYES, 8; Priebe, Culver, E. Miller, Bergman, Burroughs, Junkins, Slater and Tieden. NAYS, none. ABSENT OR NOT VOTING: 1; Calhoon.

Also:

Final Action: APPROVED.

Senate File 144, a bill for an Act relating to the use of artificial light on or in the waters of the state.

The vote was: AYES, 8; Priebe, Culver, E. Miller, Bergman, Burroughs, Junkins, Slater and Tieden. NAYS, none. ABSENT OR NOT VOTING: 1; Calhoon.

Also:

Other Business: Presentation by Fred Priewart, Director of the State Conservation Commission; study bills reported out of subcommittee for approval of full committee.

Adjourned: 4:15 p.m.

NATURAL RESOURCES

Convened: February 23, 1977, 3:05 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Final Action: AMEND AND DO PASS.

House Concurrent Resolution 10, that the plans of the Iowa State Conservation Commission for a basin providing moorings for boats at West Okoboji Lake are disapproved.

The vote was: AYES, 8; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoun, Slater and Tieden. NAYS, 1; Junkins.

Adjourned: 3:35 p.m.

WAYS AND MEANS

Convened: February 22, 1977, 3:07 p.m.

Members Present: Rodgers, Chairperson, Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Palmer; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: none.

Members Excused: Priebe.

Final Action: APPROVED.

Senate File 140, a bill for an Act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

The vote was: AYES, 13; Rodgers, Nolting, Curtis, Craft, E. Hill, Hultman, Junkins, Kelly, Palmer, Readinger, Redmond, Shaff and Van Gilst. NAYS, none. ABSENT OR NOT VOTING: 1; Priebe.

Also:

Final Action: APPROVED.

Senate File 141, a bill for an Act relating to the definition of withholding agent for income tax purposes and making the Act retroactive.

The vote was: AYES, 13; Rodgers, Nolting, Curtis, Craft, E. Hill, Hultman, Junkins, Kelly, Palmer, Readinger, Redmond, Shaff and Van Gilst. NAYS, none. ABSENT OR NOT VOTING: 1; Priebe.

Adjourned: 3:40 p.m.

RULING ON A POINT OF ORDER

Arthur A. Neu
President of the Senate

On February 21, 1977, Senator James Redmond submitted a written point of order regarding the use of a resolution rather than a bill to disapprove the rules of the Department of Transportation. The point of order is recorded at pages 406 and 407 of the Senate Journal.

The requested point of order is a request for a ruling on a point of law and not on a point of parliamentary procedure. As presiding officer I will rule on points of parliamentary procedure as they arise and will not give advisory legal opinions nor advisory procedural opinions.

For the above reasons, the point of order is not well taken.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John J. Pogge, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, Code 1975, for the 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.

BOB RUSH, Chairperson
GENE W. GLENN
CALVIN O. HULTMAN
ELIZABETH SHAW
TOM SLATER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Colleen P. Shearer of Carlisle, Polk County, Iowa, for appointment as Director of Job Service under the provisions of Chapter 1068, Acts of the Sixty-sixth General Assembly, 1976, Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE F. DODERER, Chairperson
LUCAS J. DE KOSTER
GENE W. GLENN
WILLARD R. HANSEN
CLOYD E. ROBINSON

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jean M. Tester of Iowa City, Johnson County, Iowa, for reappointment as a member of the State Board of Dental 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.

TOM SLATER, Chairperson
MINNETTE DODERER
MILO MERRITT
DAVID M. READINGER
FORREST V. SCHWENGELS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Bruce Hopkins, Cedar Falls, Blackhawk 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, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
WILLARD R. HANSEN
CHARLES P. MILLER
JOHN N. NYSTROM
EARL M. WILLITS

BILLS ASSIGNED TO COMMITTEE

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

S.F. 139	Judiciary
S.F. 142	Cities
S.F. 143	Commerce

REPORT OF COMMITTEE

Senator Gallagher-submitted the following report:

MR. PRESIDENT: Your committee on Energy to which was referred Senate Concurrent Resolution 8, a resolution urging the President of the United States to recognize the importance of Iowa's and the midwest's present natural gas allocation in meeting essential residential and agricultural production needs, and not penalize the people of Iowa for their dedication to

energy conservation and energy management foresight by diverting the state's fuel supplies to an extent that might jeopardize the security and well-being of Iowans, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES V. GALLAGHER, Chairperson

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Friday, February 18, and Monday, February 21, 1977.

Had I been present, I would have voted "aye" on the Conference Committee Report on Senate File 32 and its final passage. I would have voted "nay" on Senate Files 70 and 94.

CHARLES P. MILLER

AMENDMENTS FILED

S-3095

S.F. 120

Ray Taylor

On motion of Senator Kinley, the Senate adjourned at 5:20 p.m., until 9:00 a.m., Friday, February 25, 1977.

JOURNAL OF THE SENATE

FORTY-SEVENTH CALENDAR DAY—THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 25, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Richard R. Ramsey, member of the Senate from Osceola, Clarke County, Iowa.

The Journal of Thursday, February 24, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William A. Seidler, Jr., Jamaica, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Burroughs and Bergman for the day on request of Senator Hultman; Senator Miller of Des Moines for the day on request of Senator Kinley.

INTRODUCTION OF BILLS

SENATE FILE 153, by Senators Kelly and Redmond, a bill for an act relating to sales of works of fine art.

Read first time and PASSED ON FILE.

SENATE FILE 154, by Committee on Ways and Means, a bill for an act abolishing the office of city assessor and city conference boards within six years.

Read first time and PLACED ON CALENDAR.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the State Board of Chiropractic Examiners, Gretchen N. Schreffler, D.C., filed February 16, 1977, and found on page 371 of the Senate Journal.

As a member of the State Board of Architectural Examiners, James M. Duffy, filed February 22, 1977, and found on page 417 of the Senate Journal.

As a member of the Energy Policy Council, James P. Fuller, filed February 22, 1977, and found on page 417 of the Senate Journal.

As Director of the Iowa Drug Abuse Authority, Leslie G. Brody, filed February 23, 1977, and found on page 424 of the Senate Journal.

As a member of the City Finance Committee, Daniel W. Clifford, filed February 23, 1977, and found on page 423 of the Senate Journal.

As a member of the State Board of Funeral Director and Embalmer Examiners, Donna P. Gabriel, filed February 23, 1977, and found on page 425 of the Senate Journal.

As a member of the State Board of Accountancy, Harlan L. Gronewold, filed February 23, 1977, and found on pages 424-425 of the Senate Journal.

As a member of the State Transportation Commission, William F. McGrath, filed February 23, 1977, and found on page 425 of the Senate Journal.

As a member of the Energy Policy Council, Charles H. Pelton, filed February 23, 1977, and found on pages 423-424 of the Senate Journal.

As a member of the Energy Policy Council, Robert D. Porter, filed February 23, 1977, and found on page 424 of the Senate Journal.

Senator Kinley asked and received unanimous consent to

dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved the foregoing appointments be confirmed by the Senate.

On the question, "Shall the appointees be confirmed?" the votes were:

GRETCHEN N. SCHREFFLER, D.C.

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of Gretchen N. Schreffler, D.C., as a member of the State Board of Chiropractic Examiners confirmed for the regular three-year term ending June 30, 1979.

JAMES M. DUFFY

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
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Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of James M. Duffy as a member of the State Board of Architectural Examiners confirmed for the regular three-year term ending June 30, 1979.

JAMES P. FULLER

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of James P. Fuller as a member of the Energy Policy Council confirmed.

LESLIE G. BRODY

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of Leslie G. Brody as Director of the Iowa Drug Abuse Authority confirmed.

DANIEL W. CLIFFORD

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of Daniel W. Clifford as a member of the City Finance Committee confirmed for the regular four-year term ending June 30, 1980.

DONNA P. GABRIEL

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of Donna P. Gabriel as a member of the State Board of Funeral Director and Embalmer Examiners confirmed for the regular three-year term ending June 30, 1979.

HARLAN L. GRONEWOLD

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft Bergman Burroughs Miller, C.P.

President Neu declared the appointment of Harlan L. Gronewold as a member of the State Board of Accountancy confirmed for the regular three-year term ending June 30, 1979.

WILLIAM F. MC GRATH

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft Bergman Burroughs Miller, C.P.

President Neu declared the appointment of William F. McGrath as a member of the State Transportation Commission confirmed for the regular four-year term ending June 30, 1980.

CHARLES H. PELTON

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom

Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays; none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of Charles H. Pelton as a member of the Energy Policy Council confirmed.

ROBERT D. PORTER

Ayes, 46:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Ashcraft	Bergman	Burroughs	Miller, C.P.
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President Neu declared the appointment of Robert D. Porter as a member of the Energy Policy Council confirmed.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 41.

Senate File 41

On motion of Senator Curtis, Senate File 41, a bill for an act relating to the management of state records, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S-3077 to page 2 of the bill filed by the Committee on State Government on February 17, 1977.

Senator Doderer offered amendment S-3088 to amendment S-3077 filed by Senators Doderer and Junkins on February 21, 1977, and moved its adoption.

Amendment S-3088 to amendment S-3077 was adopted.

Senator Doderer moved the adoption of amendment S-3077 as amended.

Amendment S-3077 as amended was adopted.

Senator Doderer asked and received unanimous consent that Senate File 41 be temporarily deferred.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 119.

Senate File 119

On motion of Senator Priebe, Senate File 119, a bill for an act relating to the regulation of savings and loan associations, was taken up for consideration.

Senator Hill of Polk offered amendment S-3097 to page 1 of the bill by Senators Hill of Polk and Priebe and moved its adoption.

Amendment S-3097 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. 119) the vote was:

Ayes, 43:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, 2:

Kelly	Redmond
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Absent or not voting, 5:

Bergman	Burroughs	Miller, C.P.	Palmer
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 Senate File 125.

Senate File 125

On motion of Senator Culver, Senate File 125, a bill for an act relating to prohibited traps, was taken up for consideration.

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. 125) the vote was:

Ayes, 41:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Culver	Curtis

DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Priebe	Ramsey	Readinger
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, 3:

Craft	Redmond	Rodgers
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Absent or not voting, 6:

Bergman	Burroughs	Miller, C.P.	Palmer
Robinson	Van Gilst		

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

Senate File 41

The Senate resumed consideration of Senate File 41, previously deferred.

Senator Doderer asked and received unanimous consent to withdraw amendment S-3078 to amendment S-3073 filed by the Committee on State Government on February 17, 1977.

Senator Ashcraft withdrew amendment S-3073 to pages 2 and 3 of the bill filed by him on February 10, 1977.

Senator Ashcraft offered amendment S-3090 to pages 2 and 3 of the bill filed by him on February 23, 1977.

Senator Doderer offered amendment S-3098 to amendment S-3090 and moved its adoption.

President pro tempore Coleman took the chair at 10:40 a.m.

Amendment S-3098 to amendment S-3090 was adopted.

Senator Ashcraft moved the adoption of amendment S-3090 as amended.

Amendment S-3090 as amended 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. 41) the vote was:

Ayes, 45:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none:

Absent or not voting, 5:

Bergman	Burroughs	Miller, C.P.	Palmer
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 Senate File 126.

Senate File 126

On motion of Senator Tieden, Senate File 126, a bill for an act to repeal the requirement of a special permit tag to sell furs outside the state, 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. 126) the vote was:

Ayes, 45:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver

Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readerger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Bergman	Burroughs	Miller, C.P.	Palmer
Van Gilst			

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

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred HOUSE FILE 164, a bill for an act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 164.

House File 164

On motion of Senator Priebe, House File 164, a bill for an act

to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Neu took the chair at 11:00 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. 164) the vote was:

Ayes, 45:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Bergman	Burroughs	Miller, C.P.	Palmer
Van Gilst			

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:

February 24, 1977

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 Kathleen Dollar Johnson, Des Moines, Polk County, Iowa, for appointment to the Transportation Regulation Board, Division of the Iowa Department of Transportation, pursuant to Section 307.16, Code 1975, for the unexpired portion of a term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 155, by Committee on Budget, a bill for an act appropriating funds to the department of general services for a demonstration solar energy unit.

Read first time and PLACED ON CALENDAR.

SENATE FILE 156, by Budget Natural Resources Subcommittee, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

Read first time and PLACED ON CALENDAR.

SENATE FILE 157, by Senator Taylor, a bill for an act amending the criminal code revision to increase the penalty for selling or offering to sell hard-core pornography.

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 February 23, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 44, a bill for an act relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

Also: That the House has on February 23, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 85, a bill for an act relating to the number of times a person may change his or her name.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 44, a bill for an Act relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

Read first time and PASSED ON FILE.

HOUSE FILE 85, a bill for an Act relating to the number of times a person may change his or her name.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: February 24, 1977, 10:04 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Members Absent: none.

Other Business: Discussion on appropriations for various departments.

Adjourned: 11:35 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 24, 1977, 10:05 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoun and Craft.

Members Absent: none.

Other Business: Presentation from representatives of the R.S.V.P. (Retired Senior Volunteer Program).

Adjourned: 11:05 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 24, 1977, 10:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Continued presentation on General Administration and Data Processing for the Department of Social Services by Kevin Burns, Director, and James Rowen, Director of Administrative Services.

Adjourned: 11:45 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 23, 1977, 10:15 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Craig Beek, Director of Criminal Investigation for the Department of Public Safety, gave a presentation on the Welfare Investigative Unit.

Adjourned: 11:50 a.m.

ENERGY

Convened: February 24, 1977, 9:00 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Culver; Glenn and Ramsey.

Members Absent: Briles (arrived 9:05 a.m.).

Members Excused: Rodgers.

Final Action: BE ADOPTED.

Senate Concurrent Resolution 8, a resolution urging the President of the United States to recognize Iowa's need for natural gas for both residential and agricultural purposes and to not penalize Iowans for their dedication to conservation and management of energy by diverting fuel supplies to other states that might jeopardize the well being of Iowans.

The vote was: AYES, 8; Gallagher, Scott, Burroughs, Bisenius, Briles, Glenn, Culver and Ramsey. NAYS, none. ABSENT OR NOT VOTING, 1; Rodgers.

Also:

Other Business: Discussions by Skip Laitner of Iowa PIRG on their natural gas conservation program and by Gale Hufford from O'Callaghan's Appliances and Joan LaBare of the Energy Policy Council on energy efficiency standards for appliances.

Adjourned: 9:55 a.m.

HUMAN RESOURCES

Convened: February 23, 1977, 1:38 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Slater and Taylor.

Members Absent: Murray, Ranking Member (arrived 1:48 p.m.) and Rush (arrived 1:48 p.m.).

Final Action: APPROVED.

Senate File 149, a bill for an Act relating to mandatory wage assignment in child support orders.

The vote was: AYES, 9; C. Miller, Carr, Calhoon, Craft, E. Hill, P. Hill, A. Miller, E. Miller and Slater. NAYS, 3; Murray, Rush and Taylor.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: February 23, 1977, 3:05 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster,

Ranking Member; P. Hill; Ashcraft; Coleman; Willits; Shaw; Redmond; Scott and Ramsey.

Members Absent: Doderer (arrived 3:20 p.m.).

Other Business: Discussion on Senate File 58—no final action; bill assignment.

Adjourned: 4:20 p.m.

INTRODUCTION OF BILL

SENATE FILE 158, by Committee on County Government, a bill for an act to amend or revise certain Code sections affected by the repeal of former chapter two hundred fifty-four (254) of the Code.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 145	Education
S.F. 146	County Government
S.F. 147	Labor and Industrial Relations
S.F. 148	Ways and Means
S.F. 150	Ways and Means
S.F. 151	State Government
S.F. 152	Judiciary
H.F. 127	Natural Resources
H.C.R. 11	Energy

POINT OF ORDER AND RULING

February 15, 1977

Honorable Arthur A. Neu
Lt. Governor, State of Iowa
LOCAL

Subject: Request for a clarification of the Rules of the Senate

Dear Governor Neu:

Paragraph 4, Rule 37 of the Rules of the Senate provides as follows:

"4. The rules adopted by a committee, *including these rules*, may be suspended by an affirmative vote of a majority of the members." (my emphasis)

The emphasized words in the above-quoted language are ambiguous and unless clarified could have serious consequences. Basically, my question is whether the words "these rules" are limited to Rule 37, "Rules for Standing Committees" or does it extend to all fifty-eight of the Rules of the Senate? I would greatly appreciate a definitive response to this question.

I realize that this request appears to ask for an "advisory opinion" instead of the more traditional "case and controversy" approach. Unfortunately, the committee system decentralizes the operational impact of Rule 37 in a manner that prevents the effective crystalization of this issue. Accordingly, I hope you will consider issuing a ruling despite the lack of an actual situation.

Sincerely,
James M. Redmond

The Honorable James M. Redmond
State Senator
State Capitol
LOCAL

Dear Jim:

Paragraph 4 of Rule 37 only relates to the Rules for Standing Committee set out in Rule 37 and to additional rules adopted by the committees. Standing committees do not have the authority to suspend the rules of the Senate, other than Rule 37.

I do not consider this an advisory opinion, but simply a statement of how Rule 37 as been interpreted since its inception.

Yours very truly,
Arthur A. Neu

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 Transportation Regulation Board:

KATHLEEN DOLLAR JOHNSON, Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1977.

Senator Van Gilst, Chairperson
Senator Junkins
Senator Kelly
Senator Merritt
Senator E. Miller

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred HOUSE FILE 128, 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.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Redmond submitted the following reports:

MR. PRESIDENT: Your committee on County Government to which was referred SENATE FILE 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3099; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

Also:

MR. PRESIDENT: Your committee on County Government to which was referred SENATE FILE 73, a bill for an act to repeal provisions relating to the compensation of first deputy county officers in counties having dual county seats, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES M. REDMOND, Chairperson

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 33

Budget
 Nolting, Chairperson
 A. Miller
 Readinger
 Calhoon
 Craft

SENATE FILE 86

Human Resources
 Taylor, Chairperson
 A. Miller
 Craft

SENATE FILE 101

County Government
 P. Hill, Chairperson
 Taylor
 Redmond

SENATE FILE 105

State Government
 Coleman, Chairperson
 Schwengels
 Glenn

SENATE FILE 107

Judiciary
 Willits, Chairperson
 DeKoster
 Scott

SENATE FILE 113

Transportation
 Glenn, Chairperson
 Robinson
 Drake

SENATE FILE 116

Judiciary
 Doderer, Chairperson
 Coleman
 Ashcraft

SENATE FILE 122

County Government
 Orr, Chairperson
 Murray
 Van Gilst

SENATE FILE 60

Transportation
 Drake, Chairperson
 Robinson
 Coleman
 Hutchins
 Ashcraft

SENATE FILE 100

Ways and Means
 Rodgers, Chairperson
 Nolting
 Curtis
 Van Gilst
 Kelly

SENATE FILE 102

Commerce
 Rodgers, Chairperson
 Palmer
 Curtis

SENATE FILE 106

Judiciary
 Glenn, Chairperson
 Rush
 Scott
 Ramsey
 Shaw

SENATE FILE 108

Judiciary
 Ashcraft, Chairperson
 Shaw
 Scott

SENATE FILE 115

Commerce
 Priebe, Chairperson
 Nolting
 Bergman

SENATE FILE 117

Ways and Means
 Curtis, Chairperson
 Rodgers
 Nolting

SENATE FILE 124

Judiciary
 Coleman, Chairperson
 Willits
 DeKoster

SENATE FILE 128

Commerce
E. Hill, Chairperson
Palmer
Curtis

SENATE FILE 130

Labor and Industrial Relations
Calhoun, Chairperson
Merritt
Hulse

SENATE FILE 132

Ways and Means
Redmond, Chairperson
E. Hill
Kelly

SENATE FILE 135

Education
Slater, Chairperson
Scott
Hansen

SENATE FILE 137

State Government
Carr, Chairperson
Ashcraft
Slater

SENATE FILE 129

Ways and Means
Curtis, Chairperson
Rodgers
Nolting

SENATE FILE 131

Labor and Industrial Relations
Calhoun, Chairperson
Merritt
Hulse

SENATE FILE 133

Labor and Industrial Relations
Robinson, Chairperson
Calhoun
Hulse

SENATE FILE 136

State Government
Coleman, Chairperson
Drake
Shaff

HOUSE FILE 128

Budget
Priebe, Chairperson
Culver
Murray
Bergman
Rush

On motion of Senator Kinley, the Senate adjourned at 11:03 a.m., until 10:00 a.m., Monday, February 28, 1977.

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY—THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 28, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Ned H. Benson, pastor of the Central Presbyterian Church, Des Moines, Iowa.

The Journal of Friday, February 25, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy Turner, Armstrong, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Robinson, Redmond and Miller of Des Moines for the day on request of Senator Kinley.

REASSIGNED TO COMMITTEE

Senator Kinley asked and received unanimous consent that SENATE FILE 76 be REASSIGNED to the committee on BUDGET under Senate Rule 36.

ADOPTION OF RESOLUTIONS

Senator Kinley asked and received unanimous consent to take up out of order House Concurrent Resolution 10.

House Concurrent Resolution 10

On motion of Senator Bergman, House Concurrent Resolution 10, a resolution relating to plans of the Conservation Commission for a basin providing moorings at West Okoboji be disapproved, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe offered amendment S-3094 to page 1 of the resolution filed by the Committee on Natural Resources on February 23, 1977, and moved its adoption.

Amendment S-3094 was adopted.

Senator Bergman moved the adoption of House Concurrent Resolution 10 as amended.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.C.R. 10) the vote was:

Ayes, 26:

Bergman	Bisenius	Briles	Burroughs
Coleman	Craft	Culver	DeKoster
Doderer	Gallagher	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Merritt
Miller, E.R.	Murray	Orr	Priebe
Ramsey	Readinger	Rush	Scott
Slater	Tieden		

Nays, 17:

Carr	Curtis	Drake	Glenn
Junkins	Kelly	Kinley	Miller, A.V.
Nolting	Nystrom	Palmer	Rodgers
Schwengels	Shaff	Shaw	Taylor
Willits			

Absent or not voting, 7:

Ashcraft	Calhoon	Hill, E.M.	Miller, C.P.
Redmond	Robinson	Van Gilst	

The motion prevailed and the House Concurrent Resolution 10 as amended was adopted.

Senator Kinley asked and received unanimous consent to take up out of order Senate Concurrent Resolution 8.

Senate Concurrent Resolution 8

On motion of Senator Ramsey, Senate Concurrent Resolution

8, a resolution urging the Congress and President of the United States to formulate a national energy policy, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey moved the adoption of Senate Concurrent Resolution 8.

The motion prevailed and Senate Concurrent Resolution 8 was adopted.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 140.

Senate File 140

On motion of Senator Nolting, Senate File 140, a bill for an act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties, was taken up for consideration.

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?" (S.F. 140) the vote was:

Ayes, 42:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Shaff	Shaw	Slater	Taylor
Tieden	Willits		

Nays, 1:

Scott

Absent or not voting, 7:

Ashcraft
Redmond

Calhoon
Robinson

Hill, E.M.
Van Gilst

Miller, C.P.

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 141.

Senate File 141

On motion of Senator Curtis, Senate File 141, a bill for an act relating to the definition of withholding agent for income tax purposes and making the Act retroactive, 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. 141) the vote was:

Ayes, 37:

Bergman
Carr
Doderer
Hansen
Kelly
Miller, E.R.
Orr
Rodgers
Shaff
Willits

Bisenius
Craft
Drake
Hulse
Kinley
Murray
Palmer
Rush
Slater

Briles
Culver
Gallagher
Hultman
Merritt
Nolting
Priebe
Schwengels
Taylor

Burroughs
Curtis
Glenn
Junkins
Miller, A.V.
Nystrom
Readinger
Scott
Tieden

Nays, 6:

Coleman
Ramsey

DeKoster
Shaw

Hill, P.B.

Hutchins

Absent or not voting, 7:

Ashcraft	Calhoon	Hill, E.M.	Miller, C.P.
Redmond	Robinson	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 Senate File 144.

Senate File 144

On motion of Senator Miller of Marshall, Senate File 144, a bill for an act relating to the use of artificial light on or in the waters of the state, was taken up for consideration.

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?" (S.F. 144) the vote was:

Ayes, 38:

Bergman	Bisenius	* Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	Doderer	Gallagher	Glenn
Hansen	Hulse	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Willits		

Nays, 5:

DeKoster	Drake	Hill, P.B.	Hultman
Merritt			

Absent or not voting, 7:

Ashcraft	Calhoon	Hill, E.M.	Miller, C.P.
Redmond	Robinson	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 Senate File 112.

Senate File 112

On motion of Senator Carr, Senate File 112, a bill for an act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code, was taken up for consideration.

Senator Hultman offered amendment S-3100 to pages 2, 3 and 5 of the bill and moved its adoption.

Amendment S-3100 was adopted.

Senator Carr offered amendment S-3101 to pages 2 and 7 of the bill by Senators Carr and Murray and called for a division of the amendment, lines 2 through 4 to be considered as division S-3101A of the amendment; lines 5 through 10 to be considered as division S-3101B of the amendment.

Senator Carr asked and received unanimous consent to withdraw division S-3101A of the amendment.

Senator Carr moved the adoption of division S-3101B of the amendment, which motion prevailed and division S-3101B of the amendment was adopted.

Action on Senate File 112 was temporarily deferred.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the Iowa Real Estate Commission, John J. Pogge, filed February 24, 1977, and found on page 439 of the Senate Journal.

As a member of the State Board of Dental Examiners, Jean A. Tester, filed February 24, 1977, and found on page 440 of the Senate Journal.

As a member of the State Board of Engineering Examiners, Bruce Hopkins, filed February 24, 1977, and found on page 440 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

JOHN J. POGGE

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Calhoon	Hill, E.M.	Kelly	Miller, C.P.
Redmond	Robinson		

President Neu declared the appointment of John J. Pogge as a member of the Iowa Real Estate Commission confirmed for the regular three-year term ending June 30, 1979.

JEAN A. TESTER

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Calhoon	Hill, E.M.	Kelly	Miller, C.P.
Redmond	Robinson		

President Neu declared the appointment of Jean A. Tester as a member of the State Board of Dental Examiners confirmed for the regular three-year term ending June 30, 1979.

BRUCE HOPKINS

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey

Readerger	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Calhoon	Hill, E.M.	Kelly	Miller, C.P.
Redmond	Robinson		

President Neu declared the appointment of Bruce Hopkins as a member of the State Board of Engineering Examiners confirmed for the regular three-year term ending June 30, 1979.

CONSIDERATION OF BILLS

The Senate resumed consideration of Senate File 112, previously deferred.

Senator Murray offered amendment S-3103 to pages 1 and 5 of the bill and moved its adoption.

The motion prevailed and amendment S-3103 was adopted.

(Senate File 112 pending on recess.)

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 February 24, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

Also: That the House has on February 24, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 63, a bill for an act to change the term of one of the two new board of parole members provided for in the criminal code revision.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 61

S-3107

- 1 Amend Senate File 61, as passed by the Senate as
 2 follows:
 3 1. Page 1, by inserting after line 9 the following:
 4 *"The taxes imposed under this Act shall be*
 5 *terminated upon either of two conditions:*
 6 *1. When universal compulsory military service*
 7 *is reinstated by the United States Congress, or*
 8 *2. When a state of war is declared to exist by*
 9 *the United States Congress."*
 10 2. Page 1, line 10, by striking the word
 11 "effective" and inserting in lieu thereof the word
 12 "retroactive".

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 112

The Senate resumed consideration of Senate File 112.

Senator Ramsey offered amendment S-3104 to page 2 of the bill and moved its adoption.

Amendment S-3104 was adopted.

Senator Ramsey offered amendment S-3106 to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3106 be adopted?" (S.F. 112) the vote was:

Ayes, 19:

Bergman	Briles	Burroughs	Craft
Culver	Curtis	DeKoster	Gallagher
Hill, E.M.	Hulse	Hultman	Hutchins
Merritt	Priebe	Ramsey	Schwengels
Scott	Taylor	Van Gilst	

Nays, 26:

Ashcraft	Bisenius	Calhoon	Carr
Doderer	Drake	Glenn	Hansen
Hill, P.B.	Junkins	Kelly	Kinley
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Readinger
Rodgers	Rush	Shaff	Shaw
Slater	Willits		

Absent or not voting, 5:

Coleman	Miller, C.P.	Redmond	Robinson
Tieden			

Amendment S-3106 lost.

Senator Hultman moved to reconsider the vote by which amendment S-3100 was adopted.

The motion prevailed and amendment S-3100 was brought up for reconsideration.

Senator Hultman called for a division of amendment S-3100, lines 5 through 7 to be considered as division S-3100A of the amendment; lines 2 through 4 and 8 through 10 to be considered as division S-3100B of the amendment.

Senator Hultman withdrew division S-3100A of the amendment.

Senator Hultman moved the adoption of division S-3100B of

the amendment, which motion prevailed and division S-3100B of the amendment was adopted.

Senator Ramsey raised the point of order that Senate File 112 be referred to the committee on State Government under Senate Rule 36 since the bill would create a new commission.

The Chair ruled the point not well taken since the commission created was not a state commission, and Senate Rule 36 would not apply.

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. 112) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Van Gilst
Willits			

Nays, 4:

Briles	Culver	Hill, E.M.	Merritt
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Absent or not voting, 5:

Coleman	Miller, C.P.	Redmond	Robinson
Tieden			

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 24, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 74, a bill for an act to provide recreational program activities for residents of county care facilities.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 74, a bill for an Act to provide recreational program activities for residents of county care facilities.

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 159, by Committee on State Government, a bill for an act relating to the membership of the Iowa law enforcement academy council.

Read first time and PLACED ON CALENDAR.

SENATE FILE 160, by Budget Natural Resources Subcommittee, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Read first time and PLACED ON CALENDAR.

SENATE FILE 161, by Budget Natural Resources Subcommittee, a bill for an act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

Read first time and PLACED ON CALENDAR.

SENATE FILE 162, by Budget State Government

Subcommittee, a bill for an act making an appropriation to the judicial department.

Read first time and PLACED ON CALENDAR.

SENATE FILE 163, by Budget State Government Subcommittee, a bill for an act making appropriations to various executive and legislative departments.

Read first time and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: February 25, 1977, 8:00 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Hultman; Junkins; Nolting; Priebe; Ramsey and Van Gilst.

Members Absent: Carr (arrived 8:20 a.m.), DeKoster (arrived 8:15 a.m.), Kelly (arrived 8:15 a.m.) and Willits (arrived 8:05 a.m.).

Final Action: APPROVED.

* Senate File 155, a bill for an Act appropriating funds to the department of general services for a demonstration solar energy unit.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; DeKoster.

Also:

Final Action: APPROVED.

Senate File 156, a bill for an Act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; DeKoster.

Also:

Final Action: DO PASS.

House File 128, a bill for an Act making a supplemental appropriation to the department of social services for medical assistance.

The vote was: AYES, 10; Palmer, E. Hill, Shaw, Hultman, Junkins, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 3; Carr, DeKoster and Kelly.

Also:

Final Action: DO PASS.

House File 164, a bill for an Act to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

The vote was: AYES, 11; Palmer, E. Hill, Shaw, Carr, Hultman, Junkins, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; DeKoster and Kelly.

Adjourned: 9:00 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 24, 1977, 10:00 a.m.

Members Present: E. Hill, Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Members Excused: C. Miller, Vice Chairperson.

Other Business: Continued budget hearings—Comptroller (General Office and Data Processing), State Board of Watchmaking Examiners, Iowa Beer and Liquor Control Department, Department of Revenue and State Board of Landscape Architectural Examiners.

Adjourned: 12:15 p.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: February 24, 1977, 10:06 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

The vote was: AYES, 4; Carr, Coleman, Gallagher and Hansen. NAYS, 1; Drake.

Adjourned: 11:40 a.m.

COMMERCE

Convened: February 24, 1977, 3:00 p.m.

Members Present: E. Hill, Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Members Excused: Priebe, Vice Chairperson.

Other Business: Discussion of an Act relating to time of filing mechanic's liens by subcontractors. No final action taken. Thomas H. Huston, Superintendent of Banking, appeared before the committee to discuss proposed credit union legislation.

Adjourned: 4:30 p.m.

COUNTY GOVERNMENT

Convened: February 17, 1977, 3:00 p.m.

Members Present: Redmond, Chairperson; Briles, Ranking Member; Merritt; P. Hill; Murray; Orr; Taylor and Van Gilst.

Members Absent: none.

Members Excused: Hutchins, Vice Chairperson and C. Miller.

Final Action: APPROVED.

Senate File 158, a bill for an Act relating to amend or revise certain Code sections affected by the repeal of former chapter two hundred fifty-four (254) of the Code.

The vote was: AYES, 8; Redmond, Briles, P. Hill, Merritt, Murray, Orr, Taylor and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 2; Hutchins and C. Miller.

Also:

Other Business: Open discussion.

Adjourned: 3:30 p.m.

COUNTY GOVERNMENT

Convened: February 24, 1977, 3:00 p.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles, Ranking Member; P. Hill; Merritt; C. Miller; Murray; Orr; Taylor and Van Gilst.

Members Absent: none.

Final Action: AMEND AND DO PASS.

Senate File 7, a bill for an Act relating to contract and bidding procedures for the repair or construction of county buildings.

The vote was: AYES, 8; Redmond, Hutchins, Briles, Merritt, Murray, Orr, Taylor and Van Gilst. NAYS, 1; P. Hill. ABSENT OR NOT VOTING, 1: C. Miller.

Also:

Final Action: DO PASS.

Senate File 73, a bill for an Act relating to repeal provisions relating to the compensation of first deputy county officers in counties having dual county seats.

The vote was: AYES, 10; Redmond, Hutchins, Briles, P. Hill, Merritt, C. Miller, Murray, Orr, Taylor and Van Gilst. NAYS, none.

Adjourned: 4:30 p.m.

WAYS AND MEANS

Convened: February 24, 1977, 1:38 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Palmer; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Kelly (arrived 1:45 p.m.).

Final Action: APPROVED.

Senate File 154, a bill for an Act abolishing the office of city assessor and city conference boards within six years.

The vote was: AYES, 11; Rodgers, Nolting, Curtis, Hultman, Kelly, Palmer, Priebe, Readinger, Redmond, Shaff and Van Gilst. NAYS, 3: Craft, E. Hill and Junkins.

Adjourned: 2:32 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 153	Commerce
S.F. 157	Judiciary
H.F. 44	Cities
H.F. 85	Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Roy E. Berger of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Acts of the Sixty-sixth General Assembly, 1975 Regular Session, for the unexpired portion of a term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

TOM SLATER, Chairperson
 JOAN ORR
 DAVID M. READINGER
 JOHN SCOTT
 ROGER SHAFF

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 reappointment as a licensed member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, 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.

C. JOSEPH COLEMAN, Chairperson
 FORREST F. ASHCRAFT
 JAMES V. GALLAGHER
 C. W. HUTCHINS
 E. KEVIN KELLY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dennis D. Killion of Red Oak, Montgomery County, Iowa, for reappointment as a member of the State Board of Pharmacy 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.

C. JOSEPH COLEMAN, Chairperson
 ROBERT M. CARR
 CALVIN O. HULTMAN
 C. W. HUTCHINS
 FORREST V. SCHWENGELS

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Monday, February 28, 1977.

Had I been present, I would have voted "aye" on Senate Files 140, 141 and 144 and "aye" on House Concurrent Resolution 10.

FORREST F. ASHCRAFT

AMENDMENTS FILED

S-3102	S.F. 156	Calvin O. Hultman Louis P. Culver
S-3105	S.F. 149	Calvin O. Hultman
S-3108	S.F. 156	Elizabeth Shaw

PETITIONS

The following petitions were presented and placed on file:

By Senator Kinley from twelve residents of Mahaska County opposing pari-mutuel betting.

By Senator Hansen from two hundred seventy-three residents of Black Hawk County favoring legislation to provide more definite and severe penalties for crimes of violence.

By Senator Taylor from two hundred thirty residents of the Klemme Community School District opposing legislation that would reorganize school districts and determine school boundaries.

By Senator Taylor from one hundred forty-one residents of the Dows Community School District opposing legislation that would reorganize school districts and determine school boundaries.

By Senator Culver from one hundred seventy-eight residents of Shelby County urging the State Conservation Commission to reduce the length of the 1977 deer hunting season in Iowa and the number of deer hunting licenses issued.

By Senator Hutchins from one hundred ninety-one residents of Shelby County urging the State Conservation Commission to reduce the length of the 1977 deer hunting season in Iowa and the number of deer hunting licenses issued.

By Senator Kinley from fifty residents of Lee County favoring an appropriation to increase IPERS.

By Senator Ramsey from twenty residents of Wayne County opposing any attempt to take away the food concession in the statehouse from the Iowa Commission for the Blind.

By Senator Ashcraft from two hundred eighty-six residents of Scott County opposing legislation that would impose a refund value on containers for beer, malt beverages and soft drinks and prohibit the sale of beverages with detachable lids.

By Senator Orr from twenty-six residents of Benton and Tama Counties favoring legislation that would permit the sale of certified raw milk.

The following petitions urging rescission of the Equal Rights Amendment were presented and placed on file by:

Senator Curtis from seventeen residents of Buena Vista County.

Senator Miller of Cerro Gordo from eighteen residents of Cerro Gordo County.

Senator Hutchins from four hundred nine residents of Guthrie County.

On motion of Senator Kinley, the Senate adjourned at 4:00 p.m., until 10:00 a.m., Tuesday, March 1, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY—THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 1, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend E. Charles Anderson, pastor of the St. Ansgar Lutheran Church, Waterloo, Iowa.

The Journal of Monday, February 28, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. G. L. Schmit, Cedar Rapids, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redmond for the day on request of Senator Kinley.

INTRODUCTION OF BILLS

SENATE FILE 164, by Senators Taylor, Schwengels, Coleman, Culver, Palmer, Redmond, Tieden, Hansen and Miller of Marshall, a bill for an act authorizing the deduction from a state officer's or employee's wages or salary an amount for contribution to a qualifying charitable organization of the officer's or employee's choice.

Read first time and PASSED ON FILE.

SENATE FILE 165, by Senator Burroughs, a bill for an act relating to the requirement for unemployment compensation that an individual actively be seeking work.

Read first time and PASSED ON FILE.

SENATE FILE 166, by Senators DeKoster, Hultman and Ramsey, a bill for an act relating to unemployment compensation

qualifications.

Read first time and PASSED ON FILE.

SENATE FILE 167, by Committee on Transportation, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations.

Read first time and PLACED ON CALENDAR.

CONSIDERATION OF BILLS

Senate File 155

On motion of Senator Willits, Senate File 155, a bill for an act appropriating funds to the department of general services for a demonstration solar energy unit, 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. 155) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hill, E. M.
Hill, P. B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A. V.	Miller, C. P.	Miller, E. R.	Murray
Nystrom	Orr	Palmer	Priebe
Readinger	Robinson	Rodgers	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Briles	Hansen	Nolting	Ramsey
Redmond	Rush		

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 128.

House File 128

On motion of Senator Priebe, House File 128, 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.

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. 128) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Hansen	Ramsey	Redmond
Rush			

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 7.

Senate File 7

On the motion of Senator Doderer, Senate File 7, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hutchins offered amendment S-3099 to page 1 of the bill filed by the Committee on County government on February 25, 1977, and moved its adoption.

Amendment S-3099 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. 7) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E. M.
Hill, P. B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A. V.	Miller, C. P.	Miller, E. R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Gallagher	Ramsey	Redmond
Rush			

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 Neu presiding.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 160.

Senate File 160

On motion of Senator Junkins, Senate File 160, a bill for an act making an appropriation to agencies whose responsibilities relate to energy policy and research, 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. 160) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Briles	Gallagher	Redmond	Rush
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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 161.

Senate File 161

On motion of Senator Junkins, Senate File 161, a bill for an act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research, 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. 161) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.

Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Briles	Gallagher	Redmond	Rush
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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 162.

Senate File 162

On motion of Senator Willits, Senate File 162, a bill for an act making an appropriation to the judicial 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. 162) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Culver
Curtis	DeKoster	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Briles
Gallagher

Craft
Redmond

Doderer
Rush

Drake

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 Neu presiding.

INTRODUCTION OF BILL

SENATE FILE 168, by Senators Junkins, Hansen, Coleman, Murray, DeKoster, Shaw and Carr, 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.

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.

INTRODUCTION OF BILLS

SENATE FILE 169, by Senators Redmond, Rush, Priebe, Merritt, Shaff and Tieden, 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 170, by Committee on Commerce, a bill for an act correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa insurance guaranty association.

Read first time and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: February 28, 1977, 2:45 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Junkins; Kelly; Nolting; Priebe; Ramsey; Van Gilst and Willits.

Members Absent: none.

Final Action: APPROVED.

Senate File 160, a bill for an Act making an appropriation to agencies whose responsibilities relate to energy policy and research.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 161, a bill for an Act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 162, a bill for an Act making an appropriation to the judicial department.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 163, a bill for an Act making appropriations to various executive and legislative departments.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Hultman.

Adjourned: 3:20 p.m.

STATE GOVERNMENT

Convened: February 22, 1977, 1:30 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Rush; Schwengels and Shaff.

Members Absent: Slater (arrived at 1:35 p.m.) and Kelly (arrived at 1:37 p.m.)

Final Action: APPROVED.

Senate File 159, a bill for an Act relating to membership of the Iowa law enforcement academy council.

The vote was: AYES, 12; Doderer, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Shaff and Slater. NAYS, 2; Coleman and Schwengels.

Also:

Other Business: Assigned Senate File 105 to subcommittee.

Adjourned: 2:30 p.m.

BILL ASSIGNED TO COMMITTEE

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

H.F. 74

County Government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas J. Mann, Jr., Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Civil Rights Commission under the provisions of Chapter 1143, Section 2, Acts of the Sixty-sixth General Assembly, 1976 Regular 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
 WILLARD R. HANSEN
 PHILIP B. HILL
 C. W. HUTCHINS
 WILLIAM D. PALMER

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 reappointment as a member of the Iowa Real Estate Commission under the provisions of Section 117.8, 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.

CHARLES P. MILLER, Chairperson
 DAVID M. READINGER
 NORMAN RODGERS
 FORREST V. SCHWENGELS
 EARL M. WILLITS

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 reappointment as a member of the State Board of Nursing, 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.

JAMES CALHOON, Chairperson
 LOUIS P. CULVER
 JAMES V. GALLAGHER
 ROGER J. SHAFF
 DALE L. TIEDEN

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in

engrossing Senate Amendment S-3098 into Senate File 41, the word "or" on line 3 was stricken and the word "or" inserted. The correction appears at page 3, line 6, of the amended and reprinted bill.

STEVEN C. CROSS, Secretary of the Senate

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate File 155.

Had I been present, I would have voted "aye."

FRED W. NOLTING

MR. PRESIDENT: It was necessary for me to be absent from the Senate chamber on Thursday, February 24, 1977, Friday, February 25, 1977, and Monday, February 28, 1977.

Had I been present, I would have voted "aye" on the following: Senate Files 98, 109, 110, 119, 125, 41, 126, 140, 141, 144, 112; House File 164; Senate Concurrent Resolution 8; and House Concurrent Resolution 10. I would have voted for the confirmation of the following appointees: Gretchen N. Schreffler, D.C., James M. Duffy, James P. Fuller, Leslie G. Brody, Daniel W. Clifford, Donna P. Gabriel, Harlan L. Gronewold, William F. McGrath, Charles H. Pelton, Robert D. Porter, John J. Pogge, Jean A. Tester and Bruce Hopkins.

CHARLES P. MILLER

AMENDMENTS FILED

S-3109	S.F. 120	Dale L. Tieden
S-3110	S.F. 163	Calvin O. Hultman
S-3111	S.F. 149	John S. Murray
S-3112	S.F. 163	Calvin O. Hultman
S-3113	S.F. 163	Elizabeth Shaw
S-3114	S.F. 149	Cloyd E. Robinson
S-3115	S.F. 156	Berl E. Priebe
		Lowell L. Junkins
S-3116	S.F. 163	Earl M. Willits
S-3117	S.F. 149	Bob Rush

PRESENTATION OF VISITORS

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

Forty students from Holmes Junior High School, Cedar Falls, Iowa, accompanied by Dave Andreasen. Senator Hansen.

Twenty-five students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mary Huggins and Mrs. Andsager. Senator Hill of Polk.

On motion of Senator Kinley, the Senate adjourned at 3:32 p.m., until 10:00 a.m., Wednesday, March 2, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY--THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 2, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Robert Hedges, pastor of the St. Timothy Episcopal Church, West Des Moines, Iowa.

The Journal of Tuesday, March 1, 1977, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Orr for the day on request of Senator Kinley.

INTRODUCTION OF BILLS

SENATE FILE 171, by Senator Doderer, a bill for an act to prohibit the public display of explicit sexual materials and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 172, by Senator Priebe, a bill for an act exempting the sales of fuels used for residential purposes from the sales tax.

Read first time and PASSED ON FILE.

SENATE FILE 173, by Senator Gallagher, a bill for an act to provide a moratorium on the issuance of water permits for irrigation purposes.

Read first time and PASSED ON FILE.

SENATE FILE 174, by Senator Hultman, a bill for an act relating to the hunting of pheasants by nonresidents.

Read first time and PASSED ON FILE.

SENATE FILE 175, by Committee on State Government, a bill for an act to provide retirement benefits for members of the general assembly under the Iowa public employees' retirement system and social security, and to make an appropriation.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

SENATE RESOLUTION 7

By: Hansen

- 1 *Whereas*, the University of Northern Iowa wrestling
 2 team has won the North Central Conference championship
 3 for the fourth consecutive year, and
 4 *Whereas*, this is its tenth conference championship
 5 in twelve years, and
 6 *Whereas*, nine of the team's ten members are Iowa
 7 residents including:
 8
 9 Dave Prehm, Eagle Grove, Iowa
 10 Jeff Melvin, Evergreen Park, Ill.
 11 Scott Kollings, Des Moines, Iowa
 12 Gary Bentrin, Cedar Rapids, Iowa
 13 Dick Briggs, Cedar Rapids, Iowa
 14 Hal Turner, Maquoketa, Iowa
 15 Keith Poolman, Clarion, Iowa
 16 Dick Erickson, Clear Lake, Iowa
 17 Ed Herman, Johnston, Iowa
 18 Bob Leonard, Johnston, Iowa
 19 *Now Therefore*,
 20 *Be It Resolved*, that the membership of the Sixty-
 21 seventh General Assembly of the State of Iowa extend
 22 heartiest congratulations to the University of Northern
 23 Iowa wrestling team for its conference championship:
 24 and
 25 *Be It Further Resolved*, that we wish them well in
 26 the upcoming Division II National Championships to be
 27 held at the University of Northern Iowa on March 4 and
 5, 1977.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senate File 156

On motion of Senator Junkins, Senate File 156, a bill for an act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, was taken up for consideration.

Senator Priebe offered amendment S-3115 to pages 2 and 6 of the bill filed by Senators Priebe and Junkins on March 1, 1977, and moved its adoption.

Amendment S-3115 was adopted.

Senator Shaw offered amendment S-3108 to page 2 of the bill filed by her on February 28, 1977, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3108 be adopted?" (S.F. 156) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Craft	Curtis	DeKoster
Doderer	Drake	Hansen	Hill, P.B.
Hulse	Hultman	Kelly	Miller, E.R.
Murray	Ramsey	Readinger	Shaff
Shaw	Taylor		

Nays, 25:

Carr	Coleman	Culver	Gallagher
Glenn	Hill, E.M.	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Nolting	Palmer	Priebe	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Tieden	Van Gilst
Willits			

Absent or not voting, 3:

Burroughs Nystrom Orr

Amendment S—3108 lost.

Senator Hultman offered amendment S—3102 to pages 3 and 4 of the bill filed by Senators Hultman and Culver on February 28, 1977, moved its adoption and requested a non record roll call.

The ayes were 25, nays 21.

Amendment S—3102 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. 156) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Palmer	Priebe	Ramsey
Readerger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

Gallagher

Absent or not voting, 3:

Burroughs Nystrom 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 that SENATE FILE 156 be IMMEDIATELY MESSAGED to the House, which request was complied with.

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 February 28, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 60, a bill for an act to amend the uniform controlled substance act with respect to the substance chlordiazepoxide, listed in schedule IV.

Also: That the House has on February 28, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 245, a bill for an act relating to the use of fishing hooks.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 7, by Senators Hill of Jasper, Miller of Marshall, Bergman, Taylor, Coleman, Burroughs, Ashcraft, Tieden, Culver, Miller of Cerro Gordo, Rodgers, Ramsey, Hutchins and Miller of Des Moines, a joint resolution rescinding ratification of the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

Read first time and PASSED ON FILE.

SENATE FILE 176, by Senator Ramsey, a bill for an act relating to unemployment compensation during periods of partial unemployment.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 60, a bill for an Act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV.

Read first time and PASSED ON FILE.

HOUSE FILE 245, a bill for an Act relating to the use of fishing hooks.

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

Senate File 163

On motion of Senator Willits, Senate File 163, a bill for an act making appropriations to various executive and legislative departments was taken up for consideration.

Senator Shaw offered amendment S-3113 to page 1 of the bill filed by her on March 1, 1977.

President pro tempore Coleman took the chair at 2:05 p.m.

Senator Shaw moved the adoption of amendment S-3113.

A record roll call was requested.

On the question "Shall amendment S-3113 be adopted?" (S.F. 163) the vote was:

Ayes, 21:

Ashcraft	Bergman	Bisenius	Burroughs
Curtis	DeKoster	Doderer	Drake
Hill, P.B.	Hulse	Hultman	Kelly
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Schwengels	Shaff	Shaw
Taylor			

Nays, 28:

Briles	Calhoon	Carr	Coleman
Craft	Culver	Gallagher	Glenn
Hansen	Hill, E.M.	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Nolting	Palmer	Priebe	Redmond
Robinson	Rodgers	Rush	Scott
Slater	Tieden	Van Gilst	Willits

Absent or not voting, 1:

Orr

Amendment S-3113 lost.

Senator Hultman withdrew amendment S-3110 filed by him on March 1, 1977.

Senator Hultman withdrew amendment S-3112 filed by him on March 1, 1977.

Senator Willits withdrew amendment S-3116 to amendment S-3112 filed by him on March 1, 1977.

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

The Senate resumed session, President pro tempore Coleman presiding.

Senator Willits offered amendment S-3120 to the title page of the bill and moved its adoption.

The motion prevailed and amendment S-3120 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. 163) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoun	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Gallagher Orr

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 to take up out of order Senate File 149.

Senate File 149

On motion of Senator Hill of Jasper, Senate File 149, a bill for an act relating to mandatory wage assignment in child support orders, was taken up for consideration.

Senator Murray offered amendment S-3111 to page 1 of the bill filed by him on March 1, 1977, and moved its adoption.

Amendment S-3111 was adopted.

Senator Robinson withdrew amendment S-3114 filed by him on March 1, 1977.

Senator Rush offered amendment S-3117 to page 1 of the bill filed by him on March 1, 1977, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3117 be adopted?" (S.F. 149) the vote was:

Ayes, 18:

Burroughs	Calhoon	Doderer	Hultman
Junkins	Kelly	Nolting	Nystrom
Redmond	Robinson	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Willits		

Nays, 29:

Bergman	Bisenius	Briles	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hutchins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Palmer
Priebe	Ramsey	Readinger	Shaw
Van Gilst			

Absent or not voting, 3:

Ashcraft	Orr	Rodgers
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Amendment S-3117 lost.

Senator Hultman offered amendment S-3105 to page 1 of the bill filed by him on February 28, 1977.

Senator Glenn raised the point of order that amendment S-3105 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3105 in order.

Senator Junkins took the chair at 4:10 p.m.

President pro tempore Coleman took the chair at 4:17 p.m.

Senator Hultman moved the adoption of amendment S-3105 and requested a record roll call.

On the question "Shall amendment S-3105 be adopted?" (S.F. 149) the vote was:

Ayes, 15:

Ashcraft	Bergman	Briles	Burroughs
Curtis	DeKoster	Hulse	Hultman
Miller, E.R.	Priebe	Ramsey	Schwengels
Shaff	Taylor	Tieden	

Nays, 32:

Bisenius	Calhoon	Carr	Coleman
Craft	Culver	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Nystrom	Readinger
Redmond	Robinson	Rush	Scott
Shaw	Slater	Van Gilst	Willits

Absent or not voting, 3:

Orr	Palmer	Rodgers
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Amendment S-3105 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. 149) the vote was:

Ayes, 29:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Doderer	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Ramsey	Readinger	Shaw	Slater
Willits			

Nays, 19:

Burroughs	Culver	Curtis	DeKoster
Drake	Gallagher	Hulse	Hultman
Nolting	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Taylor	Tieden	Van Gilst	

Absent or not voting, 2:

Orr Rodgers

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 March 1, 1977, 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 4, relating to Iowa Department of Transportation proposed rule on maximum legal length of a combination of three vehicles.

DAVID WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION 4

S-3119

- 1 Amend Senate amendment H-3085 to House
- 2 Concurrent Resolution 4 as follows:
- 3 1. Page 1, by striking lines 1 through 5.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 1, 1977, 1:45 p.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Calhoon; Hulse; Hutchins; A. Miller; E. Miller; Readinger and Scott.

Members Absent: none.

Other Business: Subcommittee assignment; discussion of sulphur residue in hogs.

Adjourned: 1:57 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: March 1, 1977, 8:10 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member and Hutchins.

Members Absent: Robinson, Vice Chairperson (arrived 9:08 a.m.) and Nystrom (arrived 8:30 a.m.).

Other Business: Discussion of setting of budget for various agencies, departments and institutions.

Adjourned: 9:53 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 1, 1977, 7:32 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentations on ADC by Dr. Ivan F. Beutler, Associate Professor from the Department of Family Environment at Iowa State University and Charles Brunner from the Iowa Welfare Coalition.

Adjourned: 10:00 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: March 1, 1977, 9:00 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson; Drake, Ranking Member; Gallagher and Hansen.

Members Absent: none.

Other Business: Presentation by Jim Lightsey from the Aeronautics Division of the Department of Transportation.

Adjourned: 10:00 a.m.

EDUCATION

Convened: March 1, 1977, 3:05 p.m.

Members Present: Orr, Chairperson; Willits, Vice Chairperson; Hansen, Ranking Member; Carr; DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: none.

Other Business: Assigned Senate Files 135 and 145 to subcommittees and general discussion of some areas of concern of the Education Committee.

Adjourned: 3:50 p.m.

WAYS AND MEANS

Convened: March 1, 1977, 3:10 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Palmer; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: none.

Other Business: Discussion of proposal for examination and appointment of assessors.

Adjourned: 4:00 p.m.

REPORT OF THE SECRETARY OF THE SENATE

Mr. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate File 112, Senate Amendment S-3101, on page 1, line 10, the word "act" has been capitalized to read "Act". The change appears at page 8, line 6 of the amended and reprinted bill.

STEVEN C. CROSS, *Secretary of the Senate*

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lillian M. McElroy, Percival, Fremont County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Chapter 1088, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

BERL E. PRIEBE, Chairperson
 CALVIN O. HULTMAN
 ALVIN V. MILLER
 DALE L. TIEDEN
 BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Barbara A. Failor of Ankeny, Polk County, Iowa, for appointment as a public member of the State Board of Cosmetology 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.

CHARLES P. MILLER, Chairperson
 STEPHEN W. BISENIUS
 JAMES E. BRILES
 LOUIS P. CULVER
 EARL M. WILLITS

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday, March 1, 1977, as I was speaking to a school group.

Had I been present I would have voted "aye" on Senate File 155 and House File 128.

WILLARD R. HANSEN

BILLS ASSIGNED TO COMMITTEE

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

S.F. 164	State Government
S.F. 165	Labor and Industrial Relations
S.F. 166	Labor and Industrial Relations
S.F. 168	Judiciary
S.F. 169	Ways and Means

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 7 passed the Senate on Tuesday, March 1, 1977.

JAMES E. BRILES

AMENDMENT FILED

S-3118

S.F. 7

James M. Redmond

PRESENTATION OF VISITORS

President pro tempore Coleman welcomed the Honorable Ralph W. Potter, former member of the Senate from Linn County.

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

Twenty-five students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Paul Linn. Senator Hill of Polk.

Nineteen students, members of the 4-H Club from Burlington and Mount Pleasant, Iowa, accompanied by Les Schoffelman. Senator Miller of Des Moines.

Twenty-five students from Watrous, Wright and Park Avenue Elementary Schools, Des Moines, Iowa, accompanied by Mrs. Bird, Mrs. Bills and Mrs. Lewis. Senator Kinley.

On motion of Senator Kinley, the Senate adjourned at 4:50 p.m., until 10:00 a.m., Thursday, March 3, 1977.

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY—THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 3, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Benedict J. Kenkel, pastor of the St. Anthony Catholic Church, Des Moines, Iowa.

The Journal of Wednesday, March 2, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lawrence Matthews, Resident at Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Junkins for the day on request of Senator Kinley; Senator Briles for the day on request of Senator Hultman.

INTRODUCTION OF BILL

SENATE FILE 177, by Senators Junkins, Carr, Burroughs, Ramsey, Miller of Des Moines, Merritt, Briles, Culver, Nystrom, Hutchins and Tieden, a bill for an act relating to the retirement qualifications of policemen and firemen.

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 154.

Senate File 154

On motion of Senator Shaff, Senate File 154, a bill for an act abolishing the office of city assessor and city conference boards

within six years, was taken up for consideration.

President pro tempore Coleman took the chair at 10:10 a.m.

Senator Hill of Polk asked and received unanimous consent that Senate File 154 be temporarily deferred for the preparation of an amendment.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 158.

Senate File 158

On motion of Senator Merritt, Senate File 158, a bill for an act to amend or revise certain Code sections affected by the repeal of former chapter two hundred fifty-four (254) of the Code, 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. 158) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Nolting	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rodgers
Rush	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Briles	Carr	Hill, E.M.	Junkins
Miller, C.P.	Murray	Priebe	Redmond
Schwengels			

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 159.

Senate File 159

On motion of Senator Rush, Senate File 159, a bill for an act relating to the membership of the Iowa law enforcement academy council, was taken up for consideration.

Senator Willits took the chair at 10:20 a.m.

DEFERRED

Senator Coleman asked and received unanimous consent that SENATE FILE 159 be DEFERRED and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

Senate File 154

The Senate resumed consideration of Senate File 154, previously deferred.

Senator Hill of Polk offered amendment S-3121 to page 1 of the bill and moved its adoption.

Amendment S-3121 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?" (S.F. 154) the vote was:

Ayes, 38:

Ashcraft	Bergman	Burroughs	Calhoon
Coleman	Culver	Curtis	DeKoster
Drake	Gallagher	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.

Nolting
 Ramsey
 Rodgers
 Shaff
 Van Gilst

Nystrom
 Readinger
 Rush
 Slater
 Willits

Orr
 Redmond
 Schwengels
 Taylor

Palmer
 Robinson
 Scott
 Tieden

Nays, 6:

Bisenius
 Hill, P.B.

Craft
 Shaw

Doderer

Glenn

Absent or not voting, 6:

Briles
 Murray

Carr
 Priebe

Junkins

Miller, C.P.

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 Coleman presiding.

QUORUM CALL

Senator Willits requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 61

Senator Curtis called up for consideration Senate File 61, a bill for an act providing for the taxation of active duty military income of Iowa residents and making the Act retroactive, amended by the House, and moved that the Senate concur in House amendment S-3107 filed February 28, 1977, and found on page 474 of the Senate Journal.

The motion prevailed and the Senate concurred in House amendment S-3107.

Senator Curtis 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. 61) the vote was:

Ayes, 34:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Glenn
Hill, E. M.	Hill, P. B.	Hulse	Hultman
Kelly	Kinley	Merritt	Murray
Nolting	Nystrom	Orr	Palmer
Ramsey	Readinger	Rodgers	Rush
Scott	Shaff	Slater	Taylor
Van Gilst	Willits		

Nays, 6:

Burroughs	Drake	Hutchins	Miller, C. P.
Priebe	Tieden		

Absent or not voting, 10:

Briles	Gallagher	Hansen	Junkins
Miller, A. V.	Miller, E. R.	Redmond	Robinson
Schwengels	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, President pro tempore Coleman 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 1, 1977, passed the following bill in which the

concurrence of the House was asked:

Senate File 64, a bill for an act to provide a midshift meal to employees of the correctional institutions.

Also: That the House has on February 28, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 197, a bill for an act relating to certain bikeway and walkway construction projects.

Also: That the House has on March 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 211, a bill for an act relating to the registration of vessels.

Also: That the House has on March 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 229, a bill for an act relating to the registration certificates of vessels.

Also: That the House has on March 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 251, a bill for an act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 178, by Senator Redmond, a bill for an act providing that the legislative service bureau draft opinions on questions of law and eliminating that duty from the attorney general.

Read first time and PASSED ON FILE.

SENATE FILE 179, by Senator Murray, a bill for an act relating to the sale of beverage containers in this state and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 180, by Committee on Commerce, a bill for an

act relating to the regulation of premium rates for credit life and credit accident and health insurance.

Read first time and PLACED ON CALENDAR.

SENATE FILE 181, by Senator Taylor, a bill for an act prohibiting the importation, distribution, and sale of flammable interior furnishings and providing penalties.

Read first time and PASSED ON FILE.

SENATE FILE 182, by Senator Burroughs, a bill for an act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 183, by Senators Doderer, Kelly, Hill of Polk, Willits, Murray, Palmer, Coleman, Readinger, Ashcraft, Orr, Calhoun, Hansen, Robinson, Carr and Shaw, 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 PASSED ON FILE.

SENATE FILE 184, by Senator Murray, a bill for an act relating to mandatory energy conservation standards for government buildings.

Read first time and PASSED ON FILE.

SENATE FILE 185, by Budget State Government Subcommittee, a bill for an act making appropriations to the department of justice.

Read first time and PLACED ON CALENDAR.

SENATE FILE 186, by Budget State Government Subcommittee, a bill for an act making appropriations to various state departments.

Read first time and PLACED ON CALENDAR.

SENATE FILE 187, by Budget Transportation and Law Enforcement Subcommittee, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 197, a bill for an Act relating to certain bikeway and walkway construction projects.

Read first time and PASSED ON FILE.

HOUSE FILE 211, a bill for an Act relating to the registration of vessels.

Read first time and PASSED ON FILE.

HOUSE FILE 229, a bill for an Act relating to the registration certificates of vessels.

Read first time and PASSED ON FILE.

HOUSE FILE 251, a bill for an Act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: March 2, 1977, 8:10 a.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; Hutchins and Nystrom.

Members Absent: P. Hill, Ranking Member (arrived 8:12 a.m.).

Other Business: Discussion and setting of budgets for various agencies and departments.

Adjourned: 9:50 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 2, 1977, 9:15 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoun and Craft.

Members Absent: none.

Other Business: Budget recommendation for the Spanish Speaking Peoples Commission.

Adjourned: 9:55 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 2, 1977, 7:34 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentation on Medical Assistance programs—Title XIX.

Adjourned: 10:00 a.m.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 7	Judiciary
S.F. 171	Judiciary
S.F. 172	Ways and Means
S.F. 173	Natural Resources
S.F. 174	Natural Resources
S.F. 176	Labor and Industrial Relations
S.R. 7	Rules and Administration
H.F. 60	Judiciary
H.F. 245	Natural Resources

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 154 passed the Senate on Thursday, March 3, 1977.

DALE L. TIEDEN

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 bills have been 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, 1977:

Senate Files 32 and 51.

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 3rd day of March, 1977:

Senate File 53.

STEVEN C. CROSS, Secretary of the Senate

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 31, I report that in engrossing Senate Amendment S-3069 into Senate File 53, the words "seventy-five thousand" were stricken and the words "fifty thousand" inserted as directed by the amendment. A clerical error was corrected by inserting the words stricken through or underlined as follows: ["seventy-five] *fifty* thousand". The correction appears at page 2, line 14, of the official copy of the engrossed bill.

STEVEN C. CROSS, Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Norma I. Lock of Des Moines, Polk County, Iowa, for appointment as a member of the Job Services Appeal Board pursuant to Chapter 1068, Section 11, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, for an initial term beginning July 1, 1976, and ending June 30, 1982, begs leave to report it has made investigation and recommends the

appointment be confirmed.

MILO MERRITT, Chairperson
 PHILIP B. HILL
 FRED W. NOLTING
 CLOYD E. ROBINSON
 ELIZABETH R. MILLER

PLACEMENT ON INDIVIDUAL
 CONFIRMATION CALENDAR

February 25, 1977

MR. SECRETARY: Pursuant to Senate Rule 58, I hereby request that the name of Colleen P. Shearer, the Governor's appointee as Director of Job Service, be removed from the "En Bloc Calendar" and placed on the "Individual Confirmation Calendar."

FRED W. NOLTING

March 1, 1977

MR. SECRETARY: Pursuant to Senate Rule 58, I hereby request that the name of Phyllis J. Peters, the Governor's appointee to the State Board of Examiners for Nursing Home Administrators, be removed from the "En Bloc Calendar" and placed on the "Individual Confirmation Calendar."

C. JOSEPH COLEMAN

EXPLANATION OF VOTES

MR. PRESIDENT: I was attending a meeting in the Governor's Office and out of the chamber when the vote was taken on Senate Files 154 and 158. Had I been present, I would have voted "aye" on these bills.

CHARLES P. MILLER

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 76

Budget—Budget Subcommittee
 on Education
 Van Gilst, Chairperson
 Robinson
 Hill, P.B.
 Hutchins
 Nystrom

SENATE FILE 114

Human Resources
 Miller, A.V., Chairperson
 Craft
 Taylor

SENATE FILE 104

Budget—Budget Subcommittee
 on Natural Resources
 Junkins, Chairperson
 Orr
 Bisenius
 Redmond
 Schwengels

SENATE FILE 118

Agriculture
 Readinger, Chairperson
 Calhoon
 Scott

SENATE FILE 121

Agriculture
 Scott, Chairperson
 Tieden
 Merritt

SENATE FILE 127

Agriculture
 Hutchins, Chairperson
 Tieden
 Scott

SENATE FILE 139

Judiciary
 Rush, Chairperson
 Ramsey
 Coleman

SENATE FILE 145

Education
 Hansen, Chairperson
 Taylor
 Merritt

SENATE FILE 148

Ways and Means
 Nolting, Chairperson
 Craft
 Junkins

SENATE FILE 152

Judiciary
 Scott, Chairperson
 Hill, P. B.
 Redmond

SENATE FILE 157

Judiciary
 Glenn, Chairperson
 Rush
 Scott
 Ramsey
 Shaw

HOUSE CONCURRENT RESOLUTION 11

Energy
 Scott, Chairperson
 Gallagher
 Ramsey

SENATE FILE 123

Budget
 DeKoster, Chairperson
 Nolting
 Willits

SENATE FILE 138

Judiciary
 Doderer, Chairperson
 DeKoster
 Ashcraft

SENATE FILE 143

Commerce
 Burroughs, Chairperson
 Nolting
 Rodgers

SENATE FILE 147

Labor and Industrial Relations
 Merritt, Chairperson
 Calhoon
 Murray

SENATE FILE 150

Ways and Means
 Nolting, Chairperson
 Redmond
 Craft

SENATE FILE 153

Commerce
 Burroughs, Chairperson
 Nolting
 Rodgers

HOUSE FILE 85

Judiciary
 Doderer, Chairperson
 Shaw
 Ashcraft

AMENDMENT FILED

S-3122

S.F. 159

C. Joseph Coleman

PRESENTATION OF VISITORS

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

Twenty students from Cedar Falls High School, Cedar Falls, Iowa, accompanied by John De Master and Dale Peterson. Senator Hansen.

Sixty students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Manthe and Mrs. Coolman. Senator Hill of Polk.

On motion of Senator Kinley, the Senate adjourned at 4:07 p.m., until 10:00 a.m., Monday, March 7, 1977.

EXPLANATION OF BRACKETS AND ITALICS
PRINTED IN THE JOURNALS

When bills and amendments to 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. When amendments or references to bills or amendments to bills 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*.

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY—THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 7, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Philip V. Ryan, pastor of the St. Anthony Catholic Church, Knoxville, Iowa.

The Journal of Thursday, March 3, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Henry L. Halling, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shaw for the day on request of Senator Hultman.

MOTION TO RECONSIDER OUT OF ORDER

Senate File 7

Senator Briles called up the motion to reconsider filed by him on Wednesday, March 2, 1977, and found on page 512 of the Senate Journal.

The Chair ruled that the motion to reconsider was out of order since Senator Briles had not been on the prevailing side of the vote on Senate File 7.

UNFINISHED BUSINESS

Senate File 159

On motion of Senator Rush, Senate File 159, a bill for an act relating to the membership of the Iowa law enforcement academy council was taken up for further consideration.

Senator Coleman offered amendment S-3122 to pages 1 and 2 of the bill filed by him on March 3, 1977, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3122 be adopted?" (S.F. 159) the vote was:

Ayes, 14:

Bergman	Coleman	DeKoster	Hulse
Hutchins	Miller, C.P.	Miller, E.R.	Orr
Palmer	Robinson	Rodgers	Schwengels
Taylor	Van Gilst		

Nays, 34:

Ashcraft	Bisenius	Briles	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hultman	Junkins	Kelly	Kinley
Miller, A.V.	Murray	Nolting	Nystrom
Priebe	Ramsey	Readinger	Redmond
Rush	Scott	Shaff	Slater
Tieden	Willits		

Absent or not voting, 2:

Merritt	Shaw
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Amendment S-3122 lost.

Senator Gallagher offered amendment S-3123 to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3123 be adopted?" (S.F. 159) the vote was:

Ayes, 17:

Bergman	Briles	Carr	Coleman
Culver	Gallagher	Hulse	Hultman
Hutchins	Miller, A.V.	Miller, E.R.	Nolting
Priebe	Ramsey	Rodgers	Schwengels
Taylor			

Nays, 29:

Ashcraft	Bisenius	Burroughs	Calhoon
Craft	Curtis	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Junkins	Kelly	Kinley
Murray	Nystrom	Orr	Readinger
Redmond	Robinson	Rush	Scott
Shaff	Slater	Tieden	Van Gilst
Willits			

Absent or not voting, 4:

Merritt	Miller, C.P.	Palmer	Shaw
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Amendment S-3123 lost.

Senator Rush moved that the bill 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. 159) the vote was:

Ayes, 34:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Craft	Curtis	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Junkins	Kelly
Kinley	Murray	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 14:

Bergman	Burroughs	Coleman	Culver
Gallagher	Hulse	Hultman	Hutchins
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Priebe	Schwengels		

Absent or not voting, 2:

Merritt	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.

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

AFTERNOON SESSION

The Senate resumed session, 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 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 66, a bill for an act to amend the Iowa uniform controlled substances act.

Also: That the House has on March 3, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 77, a bill for an act relating to the time when an action is deemed to have been commenced for purposes of section 617.3 of the Code.

Also: That the House has on March 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 225, a bill for an act relating to state approved buoys.

Also: That the House has on March 2, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 231, a bill for an act relating to the authority of the director of revenue to sell cigarette stamps through banks.

Also: That the House has on March 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 253, a bill for an act relating to the eradication of bovine brucellosis.

Also: That the House has on March 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 254, a bill for an act to require inclusion of achievements of women, minorities, and others in total school program and to require English-language arts.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 188, by Senator Hansen, 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 189, by Senator Hansen, a bill for an act relating to faculty compensation at universities administered by the state board of regents.

Read first time and PASSED ON FILE.

SENATE FILE 190, by Senators Robinson and Priebe, a bill for an act relating to age discrimination in employment.

Read first time and PASSED ON FILE.

SENATE FILE 191, by Senator Doderer, a bill for an act relating to state reciprocity in the enforcement of support decrees; providing for the enforcement in Iowa of support decrees granted in other states and the enforcement in other states of those granted in Iowa; providing for registration in Iowa of support orders granted in other states; and providing administrative procedures.

Read first time and PASSED ON FILE.

SENATE FILE 192, by Committee on State Government, a bill for an act relating to the location of the division of the state historical society of the Iowa state historical department.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 66, a bill for an act 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 77, a bill for an act relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code.

Read first time and PASSED ON FILE.

HOUSE FILE 225, a bill for an act relating to state approved buoys.

Read first time and PASSED ON FILE.

HOUSE FILE 231, a bill for an act relating to the authority of the director of revenue to sell cigarette stamps through banks.

Read first time and PASSED ON FILE.

HOUSE FILE 253, a bill for an act relating to the eradication of bovine brucellosis.

Read first time and PASSED ON FILE.

HOUSE FILE 254, a bill for an act to require inclusion of achievements of women, minorities, and others in total school program and to require English-language arts.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: March 3, 1977, 1:45 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Kelly; Nolting; Priebe; Ramsey; Van Gilst and Willits.

Members Absent: none.

Members Excused: Junkins.

Final Action: APPROVED.

Senate File 185, a bill for an Act making appropriations to the department of justice.

The vote: AYES, 10; Palmer, E. Hill, Shaw, Carr, DeKoster, Kelly, Nolting, Priebe, Van Gilst and Willits. NAYS, 2; Hultman and Ramsey. ABSENT OR NOT VOTING, 1; Junkins.

Also:

Final Action: APPROVED.

Senate File 186, a bill for an Act making appropriations to various state departments.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Junkins.

Also:

Final Action: APPROVED.

Senate File 187, a bill for an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety and public defense.

The vote was: AYES, 10; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Nolting, Priebe, Van Gilst and Willits. NAYS, 2; Kelly and Ramsey. ABSENT OR NOT VOTING, 1; Junkins.

Adjourned: 3:30 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: March 3, 1977, 8:10 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member and Hutchins.

Members Absent: Robinson, Vice Chairperson (arrived 8:15 a.m.) and Nystrom (arrived 8:26 a.m.).

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act relating to and making appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state.

The vote was: AYES, 5; Van Gilst, Robinson, P. Hill, Hutchins and Nystrom. NAYS, none.

Adjourned: 9:25 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 3, 1977, 8:15 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Calhoun and Craft.

Members Absent: none.

Other Business: Budget recommendations for the Commission on the Status of Women and Board of Parole.

Adjourned: 9:55 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: March 2, 1977, 8:35 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act relating to and appropriating funds to various regulatory and finance agencies and departments.

The vote was: AYES, 5; E. Hill, C. Miller, Curtis, Hulse and Scott. NAYS, none.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act appropriating funds to the Iowa beer and liquor control department for capital improvements.

The vote was: AYES, 5; E. Hill, C. Miller, Curtis, Hulse and Scott. NAYS, none.

Adjourned: 9:00 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 3, 1977, 7:35 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentation on Contractual Services—Medical Carrier.

Adjourned: 10:00 a.m.

COMMERCE

Convened: March 1, 1977, 1:30 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Final Action: APPROVED.

Senate File 170, a bill for an Act correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa insurance guaranty association.

The vote was: AYES, 10; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Curtis, Nolting, Palmer, Robinson and Rodgers. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 180, a bill for an Act relating to the regulation of premium rates for credit life and credit accident and health insurance.

The vote was: AYES, 10; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Curtis, Nolting, Palmer, Robinson and Rodgers. NAYS, none.

Also:

Other Business: Gary Plank, Iowa Credit Union League and Thomas Huston, Superintendent of Banking discussed proposed legislation regarding credit unions.

Adjourned: 3:00 p.m.

ENERGY

Convened: March 3, 1977, 9:00 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius and Ramsey.

Members Absent: Glenn (arrived 9:15 a.m.).

Members Excused: Briles, Rodgers and Culver.

Other Business: Wilbur Johnson, State Fire Marshall discussed the need for smoke detectors in homes in conjunction with an act relating to smoke alarms in new buildings—Don Appel also spoke in regard to same subject and Tom Cole, a distributor of Smoke Gard demonstrated the smoke alarm.

Adjourned: 9:40 a.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 177	State Government
S.F. 178	State Government
S.F. 179	Energy
S.F. 181	Commerce
S.F. 182	Energy
S.F. 183	Judiciary
S.F. 184	Energy
H.F. 197	Transportation
H.F. 211	Natural Resources
H.F. 229	Natural Resources
H.F. 251	Natural Resources

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Barbara J. Dunn of Des Moines, Polk County, Iowa, for appointment as a member of the State Transportation Commission under the provisions of Section 307.5, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
PHILIP B. HILL
BERL E. PRIEBE
ROGER J. SHAFF
TOM SLATER

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 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 March, 1977 :

Senate File 63.

STEVEN C. CROSS, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on March 4, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 32—To conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal tax reform act, providing penalties, and making the act retroactive.

S. F. 51—To repeal the authority of the War Surplus Commodities Board.

S. F. 53—Relating to the expenditure of federal funds for county buildings or facilities.

H. F. 164—To change the time when that portion of the report of the Advisory Commission on Corrections Relief relating to juvenile corrections must be submitted.

REPORT OF COMMITTEE

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 5, a bill for an act to provide for board of directors meetings of non-profit corporations by conference telephone or similar communications equipment, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Thursday, March 3, 1977, as I was in Washington, D.C. attending the National Legislators Conference.

Had I been present, I would have voted "nay" on the motion to concur in the House amendment S-3107 to Senate File 61 and the final passage of the bill.

WILLARD R. HANSEN

PRESENTATION OF VISITORS

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

Sixty students from Hubbell Elementary School, Des Moines, Iowa, accompanied by Novella Bredbenner and Darla Johnson. Senator Hill of Polk.

Forty students from St. Edmond High School, Fort Dodge, Iowa, accompanied by Mary O'Keefe. Senator Coleman.

Thirty-eight students from St. Mary's School, Humboldt, Iowa. Senator Coleman.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hill of Jasper from forty-nine residents of Warren County favoring legislation that would require a deposit on beer and soft drink containers.

By Senator Curtis from twenty-three residents of Buena Vista County favoring legislation that would require a deposit on beer and soft drink containers.

The following petitions urging rescission of the Equal Rights

Amendment were presented and placed on file by:

Senator Hill of Jasper from six thousand four hundred twenty residents of Iowa.

Senator Ramsey from ten residents of Clarke County.

Senator Ashcraft from twenty-three residents of Scott County.

Senator Curtis from thirty-nine residents of Buena Vista County.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Doderer from fifty-nine residents of Polk County.

Senator Doderer from twenty-one residents of Story, Scott, Johnson, Muscatine, Black Hawk, Polk and Mahaska Counties.

Senator Doderer from twenty-one residents of Johnson County.

Senator Doderer from ten residents of Buena Vista County.

Senator Hill of Polk from fifteen residents of Polk County.

Senator Miller of Marshall from ten residents of Marshall County.

On motion of Senator Kinley, the Senate adjourned at 4:20 p.m., until 11:00 a.m., Tuesday, March 8, 1977.

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY—THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 8, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Everett Epperson, pastor of the First Christian Church, Onawa, Iowa.

The Journal of Monday, March 7, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gary Lawrence, Ackley, Iowa.

INTRODUCTION OF BILLS

SENATE FILE 193, by Senator Gallagher, a bill for an act relating to fire protection by cities and townships.

Read first time and PASSED ON FILE.

SENATE FILE 194, by Senator Gallagher, a bill for an act relating to the powers and duties of the Iowa natural resources council and subjecting violators to penalties.

Read first time and PASSED ON FILE.

SENATE FILE 195, by Committee on State Government, a bill for an act increasing fees for permits to carry weapons.

Read first time and PLACED ON CALENDAR.

SENATE FILE 196, by Senators Rodgers and Coleman, a bill for an act relating to bank lending limits.

Read first time and PASSED ON FILE.

MOTION TO RECONSIDER WITHDRAWN

Senator Tieden withdrew the motion to reconsider Senate File 154, a bill for an act abolishing the office of city assessors and city conference boards within six years, filed by him on Thursday, March 3, 1977, and found on page 523 of the Senate Journal.

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

AFTERNOON SESSION

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILLS

SENATE FILE 197, by Budget Regulatory and Finance Subcommittee, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments.

Read first time and **PLACED ON CALENDAR**.

SENATE FILE 198, by Budget Regulatory and Finance Subcommittee, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements.

Read first time and **PLACED ON CALENDAR**.

SENATE FILE 199, by Senators Willits, Ramsey, Readinger, Shaw, Miller of Des Moines, Nystrom, Bergman, Gallagher, Merritt, DeKoster, Tieden, Hultman, Burroughs, Hansen, Murray, Coleman, Taylor, Robinson, Ashcraft, Drake, Schwengels, Briles, Nolting and Rodgers, a bill for an act to provide for the refund to a nonprofit corporation of sales or use tax upon the gross receipts of certain items used in making real property improvements, wherein ownership of the property, upon completion of the improvements, is by contract required to be delivered to the state of Iowa or any political subdivision thereof.

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 170.

Senate File 170

On motion of Senator Palmer, Senate File 170, a bill for an act correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa insurance guaranty association, was taken up for consideration.

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. 170) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Glenn	Hill, E. M.	Hill, P. B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A. V.	Miller, C. P.
Miller, E. R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Scott	Shaff	Shaw	Taylor
Tieden	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Gallagher	Hansen
Rodgers	Schwengels	Slater	Van Gilst

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

Senate File 185

On motion of Senator Willits, Senate File 185, a bill for an act

making appropriations to the department of justice, was taken up for consideration.

Senator Ramsey offered amendment S—3129 to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3129 be adopted?" (S.F.185) the vote was:

Ayes, 20:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	Curtis	DeKoster
Drake	Hansen	Hill, P.B.	Hulse
Kelly	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Shaff	Shaw

Nays, 24:

Calhoon	Carr	Coleman	Doderer
Glenn	Hill, E.M.	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Redmond	Robinson	Rodgers
Rush	Scott	Slater	Willits

Absent or not voting, 6:

Briles	Gallagher	Schwengels	Taylor
Tieden	Van Gilst		

Amendment S—3129 lost.

Senator Ramsey offered amendment S—3130 to page 1 of the bill by Senators Ramsey, et al., moved its adoption and requested a record roll call.

On the question "Shall amendment S—3130 be adopted?" (S.F. 185) the vote was:

Rule 23 was invoked.

Ayes, 23:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	Curtis	DeKoster

Drake	Hansen	Hill, P.B.	Hulse
Hultman	Kelly	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Scott
Shaff	Shaw	Taylor	

Nays, 22:

Calhoon	Carr	Coleman	Doderer
Glenn	Hill, E.M.	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Nolting	Orr	Palmer	Priebe
Redmond	Robinson	Rodgers	Rush
Slater	Willits		

Absent or not voting, 5:

Briles	Gallagher	Schwengels	Tieden
Van Gilst			

Amendment S-3130 was adopted.

With the adoption of amendment S-3130, amendment S-3128 to page 1 of the bill by Senator Willits was ruled out of order.

(Senate File 185 pending on adjournment.)

REPORTS OF COMMITTEE MEETINGS

ENERGY

Convened: March 7, 1977, 3:00 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver; Glenn; Ramsey and Rodgers.

Members Absent: none.

Other Business: General discussion on the status of all the bills still in committee.

Adjourned: 3:30 p.m.

HUMAN RESOURCES

Convened: March 7, 1977, 3:05 p.m.

Members Present: C. Miller, Chairperson; Murray, Ranking Member; Calhoon; Craft; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: Carr, Vice Chairperson (arrived 3:12 p.m.) and E. Hill (arrived 3:15 p.m.).

Other Business: Discussed Department of Social Service study bill concerning changes in food stamp program; announced subcommittee assignment.

Adjourned: 3:45 p.m.

JUDICIARY

Convened: March 7, 1977, 1:40 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Doderer; P. Hill; Redmond and Scott.

Members Absent: Coleman (arrived 1:45 p.m.), Ramsey (arrived 1:45 p.m.) and Willits (arrived 1:41 p.m.).

Members Excused: Shaw

Final Action: DO PASS.

Senate File 5, a bill for an Act to provide for board of directors meetings of non-profit corporations by conference telephone or similar communication equipment.

The vote was: AYES, 10; Glenn, DeKoster, Ashcraft, Coleman, Doderer, P. Hill, Ramsey, Redmond, Scott and Willits. NAYS, 1; Rush. ABSENT OR NOT VOTING, 1; Shaw.

Also:

Other Business: Senate File 58 and S.S.B. 160 amended and ordered redrafted for consideration as Judiciary Committee bills; S.S.B. 158 considered—no final action.

Adjourned: 3:00 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 7, 1977, 1:35 p.m.

Members Present: Nolting, Chairperson; Calhoon, Vice Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray and Palmer.

Members Absent: Robinson

Members Excused: Nystrom

Other Business: Representatives from the Department of Job Service appeared before the committee to discuss S.S.B. 105 and to answer questions the committee had pertaining to the bill.

Adjourned: 3:00 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 188	Budget
S.F. 189	Education
S.F. 190	Labor and Industrial Relations
S.F. 191	Judiciary
H.F. 66	Judiciary
H.F. 77	Judiciary
H.F. 225	Natural Resources
H.F. 231	Ways and Means
H.F. 253	Agriculture
H.F. 254	Education

COMMUNICATION

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

DEPARTMENT OF TRANSPORTATION PUBLIC TRANSIT DIVISION

A copy of the first annual report concerning House File 1502 enacted by the 1976 Session of the Sixty-sixth General Assembly which discusses the funds expended by public and private nonprofit organizations providing transit services.

STUDY BILLS RECEIVED

S.S.B. 1 Cities

Relating to city development.

S.S.B. 2 Cities

Relating to civil service requirements for police officers and firefighters.

S.S.B. 3 Cities

Establish an Iowa building code.

S.S.B. 4 Cities

Authorize cities and counties to impose local taxes.

S.S.B. 5 State Government

Employment of state inmate labor in public works projects for the state and political subdivisions.

S.S.B. 6 State Government

Rewriting requirement that all departments and officials of state, counties, cities and certain other entities empowered to make purchase of supplies for public purposes purchase such supplies from Iowa State Industries under certain circumstances.

S.S.B. 7 State Government

Midshift meals for employees of correctional institutions.

S.S.B. 8 State Government

Cost of patients at the Iowa security medical facility.

S.S.B. 9 State Government

Relating to access to information by the citizens' aide.

S.S.B. 10 State Government

Establishes legislative oversight bureau to conduct performance audit and program evaluations of state agencies.

S.S.B. 11 State Government

Change term of one of the two new board of parole members provided for in the criminal code.

S.S.B. 12 State Government

Relating to the length of the work shift for correctional officers at the women's reformatory.

S.S.B. 13 State Government

Providing director of division of corrections of the department of social services to pay salary for commissary personnel at the penitentiary and men's and women's reformatories.

S.S.B. 14 State Government

Regulation, licensing and inspection of food service establishments, food establishments, food and beverage vending machines and hotels.

S.S.B. 15 State Government

Establishes a commission on professional and occupational regulation and a process of legislative review of state agencies.

S.S.B. 16 State Government

Abolish war surplus commodities board.

S.S.B. 17 State Government

Provide retirement benefits for General Assembly members under IPERS and social security.

S.S.B. 18 State Government

Payment of transportation expenses for moving household goods for employees of the highway division of DOT.

S.S.B. 19 State Government

Licensing and regulation of social workers and master social workers.

S.S.B. 20 State Government

Abolish state board of eugenics.

S.S.B. 21 State Government

Woter Registration.

S.S.B. 22 State Government

Restructuring of law enforcement academy board.

S.S.B. 23 State Government and Commerce

Restructuring of bank board.

S.S.B. 24 State Government

Natural Resources Council be absorbed into other existing agencies.

S.S.B. 25 State Government

Restructuring of fair board.

S.S.B. 26 State Government

Abolish hospital and health facilities advisory board.

S.S.B. 27 State Government

Continuing education requirements as a condition of a professional or occupational license renewal or inactive licensee re-entry.

S.S.B. 28 State Government

Relating to defending officers and employees of the state. Repeals Chapter 25A. 21-22.

S.S.B. 29 State Government

Fees for concealed weapons permits.

S.S.B. 30 State Government

To restore statute language which recognizes desirability of contributions the State Historical Society and University of Iowa are able to make to one another by virtue of their unique and complementary resources.

S.S.B. 31 State Government

Practice of dentistry and dental hygiene by faculty of college of dentistry.

S.S.B. 32 County Government

Concurrent Resolution on adult penal and correctional systems.

S.S.B. 33 County Government

Requires presence of attendant on the jail premise when prisoner is incarcerated.

S.S.B. 34 County Government

Recognize experience in county care facilities on the same basis as experience in other licensed facilities.

S.S.B. 35 County Government

Increasing interest penalty on amount paid to redeem real estate property sold at tax sale.

S.S.B. 36 County Government

Drainage connections across a highway.

S.S.B. 37 County Government

Providing fee for collections of special city assessment.

S.S.B. 38 County Government

Appointment of a full-time weed commissioner.

S.S.B. 39 County Government

Raising the portion of the motor vehicle registration fee retained by each county.

S.S.B. 40 County Government

Prohibit the notation of amount of the security interest on certificate of title, the release form or notation certificate for a motor vehicle.

S.S.B. 41 County Government

Joint Resolution — County home rule.

S.S.B. 42 County Government

Increase fees for recording instruments.

S.S.B. 43 County Government

Writing fees for issuance of boat license.

S.S.B. 44 County Government and Natural Resources

Allows recorder to deduct writing fee for issuance of fishing, hunting and trapping licenses.

S.S.B. 45 County Government

Relating to ways condemned by landowners having no access to the property.

S.S.B. 46 County Government

Special permits for vehicles on highways for which restrictions have been imposed.

S.S.B. 47 County Government

Vacating and closing highways.

S.S.B. 48 County Government

Littering and providing penalties.

S.S.B. 49 County Government

Relating to temporary transfer of funds from county general fund to county conservation fund.

S.S.B. 50 County Government

Establishment of county health fund.

S.S.B. 51 County Government

Relating to investment of certain funds in custody of clerk of court.

S.S.B. 52 County Government

Providing recreational program activities for residents of county care facilities.

S.S.B. 53 County Government

Autopsies for children under two when cause may be sudden infant death syndrome.

S.S.B. 54 County Government

Authorizes expenditures of special funds for improvements on county buildings without referendum.

S.S.B. 55 County Government

Amending and revising certain Code sections affected by the repeal of Chapter 254.

S.S.B. 56 Human Resources

Certificate of need.

S.S.B. 57 Human Resources

Office space for department of social services. Repeals Sec. 217.32, 1975 Code.

S.S.B. 58 Human Resources

Revise Code chapters dealing with social services.

S.S.B. 59 Human Resources

Child foster care facilities.

S.S.B. 60 Human Resources

Food stamp program.

S.S.B. 61 Human Resources

Collecting insurance benefits under Title XIX.

S.S.B. 62 Human Resources

Cash depreciation fund for Iowa State Industries.

S.S.B. 63 Human Resources

Charges at Iowa security medical facility at Oakdale.

S.S.B. 64 Human Resources

Mandatory wage assignment in child support orders.

S.S.B. 65 Human Resources

Appointment of interpreters of hearing impaired persons without charge to person in legal proceedings.

S.S.B. 66 Human Resources

Community-based corrections.

S.S.B. 67 Human Resources

Senate Resolution to conduct study on mental health.

S.S.B. 68 Human Resources

Creating department of substance abuse.

S.S.B. 69 Human Resources

Civil commitment law.

S.S.B. 70 Transportation and Law Enforcement Budget Subcommittee

Appropriation to agencies whose responsibilities relate to transportation, public safety and public defense.

S.S.B. 71 Natural Resources

Allows use of box traps, limits use of large humane traps.

S.S.B. 72 Natural Resources

Strikes language prohibiting use of artificial light to catch fish.

S.S.B. 73 Natural Resources

Repeals Section 109.88 of the Code which requires special permit tag to sell furs out of state.

S.S.B. 74 Natural Resources

Designation of protected waters areas.

S.S.B. 75 Natural Resources

Water use registration and period of time permits for storage of water may remain in force.

S.S.B. 76 Natural Resources

Right of entry on private property.

S.S.B. 77 Natural Resources

Bonding and public nuisance abatement authority of Iowa Natural Resources Council.

S.S.B. 78 Natural Resources

Increase fishing and hunting license fees.

S.S.B. 79 Natural Resources

Rescind Chapter 350 relating to bounties.

S.S.B. 80 Natural Resources

Payment of drainage feed by Conservation Commission.
Amends Section 455.50.

S.S.B. 81 Natural Resources

Permits Conservation Commission to establish seasons on game birds and animals. Amends Section 109.48.

S.S.B. 82 Natural Resources

Amend Section 109.80 relating to minnows, nets, violations.

S.S.B. 83 Natural Resources

Amend Section 109.42. Protection for blackbirds and crows.

S.S.B. 84 Natural Resources

Amend Section 110.11. Eliminate facsimile signature on hunting, fishing, and trapping licenses. trapping licenses.

S.S.B. 85 Natural Resources

Amend Section 109.107 and 109.111, rescind 109.113; relates to fishing.

S.S.B. 86 Natural Resources

Amend Section 109.72; relates to hooks and lines for fishing.

S.S.B. 87 Natural Resources

Use of flowing water for navigational purposes.

S.S.B. 88 Natural Resources

Disposal of personal property placed on state property.

S.S.B. 89 Natural Resources

Vessel equipment requirements.

S.S.B. 90 Natural Resources

Regulation of vehicles on ice.

S.S.B. 91 Natural Resources

Vessel registration.

S.S.B. 92 Natural Resources

State approved buoys.

S.S.B. 93 Natural Resources

Relating to operation of snowmobiles.

S.S.B. 94 Natural Resources

Rule-making authority of state conservation commission.

S.S.B. 95 Natural Resources

Operation of vessels.

S.S.B. 96 Natural Resources

Water safety regulations.

S.S.B. 97 Natural Resources

Establishes uses and fees for state-owned beds of meandered streams and lakes and bordering lands.

S.S.B. 98 Natural Resources

Registration certificates on vessels.

S.S.B. 99 Natural Resources

Amend 110.4. Depositories for sale of hunting, fishing, and trapping licenses.

S.S.B. 100 Natural Resources

Amend 110.6. License blanks lost or destroyed.

S.S.B. 101 Natural Resources

Amend eminent domain procedures relating to appointment of compensation commissioners, dispossession of landowners, replacement of wells, furnishing appraisals, and interests in land arising after service of notice of assessment.

S.S.B. 102 Natural Resources

Provide Conservation Commission with right to acquire easements in land less than fee title.

S.S.B. 103 Labor and Industrial Relations

Workmen's compensation for inmates in state penal or correctional facilities.

S.S.B. 104 Labor and Industrial Relations

Relating to public employment relations, amending the Public Employment Relations Act.

S.S.B. 105 Labor and Industrial Relations

Permanent funding system for unemployment compensation benefits.

S.S.B. 106 Natural Resources Budget Subcommittee

Appropriation to state agencies which have responsibilities related to natural resources management and research.

S.S.B. 107 Natural Resources Budget Subcommittee

Appropriation to departments and agencies whose responsibilities relate to agricultural affairs and economic development.

S.S.B. 108 Natural Resources Budget Subcommittee

Appropriation to agencies whose responsibilities relate to energy policy and research.

S.S.B. 109 Ways and Means

Franchise tax and exempting interest income received from U. S. obligations from the tax.

S.S.B. 110 Ways and Means

Relating to franchise tax, its imposition and definition of net income.

S.S.B. 111 Ways and Means

Authority of revenue director to sell cigarette stamps.

S.S.B. 112 Ways and Means

Military tax.

S.S.B. 113 Ways and Means

Revise reporting requirements from monthly to quarterly filings for interstate motor vehicle permit holders.

S.S.B. 114 Ways and Means

Definition of personal property.

S.S.B. 115 Ways and Means

Imposition of inheritance tax on power of appointment.

S.S.B. 116 Ways and Means

Deduction of debts and property taxes for inheritance tax purposes.

S.S.B. 117 Ways and Means

Exemption of urban transit systems from tax imposed on motor fuel and special fuels.

S.S.B. 118 Ways and Means

Reporting stock transfers for inheritance tax purposes.

S.S.B. 119 Ways and Means

Relating to date upon which inheritance tax on life estates in real and personal property is due.

S.S.B. 120 Ways and Means

Relating to definition of withholding agent for income tax purposes—making retroactive.

S.S.B. 121 Ways and Means

Relating to examination and appointment of assessors.

S.S.B. 122 Ways and Means

Declarations of estimated tax and quarterly payment by corporations and financial institutions.

S.S.B. 123 Ways and Means

Conform to 1976 Federal Tax Reform Act.

S.S.B. 124 Ways and Means

Relating to revocation of sales tax permits, responsibility of corporate officers and members of partnerships for sales and use taxes.

S.S.B. 125 Education Budget Subcommittee

Appropriations to agencies, institutions, commissions, departments and boards responsible for education programs.

S.S.B. 126 Agriculture

Information and reports under Chapter 172C of the Code.

S.S.B. 127 Agriculture

Testing dairy products for manufacturing purposes.

S.S.B. 128 Agriculture

Specifications for cheese and cheese products.

S.S.B. 129 Agriculture

Relating to railroad right-of-way acquired by conservation commission and political subdivisions of the state.

S.S.B. 130 Agriculture

Disease eradication in breeding bulls.

S.S.B. 131 Agriculture

Iowa Veterinary Practice Act.

S.S.B. 132 Agriculture

Direct or insured student agriculture loans.

S.S.B. 133 Energy

Exemption from property taxes for solar and wind energy devised and methane gas productions systems.

S.S.B. 134 Energy

Providing promulgation of energy efficiency standards for

building and factory-built structures in the state building Code.

S.S.B. 135 Energy

Create division of radiation protection within department of health.

S.S.B. 136 Energy

Relating to displaying of price of motor fuel.

S.S.B. 137 Energy

Sale of aerosol sprays and penalties.

S.S.B. 138 Energy

Self-service gasoline station operation and handicapped people.

S.S.B. 139 Energy

Appropriation of Iowa State University for coal research.

S.S.B. 140 Energy

Providing that energy conservation shall be one of the objectives of city and county zoning regulations.

S.S.B. 141 Energy

Minimum standards of operating efficiency for designated appliances.

S.S.B. 142 Energy

Container legislation.

S.S.B. 143 Energy

Smoke alarms in new buildings.

S.S.B. 144 Energy

Loan fund for insulation of dwellings and payment of utility services.

S.S.B. 145 State Government Budget Subcommittee

Appropriation to general services for demonstration solar energy unit.

S.S.B. 146 State Government Budget Subcommittee

Appropriation to general services for executive council for capital improvements.

S.S.B. 147 State Government Budget Subcommittee

Appropriation to judicial department for court of appeals, district courts, and supreme courts.

S.S.B. 148 State Government Budget Subcommittee

Appropriation to executive and legislative departments.

S.S.B. 149 State Government Budget Subcommittee

Appropriation to department of justice to maintain existing programs.

S.S.B. 150 State Government Budget Subcommittee

Appropriations to Academy of Science, Arts Council, Capitol Planning Commission, State Historical Department, Library Department, Bureau of Labor, Office for Planning and Programming, Merit Department, General Services, Revolving Funds.

S.S.B. 151 Budget

Cost of instruction of children residing in county juvenile

homes and appropriation.

S.S.B. 152 Judiciary

Correction to Acts of the 66th General Assembly.

S.S.B. 153 Judiciary

Appellate Court Corrections.

S.S.B. 154 Judiciary

Automatically restore inmate's right to vote and hold public office when discharged from prison or by expiration of sentence.

S.S.B. 155 Judiciary

Inheritance tax law changes.

S.S.B. 156 Judiciary

Gift law and public officials.

S.S.B. 157 Judiciary

Minority shareholders.

S.S.B. 158 Judiciary

Corrective measures on the gambling bill.

S.S.B. 159 Judiciary

Involuntary sterilization.

S.S.B. 160 Judiciary

Correction of erroneous, inconsistent and obsolete sections of the Code.

S.S.B. 161 Judiciary

Full-time magistrates and removal procedures.

S.S.B. 162 Judiciary

Marriage counseling as a prerequisite for a marriage license.

S.S.B. 163 Judiciary

Amend Chapter 551, unfair price discrimination.

S.S.B. 164 Judiciary

Definition of "serious emotional injury".

S.S.B. 165 Judiciary

Rules of criminal procedure.

S.S.B. 166 Judiciary

Recommendations of clerks of courts.

S.S.B. 167 Education

Operation of area education agencies.

S.S.B. 168 Education

Establishes professional standards board for teacher preparation programs and certification of teachers.

S.S.B. 169 Education

Provide new and expanded program funds for vocational education.

S.S.B. 170 Education

Declining enrollment and school reorganization.

S.S.B. 171 Education

Funding; raises maximum enrichment aid from 5% to 10% of the state cost per pupil.

S.S.B. 172 Education

Relating to membership and duties of the state advisory council for vocational education.

S.S.B. 173 Education

Salaries of employees of department of public instruction.

S.S.B. 174 Education

Authority to change the boundaries of director districts of school districts.

S.S.B. 175 Transportation

Long truck issue.

S.S.B. 176 Transportation

Motor vehicle operator and chauffeur licenses.

S.S.B. 177 Transportation

Social security numbers on licenses.

S.S.B. 178 Transportation

Chapter 321, registration and licensing.

S.S.B. 179 Commerce

Corrects error in H. F. 1483 (1976) relating to Iowa insurance guaranty association.

S.S.B. 180 Commerce

Requiring banks to insure funds held on deposit against loss.

S.S.B. 181 Commerce

Pipeline and underground gas storage regulations.

S.S.B. 182 Commerce

Displaying of price of motor vehicle fuel.

S.S.B. 183 Commerce

Bonding of grain dealers.

S.S.B. 184 Commerce

Extension from 60 days to 90 days the time for subcontractors to file mechanic's liens.

S.S.B. 185 Commerce

Capital and surplus requirements for certain insurance companies.

S.S.B. 186 Commerce

Rights of policyholders converting from group insurance to individual insurance coverage.

S.S.B. 187 Commerce

Extending period of operating authority of temporary joint underwriting association.

S.S.B. 188 Commerce

Prevention and distribution of losses occurring as a result of financial impairment of certain insurers.

S.S.B. 189 Commerce

Privileges of licensed insurance agents.

S.S.B. 190 Commerce

Regulation of savings and loan association.

S.S.B. 191 Commerce

Regulation of premium rates for credit life and credit accident and health insurance.

S.S.B. 192 Commerce

Construction and location of electric transmission lines.

S.S.B. 193 Commerce

Amends Chapter 533 of the Code relating to credit unions.

S.S.B. 194 Commerce

Bonded agricultural warehouses; conforms Iowa's law on warehousing to the federal law.

S.S.B. 195 Commerce

Investigation of arson.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, in enrolling paragraph 1 of Senate Amendment S-3099 into Senate File 7, the underlining under the words to be inserted was stricken. The language appears at page 1, lines 12 to 15 of the amended and reprinted bill.

STEVEN C. CROSS, Secretary of the Senate

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on

Thursday, March 3, 1977, as I was required to be in my district for personal business.

Had I been present, I would have voted "aye" on final passage of Senate Files 61 and 158, and "nay" on Senate File 154.

LOWELL L. JUNKINS

AMENDMENTS FILED

S-3124	S.F. 186	Ray Taylor
S-3125	S.F. 167	Richard F. Drake
		Cloyd Robinson
		Forrest F. Ashcraft
		Gene W. Glenn
		C.W. Hutchins
		C. Joseph Coleman
		Minnette F. Doderer
S-3126	S.F. 167	Richard F. Drake
S-3127	S.F. 167	Forrest F. Ashcraft
S-3131	S.F. 186	Elizabeth Shaw
S-3132	S.F. 186	John S. Murray
S-3133	S.F. 186	Norman G. Rodgers

PRESENTATION OF VISITORS

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

Eight students from Graceland College, Lamoni, Iowa, accompanied by Bill Outhouse. Senator Ramsey.

On motion of Senator Kinley, the Senate adjourned at 5:40 p.m., until 10:00 a.m., Wednesday, March 9, 1977.

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY—THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 9, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Frank Chiodo, of the Christ The King Catholic Church, Des Moines, Iowa.

The Journal of Tuesday, March 8, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Gary, Cherokee, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Briles for the day on request of Senator Hultman.

INTRODUCTION OF BILL

SENATE FILE 200, by Senators Miller of Des Moines, Merritt, Ashcraft, Briles, Culver, Nystrom, Hutchins and Tieden, a bill for an act relating to the level of population at which a city shall have a civil service commission.

Read first time and PASSED ON FILE.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees and moved their adoption:

As a member of the Iowa Housing Finance Authority, Roy E. Berger, filed February 28, 1977, and found on page 482 of the Senate Journal.

As a member of the State Board of Pharmacy Examiners,

Dennis D. Killion, filed February 28, 1977, and found on page 483 of the Senate Journal.

As Executive Director of the Iowa Civil Rights Commission, Thomas J. Mann, Jr., filed March 1, 1977, and found on page 496 of the Senate Journal.

As a member of the Iowa Real Estate Commission, Kathryn L. Graf, filed March 1, 1977, and found on page 496 of the Senate Journal.

As a member of the State Board of Nursing, Barbara Ann Steen, filed March 1, 1977, and found on page 496 of the Senate Journal.

As a member of the State Board of Cosmetology Examiners, Barbara A. Fajlor, filed March 2, 1977, and found on page 512 of the Senate Journal.

As a member of the Energy Policy Council, Lillian M. McElroy, filed March 2, 1977, and found on pages 511-512 of the Senate Journal.

As a member of the Job Services Appeal Board, Norma I. Lock, filed March 3, 1977, and found on page 523 of the Senate Journal.

As a member of the State Transportation Commission, Barbara J. Dunn, filed March 7, 1977, and found on pages 536-537 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of the Investigating Committees.

Senator Kinley moved the adoption of the Reports of the Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes

were:

ROY E. BERGER

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles	Junkins	Taylor
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President Neu declared the appointment of Roy E. Berger as a member of the Iowa Housing Finance Authority confirmed for the unexpired portion of the term ending June 30, 1979.

DENNIS D. KILLION

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles Junkins Taylor

President Neu declared the appointment of Dennis D. Killion as a member of the State Board of Pharmacy Examiners confirmed for the regular three-year term ending June 30, 1979.

THOMAS J. MANN, JR.

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles Junkins Taylor

President Neu declared the appointment of Thomas J. Mann, Jr., as Executive Director of the Iowa Civil Rights Commission confirmed.

KATHRYN L. GRAF

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray

Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles	Junkins	Taylor
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President Neu declared the appointment of Kathryn L. Graf as a member of the Iowa Real Estate Commission confirmed for the regular three-year term ending June 30, 1979.

BARBARA ANN STEEN

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles	Junkins	Taylor
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President Neu declared the appointment of Barbara Ann Steen as a member of the State Board of Nursing confirmed for the regular three-year term ending June 30, 1979.

BARBARA A. FAILOR

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft

Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles Junkins Taylor

President Neu declared the appointment of Barbara A. Failor as a member of the State Board of Cosmetology Examiners confirmed for the regular three-year term ending June 30, 1979.

LILLIAN M. MC ELROY

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles Junkins Taylor

President Neu declared the appointment of Lillian M. McElroy as a member of the Energy Policy Council confirmed.

NORMA I. LOCK

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readerger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles	Junkins	Taylor
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President Neu declared the appointment of Norma I. Lock as a member of the Job Services Appeal Board confirmed for an initial term ending June 30, 1982.

BARBARA J. DUNN

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readerger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles	Junkins	Taylor
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President Neu declared the appointment of Barbara J. Dunn as a member of the State Transportation Commission confirmed for the regular four-year term ending June 30, 1980.

CONSIDERATION OF BILL

Senator Kinley asked and received unanimous consent to take up out of order Senate File 5.

Senate File 5

On motion of Senator Murray, Senate File 5, a bill for an act to provide for board of directors meetings of nonprofit corporations by conference telephone or similar communications equipment, with report of committee recommending passage, was taken up, considered, and the report of the committee 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. 5) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Briles Junkins

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

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: March 8, 1977, 11:15 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Nolting; Ramsey and Willits.

Members Absent: Junkins (arrived 11:30 a.m.), Kelly (arrived 11:30 a.m.), Priebe (arrived 11:25 a.m.) and Van Gilst (arrived 11:55 a.m.).

Final Action: APPROVED.

Senate File 197, a bill for an Act relating to and appropriating funds to various regulatory and finance agencies and departments.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 198, a bill for an Act appropriating funds to the Iowa beer and liquor control department for capital improvements.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Adjourned: 12:15 p.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 8, 1977, 7:35 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Presentation on Iowa Health Care Facilities.

Adjourned: 9:35 a.m.

COMMERCE

Convened: March 8, 1977, 1:40 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer and Rodgers.

Members Absent: Robinson.

Other Business: Duane Heintz, Director of Finance of the Iowa Hospital Association, Inc., discussed the professional liability situation in Iowa.

Adjourned: 2:50 p.m.

STATE GOVERNMENT

Convened: March 1, 1977, 1:30 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: none.

Members Excused: Nystrom, Ranking Member.

Final Action: APPROVED.

Senate File 192, a bill for an Act relating to the location of the divisions of the state historical society of the Iowa state historical department.

The vote was: AYES, 13; Doderer, Coleman, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none.

Absent or not voting: 1; Nystrom.

Also:

Other Business: Assigned study bill to subcommittee; discussed bill on continuing education.

Adjourned: 3:00 p.m.

INTRODUCTION OF BILLS

SENATE FILE 201, by Senator Burroughs, a bill for an act relating to unlawful labor practices.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 202, by Senator Nolting, a bill for an act relating to the disclosure of property, sales, and use taxes in

connection with a consumer lease.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 203, by Senator Nystrom, a bill for an act providing an income tax credit for proper insulation of buildings.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 204, by Senators Nystrom, Carr, Schwengels and Briles, a bill for an act relating to the establishment of a force of reserve law enforcement officers for political subdivisions, and the state of Iowa.

Read first time under Senate Rule 28 and PASSED ON FILE.

STUDY BILLS RECEIVED

S.S.B. 196 Transportation

Special assessments against railway companies.

S.S.B. 197 Transportation

Fees for special mobile equipment, registration fees for motor trucks, truck tractors, road tractors, trailers, semitrailers, auxiliary axles, and trip permits.

S.S.B. 198 State Government Budget Subcommittee

Increasing salaries of governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing salaries and expenses of lieutenant governor, judicial officers, and members of the general assembly, and providing a retirement option for members of the general assembly and providing effective dates.

S.S.B. 199 Human Resources Budget Subcommittee

Appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of

pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 193	Cities
S.F. 194	Natural Resources
S.F. 196	Commerce
S.F. 199	Ways and Means

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on Tuesday, March 8, 1977.

Had I been present I would have voted "aye" on Senate File 170.

WILLARD R. HANSEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kenneth E. Smith, of Indianola, Warren County, Iowa, for appointment as a member of the City Finance Committee under the provisions of Section 384.13, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

BASS VAN GILST, Chairperson
 CLOYD E. ROBINSON
 BOB RUSH
 ROGER J. SHAFF
 ELIZABETH SHAW

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 reappointment as a member of the State Board of Landscape Architectural

Examiners under the provisions of Section 118A.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.

BASS VAN GILST, Chairperson
 ROBERT M. CARR
 JOHN S. MURRAY
 JOHN N. NYSTROM
 NORMAN G. RODGERS

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 reappointment as a member of the State Board of Veterinary Medical Examiners under the provisions of Section 169.15, 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.

BASS VAN GILST, Chairperson
 FORREST F. ASHCRAFT
 CLIFF BURROUGHS
 C. JOSEPH COLEMAN
 BERL E. PRIEBE

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kathleen Dollar Johnson, of Des Moines, Polk County, Iowa, for appointment as a member of the Transportation Regulation Board, a division of the Department of Transportation, under the provisions of Section 307.16, Code 1975, for the unexpired portion of a term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

BASS VAN GILST, Chairperson
 LOWELL L. JUNKINS
 E. KEVIN KELLY
 MILO MERRITT
 ELIZABETH R. MILLER

PRESENTATION OF VISITORS

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

Fifty students from the Stuart-Menlo Community School

District, accompanied by Chris Samuelson and Dave Fry. Senator Rodgers.

On motion of Senator Kinley, the Senate adjourned at 10:20 a.m., until 10:00 a.m., Thursday, March 10, 1977.

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY—FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 10, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Richard Fredine, pastor of the Trinity Baptist Church, Nashua, Iowa.

The Journal of Wednesday, March 9, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Don Green, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Briles for the day on request of Senator 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 House has on March 3, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 150, a bill for an act to repeal provisions relating to the compensation of deputy county officers in certain counties.

Also: That the House has on March 3, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 209, a bill for an act to make technical amendments to the statutes relating to school districts.

Also: That the House has on March 7, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 281, a bill for an act to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

Also: That the House has on March 7, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 330, a bill for an act relating to the additional personal property tax phaseout.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 205, by Committee on State Government, a bill for an act relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

Read first time and PLACED ON CALENDAR.

SENATE FILE 206, by Senators, Coleman, Robinson and Nystrom, a bill for an act relating to the number of bank offices which banks located in certain cities may establish.

Read first time and PASSED ON FILE.

SENATE FILE 207, by Senator Hutchins, a bill for an act relating to the sale and use of microwave ovens and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 208, by Senator Hutchins, a bill for an act exempting from the state sales tax the sale to nonprofit hospitals of health related equipment.

Read first time and PASSED ON FILE.

SENATE FILE 209, by Senators Gallagher, Culver, Tieden, Bergman and Merritt, a bill for an act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state.

Read first time and PASSED ON FILE.

SENATE FILE 210, by Senator Redmond, a bill for an act relating to the composition of judicial nominating commissions.

Read first time and PASSED ON FILE.

SENATE FILE 211, by Senator Redmond, a bill for an act permitting a judicial magistrate to have a small claim trial reported by a certified shorthand reporter.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 150, a bill for an Act to repeal provisions relating to the compensation of deputy county officers in certain counties.

Read first time and PASSED ON FILE.

HOUSE FILE 209, a bill for an Act to make technical amendments to the statutes relating to school districts by permitting the school board secretary to designate an alternate person to receive nomination papers relating to school elections, by permitting any school board to compensate a school treasurer, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) of the Code authorizing the appointment of a secretary of the school board and a treasurer of the school district, and two hundred ninety-eight point twenty-two (298.22) of the Code, authorizing the school board secretary to register bonds, by legalizing all acts of a treasurer of the school district appointed in compliance with section two hundred seventy-nine point three (279.3) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code.

Read first time and PASSED ON FILE.

HOUSE FILE 281, a bill for an Act to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

Read first time and PASSED ON FILE.

HOUSE FILE 330, a bill for an Act relating to the additional personal property tax phaseout.

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.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House Concurrent Resolution 4

Senator Drake called up for consideration House Concurrent Resolution 4, a resolution relating to the Department of Transportation's proposed rule on the maximum legal length of a combination of three vehicles, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3119 filed March 2, 1977, and found on page 509 of the Senate Journal.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S-3119 to Senate amendment H-3085?" (H.C.R. 4) the vote was:

Ayes, 21:

Burroughs	Coleman	Culver	Drake
Hulse	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Nystrom	Palmer	Priebe	Readinger
Robinson	Rodgers	Schwengels	Taylor
Tieden			

Nays, 28:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Craft	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Junkins	Miller, C.P.
Murray	Nolting	Orr	Ramsey
Redmond	Rush	Scott	Shaff
Shaw	Slater	Van Gilst	Willits

Absent or not voting, 1:

Briles

The motion lost and the Senate refused to concur in House amendment S-3119 to Senate amendment H-3085 to House Concurrent Resolution 4.

MOTION TO RECONSIDER

MR. PRESIDENT: I move that the Senate reconsider the vote by which the Senate refused to concur in the House Amendment to Senate Amendment to House Concurrent Resolution 4.

JAMES M. REDMOND
PHILIP B. HILL
WILLARD R. HANSEN

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

AFTERNOON SESSION

The Senate resumed session, President pro tempore Coleman presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

INTRODUCTION OF BILLS

SENATE FILE 212, by Senator Redmond, a bill for an act relating to stolen or abandoned property.

Read first time and PASSED ON FILE.

SENATE FILE 213, by Budget State Government Subcommittee, a bill for an act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and

members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates.

Read first time and PLACED ON CALENDAR.

SENATE FILE 214, by Budget Education Subcommittee, 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 ON CALENDAR.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 197.

Senate File 197

On motion of Senator Hill of Jasper, Senate File 197, a bill for an act relating to and appropriating funds to various regulatory and finance agencies and departments, was taken up for consideration.

Senator DeKoster offered amendment S-3135 to pages 1 and 3 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3135 be adopted?" (S.F. 197) the vote was:

Ayes, 19:

Ashcraft	Bergman	Bisenius	Craft
DeKoster	Hansen	Hill, P.B.	Hultman
Kelly	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Schwengels	Shaff
Slater	Taylor	Tieden	

Nays, 25:

Calhoon	Carr	Coleman	Culver
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Curtis	Doderer	Drake	Glenn
Hill, E.M.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Priebe	Redmond
Robinson	Rodgers	Rush	Van Gilst
Willits			

Absent or not voting, 6:

Briles	Burroughs	Gallagher	Hulse
Scott	Shaw		

Amendment S—3135 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. 197) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Shaff
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Burroughs	Hulse	Scott
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 198.

Senate File 198

On motion of Senator Hill of Jasper, Senate File 198, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements, was taken up for 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?" (S.F. 198) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glen'n	Hansen	Hill, E.M.	Hultman
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Shaff
Slater	Tieden	Van Gilst	Willits

Nays, 5:

Craft	Hill, P.B.	Merritt	Miller, E.R.
Taylor			

Absent or not voting, 5:

Briles	Burroughs	Hulse	Scott
Shaw			

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

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 9, 1977, 8:15 a. m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Craft and Calhoon.

Members Absent: none.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards.

The vote was: AYES, 5; Nolting, A. Miller, Readinger, Craft and Calhoon. NAYS, none.

Also:

Other Business: Recommended appropriations for the Commission on the Aging and the Iowa Civil Rights Commission.

Adjourned: 9:50 a.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: March 8, 1977, 8:30 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Curtis, Ranking Member; Hulse and Scott.

Members Absent: none.

Other Business: Made final recommendations on the Board of Accountancy, State Board of Architectural Examiners, State Board of Landscape Architectural Examiners, and State Board of Watchmakers Examiners. Also final recommendations for non-operating appropriations—City Finance Committee, Iowa Comprehensive Conference Plan, transfer from IPERS Trust to Job Service, and transfer from Motor Vehicle Fuel Tax Administration to the Department of Revenue.

Adjourned: 9:30 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 9, 1977, 7:35 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Recommended appropriations to the Department of Social

Services for—Contractual Services—Medical Carrier, Adults and Children, Foster Care, District Administration, General Administration and General Administration (Data Processing).

Adjourned: 10:00 a. m.

TRANSPORTATION

Convened: March 9, 1977, 1:35 p. m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Hutchins; Tieden; Shaff and Gallagher.

Members Absent: Doderer (arrived 2:00 p.m.), Coleman (arrived 1:40 p.m.) and Ashcraft (arrived 1:36 p.m.).

Other Business: Discussion on S.S.B. 197—No final action.

Adjourned: 2:17 p.m.

WAYS AND MEANS

Convened: March 8, 1977, 3:10 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Palmer; Readinger; Redmond and Shaff.

Members Absent: Priebe (arrived 3:15 p.m.).

Members Excused: Van Gilst.

Other Business: Garth Cottington, Assessor for Guthrie County, discussed legislation relating to certification of assessors; also discussed Senate File 31.

Adjourned: 4:35 p. m.

STUDY BILLS RECEIVED

S.S.B. 200 County Government

Assessment of dues for membership in the Iowa state association of counties.

S.S.B. 201 County Government

Purchase of liability and property damage insurance covering

county officers and employees.

S.S.B. 202 County Government

Imposition, collection and reporting of certain fees by county officers.

S.S.B. 203 Ways and Means

Filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

S.S.B. 204 State Government

Licensing of psychologists.

S.S.B. 205 State Government

Licensing of hearing aid dealers and right to use the term "Certified Hearing Aid Audiologist".

S.S.B. 206 State Government

Conflicts in provisions of the Code, Sec. 47.6(1), Sec. 275.18, and Sec. 277.4, relating to special school elections.

S.S.B. 207 State Government

Bonus Board

S.S.B. 208 State Government

Rights of persons receiving health care.

S.S.B. 209 Human Resources

Qualifications required of the director of the division of mental health of the department of social services.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 200	Cities
S.F. 201	Labor and Industrial Relations
S.F. 202	Ways and Means
S.F. 203	Ways and Means
S.F. 204	Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Cathy Sue Kelly of West Des Moines, Polk 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 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 M. REDMOND, Chairperson
IRVIN L. BERGMAN
LOUIS P. CULVER
EUGENE M. HILL
PHILIP B. HILL

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 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, 1977:

Senate Files 61 and 64.

STEVEN C. CROSS, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 10, 1977, the Governor approved and transmitted to the Secretary of the State the following bill:

S. F. 63—To change the term of one of the two new Board of Parole members provided for in the criminal code revision.

REPORT OF COMMITTEE

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 31, a bill for an act to create an alcoholism rehabilitation fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S—3134; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

NORMAN G. RODGERS, Chairperson

COMMUNICATION

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

STATE OF ARKANSAS

A certified copy of House Joint Resolution No. 2, which was passed by the Arkansas General Assembly to make application to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States regarding the right to life.

AMENDMENTS FILED

S—3137	S.F. 213	Calvin O. Hultman Lucas J. DeKoster
S—3138	S.F. 214	Lucas J. DeKoster
S—3139	S.F. 167	Richard F. Drake Dale L. Tieden Cloyd E. Robinson C.W. Hutchins

PRESENTATION OF VISITORS

President Neu welcomed the Honorable Max E. Reno, former member of the Senate from Van Buren County.

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

Twenty-nine students from Mid-Prairie Junior High School, Kalona, Iowa, accompanied by Sandra Riley. Senator Schwengels.

On motion of Senator Kinley, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Friday, March 11, 1977.

JOURNAL OF THE SENATE

SIXTY-FIRST CALENDAR DAY—FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 11, 1977

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

Prayer was offered by the Reverend H. R. Fields, pastor of the Mount Olive Baptist Church, Des Moines, Iowa.

The Journal of Thursday, March 10, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. N. J. Elmer, Sumner, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Briles and Hulse for the day on request of Senator Hultman; Senator Doderer for the day on request of Senator Kinley.

INTRODUCTION OF BILL

SENATE FILE 215, by Senators Miller of Des Moines and Carr, a bill for an act providing for the inclusion in health insurance policies of benefits for the treatment of mental, emotional and nervous disorders and conditions.

Read first time and PASSED ON FILE.

REREFERRED TO COMMITTEE

Senator Hill of Jasper asked and received unanimous consent that SENATE FILE 120 be REREFERRED to the committee on COMMERCE.

MOTION TO RECONSIDER LOST

House Concurrent Resolution 4

Senator Junkins called up the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move that the Senate reconsider the vote by which the Senate refused to concur in the House Amendment to Senate Amendment to House Concurrent Resolution 4.

LOWELL L. JUNKINS

Senator Hill of Polk moved that the motion to reconsider be deferred.

QUORUM CALL

Senator Glenn requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

Senator Redmond raised the point of order that the motion to reconsider by Senator Junkins was out of order, since it was filed subsequent to the motion to reconsider filed by Senators Redmond, Hill of Polk and Hansen on March 10, 1977.

The Chair ruled the point not well taken and the Junkins motion in order since the Senate rules make no provisions for the precedence of order for consideration of motions to reconsider.

Senator Hill of Polk renewed his motion to defer the motion to reconsider House Concurrent Resolution 4 by Senator Junkins and requested a record roll call.

On the question "Shall the motion to reconsider be deferred?" (H.C.R. 4) the vote was:

Ayes, 18:

Ashcraft
DeKoster

Bisenius
Gallagher

Craft
Hansen

Curtis
Hill, E.M.

Hill, P.B.	Murray	Nolting	Orr
Palmer	Priebe	Redmond	Shaff
Shaw	Van Gilst		

Nays, 27:

Bergman	Burroughs	Calhoon	Carr
Coleman	Culver	Drake	Glenn
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Willits	

Absent or not voting, 5:

Briles	Doderer	Hulse	Hultman
Nystrom			

The motion lost.

Senator Junkins moved to reconsider the vote by which the Senate refused to concur in House amendment S-3119 to Senate amendment H-3085.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.C.R. 4) the vote was:

Ayes, 14:

Ashcraft	Craft	Curtis	DeKoster
Gallagher	Hansen	Hill, E.M.	Hill, P.B.
Murray	Nolting	Orr	Priebe
Redmond	Shaff		

Nays, 32:

Bergman	Bisenius	Burroughs	Calhoon
Carr	Coleman	Culver	Drake
Glenn	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Palmer	Ramsey
Readinger	Robinson	Rodgers	Rush

Schwengels
Taylor

Scott
Tieden

Shaw
Van Gilst

Slater
Willits

Absent or not voting, 4:

Briles

Doderer

Hulse

Nystrom

The motion lost.

MOTION TO RECONSIDER OUT OF ORDER

The motion to reconsider the vote by which the Senate refused to concur in House amendment S-3119 to the Senate amendment H-3085 to HOUSE CONCURRENT RESOLUTION 4 filed by Senators Redmond, Hill of Polk and Hansen on March 10, 1977, was ruled out of order.

CONSIDERATION OF BILL

Senator Kinley asked and received unanimous consent to take up out of order Senate File 167.

Senate File 167

On motion of Senator Drake, Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make

left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, was taken up for consideration.

Senator Craft took the chair at 10:40 a.m.

Senator Hutchins offered amendment S-3125 to pages 2 through 30 of the bill filed by Senators Hutchins, et al., on March 8, 1977.

Senator Drake offered amendment S-3141 to amendment S-3125 by Senators Drake, et al., and moved its adoption.

Senator Hill of Polk raised the point of order that there were two amendments with the amendment numbers S-3141 and that under Senate Rule 12, S-3141 as revised was not in proper form.

The Chair ruled the point well taken.

Senator Hill of Polk asked and received unanimous consent that amendment S-3141 as revised be considered.

Senator Drake moved the adoption of amendment S-3141 as revised to amendment S-3125.

Amendment S-3141 as revised to amendment S-3125 was adopted.

Senator Drake offered amendment S-3126 filed by him on March 8, 1977, to amendment S-3125 and moved its adoption.

Amendment S-3126 to amendment S-3125 was adopted.

Senator Hutchins moved the adoption of amendment S-3125 as amended.

The motion prevailed and amendment S-3125 as amended was adopted.

Senator Drake offered amendment S-3139 to page 2 of the bill filed by Senators Drake, et al., on March 10, 1977, and moved its adoption.

The motion prevailed and amendment S-3139 was adopted.

Senator Ashcraft offered amendment S-3127 to pages 8, 10, 16 and 17 of the bill filed by him on March 8, 1977, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3127 be adopted?" (S.F. 167) the vote was:

Ayes, 10:

Ashcraft	DeKoster	Hill, E.M.	Hill, P.B.
Hultman	Miller, E.R.	Nolting	Redmond
Rush	Tieden		

Nays, 33:

Bergman	Bisenius	Burroughs	Calhoon
Carr	Coleman	Craft	Culver
Curtis	Drake	Gallagher	Glenn
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Scott
Shaff	Shaw	Slater	Van Gilst
Willits			

Absent or not voting, 7:

Briles	Doderer	Hansen	Hulse
Murray	Nystrom	Taylor	

Amendment S-3127 lost.

Senator Nolting offered amendment S-3140 to page 21 of the bill by Senators Nolting, et al.

President pro tempore Coleman took the chair at 11:43 a.m.

Senator Kinley asked and received unanimous consent that action on amendment S—3140 be temporarily deferred.

Senator Kelly offered amendment S—3142 to page 7 of the bill and moved its adoption.

Senator Hill of Polk raised the point of order that Senate File 167 be referred to the committee on Ways and Means under Senate Rule 36.

The Chair ruled the point well taken and SENATE FILE 167 was REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 10, 1977

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 Norman L. Pawlewski, Des Moines, Polk County, Iowa, for reappointment as Commissioner of Public Health pursuant to Section 135.2, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1977, 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 Rodson L. Riggs, Des Moines, Polk County, Iowa, for reappointment as Director of Energy Policy pursuant to Section 93.3, 1975 Code of Iowa.

This appointment is for a two-year term commencing July 1, 1977, 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 Maurice A. Van Nostrand for reappointment as a member of the Iowa State Commerce Commission pursuant to Section 474.1, 1975 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

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 H. Huston, Des Moines, Polk County, Iowa, for reappointment as Superintendent of Banking pursuant to Section 524.201, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1977, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 216, by Senators Taylor, Culver and Miller of Marshall, a bill for an act requiring the preparation of economic impact statements for rules proposed by the department of environmental quality.

Read first time and PASSED ON FILE.

SENATE FILE 217, by Senator Rush, a bill for an act to clarify the responsibilities of parents to children.

Read first time and PASSED ON FILE.

SENATE FILE 218, by Senator Ramsey, a bill for an act relating to the purchase of coal by the state board of regents.

Read first time and PASSED ON FILE.

SENATE FILE 219, by Senators Willits and Hill of Polk, a bill for an act authorizing cities to adopt noise-control ordinances.

Read first time and PASSED ON FILE.

SENATE FILE 220, by Senator Willits, a bill for an act relating to registration of motor vehicles.

Read first time and PASSED ON FILE.

SENATE FILE 221, by Committee on Ways and Means, a bill for an act relating to the examination, certification, and appointment of assessors.

Read first time and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: March 10, 1977, 11:00 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Junkins; Kelly; Nolting; Van Gilst and Willits.

Members Absent: Priebe (arrived 11:05 a.m.) and Ramsey (arrived 12:00 noon).

Final Action: APPROVED.

Senate File 214, a bill for an Act relating to and making appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 213, a bill for an Act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of State, secretary of State, and treasurer of State and increasing the salaries and expenses of the lieutenant governor, judicial officers and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates.

The vote was: AYES, 10; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Van Gilst and Willits. NAYS, 3; Hultman, Priebe and Ramsey.

Adjourned: 12:30 p.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened March 10, 1977, 8:10 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson; Readinger, Ranking Member; Craft and Calhoon.

Members Absent: none.

Other Business: Budget recommendations for the Department of Health.

Adjourned: 10:05 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 10, 1977, 7:40 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Recommended appropriations to the Department of Social Services for: Mental Retardation to the state hospitals at Glenwood and Woodward; Family Children Services to the facilities at Toledo, Eldora, Mitchellville and Marshalltown and to the mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant.

Adjourned: 10:30 a.m.

COMMERCE

Convened: March 10, 1977, 3:00 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman,

Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Other Business: Assigned bill to subcommittee.

Adjourned: 3:10 p.m.

COUNTY GOVERNMENT

Convened: March 10, 1977, 3:00 p.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; P. Hill, Ranking Member; Merritt; C. Miller; Murray; Orr and Van Gilst.

Members Absent: none.

Members Excused: Briles and Taylor.

Other Business: Assignment of bills; discussion of new numbering system for LSB and study bills.

Adjourned: 3:20 p.m.

JUDICIARY

Convened: March 10, 1977, 3:05 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Redmond; Scott; Shaw and Willits.

Members Absent: Doderer (arrived 3:10 p.m.) and Ramsey (arrived 3:15 p.m.).

Other Business: S.S.B. 158—amended and ordered redrafted for approval as committee bill.

Adjourned: 3:40 p.m.

NATURAL RESOURCES

Convened: March 9, 1977, 3:05 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Slater and Tieden.

Members Absent: Junkins.

Members Excused: Calhoon.

Other Business: Subcommittee assignments.

Adjourned: 3:12 p.m.

STATE GOVERNMENT

Convened: February 24, 1977, 3:00 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: none.

Final Action: APPROVED.

Senate File 175, a bill for an Act to provide retirement benefits for members of the general assembly under the Iowa public employees' retirement system and social security, and to make an appropriation.

The vote was: AYES, 8; Doderer, Coleman, Nystrom, Carr, Drake, Glenn, Schwengels and Slater. NAYS, 5; Ashcraft, Culver, Kelly, Junkins and Rush. ABSENT OR NOT VOTING, 1; Shaff.

Also:

Final Action: APPROVED.

Senate File 195, a bill for an Act relating to the fees for concealed weapons permits.

The vote was: AYES, 12; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Schwengels, Shaff and Slater. NAYS, 1; Rush.

Also:

Final Action: APPROVED.

Senate File 205, a bill for an Act relating to the practice of dentistry and dental hygiene by the faculty of the college of dentistry.

The vote was: AYES, 11; Doderer, Coleman, Ashcraft, Carr, Culver, Glenn, Junkins, Rush, Schwengels, Shaff and Slater. NAYS, 2; Drake and Kelly. ABSENT OR NOT VOTING, 1; Nystrom.

Also:

Other Business: Senate Files 136, 137 and study bills assigned to subcommittees.

Adjourned: 4:30 p.m.

STATE GOVERNMENT

Convened: March 8, 1977, 1:30 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Shaff and Slater.

Members Absent: none.

Members Excused: Schwengels.

Other Business: Subcommittees were assigned four study subjects and legislation relating to rights of persons receiving health care.

Adjourned: 3:00 p.m.

INTRODUCTION OF BILL

SENATE FILE 222, by Committee on State Government, a bill for an act relating to the selection and appointment of the directors of the state fair board.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

STUDY BILLS RECEIVED

S.S.B. 210 Regulatory and Finance Budget Subcommittee

Appropriation for acquisition, development, installation and use of an interactive computer system encompassing state budgeting and analysis procedures.

S.S.B. 211 Regulatory and Finance Budget Subcommittee

Appropriations to various regulatory and finance agencies and departments.

S.S.B. 212 Regulatory and Finance Budget Subcommittee

Appropriation to beer and liquor control department for capital improvements.

S.S.B. 213 Regulatory and Finance Budget Subcommittee

Appropriations to department of revenue, department of job service for administration of IPERS, city finance committee and the Iowa comprehensive conference.

S.S.B. 214 Regulatory and Finance Budget Subcommittee

Appropriation to board of watchmaking examiners.

S.S.B. 215 Regulatory and Finance Budget Subcommittee

Appropriation to board of accountancy.

S.S.B. 216 Regulatory and Finance Budget Subcommittee

Appropriation to boards of architectural examiners and landscape architectural examiners.

S.S.B. 217 Ways and Means

Determination of actual value of property for tax purposes and providing for disclosure of actual sales price in real estate transfers.

S.S.B. 218 State Government

Veterans preference laws.

S.S.B. 219 State Government

Amend chapter 147, relating to reexamination of nurses.

S.S.B. 220 State Government

Amend section 331.9 relating to methods of electing county officers.

S.S.B. 221 Natural Resources

Sale of land acquired for Volga River project and disbursement of proceeds.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 206	Commerce
S.F. 207	Human Resources
S.F. 208	Ways and Means
S.F. 209	Natural Resources
S.F. 210	Judiciary
S.F. 211	Judiciary
S.F. 212	Cities
H.F. 150	County Government
H.F. 209	Education
H.F. 281	Judiciary
H.F. 330	Ways and Means

REPORT OF COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following change in grade of the indicated employee to be effective on the date indicated.

Margaret Bruce Grade 13 to Grade 15 effective
March 4, 1977.

GEORGE R. KINLEY, Chairperson

REPORT ON THE NATIONAL CONFERENCE OF STATE LEGISLATORS MARCH 4 AND 5, 1977

I wish to insert a few brief comments as a result of a meeting of the Education Task Force of the National Conference of State Legislators which I attended in Washington, D.C. on March 4th and 5th, 1977.

As one of the Iowa Members on the Education Task Force, I want to alert members of our legislature to the serious implications of P.L. 94-142 Education of All Handicapped Children Act of 1975.

This federal act mandates the education of all handicapped children similar to the directives we adopted in Iowa in 1974, with the creation of the fifteen A.E.A.'s. However, its mandates appear broader in scope. It has been

estimated that the federal act will impose a nine billion dollar cost increase among state governments with the federal budget reimbursing only three billion dollars of that cut.

Fortunately, Iowa has made significant strides toward the inclusion of all handicapped children in our school program and it should be fully implemented by 1978. We will not incur the fiscal impact of the states who failed to demonstrate a leadership role in responding to this education void. Nevertheless, there are important impact areas which I intend to pursue with our Department of Public Instruction as a result of this conference and will be recommending appropriate legislative response as a result of this conference. I will be happy to share material which I received at this conference with any interested legislators.

WILLARD R. HANSEN

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 7

Judiciary
Glenn, Chairperson
Shaw
Coleman

SENATE FILE 134

County Government
Merritt, Chairperson
Van Gilst
Taylor

SENATE FILE 146

County Government
Murray, Chairperson
Van Gilst
Orr

SENATE FILE 164

State Government
Nystrom, Chairperson
Shaff
Culver

SENATE FILE 166

Labor and Industrial Relations
Calhoon, Chairperson
Merritt
Hulse

SENATE FILE 169

Ways and Means
Nolting, Chairperson
Redmond
Craft

SENATE FILE 81

Judiciary
Redmond, Chairperson
DeKoster
Scott

SENATE FILE 142

Cities
Schwengels, Chairperson
Gallagher
Miller, C.P.

SENATE FILE 151

State Government
Doderer, Chairperson
Nystrom
Schwengels
Carr
Slater

SENATE FILE 165

Labor and Industrial Relations
Calhoon, Chairperson
Merritt
Hulse

SENATE FILE 168

Judiciary
Rush, Chairperson
Shaw
Coleman

SENATE FILE 171

Judiciary
Glenn, Chairperson
Rush
Scott
Ramsey
Shaw

SENATE FILE 172

Ways and Means
Nolting, Chairperson
Redmond
Craft

SENATE FILE 174

Natural Resources
Burroughs, Chairperson
Calhoon
Culver

SENATE FILE 177

State Government
Doderer, Chairperson
Nystrom
Schwengels
Carr
Slater

SENATE FILE 179

Energy
Scott, Chairperson
Burroughs
Glenn

SENATE FILE 182

Energy
Burroughs, Chairperson
Glenn
Bisenius

SENATE FILE 184

Energy
Scott, Chairperson
Rodgers
Briles

SENATE FILE 190

Labor and Industrial Relations
Nolting, Chairperson
Burroughs
Palmer

SENATE FILE 199

Ways and Means
Van Gilst, Chairperson
Palmer
Kelly

SENATE FILE 173

Natural Resources
Slater, Chairperson
Junkins
Bergman

SENATE FILE 176

Labor and Industrial Relations
Robinson, Chairperson
Palmer
Burroughs

SENATE FILE 178

State Government
Glenn, Chairperson
Ashcraft
Rush

SENATE FILE 181

Commerce
Nolting, Chairperson
Rodgers
Burroughs

SENATE FILE 183

Judiciary
Glenn, Chairperson
Doderer
Hill, P.B.
DeKoster
Ramsey

SENATE FILE 189

Education
Hansen, Chairperson
Shaw
Scott

SENATE FILE 191

Judiciary
Willits, Chairperson
Ashcraft
Coleman

SENATE FILE 201

Labor and Industrial Relations
Nolting, Chairperson
Calhoon
Murray

SENATE CONCURRENT
RESOLUTION 10

Rules and Administration
Coleman, Chairperson
Junkins
Hultman

SENATE RESOLUTION 4

Rules and Administration
Junkins, Chairperson
Coleman
Hultman

HOUSE FILE 60

Judiciary
Doderer, Chairperson
Scott
Coleman

HOUSE FILE 74

County Government
Hutchins, Chairperson
Briles
Miller, C.P.

HOUSE FILE 127

Natural Resources
Calhoon, Chairperson
Burroughs
Culver

HOUSE FILE 211

Natural Resources
Calhoon, Chairperson
Burroughs
Culver

HOUSE FILE 229

Natural Resources
Slater, Chairperson
Junkins
Bergman

HOUSE FILE 245

Natural Resources
Tieden, Chairperson
Culver
Miller, E.R.

HOUSE FILE 253

Agriculture
Calhoon, Chairperson
Hulse
Readinger

SENATE CONCURRENT
RESOLUTION 11

Rules and Administration
Junkins, Chairperson
Coleman
Hultman

HOUSE FILE 44

Cities
Schwengels, Chairperson
Gallagher
Miller, C.P.

HOUSE FILE 66

Judiciary
Doderer, Chairperson
Scott
Ramsey

HOUSE FILE 77

Judiciary
Ramsey, Chairperson
Rush
DeKoster

HOUSE FILE 197

Transportation
Robinson, Chairperson
Coleman
Tieden

HOUSE FILE 225

Natural Resources
Tieden, Chairperson
Miller, E.R.
Culver

HOUSE FILE 231

Ways and Means
Rodgers, Chairperson
Kelly
Junkins

HOUSE FILE 251

Natural Resources
Bergman, Chairperson
Junkins
Slater

HOUSE FILE 254

Education
Scott, Chairperson
Shaw
Slater

HOUSE CONCURRENT
RESOLUTION 7

Rules and Administration
Willits, Chairperson
Junkins
Hultman

S.S.B. 196

Transportation
Coleman, Chairperson
Robinson
Gallagher
Shaff
Drake

S.S.B. 197

Transportation
Drake, Chairperson
Robinson
Coleman
Ashcraft
Hutchins

S.S.B. 200

County Government
Briles, Chairperson
Merritt
Taylor

S.S.B. 201

County Government
Hill, P.B., Chairperson
Orr
Murray

S.S.B. 202

County Government
Hutchins, Chairperson
Briles
Miller, C.P.

S.S.B. 203

Ways and Means
Kelly, Chairperson
Junkins
Redmond

S.S.B. 204

State Government
Junkins, Chairperson
Drake
Kelly

S.S.B. 205

State Government
Drake, Chairperson
Junkins
Slater

S.S.B. 206

State Government
Junkins, Chairperson
Nystrom
Coleman

S.S.B. 207

State Government
Schwengels, Chairperson
Drake
Culver

S.S.B. 208

State Government
Rush, Chairperson
Carr
Schwengels

S.S.B. 209

Human Resources
Slater, Chairperson
Miller, C.P.
Miller, E.R.

S.S.B. 217

Ways and Means
Shaff, Chairperson
Priebe
Readinger

S.S.B. 218

State Government
Drake, Chairperson
Schwengels
Culver

S.S.B. 219

State Government
Kelly, Chairperson
Culver
Nystrom

S.S.B. 220

State Government
Junkins, Chairperson
Nystrom
Coleman

S.S.B. 221

Natural Resources
Calhoon, Chairperson
Burroughs
Culver

AMENDMENTS FILED

S-3143	S.F. 167	Forrest V. Schwengels
S-3144	S.F. 167	Elizabeth Shaw
		C. Joseph Coleman
S-3145	S.F. 167	Berl E. Priebe
		James Calhoon
		E. Kevin Kelly
		Tom Slater
S-3146	S.F. 167	James M. Redmond
S-3147	S.F. 167	James M. Redmond
S-3148	S.F. 167	Stephen W. Bisenius

PRESENTATION OF VISITORS

President pro tempore Coleman welcomed the Honorable William J. Scherle, former member of the Senate from Mills County and former United States Congressman from the Fifth Congressional District.

President pro tempore Coleman welcomed the Honorable Tom Harkin, United States Congressman from the Fifth Congressional District.

On motion of Senator Kinley, the Senate adjourned at 12:05 p.m., until 10:00 a.m., Monday, March 14, 1977.

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY—FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 14, 1977

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Reverend William G. Carter, pastor of the Soldier Lutheran Church, Soldier, Iowa.

The Journal of Friday, March 11, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Gottula, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Coleman for the day on request of Senator Kinley; Senator Hultman for the morning session on request of Senator Shaff.

INTRODUCTION OF BILLS

SENATE FILE 223, by Senators Bisenius and Craft, a bill for an act providing an exemption from property taxation for alternative heating systems.

Read first time and PASSED ON FILE.

SENATE FILE 224, by Committee on Cities, a bill for an act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads.

Read first time and PLACED ON CALENDAR.

REQUEST FOR UNANIMOUS CONSENT
TO SUSPEND RULE 36

Senator Kinley asked unanimous consent to suspend Senate Rule 36 for the purpose of taking up for consideration Senate File 167 referred to the committee on Ways and Means under Senate Rule 36 on Friday, March 11, 1977.

Objection was raised.

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

The Senate resumed session, Senator Glenn presiding.

REPORT OF COMMITTEE

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 167, a bill for an act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

NORMAN RODGERS, Chairperson

Senator Kinley asked unanimous consent to suspend Senate Rule 8 for the purpose of taking up for immediate consideration Senate File 167.

Objection was raised.

Senator Kinley moved that Senate Rule 8 be suspended for the purpose of taking up for immediate consideration Senate File 167.

A record roll call was requested.

On the question "Shall Senate Rule 8 be suspended?" (S.F. 167) the vote was:

Ayes, 36:

Bergman	Bisenius	Briles	Calhoon
Carr	Craft	Culver	Curtis
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nolting	Orr	Palmer	Priebe
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 12:

Ashcraft	Burroughs	DeKoster	Hansen
Hill, P.B.	Hulse	Kelly	Murray
Nystrom	Ramsey	Redmond	Shaw

Absent or not voting, 2:

Coleman	Hultman
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The motion prevailed and Senate File 167 was brought up for immediate consideration.

CONSIDERATION OF BILL

Senate File 167

On motion of Senator Drake, Senate File 167, a bill for an act relating to transportation and providing for changes in the motor vehicle registration, with report of committee on Ways and Means recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Redmond withdrew amendment S-3146 and amendment S-3147 to amendment S-3146 filed by him on March 11, 1977.

Senator Redmond offered amendment S-3149 to pages 1 and 21 through 24 of the bill.

Senator Drake raised the point of order that amendment S-3149 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3149 in order.

Senator Redmond offered amendment S-3153 to amendment S-3149 and moved its adoption.

Senator Hill of Polk raised the point of order that amendment S-3153 to amendment S-3149 was out of order under Section 402.6 of Mason's Manual of Legislative Procedure.

The Chair ruled the point well taken and amendment S-3153 to amendment S-3149 out of order.

Senator Redmond moved the adoption of amendment S-3149 and requested a record roll call.

On the question "Shall amendment S-3149 be adopted?" (S.F. 167) the vote was:

Rule 23 was invoked.

Ayes, 13:

Calhoon	Craft	Doderer	Gallagher
Junkins	Kelly	Miller, E.R.	Nolting
Priebe	Redmond	Scott	Slater
Tieden			

Nays, 34:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Culver	Curtis
DeKoster	Drake	Glenn	Hansen

Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Orr	Palmer	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Shaff	Shaw	Taylor
Van Gilst	Willits		

Absent or not voting, 3:

Coleman	Hultman	Nystrom
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Amendment S-3149 lost.

(Senate File 167 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 24, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 212, a bill for an act to increase the interest penalty and interest on the amount to be paid to redeem real estate property sold at a tax sale.

Also: That the House has on March 9, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 228, 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 March 8, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 327, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Also: That the House insists on its amendment to the Senate amendment to House Concurrent Resolution 4, proposing that the rule and rescission proposed by the department of transportation be disapproved, and that the members of the Conference Committee on the part of the House are: The Representative from Polk, Mr. Nielsen, Chair; the Representative from Polk, Mr. Woods; the Representative from Greene, Mr. Perkins; the Representative from O'Brien, Mr. Menke; and the Representative from Mills, Mr. Harbor.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 212, a bill for an act to increase the interest penalty and interest on the amount to be paid to redeem real estate property sold at a tax sale.

Read first time and PASSED ON FILE.

HOUSE FILE 228, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law.

Read first time and PASSED ON FILE.

HOUSE FILE 327, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Read first time and PASSED ON FILE.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following CONFERENCE COMMITTEE on HOUSE CONCURRENT RESOLUTION 4 on the part of the Senate: Senators Robinson, Chairperson; Slater, Willits, Drake and Hansen.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 10, 1977, 1:40 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Priebe; Readinger; Shaff and Van Gilst.

Members Absent: Kelly (arrived 1:50 p.m.); Palmer (arrived 1:45 p.m.) and Redmond (arrived 1:45 p.m.).

Final Action: AMEND AND DO PASS.

Senate File 31, a bill for an Act to create an alcoholism rehabilitation fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

The vote was: AYES, 10; Rodgers, Nolting, Curtis, Hultman, Junkins, Palmer, Priebe, Redmond, Shaff and Van Gilst. NAYS, 4; Craft, E. Hill, Kelly and Readinger.

Also:

Final Action: APPROVED.

Senate File 221, a bill for an Act relating to the examination, certification, and appointment of assessors.

The vote was: AYES, 11; Rodgers, Nolting, Curtis, E. Hill, Hultman, Junkins, Palmer, Priebe, Readinger, Redmond and Shaff. NAYS, 2; Craft and Van Gilst. ABSENT OR NOT VOTING, 1; Kelly.

Adjourned: 2:40 p.m.

INTRODUCTION OF BILL

SENATE FILE 225, by Senator Schwengels, a bill for an act relating to the practice of chiropractic.

Read first time under Senate Rule 28 and PASSED ON FILE.

STUDY BILLS RECEIVED

S.S.B. 222 Judiciary

Amends the accommodation offense to apply only to one ounce or less of marijuana.

S.S.B. 223 Cities

Leaves of absence for military service from the state, the state's subdivisions and municipalities.

S.S.B. 224 Cities

Amend the state building code act.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 215	Commerce
S.F. 216	State Government
S.F. 217	Judiciary
S.F. 218	Education
S.F. 219	Cities
S.F. 220	County Government

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. SECRETARY: Pursuant to Senate Rule 58, I hereby request that the name of Kenneth E. Smith, the Governor's appointee to the City Finance Committee, be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

LOUIS P. CULVER

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on March 14, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 61—Providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

S. F. 64—To provide a midshift meal to employees of the correctional institutions.

H. F. 128—Making a supplemental appropriation to the department of social services for medical assistance.

REPORT OF COMMITTEE

Senator Miller of Cerro Gordo submitted the following report:

MR. PRESIDENT: Your committee on Cities to which was referred HOUSE FILE 44, a bill for an act relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

A. V. MILLER, Chairperson

AMENDMENTS FILED

S-3151	S.F. 167	James M. Redmond Bass Van Gilst Cloyd Robinson
S-3152	S.F. 167	Berl E. Priebe
S-3154	S.F. 167	Dale L. Tieden

PETITIONS

The following petitions were presented and placed on file:

By Senator Tieden from five residents of Dubuque County favoring legislation to permit the sale of certified raw milk.

By Senator Merritt from five residents of Howard County favoring an appropriation for human resource programs.

By Senator Glenn from six hundred eighty residents of Wapello County favoring legislation to provide assistance for city transit service.

By Senator Ramsey from twenty-nine residents of Lucas and Wayne Counties favoring legislation to declare chicory a noxious weed.

By Senator Miller of Des Moines from fifty residents of Des Moines County favoring legislation improving the IPERS program.

By Senator Murray from seventy-two residents of Story County favoring legislation that would require a deposit on beer and soft drink containers.

By Senator Taylor from fifty-nine residents of Franklin County favoring legislation that would require a deposit on beer and soft drink containers.

By Senator Hill of Jasper from thirty-two residents of Mills County urging rescission of the Equal Rights Amendment.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Doderer from five residents of Polk County.

Senator Murray from thirty-seven residents of Story County.

Senator Murray from ten residents of Story County.

Senator Miller of Marshall from eighty-five residents of Marshall County.

Senator Shaw from twenty residents of Scott County.

Senator Carr from one hundred fifty-eight residents of Dubuque County.

Senator Kinley from one hundred fifty-eight residents of Dubuque County.

Senator Shaw from forty-six residents of Scott County.

Senator Priebe from thirty-six residents of Kossuth County.

Senator Hutchins from eighty-four residents of Shelby County.

Senator Kinley from twenty-two residents of Polk County.

On motion of Senator Kinley, the Senate adjourned at 12:10 p.m., until 1:30 p.m., Tuesday, March 15, 1977.

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY—FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 15, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Monsignor A. W. Behrens, pastor of the Holy Name Catholic Church, Marcus, Iowa.

The Journal of Monday, March 14, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rowe, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the day on request of Senator Kinley.

QUORUM CALL

Senator Hultman 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, Senator Glenn presiding.

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

The Senate resumed session, 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 March 10, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 210, a bill for an act to provide for a state land use policy.

Also: That the House has on March 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 331, a bill for an act relating to meetings of the board of parole and the grant or denial of parole.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 226, 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.

SENATE FILE 227, by Senator Miller of Des Moines, a bill for an act creating a municipal essential facilities loan fund, providing criteria for loan eligibility, and making an appropriation.

Read first time and PASSED ON FILE.

SENATE FILE 228, by Senator Hansen, a bill for an act to require the state department of transportation to publish a map of the state.

Read first time and PASSED ON FILE.

SENATE FILE 229, by Senator Readinger, a bill for an act relating to checks, money orders, or other acceptable negotiable instruments used to make payments to public officers, and subjecting violators to removal from office.

Read first time and PASSED ON FILE.

SENATE FILE 230, by Senators Robinson and Curtis, a bill for an act relating to the powers of state credit unions.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies.

Read first time and PASSED ON FILE.

HOUSE FILE 331, a bill for an Act relating to meetings of the board of parole and the grant or denial of parole.

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

Senate File 167

On motion of Senator Drake, Senate File 167, a bill for an act relating to transportation and providing for changes in the motor vehicle registration, was taken up for further consideration.

Senator Redmond offered amendment S-3151 filed by Senators Redmond, et al., on March 14, 1977, to pages 2 and 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3151 be adopted?" (S.F. 167) the vote was:

Ayes, 12:

Hansen	Kinley	Nolting	Orr
Palmer	Readinger	Redmond	Robinson
Rush	Scott	Shaw	Van Gilst

Nays, 32:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Ramsey	Rodgers	Schwengels	Shaff
Slater	Taylor	Tieden	Willits

Absent or not voting, 6:

Coleman	Craft	Culver	Murray
Nystrom	Priebe		

Amendment S-3151 lost.

Senator Schwengels offered amendment S-3143 filed by him on March 11, 1977, to page 2 of the bill.

Senator Hill of Polk raised the point of order that amendment S-3143 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3143 in order.

Senator Schwengels moved the adoption of amendment S-3143.

A record roll call was requested.

President Neu took the Chair at 4:05 p.m.

On the question "Shall amendment S-3143 be adopted?" (S.F. 167) the vote was:

Ayes, 18:

Ashcraft	Bisenius	Briles	Burroughs
Carr	Curtis	Gallagher	Hultman
Hutchins	Junkins	Kelly	Merritt
Miller, E.R.	Nolting	Ramsey	Redmond
Schwengels	Taylor		

Nays, 27:

Bergman	Calhoon	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Kinley	Miller, A.V.
Miller, C.P.	Murray	Orr	Palmer
Readinger	Robinson	Rodgers	Rush
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Absent or not voting, 5:

Coleman	Craft	Culver	Nystrom
Priebe			

Amendment S-3143 lost.

The Senate resumed consideration of amendment S-3142 filed by Senator Kelly to page 7 of the bill, offered and pending on March 11, 1977.

Senator Kelly moved the adoption of amendment S-3142.

The motion prevailed and amendment S-3142 was adopted.

Senator Tieden withdrew amendment S-3154 filed by him on March 14, 1977, to page 9 of the bill.

The Senate resumed consideration of amendment S-3140 by Senators Nolting, et al., to page 21 of the bill offered and pending on March 11, 1977.

Senator Bisenius withdrew amendment S-3148 to amendment S-3140 filed by him on March 11, 1977.

Senator Nolting moved the adoption of amendment S-3140 and requested a record roll call.

On the question "Shall amendment S-3140 be adopted?" (S.F. 167) the vote was:

Rule 23 was invoked.

Ayes, 21:

Ashcraft	Bergman	Bisenius	Burroughs
DeKoster	Hansen	Hill, P.B.	Hulse
Hultman	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Ramsey	Redmond
Rodgers	Schwengels	Taylor	Tieden
Van Gilst			

Nays, 25:

Briles	Calhoon	Carr	Curtis
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hutchins	Junkins	Kelly
Kinley	Merritt	Orr	Palmer
Priebe	Readinger	Robinson	Rush
Scott	Shaff	Shaw	Slater
Willits			

Absent or not voting, 4:

Coleman	Craft	Culver	Nystrom
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Amendment S-3140 lost.

Senator Shaw offered amendment S-3144 filed by Senators Shaw and Coleman on March 11, 1977, to page 21 of the bill.

Senator Hill of Polk raised the point of order that amendment S-3144 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3144 in order.

Senator Shaw moved the adoption of amendment S-3144.

The motion prevailed and amendment S-3144 was adopted.

Senator Drake offered amendment S-3157 by Senators Drake and Robinson to pages 7 and 8 of the bill and moved its adoption.

The motion prevailed and amendment S—3157 was adopted.

Senator Priebe offered amendment S—3145 filed by Senators Priebe, et al., on March 11, 1977, to pages 18 and 19 of the bill and moved its adoption.

The motion prevailed and amendment S—3145 was adopted.

Senator Priebe offered amendment S—3152 filed by him on March 14, 1977, to page 20 of the bill.

Senator Drake offered amendment S—3160 to amendment S—3152 by Senators Drake, Tieden and Hutchins and moved its adoption.

Amendment S—3160 to amendment S—3152 was adopted.

Senator Priebe moved the adoption of amendment S—3152 as amended.

The motion prevailed and amendment S—3152 as amended was adopted.

Senator Tieden offered amendment S—3161 by Senators Tieden, Priebe and Drake to page 17 of the bill and moved its adoption.

The motion prevailed and amendment S—3161 was adopted.

Senator Drake moved that the bill 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. 167) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Curtis
DeKoster	Doderer	Drake	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.

Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 2:

Hansen	Redmond
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Absent or not voting, 5:

Coleman	Craft	Culver	Gallagher
Nystrom			

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

INTRODUCTION OF BILLS

SENATE FILE 231, by Committee on Agriculture, a bill for an act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code.

Read first time and PLACED ON CALENDAR.

SENATE FILE 232, by Senator DeKoster, a bill for an act relating to the determination of retirement date for persons covered under the Iowa public employees' retirement system and to make an appropriation.

Read first time and PASSED ON FILE.

SENATE FILE 233, by Budget Human Resources Subcommittee, a bill for an act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war

veterans, and providing for the issuance of multi-year licenses by certain examining boards.

Read first time and PLACED ON CALENDAR.

SENATE FILE 234, by Budget Regulatory and Finance Subcommittee, a bill for an act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

Read first time and PLACED ON CALENDAR.

SENATE FILE 235, by Budget Regulatory and Finance Subcommittee, a bill for an act appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and the Iowa comprehensive conference.

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 adopted the conference committee report and amendments contained therein and repassed House Concurrent Resolution 4 proposing that the rule and rescission proposed by the Department of Transportation be disapproved.

DAVID L. WRAY, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE CONCURRENT RESOLUTION 4

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 Concurrent Resolution 4 relating to the disapproval of the

proposed rule by the state department of transportation submitted January 17, 1977, respectfully make the following report:

1. That the House recede from its amendment, S-3119, to Senate amendment, H-3085, to House Concurrent Resolution 4.

2. That the Senate recede from its amendment, H-3085, to House Concurrent Resolution 4.

3. That House Concurrent Resolution 4 be amended as follows:

1. Page 1, by striking lines 11 through 15 and inserting in lieu thereof the following:

"Now Therefore, Be It Resolved by the House of Representatives, the Senate Concurring, That the state department of transportation rule proposed and submitted to the General Assembly on January 17, 1977, is disapproved; and

Be It Further Resolved, That the rescission of the state department of transportation rule filed with the General Assembly on January 16, 1976, proposed in the January 17, 1977, message is disapproved; and

Be It Further Resolved, That the state department of transportation shall propose a new rule within thirty days from the passage of this resolution by the House of Representatives and the Senate, for consideration by the General Assembly. It is the intent of the General Assembly that the proposed rule shall restrict the operation of combinations of vehicles in excess of sixty feet but not exceeding sixty-five feet to divided multilaned limited access highways, to highways at least twenty-four feet wide within five miles of divided multilaned limited access highways, to highways in cities adjoining the borders of this state, and to appropriate routes when approved by the state department of transportation, by permit, from a point of origin in this state or to a point of destination in this state."

On the Part of the Senate:

CLOYD E. ROBINSON, Chairperson
TOM SLATER
EARL M. WILLITS
RICHARD F. DRAKE

On the Part of the House:

CARL V. NIELSEN, Chairperson
JACK E. WOODS
CARROLL PERKINS
WILLIAM H. HARBOR

REPORTS OF COMMITTEE MEETINGS

CITIES

Convened: March 2, 1977, 4:45 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson;

Schwengels, Ranking Member; Briles; Hansen; Gallagher; C. Miller and Readinger.

Members Absent: none.

Members Excused: Orr.

Final Action: APPROVED.

Senate File 224, a bill for an Act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads.

The vote was: AYES, 8; A. Miller, Slater, Schwengels, Briles, Hansen, Gallagher, C. Miller and Readinger. NAYS, none. ABSENT OR NOT VOTING, 1; Orr.

Also:

Other Business: Presentation by the City Development Board and assigned bills.

Adjourned: 5:45 p.m.

CITIES

Convened: March 14, 1977, 1:38 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Briles; Orr and Readinger.

Members Absent: Gallagher and Hansen.

Members Excused: C. Miller.

Final Action: DO PASS.

House File 44, a bill for an Act relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

The vote was: AYES, 6; A. Miller, Slater, Schwengels, Briles, Orr and Readinger. NAYS, none. ABSENT OR NOT VOTING, 3; Gallagher, Hansen and C. Miller.

Other Business: Assigned bills to subcommittees.

Adjourned: 1:46 p.m.

ENERGY

Convened: March 14, 1977, 3:06 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver; Ramsey and Rodgers.

Members Absent: Glenn (arrived 3:08 p.m.).

Other Business: Discussion of S.S.B. 143, the smoke alarm bill; legislation to regulate the use of beverage containers and distribution of the new version of S.S.B. 144, relating to interest free loans for insulation.

Adjourned: 3:30 p.m.

JUDICIARY

Convened: March 14, 1977, 1:35 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Doderer; P. Hill; Ramsey; Redmond; Scott; Shaw and Willits.

Members Absent: none.

Members Excused: Coleman.

Other Business: Chief Justice C. Edwin Moore and Justice Mark McCormick addressed the committee on the Rules of Criminal Procedure.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: March 14, 1977, 3:09 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Members Excused: Calhoon.

Other Business: S.S.B. 209 discussed and assigned bill to subcommittee.

Adjourned: 3:45 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 14, 1977, 1:35 p.m.

Members Present: Nolting, Chairperson; Hulse, Ranking Member; Burroughs; Merritt and Palmer.

Members Absent: Murray and Nystrom.

Members Excused: Calhoon, Vice Chairperson and Robinson.

Other Business: Assignment of bills.

Adjourned: 1:39 p.m.

WAYS AND MEANS

Convened: March 14, 1977, 10:21 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; E. Hill; Junkins; Kelly; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Craft (arrived 10:30 a.m.); Palmer (arrived 10:23 a.m.) and Priebe (arrived 10:25 a.m.).

Members Excused: Hultman.

Final Action: DO PASS.

Senate File 167, a bill for an Act relating to transportation and providing for changes in the motor vehicle registration.

The vote was: AYES, 13; Rodgers, Nolting, Curtis, Craft, E. Hill, Junkins, Kelly, Palmer, Priebe, Readinger, Redmond, Shaff and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 1; Hultman.

Adjourned: 10:50 a.m.

STUDY BILLS RECEIVED

S.S.B. 225 County Government

Relating to vacating and closing highways.

S.S.B. 226 County Government

Payment of travel expenses of county officers.

S.S.B. 227 County Government

Improved retirement benefits for county sheriffs and deputy sheriffs.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 223	Ways and Means
S.F. 225	State Government
H.F. 212	County Government
H.F. 228	Agriculture
H.F. 327	Budget

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 327, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 231, a bill for an act relating to the authority of the director of revenue to sell cigarette stamps through banks, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

NORMAN G. RODGERS, Chairperson

AMENDMENTS FILED

S-3155	S.F. 186	Earl M. Willits
S-3158	S.F. 213	Calvin O. Hultman
		Roger J. Shaff
		Philip B. Hill
		Cliff Burroughs
		Elizabeth R. Miller
		Stephen W. Bisenius
		Rolf V. Craft
		Dale L. Tieden
		Forrest V. Schwengels
		James E. Briles
		Richard R. Ramsey
		Ray Taylor
		Forrest F. Ashcraft
		Merlin D. Hulse
S-3159	S.F. 213	Earl M. Willits
		Dale L. Tieden
		Norman G. Rodgers
S-3162	S.F. 185	Berl E. Priebe

On motion of Senator Kinley, the Senate adjourned at 5:30 p.m., until 1:30 p.m., Wednesday, March 16, 1977.

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY—FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 16, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend James Quitno, pastor of the Grace Lutheran Church, Spirit Lake, Iowa.

The Journal of Tuesday, March 15, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Beckman, Kalona, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the day on request of Senator Kinley.

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 14, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 160, a bill for an Act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Also: That the House has on March 14, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 163, a bill for an Act making appropriations to various executive and legislative departments and other councils and commissions.

Also: That the House has on March 14, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 267, a bill for an Act relating to the investment of certain funds

in the custody of the clerk of the district court.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 236, by Senators Tieden and Carr, a bill for an act establishing a maximum civil liability for losses caused by the distribution of beer or intoxicating liquor to a person while the person is intoxicated, or which distribution results in intoxication.

Read first time and PASSED ON FILE.

SENATE FILE 237, by Senators Kelly, Priebe, Hultman, Calhoun, Coleman, Bergman, Curtis, Briles, DeKoster and Rodgers, a bill for an act establishing a wildlife habitat stamp.

Read first time and PASSED ON FILE.

SENATE FILE 238, by Senator Kelly, a bill for an act relating to business corporations.

Read first time and PASSED ON FILE.

SENATE FILE 239, by Senator Kelly, a bill for an act relating to nonprofit corporations.

Read first time and PASSED ON FILE.

SENATE FILE 240, by Senator Kelly, a bill for an act relating to judicial review of arbitrator's awards.

Read first time and PASSED ON FILE.

SENATE FILE 241, by Senator Carr, a bill for an act relating to the safety of persons working in manholes and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 242, by Senator Murray, a bill for an act to establish and prescribe the powers and duties of the Iowa research

foundation, and making an appropriation for the Iowa research foundation fund.

Read first time and PASSED ON FILE.

SENATE FILE 243, by Committee on Human Resources, a bill for an act relating to the qualifications required of the director of the division of mental health resources of the department of social services.

Read first time and PLACED ON CALENDAR.

SENATE FILE 244, by Committee on Judiciary, a bill for an act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 267, a bill for an Act relating to the investment of certain funds in the custody of the clerk of the district court.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 160

S-3164

- 1 Amend Senate File 160 as follows:
- 2 1. Page 1, by striking lines 21 through 23.
- 3 2. Page 1, by inserting after line 28 the
- 4 following:
- 5 "Sec. ____ . Chapter eight B (8B), Code 1977, is
- 6 repealed."
- 7 3. Renumber the remaining section.
- 8 4. Title page, line 1, by inserting after the
- 9 word "Act" the words "relating to and".

HOUSE AMENDMENT TO SENATE FILE 163

S-3165

- 1 Amend Senate File 163, as passed by the Senate,
- 2 as follows:

3 1. Page 1, by inserting after line 13 the
4 following:
5 "The state comptroller shall not issue any
6 warrants for the payment of funds appropriated
7 by this paragraph of this subsection until such
8 time as all agencies under the direct control
9 of the governor comply with the provisions of
10 sections seventeen A point three (17A.3) and
11 seventeen A point nine (17A.9) of the Code."

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the State Board of Landscape Architectural Examiners, Thomas A. Barton filed March 9, 1977, and found on pages 581-582 of the Senate Journal.

As a member of the State Board of Veterinary Medical Examiners, Samuel D. Linn, filed March 9, 1977, and found on page 582 of the Senate Journal.

As a member of the Transportation Regulation Board, a division of the Department of Transportation, Kathleen Dollar Johnson, filed March 9, 1977, and found on page 582 of the Senate Journal.

As a member of the State Board of Veterinary Medical Examiners, Cathy Sue Kelly, filed March 10, 1977, and found on page 595 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes

were:

THOMAS A. BARTON

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles	Coleman	Slater
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President Neu declared the appointment of Thomas A. Barton as a member of the State Board of Landscape Architectural Examiners confirmed for the regular three-year term ending June 30, 1979.

SAMUEL D. LINN

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles Coleman Slater

President Neu declared the appointment of Samuel D. Linn as a member of the State Board of Veterinary Medical Examiners confirmed for the regular three-year term ending June 30, 1979.

KATHLEEN DOLLAR JOHNSON

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles Coleman Slater

President Neu declared the appointment of Kathleen Dollar Johnson as a member of the Transportation Regulation Board confirmed for the unexpired portion of the term ending June 30, 1977.

CATHY SUE KELLY

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray

Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles	Coleman	Slater
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President Neu declared the appointment of Cathy Sue Kelly as a member of the State Board of Veterinary Medical Examiners confirmed for the regular three-year term ending June 30, 1979.

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 Colleen P. Shearer of Carlisle, Polk County, Iowa, for appointment as Director of Job Service under the provisions of Chapter 1068, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE F. DODERER, Chairperson
LUCAS J. DE KOSTER
GENE W. GLENN
WILLARD R. HANSEN
CLOYD E. ROBINSON

The motion prevailed and the report was adopted.

Senator Doderer moved the appointment of Colleen P. Shearer as Director of Job Service be confirmed by the Senate.

Senator Hill of Polk took the Chair at 2:15 p.m.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 23 was invoked.

Ayes, 41:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Craft	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 7:

Carr	Culver	Merritt	Miller, C.P.
Nolting	Palmer	Redmond	

Absent or not voting, 2:

Briles	Coleman
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The Chair declared the appointment of Colleen P. Shearer as Director of Job Service confirmed.

REREFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that SENATE FILE 111 be REREFERRED to the committee on STATE GOVERNMENT.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 192.

Senate File 192

On motion of Senator Shaff, Senate File 192, a bill for an Act relating to the location of the division of the state historical society of the Iowa state historical department, was taken up for consideration.

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. 192) the vote was:

Ayes, 34:

Ashcraft	Bergman	Burroughs	Carr
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hulse	Hultman	Junkins	Kelly
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Readinger	Robinson	Rodgers	Schwengels
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst		

Nays, 13:

Bisenius	Calhoon	Craft	Hill, E.M.
Hill, P.B.	Merritt	Miller, C.P.	Nolting
Ramsey	Redmond	Rush	Scott
Willits			

Absent or not voting, 3:

Briles	Coleman	Hutchins
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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 195.

Senate File 195

On motion of Senator Drake, Senate File 195, a bill for an Act increasing fees for permits to carry weapons, was taken up for consideration.

President Neu took the Chair at 2:30 p.m.

Senator Drake moved that the bill 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. 195) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Schwengels
Scott	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 4:

Hansen	Hill, P.B.	Ramsey	Rush
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Absent or not voting, 3:

Briles	Coleman	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.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 205.

Senate File 205

On motion of Senator Glenn, Senate File 205, a bill for an Act relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry, 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. 205) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver

Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Briles Coleman 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 to take up out of order House File 44.

House File 44

On motion of Senator Schwengels, House File 44, a bill for an Act relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties, 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. 44) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray

Nolting	Nystrom	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Tieden	Van Gilst
Willits			

Nays, 1:

Taylor

Absent or not voting, 4:

Briles	Coleman	Orr	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.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 180.

Senate File 180

On motion of Senator Palmer, Senate File 180, a bill for an Act relating to the regulation of premium rates for credit life and credit accident and health insurance, was taken up for consideration.

Senator Craft offered amendment S—3167 to strike everything after the enacting clause of the bill.

Senator Craft offered amendment S—3170 to amendment S—3167 and moved its adoption.

Amendment S—3170 to amendment S—3167 was adopted.

Senator Hill of Polk raised the point of order that amendment S—3167 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—3167 as amended out of order.

Senator Curtis offered amendment S—3166 by Senators Curtis and Palmer to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 35, nays 7.

The motion prevailed and amendment S-3166 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. 180) the vote was:

Rule 23 was invoked.

Ayes, 31:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Redmond	Rodgers	Scott
Slater	Tieden	Willits	

Nays, 13:

Burroughs	Craft	Drake	Junkins
Kelly	Nystrom	Ramsey	Robinson
Rush	Schwengels	Shaw	Taylor
Van Gilst			

Voting present, 2:

Hultman	Readerger
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Absent or not voting, 4:

Briles	Coleman	Miller, C.P.	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.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

House Concurrent Resolution 4

Senator Hill of Polk called up the report of the conference committee on House Concurrent Resolution 4, a resolution relating to the Department of Transportation proposed rule on the maximum legal length of a combination of vehicles filed March 15, 1977, and found on pages 636-637 of the Senate Journal.

(Conference Committee Report on House Concurrent Resolution 4 pending on adjournment.)

INTRODUCTION OF BILLS

SENATE FILE 245, by Senator Rush, a bill for an act to revise the rules of criminal procedure pertaining to grand juries.

Read first time and PASSED ON FILE.

SENATE FILE 246, by Senators Bisenius and Schwengels, a bill for an act providing for compensation of victims of certain violent crimes and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 247, by Senator Shaw, a bill for an act relating to posting of signs near intersections where passing of motor vehicles is prohibited.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEES

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on Judiciary to which was referred HOUSE FILE 77, a bill for an Act relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

Senator Priebe submitted the following report:

MR. PRESIDENT: Your committee on Natural Resources to which was referred Senate File 174, a bill for an Act relating to the hunting of pheasants by non-residents, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS

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

MAURICE A. VAN NOSTRAND, Des Moines, Polk County, Iowa, as a member of the Iowa State Commerce Commission for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

- Senator E. Hill, Chairperson
- Senator Curtis
- Senator P. Hill
- Senator Palmer
- Senator Robinson

NORMAN L. PAWLEWSKI, Des Moines, Polk County, Iowa, as Commissioner of Public Health for the regular four-year term commencing July 1, 1977, and ending June 30, 1981.

- Senator Carr, Chairperson
- Senator Calhoon
- Senator P. Hill
- Senator A. Miller
- Senator Murray

THOMAS H. HUSTON, Des Moines, Polk County, Iowa, as Superintendent of Banking for the State of Iowa for the regular four-year term commencing July 1, 1977, and ending July 30, 1981.

- Senator Junkins, Chairperson
- Senator Bisenius
- Senator P. Hill
- Senator Nolting
- Senator Priebe

RODSON L. RIGGS, Des Moines, Polk County, Iowa, as Director of Energy Policy for a regular two-year term commencing July 1, 1977, and ending June 30, 1979.

Senator Gallagher, Chairperson
Senator Burroughs
Senator Murray
Senator Rodgers
Senator Scott

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harrison Kane, Ph.D., of Iowa City, Johnson County, Iowa, for reappointment 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, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

GEORGE R. KINLEY, Chairperson
LUCAS J. DE KOSTER
MINNETTE DODERER
LOWELL L. JUNKINS
JOHN S. MURRAY

STUDY BILLS RECEIVED

S.S.B. 228 State Government Budget Subcommittee

Establish salary ranges for designated nonelected officials and set salaries for members of the judicial branch and public employment relations board.

S.S.B. 229 State Government Budget Subcommittee

Repeals statutory standing appropriation funding the state employees' disability plan.

S.S.B. 230 Natural Resources

Directs the state conservation commission to dredge Blue Lake located in Monona County, Iowa.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 226	Rules and Administration
S.F. 227	Budget
S.F. 228	Transportation
S.F. 229	State Government
S.F. 230	Commerce
S.F. 232	Budget
H.F. 210	Natural Resources
H.F. 331	State Government

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 167 passed the Senate on March 15, 1977.

FRED W. NOLTING

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 167 passed the Senate on March 15, 1977.

RICHARD F. DRAKE

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3140 to Senate File 167 failed to pass the Senate on March 15, 1977.

MILO MERRITT

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 15, 1977, 9:05 a.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Calhoon; Hulse; Hutchins; Readinger and Scott.

Members Absent: A. Miller (arrived 9:08 a.m.).

Members Excused: E. Miller (arrived 9:09 a.m.).

Final Action: APPROVED.

S.S.B. 126, a bill for an Act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code.

The vote was: AYES, 10; Van Gilst, Merritt, Tieden, Calhoon, Hulse, Hutchins, A. Miller, E. Miller, Readinger and Scott. NAYS, none.

Also:

Other Business: Subcommittee assignments.

Adjourned: 10:09 a.m.

BUDGET

Convened: March 15, 1977, 2:20 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Carr; DeKoster; Hultman; Junkins; Kelly; Nolting; Ramsey; Van Gilst and Willits.

Members Absent: Shaw, Ranking Member (arrived 2:50 p.m.) and Priebe.

Final Action: APPROVED.

Senate File 233, a bill for an Act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Priebe.

Also:

Final Action: APPROVED.

Senate File 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

The vote was: AYES, 11; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins,

Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, 1; Hultman. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Final Action: APPROVED.

Senate File 235, a bill for an Act appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement to the Iowa department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund to the state for the city finance committee and the Iowa comprehensive conference.

The vote was: AYES, 11; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, 1; Hultman. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Final Action: DO PASS.

House File 327, a bill for an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation public safety and public defense.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Priebe.

Adjourned: 3:20 p.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 15, 1977, 7:45 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member and Bergman.

Members Absent: none.

Members Excused: Rush.

Other Business: Approved budget recommendations for Community Based Corrections and Parole and Probation.

Adjourned: 8:45 a.m.

STATE GOVERNMENT

Convened: March 15, 1977, 9:10 a.m.

Members Present: Doderer, Chairperson; Ashcraft; Carr; Culver; Glenn; Junkins; Kelly; Schwengels and Shaff.

Members Absent : none.

Members Excused: Coleman, Vice Chairperson; Nystrom, Ranking Member; Rush and Slater.

Other Business: Discussed Senate File 79 and legislation relating to continuing education.

Adjourned: 10:20 a.m.

TRANSPORTATION

Convened: March 16, 1977, 9:05 a.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Ashcraft; Gallagher; Hutchins; Shaff and Tieden.

Members Absent: Doderer (arrived 9:13 a.m.).

Members Excused: Coleman.

Other Business: Discussed S.S.B. 197—no final action.

Adjourned: 9:42 a.m.

WAYS AND MEANS

Convened: March 15, 1977, 10:30 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; Hultman; Junkins; Palmer; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: E. Hill (arrived 10:40 a.m.) and Kelly (arrived 10:37 a.m.).

Final Action: DO PASS.

House File 231, a bill for an Act relating to the authority of the director of revenue to sell cigarette stamps through banks.

The vote was: AYES, 9; Rodgers, Curtis, Craft, Junkins, Kelly, Palmer, Readinger, Shaff and Van Gilst. NAYS, 3; Nolting, E. Hill and Redmond. ABSENT OR NOT VOTING, 2; Hultman and Priebe.

Adjourned: 11:05 a.m.

AMENDMENTS FILED

S-3163	H.F. 327	Robert M. Carr Cloyd E. Robinson Richard F. Drake
S-3168	S.F. 214	Berl E. Priebe Dale L. Tieden
S-3169	S.F. 213	Earl M. Willits William D. Palmer Elizabeth Shaw
S-3171	S.F. 213	Elizabeth Shaw
S-3172	S.F. 233	E. Kevin Kelly Minnette F. Doderer Willard R. Hansen Lowell L. Junkins

PRESENTATION OF VISITORS

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

Members of the Davis County Community High School basketball team and cheerleaders, accompanied by their coaches Don Combs, Steve Dend, Denny Anderson and Leon Wilkerson. Senator Glenn.

Sixteen students from Hoyt Middle School, Des Moines, Iowa, accompanied by Marilyn Rollins and Carol Brown. Senator Palmer.

Fifty-four students from Bettendorf, Iowa, accompanied by Sue Richardson. Senator Shaw.

Sixty students from All Saints School, Des Moines, Iowa, accompanied by Mrs. Tracey and Sister Frances. Senator Willits.

On motion of Senator Kinley, the Senate adjourned at 4:00 p.m., until 1:30 p.m., Thursday, March 17, 1977.

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY—FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 17, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Edward Osborn, pastor of the Riverside United Methodist Church, Fort Dodge, Iowa.

The Journal of Wednesday, March 16, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Bell, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Hansen and Craft for the day on request of Senator Kelly; Senator Scott for the day on request of Senator Rush.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

President pro tempore Coleman took the Chair at 1:40 p.m.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 233.

Senate File 233

On motion of Senator Nolting, Senate File 233, a bill for an Act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board

of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards, was taken up for consideration.

Senator Kelly offered amendment S—3172 filed by Senators Kelly, et al., on March 16, 1977, to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3172 be adopted?" (S.F. 233) the vote was:

Ayes, 34:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Curtis	DeKoster
Doderer	Drake	Glenn	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 9:

Calhoon	Hill, E.M.	Hill, P.B.	Merritt
Miller, A.V.	Nolting	Ramsey	Readinger

Absent or not voting, 7:

Ashcraft	Craft	Culver	Gallagher
Hansen	Nystrom	Scott	

Amendment S—3172 was adopted.

Senator Shaw offered amendment S—3177 by Senators Shaw and DeKoster to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3177 be adopted?" (S.F. 233) the vote was:

Ayes, 19:

Bergman	Bisenius	Briles	Burroughs
Curtis	DeKoster	Drake	Hill, P.B.
Hulse	Hultman	Miller, E.R.	Murray
Nystrom	Ramsey	Redmond	Schwengels
Shaff	Shaw	Slater	

Nays, 25:

Calhoon	Carr	Coleman	Gallagher
Glenn	Hill, E.M.	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Rush	Taylor	Tieden	Van Gilst
Willits			

Absent or not voting, 6:

Ashcraft	Craft	Culver	Doderer
Hansen	Scott		

Amendment S-3177 lost.

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?" (S.F. 233) the vote was:

Ayes, 44:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Curtis
DeKoster	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Shaff	Shaw	Slater

Taylor	Tieden	Van Gilst	Willits
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Nays, none.

Absent or not voting, 6:

Ashcraft	Craft	Culver	Doderer
Hansen	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 Senate File 234.

Senate File 234

On motion of Senator Hill of Jasper, Senate File 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, was taken up for consideration.

Senator Taylor offered amendment S-3176 by Senators Taylor, et al., to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3176 be adopted?" (S.F. 234) the vote was:

Ayes, 21:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Curtis	Doderer	Drake
Gallagher	Hulse	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Robinson
Schwengels	Shaw	Slater	Taylor
Tieden			

Nays, 25:

Calhoon	Carr	Coleman	DeKoster
Glenn	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting

Orr	Palmer	Readinger	Redmond
Rodgers	Rush	Shaff	Van Gilst
Willits			

Absent or not voting, 4:

Craft	Culver	Hansen	Scott
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Amendment S—3176 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. 234) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Shaff
Shaw	Slater	Taylor	Van Gilst
Willits			

Nays, 1:

Tieden

Absent or not voting, 4:

Craft	Culver	Hansen	Scott
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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 235.

Senate File 235

On motion of Senator Hill of Jasper, Senate File 235, a bill for an Act appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and the Iowa comprehensive conference, was taken up for 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?" (S.F. 235) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Craft	Culver	Hansen	Scott
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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 327.

House File 327

On motion of Senator Carr, House File 327, a bill for an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Taylor offered amendment S—3173 to pages 3 and 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3173 be adopted?" (H.F. 327) the vote was:

Rule 23 was invoked.

Ayes, 19:

Ashcraft	Bergman	Briles	Burroughs
Curtis	DeKoster	Drake	Hill, P.B.
Hulse	Hultman	Kelly	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Schwengels	Shaff	Taylor	

Nays, 26:

Bisenius	Calhoon	Carr	Coleman
Gallagher	Glenn	Hill, E.M.	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Shaw	Slater	Tieden
Van Gilst	Willits		

Absent or not voting, 5:

Craft	Culver	Doderer	Hansen
Scott			

Amendment S—3173 lost.

Senator Drake offered amendment S—3175 to pages 3 and 4 of the bill and called for a division of the amendment, lines 3 through 5 to be considered as division S—3175A of the amendment; lines 6 through 8 to be considered as division S—3175B of the amendment.

Senator Drake withdrew division S—3175A of the amendment.

Senator Drake moved the adoption of division S—3175B of the amendment.

A record roll call was requested.

On the question “Shall division S—3175B of the amendment be adopted?” (H.F. 327) the vote was:

Ayes, 21:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Curtis	DeKoster	Drake
Hill, P.B.	Hulse	Hultman	Kelly
Miller, E.R.	Murray	Nystrom	Ramsey
Schwengels	Shaff	Shaw	Taylor
Tieden			

Nays, 25:

Calhoon	Carr	Coleman	Doderer
Gallagher	Glenn	Hill, E.M.	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Slater	Van Gilst
Willits			

Absent or not voting, 4:

Craft	Culver	Hansen	Scott
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Division S—3175B of the amendment lost.

Senator Taylor offered amendment S—3174 by Senators Taylor and Ashcraft to page 4 of the bill.

Senator Robinson took the Chair at 3:50 p.m.

President pro tempore Coleman took the Chair at 3:55 p.m.

Senator Taylor withdrew amendment S—3174.

Senator Carr offered amendment S—3163 filed by Senators Carr, Robinson and Drake on March 16, 1977, to page 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3163 be adopted?" (H.F. 327) the vote was:

Rule 23 was invoked.

Ayes, 29:

Ashcraft	Bisenius	Burroughs	Carr
DeKoster	Drake	Hill, E.M.	Hultman
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Robinson
Rodgers	Rush	Schwengels	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 14:

Bergman	Calhoon	Coleman	Curtis
Gallagher	Glenn	Hill, P.B.	Hulse
Hutchins	Miller, E.R.	Nolting	Readinger
Redmond	Shaff		

Absent or not voting, 7:

Briles	Craft	Culver	Doderer
Hansen	Kelly	Scott	

Amendment S—3163 was adopted.

Senator Nystrom offered amendment S—3178 to page 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3178 be adopted?" (H.F. 327) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Curtis	DeKoster	Drake
Hill, P.B.	Hulse	Hultman	Hutchins
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Schwengels	Shaff	Shaw
Taylor	Tieden		

Nays, 22:

Calhoon	Carr	Coleman	Gallagher
Glenn	Hill, E.M.	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Priebe	Redmond
Robinson	Rodgers	Rush	Slater
Van Gilst	Willits		

Absent or not voting, 6:

Craft	Culver	Doderer	Hansen
Kelly	Scott		

Amendment S-3178 lost.

Senator Redmond offered amendment S-3181 to pages 4 and 6 of the bill.

Senator Hill of Polk called for a division of the amendment, lines 3 through 5 and lines 13 through 15 to be considered as division S-3181A of the amendment; lines 6 through 12 to be considered as division S-3181B of the amendment.

Senator Redmond moved the adoption of division S-3181A of the amendment and requested a record roll call.

On the question "Shall division S-3181A of the amendment be adopted?" (H.F. 327) the vote was:

Ayes, 6:

Calhoon	Hill, P.B.	Hutchins	Miller, E.R.
Redmond	Rush		

Nays, 38:

Ashcraft	Bergman	Bisenius	Burroughs
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Carr	Coleman	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hulse	Hultman	Junkins
Kelly	Kinley	Merritt	Miller, A. V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Priebe	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Absent or not voting, 6:

Briles	Craft	Culver	Hansen
Palmer	Scott		

Division S-3181A of the amendment lost.

Senator Redmond withdrew division S-3181B of the amendment.

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. 327) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Shaff	Shaw
Slater	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Briles	Craft	Culver	Hansen
Scott	Taylor		

The bill having received a constitutional majority was declared

to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Carr asked and received unanimous consent that SENATE FILE 187 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 March 15, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 162, a bill for an Act making an appropriation to the judicial department.

Also: That the House has on March 3, 1977, concurred in Senate amendment to, and passed the following concurrent resolution in which the concurrence of the House was asked:

House Concurrent Resolution 10, that the plans of the Iowa state conservation commission for a basin providing moorings for boats at West Okoboji Lake are disapproved.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 162

S-3180

1 Amend Senate File 162 as follows:

2 1. Page 2, by inserting after line 20 the
3 following:

4 "Sec. 3. Notwithstanding section six hundred two
5 point eighteen (602.18) of the Code, the number of
6 district judges shall not exceed eighty-nine during
7 the period commencing with the effective date of this
8 section and ending at such time as the general assembly
9 shall specify a different maximum number of district
10 judges.

11 Sec. 4. This Act, being deemed of immediate impor-
12 tance, shall take effect and be in force from and
13 after its publication in the Sumner Gazette, a

14 newspaper published in Sumner, Iowa, and in the Sioux
 15 Center News, a newspaper published in Sioux Center,
 16 Iowa.

17 Sec. 5. Sections one (1) and two (2) of this Act
 18 shall take effect July 1, 1977."

SENATE RESOLUTION 8

By: Miller of Marshall, Readinger and Calhoon

1 *Whereas*, agriculture with the interdependence of
 2 the Iowa farmer and other segments of the state's econ-
 3 omy; and
 4 *Whereas*, agriculture is the basic industry in Iowa;
 5 and
 6 *Whereas*, Iowa leads the nation in livestock and hog
 7 marketings and is second in the nation in food product-
 8 ion; and
 9 *Whereas*, agriculture is meeting the increasing de-
 10 mands for food products which fit the consumers' needs;
 11 and
 12 *Whereas*, the relative cost of food in the United
 13 States is the lowest in the world, requiring only seven-
 14 teen per cent of the national disposable income; and
 15 *Whereas*, Iowa is a major producer of agricultural
 16 products for export for our balance of trade to maintain
 17 its present level; *Now Therefore*,
 18 *Be It Resolved by the Senate*, that we pay tribute
 19 to agriculture and the farmers of Iowa for their success
 20 as the most efficient producers in the economy of Iowa.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 12

By: Hutchins, Schwengels, Briles, Drake and Culver

1 *Whereas*, the bonus board has had the responsibility
 2 for administering funds providing for veterans' pro-
 3 grams and has also carried out other duties in regard
 4 to veterans' programs; and
 5 *Whereas*, consideration is being given to abolishing
 6 some funds and consolidating others that formerly
 7 affected veterans' programs because the purpose for
 8 establishing such funds has in some cases been
 9 accomplished; and
 10 *Whereas*, an examination of present duties of the
 11 bonus board as well as an examination of providing
 12 for consolidating duties relating to veterans' pro-
 13 grams should be undertaken; and
 14 *Whereas*, consideration is being given to establish-

15 ing a department of veterans' affairs which would
 16 carry out all duties and administer programs relating
 17 to veterans; *Now Therefore,*
 18 *Be It Resolved by the Senate, the House Concurring,*
 19 That the legislative council is urged to establish
 20 a study committee or subcommittee of the appropriate
 21 standing committee to conduct a study during the
 22 1977 legislative interim for the purpose of examining
 23 present duties of the bonus board, the transfer of
 24 duties relating to veterans presently being adminis-
 25 tered by other departments, and the establishment
 26 of a department of veterans' affairs, and to make a
 27 report accompanied by bill drafts designed to carry
 28 out the recommendations of the committee or sub-
 29 committee to the 1977 session of the general
 30 assembly; and

Page 2

1 *Be It Further Resolved,* That the study committee
 2 or subcommittee shall make periodic reports to the
 3 legislative council relating to the report of the
 4 study committee or subcommittee.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 15, 1977, 7:35 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Recommended appropriation to ADC; to remove persons 18, 19 and 20 years old from the welfare rolls.

Adjourned: 9:00 a.m.

HUMAN RESOURCES

Convened: March 16, 1977, 9:05 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Calhoun; Craft; E. Hill; P. Hill; E. Miller; Slater and Taylor.

Members Absent: Murray, Ranking Member; A. Miller (arrived 9:08 a.m.) and Rush (arrived 9:12 a.m.).

Final Action: APPROVED.

Senate File 243, a bill for an Act relating to the qualifications required of the director of the division of mental health resources of the department of social services.

The vote was: AYES, 10; C. Miller, Carr, Calhoon, Craft, E. Hill, A. Miller, E. Miller, Rush, Slater and Taylor. NAYS, 1; P. Hill. ABSENT OR NOT VOTING, 1: Murray.

Other Business: Discussed the resolution on mental health.

Adjourned: 10:10 a.m.

NATURAL RESOURCES

Convened: March 16, 1977, 10:40 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Final Action: DO PASS.

Senate file 174, a bill for an Act relating to the hunting of pheasants for non-residents.

The vote was: AYES, 8; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoon, Junkins and Slater. NAYS, 1; Tieden.

Also:

Other Business: Presentation by Lewis Geiske, State Water Commission, Orville Van Eck, State Geologist; subcommittee assignments.

Adjourned: 11:30 a.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 236	Judiciary
S.F. 237	Natural Resources
S.F. 238	Judiciary
S.F. 239	Judiciary
S.F. 240	Labor and Industrial Relations

S.F. 241	Labor and Industrial Relations
S.F. 242	Budget
S.F. 245	Judiciary
S.F. 246	Judiciary
S.F. 247	Transportation
H.F. 267	County Government

REPORTS OF COMMITTEES

Senator Redmond submitted the following report:

MR. PRESIDENT: Your committee on County Government, to which was referred House File 150, a bill for an Act to repeal provisions relating to the compensation of deputy county officers in certain counties, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES M. REDMOND, Chairperson

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on Energy, to which was referred Senate File 182, a bill for an Act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES V. GALLAGHER, Chairperson

AMENDMENTS FILED

S-3179	S.F. 214	John S. Murray
		John N. Nystrom
S-3182	S.F. 31	Elizabeth Miller

PRESENTATION OF VISITORS

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

Eleven students from Western Christian High School, Sioux Center, Iowa, including Jan Tissinte of the Netherlands and Taula Kapiainen of Finland, accompanied by Phil Vermeer. Senator DeKoster.

On motion of Senator Kinley, the Senate adjourned at 4:55 p.m., until 9:00 a.m., Friday, March 18, 1977.

JOURNAL OF THE SENATE

SIXTY-EIGHTH CALENDAR DAY—FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 18, 1977

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

Prayer was offered by the Reverend J. R. Christenson, pastor of the St. Paul Lutheran Church, Davenport, Iowa.

The Journal of Thursday, March 17, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. George Kern, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Redmond and Van Gilst for the day on request of Senator Kinley;
Senators Nystrom and Burroughs for the day on request of Senator Hultman.

INTRODUCTION OF BILL

SENATE FILE 248, by Senator Bisenius, a bill for an act providing an income tax deduction for corporations for the purchase and use of coal mined in Iowa.

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 224.

Senate File 224

On motion of Senator Slater, Senate File 224, a bill for an Act relating to city development clarifying what the city clerk and city

development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads, was taken up for consideration.

Senator Slater moved that the bill 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. 224) the vote was:

Ayes, 39:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Orr
Palmer	Priebe	Ramsey	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 11:

Burroughs	Carr	Gallagher	Kelly
Nystrom	Readinger	Redmond	Robinson
Shaff	Shaw	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 231.

House File 231

On motion of Senator Rodgers, House File 231, a bill for an Act relating to the authority of the director of revenue to sell cigarette stamps through banks, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

DEFERRED

Senator Kinley asked and received unanimous consent that HOUSE FILE 231 be DEFERRED and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 174.

Senate File 174

On motion of Senator Hultman, Senate File 174, a bill for an Act relating to the hunting of pheasants by nonresidents, 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?" (S.F. 174) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, 3:

Coleman	Kelly	Miller, C.P.
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Absent or not voting, 4:

Burroughs	Nystrom	Redmond	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 174 passed the Senate on March 18, 1977.

PHILIP B. HILL

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 77.

House File 77

On motion of Senator Ramsey, House File 77, a bill for an Act relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code, with report of committee recommending passage, was taken up, considered, and the report of the committee 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. 77) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Calhoun	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Willits		

Nays, none.

Absent or not voting, 4:

Burroughs

Nystrom

Redmond

Van Gilst

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 160

Senator Junkins called up for consideration Senate File 160, a bill for an Act making an appropriation to agencies whose responsibilities relate to energy policy and research, amended by the House, and moved that the Senate concur in House amendment S-3164, filed March 16, 1977, and found on page 645 of the Senate Journal.

Senator Junkins asked and received unanimous consent that action on the House amendment to Senate File 160 be temporarily deferred for the preparation of an amendment.

MOTION TO RECONSIDER WITHDRAWN

Senator Hill of Polk withdrew the motion to reconsider to Senate File 174, a bill for an Act relating to the hunting of pheasants by nonresidents, filed by him on March 18, 1977.

HOUSE AMENDMENT CONSIDERED

Senate File 163

Senator Willits called up for consideration Senate File 163, a bill for an Act making appropriations to various executive and legislative departments, amended by the House, and moved that the Senate concur in House amendment S-3165, filed March 16, 1977, and found on pages 645-646 of the Senate Journal.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S-3165?" (S.F. 163) the vote was:

Rule 23 was invoked.

Ayes, 23:

Carr	Coleman	Culver	Doderer
Gallagher	Glenn	Hill, E.M.	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Willits	

Nays, 23:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Craft	Curtis	DeKoster
Drake	Hansen	Hill, P.B.	Hulse
Hultman	Kelly	Miller, E.R.	Murray
Ramsey	Readinger	Schwengels	Shaff
Shaw	Taylor	Tieden	

Absent or not voting, 4:

Burroughs	Nystrom	Redmond	Van Gilst
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The motion lost and the Senate REFUSED TO CONCUR in House amendment S-3165.

BUSINESS PENDING
HOUSE AMENDMENT TO SENATE FILE 160

The Senate resumed consideration of House amendment S-3164 to Senate File 160 previously deferred.

Senator Junkins offered amendment S-3184 by Senators Junkins and Schwengels to House amendment S-3164 and moved its adoption.

The motion prevailed and amendment S-3184 to House amendment S-3164 was adopted.

Senator Junkins moved that the Senate concur in House amendment S-3164 as amended.

The motion prevailed and the Senate concurred in House amendment S-3164 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. 160) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Craft	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 7:

Briles	Burroughs	Curtis	Hutchins
Nystrom	Redmond	Van Gilst	

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

HOUSE AMENDMENT CONSIDERED

Senate File 162

Senator Willits called up for consideration Senate File 162, a bill for an Act making an appropriation to the judicial department, amended by the House, and moved that the Senate concur in House amendment S-3180 filed March 17, 1977, and found on pages 675-676 of the Senate Journal.

Senator Willits offered amendment S-3185 to House amendment S-3180 and moved its adoption.

The motion prevailed and amendment S—3185 to House amendment S—3180 was adopted.

Senator Willits moved that the Senate concur in House amendment S—3180 as amended, which motion prevailed and the Senate concurred in House amendment S—3180 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. 162) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Calhoun	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Willits

Nays, none.

Absent or not voting, 6:

Burroughs	Curtis	Merritt	Nystrom
Redmond	Van Gilst		

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

BUSINESS PENDING
CONFERENCE COMMITTEE REPORT ON
HOUSE CONCURRENT RESOLUTION 4

The Senate resumed consideration of the Report of the Conference Committee on House Concurrent Resolution 4, pending on March 16, 1977.

Senator Drake moved that the Conference Committee Report on House Concurrent Resolution 4 be laid on the table.

A record roll call was requested.

On the question "Shall the Conference Committee Report on House Concurrent Resolution 4 be laid on the table?" the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, 2:

Kelly Readinger

Absent or not voting, 5:

Burroughs	Curtis	Nystrom	Redmond
Van Gilst			

The motion prevailed and the Conference Committee Report on House Concurrent Resolution 4 was laid on the table.

INTRODUCTION OF BILLS

SENATE FILE 249, by Senators Hansen and Palmer, a bill for an act relating to the rights of affected parties upon the termination of an agency agreement by a fire and casualty insurer.

Read first time and PASSED ON FILE.

SENATE FILE 250, by Senators Schwengels, Burroughs and Nystrom, a bill for an act providing for the installation and operation of four WATS lines through the state switchboard for

the use of citizens of Iowa to contact state officials and providing an appropriation.

Read first time and PASSED ON FILE.

SENATE FILE 251, by Senator Schwengels, a bill for an act amending the criminal code revision to allow museums to possess offensive weapons solely as relics.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 16, 1977, 8:10 a.m.

Members Present: Nolting, Chairperson; Readinger, Ranking Member and Craft.

Members Absent: none.

Members Excused: A. Miller, Vice Chairperson and Calhoon.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making appropriations to the Iowa civil rights commission and the state department of health.

The vote was: AYES, 3; Nolting, Readinger and Calhoon. NAYS, none. ABSENT OR NOT VOTING, 2; Craft and A. Miller.

Also:

Other Business: Presentation on the incomes and expenditures for 1976-77 fiscal year for the Commission on Alcoholism.

Adjourned: 9:00 a.m.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 17, 1977, 8:10 a.m.

Members Present: Nolting, Chairperson; Readinger, Ranking Member and Calhoon.

Members Absent: A. Miller, Vice Chairperson and Craft.

Other Business: Discussion on legislation to combine the Commission on Alcoholism and the Iowa Drug Abuse Authority.

Adjourned: 8:55 a.m.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 17, 1977, 7:35 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; Murray, Ranking Member; Bergman and Rush.

Members Absent: none.

Other Business: Budget recommendations approved for the facilities at Anamosa, Fort Madison, Luster Heights, Oakdale, Mount Pleasant, Rockwell City, Clarinda and Newton. Also recommended appropriations for ICF, Title XIX, M.M.I.S., child day care and ADC (pharmacy, dentists, optometrists, audiologists and orthopedic shoes.)

Adjourned: 9:15 a.m.

COUNTY GOVERNMENT

Convened: March 17, 1977, 10:30 a.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles, Ranking Member; P. Hill; Merritt; C. Miller; Orr; Murray; Taylor and Van Gilst.

Members Absent: none.

Final Action: DO PASS.

House File 150, a bill for an Act to repeal provisions relating to the compensation of deputy county officers in certain counties.

The vote was: AYES, 8; Redmond, Hutchins, P. Hill, Merritt, C. Miller, Orr, Taylor and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 2; Briles and Murray.

Also:

Other Business: Discussion on S.S.B. 47.

Adjourned: 11:45 a.m.

EDUCATION

Convened: March 17, 1977, 9:07 a.m.

Members Present: Orr, Chairperson; Carr; DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: Willits, Vice Chairperson.

Members Excused: Hansen, Ranking Member.

Other Business: Assignment of bills and presentation on telecommunications.

Adjourned: 10:25 a.m.

INTRODUCTION OF BILL

SENATE FILE 252, by Senator Shaw, a bill for an act to require the establishment of minimum standards of proficiency in basic skills for students in grades seven through twelve.

Read first time under Senate Rule 28 and **PASSED ON FILE.**

STUDY BILL RECEIVED

S.S.B. 231 State Government

Establishes Auctioneer Commission; requires auctioneers to be licensed.

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 12 State Government
S.R. 8 Rules and Administration

SUBCOMMITTEE ASSIGNMENTS

S.S.B. 1—S.S.B. 195

The following subcommittee assignments for Senate Study Bills 1 to 195 were filed with the Secretary of the Senate on March 16, 1977:

S.S.B. 1

Cities
Slater, Chairperson
Briles
Hansen

S.S.B. 3

Cities
A. Miller, Chairperson
Gallagher
Readinger

S.S.B. 5

State Government
Carr, Chairperson
Rush
Kelly

S.S.B. 7

State Government
Carr, Chairperson
Rush
Kelly

S.S.B. 9

State Government
Carr, Chairperson
Rush
Kelly

S.S.B. 11

State Government
Carr, Chairperson
Kelly
Rush

S.S.B. 13

State Government
Carr, Chairperson
Rush
Kelly

S.S.B. 15

State Government
Kelly, Chairperson
Slater
Doderer

S.S.B. 2

Cities
Schwengels, Chairperson
Gallagher
C. Miller

S.S.B. 4

Cities
Slater, Chairperson
Schwengels
Readinger

S.S.B. 6

State Government
Kelly, Chairperson
Culver
Rush

S.S.B. 8

State Government
Carr, Chairperson
Rush
Kelly

S.S.B. 10

State Government
Kelly, Chairperson
Doderer
Slater

S.S.B. 12

State Government
Carr, Chairperson
Rush
Kelly

S.S.B. 14

State Government
Rush, Chairperson
Kelly
Glenn

S.S.B. 16

State Government
Glenn, Chairperson
Ashcraft
Nystrom

S.S.B. 17

State Government
Nystrom, Chairperson
Schwengels
Coleman

S.S.B. 19

State Government
Slater, Chairperson
Carr
Nystrom

S.S.B. 21

State Government
Junkins, Chairperson
Nystrom
Coleman

S.S.B. 23

Commerce
E. Hill, Chairperson
Palmer
Curtis

S.S.B. 24

State Government
Coleman, Chairperson
Shaff
Junkins

S.S.B. 26

State Government
Schwengels, Chairperson
Coleman
Shaff

S.S.B. 28

State Government
Rush, Chairperson
Kelly
Nystrom

S.S.B. 30

State Government
Shaff, Chairperson
Schwengels
Slater

S.S.B. 33

County Government
Merritt, Chairperson
Van Gilst
Taylor

S.S.B. 18

State Government
Shaff, Chairperson
Schwengels
Culver

S.S.B. 20

State Government
Culver, Chairperson
Kelly
Drake

S.S.B. 22

State Government
Rush, Chairperson
Kelly
Doderer

S.S.B. 23

State Government
Carr, Chairperson
Schwengels
Slater

S.S.B. 25

State Government
Slater, Chairperson
Rush
Ashcraft

S.S.B. 27

State Government
Junkins, Chairperson
Drake
Kelly

S.S.B. 29

State Government
Drake, Chairperson
Carr
Ashcraft

S.S.B. 31

State Government
Glenn, Chairperson
Shaff
Schwengels

S.S.B. 34

County Government
Hutchins, Chairperson
Briles
C. Miller

S.S.B. 35

County Government
P. Hill, Chairperson
Merritt
C. Miller

S.S.B. 37

County Government
Murray, Chairperson
P. Hill
Orr

S.S.B. 39

County Government
Orr, Chairperson
Merritt
Taylor

S.S.B. 41

County Government
Redmond, Chairperson
Hutchins
Murray

S.S.B. 43

County Government
Murray, Chairperson
Taylor
Merritt

S.S.B. 44

Natural Resources
Slater, Chairperson
Junkins
Bergman

S.S.B. 46

County Government
Orr, Chairperson
P. Hill
Taylor

S.S.B. 48

County Government
Orr, Chairperson
Merritt
Taylor

S.S.B. 50

County Government
Murray, Chairperson
Orr
P. Hill

S.S.B. 36

County Government
Hutchins, Chairperson
Briles
C. Miller

S.S.B. 38

County Government
Hutchins, Chairperson
Briles
C. Miller

S.S.B. 40

County Government
Taylor, Chairperson
P. Hill
Merritt

S.S.B. 42

County Government
Hutchins, Chairperson
P. Hill
Merritt

S.S.B. 44

County Government
Orr, Chairperson
Van Gilst
Briles

S.S.B. 45

County Government
Hutchins, Chairperson
Briles
C. Miller

S.S.B. 47

County Government
Hutchins, Chairperson
Briles
C. Miller

S.S.B. 49

County Government
Van Gilst, Chairperson
Merritt
Taylor

S.S.B. 51

County Government
Van Gilst, Chairperson
P. Hill
Merritt

S.S.B. 52

County Government
Hutchins, Chairperson
Briles
C. Miller

S.S.B. 54

County Government
Hutchins, Chairperson
C. Miller
Briles

S.S.B. 56

Human Resources
Rush, Chairperson
Carr
Murray

S.S.B. 58

Human Resources
Craft, Chairperson
E. Hill
P. Hill

S.S.B. 60

Human Resources
Taylor, Chairperson
Calhoon
Craft

S.S.B. 62

Human Resources
Slater, Chairperson
P. Hill
Carr

S.S.B. 64

Human Resources
E. Hill, Chairperson
E. Miller
Craft

S.S.B. 66

Human Resources
Carr, Chairperson
Murray
Rush

S.S.B. 68

Human Resources
Carr, Chairperson

S.S.B. 53

County Government
Orr, Chairperson
P. Hill
Murray

S.S.B. 55

County Government
Merritt, Chairperson
Van Gilst
Taylor

S.S.B. 57

Human Resources
Carr, Chairperson
Calhoon
Murray

S.S.B. 59

Human Resources
A. Miller, Chairperson
E. Miller
Rush

S.S.B. 61

Human Resources
Carr, Chairperson
C. Miller
Taylor

S.S.B. 63

Human Resources
Carr, Chairperson
Calhoon
Murray

S.S.B. 65

Human Resources
Slater, Chairperson
Rush
P. Hill

S.S.B. 67

Human Resources
Slater, Chairperson
Murray
C. Miller

S.S.B. 69

Human Resources
Murray, Chairperson

Rush
A. Miller
E. Miller
Taylor

C. Miller
Rush

S.S.B. 71

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 72

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 73

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 77

Natural Resources
Junkins, Chairperson
Bergman
Slater

S.S.B. 79

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 82

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 83

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 84

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 85

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 86

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 87

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 90

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 91

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 92

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 93

Natural Resources
Junkins, Chairperson
Culver
E. Miller

S.S.B. 94

Natural Resources
Calhoon, Chairperson
Burroughs
Culver

S.S.B. 95

Natural Resources
Bergman, Chairperson
Slater
Junkins

S.S.B. 99

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 104

Labor and Industrial Relations
Robinson, Chairperson
Nolting
Nystrom

S.S.B. 109

Ways and Means
Palmer, Chairperson
E. Hill
Hultman

S.S.B. 111

Ways and Means
Rodgers, Chairperson
Kelly
Junkins

S.S.B. 113

Ways and Means
Palmer, Chairperson
Hultman
E. Hill
Van Gilst
Readinger

S.S.B. 115

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

S.S.B. 117

Ways and Means
Readinger, Chairperson
E. Hill
Hultman
Palmer
Van Gilst

S.S.B. 96

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 103

Labor and Industrial Relations
Merritt, Chairperson
Palmer
Hulse

S.S.B. 105

Labor and Industrial Relations
Nolting, Chairperson
Merritt
Hulse

S.S.B. 110

Ways and Means
Palmer, Chairperson
E. Hill
Hultman

S.S.B. 112

Ways and Means
Curtis, Chairperson
Rodgers
Craft

S.S.B. 114

Ways and Means
Shaff, Chairperson
Priebe
Readinger

S.S.B. 116

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

S.S.B. 118

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

S.S.B. 119

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

S.S.B. 121

Ways and Means
Shaff, Chairperson
Priebe
Readinger

S.S.B. 123

Ways and Means
Curtis, Chairperson
Rodgers
Nolting

S.S.B. 133

Energy
Scott, Chairperson
Gallagher
Ramsey

S.S.B. 135

Energy
Rodgers, Chairperson
Gallagher
Briles

S.S.B. 137

Energy
Bisenius, Chairperson
Culver
Ramsey

S.S.B. 139

Energy
Culver, Chairperson
Gallagher
Ramsey

S.S.B. 141

Energy
Glenn, Chairperson
Gallagher
Bisenius

S.S.B. 143

Energy
Culver, Chairperson

S.S.B. 120

Ways and Means
Curtis, Chairperson
Rodgers
Nolting

S.S.B. 122

Ways and Means
Nolting, Chairperson
Shaff
E. Hill

S.S.B. 124

Ways and Means
Nolting, Chairperson
Redmond
Craft

S.S.B. 134

Energy
Ramsey, Chairperson
Rodgers
Briles

S.S.B. 136

Energy
Rodgers, Chairperson
Gallagher
Briles

S.S.B. 138

Energy
Briles, Chairperson
Gallagher
Rodgers

S.S.B. 140

Energy
Glenn, Chairperson
Rodgers
Burroughs

S.S.B. 142

Energy
Scott, Chairperson
Burroughs
Glenn

S.S.B. 144

Energy
Gallagher, Chairperson

Rodgers
Bisenius

S.S.B. 151

Budget
Van Gilst, Chairperson
Robinson
P. Hill
Hutchins
Nystrom

S.S.B. 153

Judiciary
Ramsey, Chairperson
Rush
DeKoster

S.S.B. 156

Judiciary
Willits, Chairperson
Scott
P. Hill

S.S.B. 158

Judiciary
Willits, Chairperson
Coleman
P. Hill
Doderer
DeKoster

S.S.B. 160

Judiciary
DeKoster, Chairperson
Coleman
Ashcraft

S.S. B. 162

Judiciary
Rush, Chairperson
Shaw
Ramsey

S.S.B. 165

Judiciary
Glenn, Chairperson
Rush
Scott
Ramsey
Shaw

S.S.B. 168

Education
Hansen, Chairperson

Scott
Burroughs

S.S.B. 152

Judiciary
Redmond, Chairperson
Willits
Ramsey

S.S.B. 155

Judiciary
Shaw, Chairperson
Coleman
Rush

S.S.B. 157

Judiciary
Redmond, Chairperson
Willits
Ashcraft

S.S.B. 159

Judiciary
P. Hill, Chairperson
Scott
Rush

S.S.B. 161

Judiciary
P. Hill, Chairperson
Coleman
Scott

S.S.B. 163

Judiciary
Redmond, Chairperson
Shaw
Scott

S.S.B. 166

Judiciary
Rush, Chairperson
Ramsey
P. Hill
Ashcraft
Redmond

S.S.B. 169

Education
Orr, Chairperson

Merritt
Carr

S.S.B. 170

Education
Willits, Chairperson
Slater
Taylor
DeKoster
Merritt

S.S.B. 172

Education
Scott, Chairperson
Orr
Shaw

S.S.B. 175

Transportation
Drake, Chairperson
Robinson
Shaff

S.S.B. 177

Transportation
Drake, Chairperson
Robinson
Coleman
Hutchins
Ashcraft

S.S.B. 179

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 181

Commerce
Nolting, Chairperson
Rodgers
Burroughs

S.S.B. 183

Commerce
Priebe, Chairperson
Rodgers
Bergman

Shaw
Scott

S.S.B. 171

Education
Scott, Chairperson
Hansen
Orr
DeKoster
Slater

S.S.B. 174

Education
Orr, Chairperson
Slater
DeKoster

S.S.B. 176

Transportation
Drake, Chairperson
Robinson
Coleman
Hutchins
Ashcraft

S.S.B. 178

Transportation
Drake, Chairperson
Robinson
Coleman
Hutchins
Ashcraft

S.S.B. 180

Commerce
Priebe, Chairperson
Curtis
Bisenius

S.S.B. 182

Commerce
Robinson, Chairperson
Nolting
Burroughs

S.S.B. 184

Commerce
Nolting, Chairperson
Bisenius
Burroughs

S.S.B. 185

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 187

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 189

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 191

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 193

Commerce
E. Hill, Chairperson
Palmer
Curtis

S.S.B. 195

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 186

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 188

Commerce
Palmer, Chairperson
Curtis
Bisenius

S.S.B. 190

Commerce
Priebe, Chairperson
Rodgers
Bergman

S.S.B. 192

Commerce
Robinson, Chairperson
Rodgers
Bergman

S.S.B. 194

Commerce
Priebe, Chairperson
Nolting
Bergman

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 175

Budget—Budget Subcommittee
on State Government
Willits, Chairperson
Rodgers
Taylor
Doderer
Tieden

SENATE FILE 193

Cities
Slater, Chairperson
Briles
C. Miller

SENATE FILE 188

Budget—Budget Subcommittee
on Education
Van Gilst, Chairperson
Robinson
P. Hill
Hutchins
Nystrom

SENATE FILE 194

Natural Resources
Junkins, Chairperson
Bergman
Slater

SENATE FILE 196

Commerce
Palmer, Chairperson
Priebe
Curtis

SENATE FILE 203

Ways and Means
Curtis, Chairperson
Rodgers
Nolting

SENATE FILE 206

Commerce
Nolting, Chairperson
Burroughs
Rodgers

SENATE FILE 208

Ways and Means
Nolting, Chairperson
Redmond
Craft

SENATE FILE 210

Judiciary
Rush, Chairperson
Scott
Ramsey

SENATE FILE 212

Cities
Orr, Chairperson
Briles
C. Miller

SENATE FILE 216

State Government
Kelly, Chairperson
Junkins
Ashcraft

SENATE FILE 218

Education
Hansen, Chairperson
Carr
Merritt

SENATE FILE 223

Ways and Means
Rodgers, Chairperson
Nolting

SENATE FILE 202

Ways and Means
Rodgers, Chairperson
Nolting
Curtis
Van Gilst
Kelly

SENATE FILE 204

Judiciary
Rush, Chairperson
Ashcraft
Redmond

SENATE FILE 207

Human Resources
E. Hill, Chairperson
P. Hill
Slater

SENATE FILE 209

Natural Resources
E. Miller, Chairperson
Priebe
Burroughs

SENATE FILE 211

Judiciary
DeKoster, Chairperson
P. Hill
Scott

SENATE FILE 215

Commerce
Palmer, Chairperson
Curtis
Bisenius

SENATE FILE 217

Judiciary
Doderer, Chairperson
Shaw
P. Hill

SENATE FILE 220

County Government
Orr, Chairperson
P. Hill
Van Gilst

SENATE FILE 226

Rules and Administration
Willits, Chairperson
Kinley

Curtis
Van Gilst
Kelly

Hultman

SENATE FILE 227

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Curtis
Hulse
Scott

SENATE FILE 228

Transportation
Glenn, Chairperson
Robinson
Drake

SENATE FILE 229

State Government
Coleman, Chairperson
Schwengels
Shaff

SENATE FILE 232

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Curtis
Hulse
Scott

SENATE FILE 240

Labor and Industrial Relations
Robinson, Chairperson
Nolting
Murray

SENATE FILE 241

Labor and Industrial Relations
Robinson, Chairperson
Nolting
Nystrom

HOUSE FILE 209

Education
Merritt, Chairperson
DeKoster
Slater

HOUSE FILE 281

Judiciary
Shaw, Chairperson
Doderer
Rush

HOUSE FILE 330

Ways and Means
Rodgers, Chairperson
Nolting
Curtis
Van Gilst
Kelly

S.S.B. 222

Judiciary
Ramsey, Chairperson
Coleman
DeKoster

S.S.B. 223

Cities
Gallagher, Chairperson
Orr
Briles

S.S.B. 224

Cities
A. Miller, Chairperson
Gallagher
Readering

S.S.B. 226

County Government
Merritt, Chairperson
P. Hill
Taylor

S.S.B. 227

County Government
Briles, Chairperson
Orr
Murray

S.S.B. 230

Natural Resources
E. Miller, Chairperson
Calhoon
Tieden

S.S.B. 231

State Government
Glenn, Chairperson
Schwengels
Shaff

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate File 160.

Had I been present, I would have voted "aye."

C. W. HUTCHINS

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Thursday, March 17, 1977, as I was attending a funeral in Cedar Falls.

Had I been present I would have voted "aye" on final passage of Senate Files 233, 234, 235 and House File 327. I would have noted "aye" on amendments S-3172 and S-3177 to Senate File 233; S-3176 to Senate File 234 and S-3163, S-3173, S-3175 and S-3178 to House File 327, and "nay" on amendment S-3181 to House File 327.

WILLARD R. HANSEN

AMENDMENT FILED

S-3183

H.F. 231

James M. Redmond

PRESENTATION OF VISITORS

President pro tempore Coleman welcomed the Honorable John P. Kibbie, former member of the Senate and the House of Representatives from Palo Alto County who was present in the Senate chamber.

On motion of Senator Kinley, the Senate adjourned at 10:40 a.m., until 10:00 a.m., Monday, March 21, 1977.

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY—FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 21, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Edward English, pastor of the Society of Friends Church, West Branch, Iowa.

The Journal of Friday, March 18, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Jr., Pocahontas, Iowa

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hansen for the day on request of Senator Hultman.

INTRODUCTION OF BILL

SENATE FILE 253, by Senators Schwengels, Burroughs, Hutchins and Miller of Cerro Gordo, a bill for an act relating to the practice of chiropractic.

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 214.

Senate File 214

On motion of Senator Van Gilst, Senate File 214, 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 Craft offered amendment S-3186 by Senators Craft, Tieden and Merritt to page 2 of the bill and moved its adoption.

Senator Redmond asked and received unanimous consent that action on amendment S-3186 be temporarily deferred.

Senator DeKoster offered amendment S-3138 filed by him on March 10, 1977, pages 5, 7 and 13 of the bill and called for a division of the amendment, lines 2 through 4 to be considered as division S-3138A of the amendment; lines 5 through 11 to be considered as division S-3138B of the amendment.

Senator DeKoster moved the adoption of division S-3138A of the amendment and requested a record roll call.

On the question "Shall division S-3138A of the amendment be adopted?" (S.F. 214) the vote was:

Ayes, 22:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	DeKoster	Drake
Hill, P.B.	Hulse	Hultman	Kelly
Miller, E.R.	Murray	Nystrom	Orr
Ramsey	Readinger	Schwengels	Shaff
Shaw	Tieden		

Nays, 26:

Calhoon	Carr	Coleman	Culver
Curtis	Doderer	Gallagher	Glenn
Hill, E.M.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Palmer	Priebe	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Van Gilst	Willits		

Absent or not voting, 2:

Hansen Taylor

Division S—3138A of the amendment lost.

Senator DeKoster moved the adoption of division S—3138B of the amendment and requested a record roll call.

On the question "Shall division S—3138B of the amendment be adopted?" (S.F. 214) the vote was:

Ayes, 30:

Ashcraft	Bergman	Bisenius	Burroughs
Coleman	Craft	Culver	Curtis
DeKoster	Gallagher	Hill, P.B.	Hulse
Hultman	Kelly	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Priebe	Ramsey	Readinger	Schwengels
Scott	Shaff	Shaw	Taylor
Tieden	Willits		

Nays, 19:

Briles	Calhoon	Carr	Doderer
Drake	Glenn	Hill, E.M.	Hutchins
Junkins	Kinley	Miller, C.P.	Orr
Palmer	Redmond	Robinson	Rodgers
Rush	Slater	Van Gilst	

Absent or not voting, 1:

Hansen

Division S—3138B of the amendment was adopted.

With the adoption of division S—3138B, amendment S—3187 by Senator Hultman to page 7 of the bill was ruled out of order.

Senator Orr offered amendment S—3188 by Senators Orr, et al., to page 7 of the bill and moved its adoption.

Senator Hill of Polk raised the point of order that amendment S—3188 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3188 out of order.

(Senate File 214 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 214

The Senate resumed consideration of Senate File 214.

Senator Priebe withdrew amendment S-3168 filed by Senators Priebe and Tieden to page 10 of the bill on March 16, 1977.

Senator Murray offered amendment S-3179 filed by Senators Murray and Nystrom on March 17, 1977, to page 8 of the bill.

President pro tempore Coleman took the Chair at 1:50 p.m.

Senator Murray moved the adoption of amendment S-3179 and requested a record roll call.

On the question "Shall amendment S-3179 be adopted?" (S.F. 214) the vote was:

Ayes, 13:

Bergman	Briles	Burroughs	Craft
DeKoster	Doderer	Hulse	Miller, E.R.
Murray	Nystrom	Redmond	Rush
Shaw			

Nays, 35:

Ashcraft	Bisenius	Calhoon	Carr
Coleman	Culver	Curtis	Gallagher

Glenn	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Absent or not voting, 2:

Drake Hansen

Amendment S—3179 lost.

Senator Drake offered amendment S—3189 by Senators Drake, Palmer and Schwengels to page 1 of the bill and moved its adoption.

The motion prevailed and amendment S—3189 was adopted.

The Senate resumed consideration of amendment S—3186 previously deferred.

Senator Redmond offered amendment S—3192 to amendment S—3186.

President Neu took the Chair at 2:28 p.m.

Senator Redmond moved the adoption of amendment S—3192 to amendment S—3186.

A record roll call was requested.

On the question "Shall amendment S—3192 to amendment S—3186 be adopted?" (S.F. 214) the vote was:

Ayes, 11:

Calhoon	Doderer	Hill, E.M.	Nolting
Orr	Redmond	Rush	Scott
Shaw	Slater	Willits	

Nays, 35:

Ashcraft	Bergman	Bisenius	Briles
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Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Drake	Gallagher
Glenn	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Shaff
Taylor	Tieden	Van Gilst	

Voting Present, 1:

Curtis

Absent or not voting, 3:

Hansen Hultman Priebe

Amendment S—3192 to amendment S—3186 lost.

Senator Craft moved the adoption of amendment S—3186.

A record roll call was requested.

On the question "Shall amendment S—3186 be adopted?" (S.F. 214) the vote was:

Ayes, 19:

Ashcraft	Bisenius	Briles	Carr
Coleman	Craft	DeKoster	Hulse
Kelly	Merritt	Miller, E.R.	Orr
Readinger	Redmond	Rush	Schwengels
Scott	Slater	Tieden	

Nays, 28:

Bergman	Burroughs	Calhoon	Culver
Curtis	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nolting	Nystrom	Palmer
Ramsey	Robinson	Rodgers	Shaff
Shaw	Taylor	Van Gilst	Willits

Absent or not voting, 3:

Hansen Hultman Priebe

Amendment S—3186 lost.

Senator Shaw offered amendment S—3193 by Senators Shaw

and Miller of Marshall to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3193 be adopted?" (S.F. 214) the vote was:

Ayes, 11:

Ashcraft	Bergman	Briles	Burroughs
Drake	Miller, E.R.	Nystrom	Redmond
Schwengels	Shaff	Shaw	

Nays, 37:

Bisenius	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Scott
Slater	Taylor	Tieden	Van Gilst
Willits			

Absent or not voting, 2:

Hansen	Hultman
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Amendment S-3193 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. 214) the vote was:

Ayes, 49:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman

Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A. V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

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 that SENATE FILE 214 be IMMEDIATELY MESSAGED to the House, which request was complied with.

SPECIAL GUEST

President Neu presented the Honorable Desmond O'Malley, T. D., Shadow Minister of Defense, Irish Parliament, of the Fianna Fail Party from Limerick County who appeared on the rostrum and addressed the Senate briefly.

Deputy O'Malley remarked that many of Iowa's early settlers were Irish and said that Iowans can be proud of their agricultural achievements and prosperity.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 231.

Senate File 231

On motion of Senator Hutchins, Senate File 231, a bill for an Act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts,

testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code, was taken up for consideration.

Senator Ashcraft took the Chair at 3:40 p.m.

Senator Hill of Polk offered amendment S-3194 to page 2 of the bill and moved its adoption.

Amendment S-3194 was adopted.

Senator Hutchins moved that the bill 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. 231) the vote was:

Rule 23 was invoked.

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 5:

Hill, P.B.	Kelly	Miller, E.R.	Rush
Shaw			

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.

UNFINISHED BUSINESS

House File 231

On motion of Senator Rodgers, House File 231, a bill for an Act relating to the authority of the director of revenue to sell cigarette stamps through banks, was brought up for further consideration.

Senator Redmond offered amendment S-3183 filed by him on March 18, 1977, to page 1 of the bill.

Senator Hill of Polk raised the point of order that amendment S-3183 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3183 in order.

Senator Redmond moved the adoption of amendment S-3183.

A non record roll call was requested.

The ayes were 13; nays, 32.

Amendment S-3183 lost.

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. 231) the vote was:

Ayes, 31:

Bergman	Bisenius	Briles	Burroughs
Carr	Craft	Culver	Curtis
Drake	Gallagher	Hultman	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Schwengels	Shaff	Slater
Taylor	Tieden	Van Gilst	

Nays, 15:

Ashcraft	Calhoon	DeKoster	Doderer
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Nolting	Ramsey	Redmond	Rush
Scott	Shaw	Willits	

Absent or not voting, 4:

Coleman	Hansen	Hutchins	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.

CONSIDERATION OF BILLS

Senator Junkins asked and received unanimous consent to take up out of order House File 150.

House File 150

On motion of Senator Junkins, House File 150, a bill for an Act to repeal provisions relating to the compensation of deputy county officers in certain counties, 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?" (H.F. 150) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 1:

Priebe

Absent or not voting, 2:

Hansen

Nystrom

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 73 be withdrawn from further consideration of the Senate.

MOTION TO RECONSIDER LOST

Senator Nolting called up the motion to reconsider Senate File 167, a bill for an Act relating to transportation and providing for changes in the motor vehicle registration, filed by him on March 16, 1977, and found on page 659 of the Senate Journal.

A non record roll call was requested.

The ayes were 19; nays, 28.

The motion lost.

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 17, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 279, a bill for an Act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties.

Also: That the House has on March 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive.

Also: That the House has on March 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 367, a bill for an Act making appropriations to various state departments.

Also: That the House has on March 18, 1977, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 17 setting April 27, 1977, at 7:30 p.m. in the House chambers the date for memorial session.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 254, by Senator Carr, a bill for an act relating to the termination of insurance agency contracts.

Read first time and PASSED ON FILE.

SENATE FILE 255, by Senators Taylor, Culver, Merritt, Gallagher, Tieden, Miller of Marshall, Craft, Doderer, Willits, Scott, Hulse, Ashcraft, Burroughs, Bisenius and Miller of Cerro Gordo, a bill for an act relating to the use of ice grips and studs on motor vehicle tires upon payment of a fee.

Read first time and PASSED ON FILE.

SENATE FILE 256, by Senator Hill of Polk, a bill for an act to abolish the council of social services.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 279, a bill for an Act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties.

Read first time and PASSED ON FILE.

HOUSE FILE 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive.

Read first time and PASSED ON FILE.

HOUSE FILE 367, a bill for an Act making appropriations to various state departments.

Read first time and PASSED ON FILE.

HOUSE CONCURRENT RESOLUTION 17

By: Howell

- 1 *Whereas*, it has been the custom to hold a
2 biennial memorial session in recognition of the
3 public services of departed members of the General
4 Assembly, and
5 *Whereas*, both Houses desire to participate in
6 such an observance, *Now Therefore*
7 *Be It Resolved by the House of Representatives,*
8 *The Senate Concurring:* That an evening session of the
9 Sixty-seventh General Assembly be held in the House
10 chamber Wednesday evening, April 27, 1977, at 7:30 p.m.
11 *Be It Further Resolved*, that a joint committee of
12 eight members be appointed, four from the Senate to be
13 appointed by the President of the Senate, and four
14 from the House to be appointed by the Speaker of the
15 House, to make suitable arrangements for a joint
16 memorial session.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 17, 1977, 10:40 a.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer and Robinson.

Members Absent: Rodgers (arrived 11:25 a.m.).

Other Business: Discussion relating to the bonding of grain dealers and agricultural warehouses.

Adjourned: 12:15 p.m.

WAYS AND MEANS

Convened: March 17, 1977, 9:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; E. Hill; Hultman; Junkins; Kelly; Palmer; Readinger; Shaff and Van Gilst.

Members Absent: Priebe (arrived 9:30 a.m.) and Redmond (arrived 9:15 a.m.).

Members Excused: Craft.

Other Business: Marvin Selden, State Comptroller, presented the latest information available on various computer runs relating to property taxes.

Adjourned: 10:00 a.m.

STUDY BILL RECEIVED

S.S.B. 232 Human Resources Budget Subcommittee

Appropriations to civil rights commission and department of health.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 248	Ways and Means
S.F. 249	Commerce
S.F. 250	Budget
S.F. 251	Judiciary
S.F. 252	Education

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harriette Bruce, of Des Moines, Polk County, Iowa, for

appointment as a member of the Iowa Civil Rights Commission pursuant to Section 601A.3, Code 1975, for the unexpired portion of a term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
PHILIP B. HILL
MERLIN HULSE
CHARLES P. MILLER
JOAN ORR

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 reappointment as a public member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for the 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.

ALVIN V. MILLER, Chairperson
STEPHEN W. BIENIUS
WILLARD R. HANSEN
FRED W. NOLTING
WILLIAM D. PALMER

AMENDMENT FILED

S-3190

S.F. 213

Earl M. Willits

PETITIONS

The following petitions were presented and placed on file:

By Senator Hulse from twenty residents of Jones and Clinton Counties opposing legislation to reduce appropriations to the State Board of Regents.

By Senator Tieden from seventy-eight residents of Clayton County favoring legislation to increase inheritance tax exemptions.

By Senator Murray from three thousand nine hundred ninety-five residents of Story County favoring an appropriation for an addition to the library at Iowa State University.

By Senator Hill of Jasper from two thousand residents of Iowa urging rescission of the Equal Rights Amendment.

By Senator Miller of Marshall from twelve residents of Marshall County favoring legislation that would regulate the use of beverage containers.

The following petitions favoring an appropriation for human resource programs were presented and placed on file by:

Senator Bisenius from seventy-one residents of Dubuque County.

Senator Hutchins from five residents of Carroll County.

Senator Curtis from ten residents of Buena Vista County.

Senator Kelly from twenty residents of Woodbury County.

Senator Palmer from forty-three residents of Polk, Story, Marshall and Scott Counties.

The following petitions opposing legislation to reduce appropriations to the area schools were presented and placed on file by:

Senator Robinson from five hundred sixty-two residents of Linn County.

Senator Priebe from one thousand residents of Polk County.

Senator Hultman from one thousand eight residents of Polk County and adjoining counties.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Taylor from thirty residents of Franklin County.

Senator Glenn from fourteen residents of Wapello County.

Senator Hill of Polk from one hundred four residents of Polk County.

Senator Hill of Polk from ten residents of Buena Vista County.

Senator Hill of Polk from fifteen residents of Iowa.

Senator Doderer from ten residents of Buena Vista County.

Senator Miller of Marshall from thirteen residents of Marshall County.

Senator Doderer from nine residents of Polk County.

Senator Miller of Cerro Gordo from thirty-eight residents of Cerro Gordo and Floyd Counties.

Senator Culver from eighty-one residents of Shelby County.

Senator Hutchins from thirty-six residents of Carroll County.

Senator Hutchins from ninety-six residents of Shelby County.

Senator Doderer from twenty-six residents of Polk County.

Senator Doderer from one hundred sixteen residents of Polk, Cass, Dallas, Poweshiek, Linn, Warren, Story and Scott Counties.

Senator Culver from ninety-five residents of Shelby County.

Senator Drake from thirty residents of Muscatine County.

Senator Shaw from fifty-eight residents of Scott County.

Senator Hill of Polk from one hundred thirteen residents of Iowa.

On motion of Senator Kinley, the Senate adjourned at 5:12 p.m., until 9:00 a.m., Tuesday, March 22, 1977.

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY—FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 22, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Frank Shearer, pastor of the First Reformed Church, Pella, Iowa.

The Journal of Monday, March 21, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Shirk, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hansen for the day on request of Senator Hultman; Senator Priebe for the morning session on request of Senator Kinley.

INTRODUCTION OF BILLS

SENATE FILE 257, by Senators Rodgers, Priebe, Miller of Cerro Gordo, Schwengels and Orr, a bill for an act relating to the evaluation of utility easements.

Read first time and PASSED ON FILE.

SENATE FILE 258, by Committee on Energy, a bill for an act relating to smoke and fire detection systems in new buildings intended for human use or occupancy.

Read first time and PLACED ON CALENDAR.

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

AFTERNOON SESSION

The Senate resumed session, 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 16, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 277, a bill for an Act relating to the authority of the Iowa natural resources council.

Also: That the House has on March 18, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 280, a bill for an Act relating to establishing a prosecutor internship program.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 259, by Senator Hutchins, a bill for an act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 260, by Committee on State Government, a bill for an act relating to the grant or denial of parole.

Read first time and PLACED ON CALENDAR.

SENATE FILE 261, by Senator Scott, a bill for an act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 277, a bill for an Act relating to the authority of the Iowa natural resources council.

Read first time and PASSED ON FILE.

HOUSE FILE 280, a bill for an Act relating to establishing a prosecutor internship program.

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 221.

Senate File 221

On motion of Senator Shaff, Senate File 221, a bill for an Act relating to the examination, certification, and appointment of assessors, was taken up for consideration.

Senator Junkins offered amendment S-3195 by Senators Junkins, Hutchins and Schwengels to page 3 of the bill.

President pro tempore Coleman took the chair at 1:45 p.m.

Senator Junkins moved the adoption of amendment S-3195.

Amendment S-3195 was adopted.

Senator Bisenius took the chair at 1:55 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. 221) the vote was:

Ayes, 38:

Ashcraft	Bergman	Bisenius	Coleman
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hill, E.M.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Schwengels

Scott
Van Gilst

Shaff
Willits

Shaw

Slater

Nays, 9:

Briles
Craft
Tieden

Burroughs
Doderer

Calhoon
Hill, P.B.

Carr
Rush

Absent or not voting, 3:

Hansen

Priebe

Taylor

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 243.

Senate File 243

On motion of Senator Slater, Senate File 243, a bill for an Act relating to the qualifications required of the director of the division of mental health resources of the department of social services, was taken up for consideration.

Senator Slater moved that the bill 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. 243) the vote was:

Ayes, 43:

Bergman
Calhoon
Culver
Gallagher
Hultman
Kinley
Miller, E.R.
Orr
Redmond
Scott
Tieden

Bisenius
Carr
Curtis
Glenn
Hutchins
Merritt
Murray
Palmer
Robinson
Shaff
Van Gilst

Briles
Coleman
DeKoster
Hill, E.M.
Junkins
Miller, A.V.
Nolting
Ramsey
Rodgers
Shaw
Willits

Burroughs
Craft
Drake
Hulse
Kelly
Miller, C.P.
Nystrom
Readinger
Rush
Slater

Absent or not voting, 5:

Doderer
Taylor

Hansen

Miller, A.V.

Priebe

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 Bisenius presiding.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 244.

Senate File 244

On motion of Senator Willits, Senate File 244, a bill for an Act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code, was taken up for consideration.

Senator Doderer offered amendment S-3196 to pages 2, 3 and 4 of the bill and moved its adoption.

Amendment S-3196 was adopted.

Senator Redmond offered amendment S-3197 by Senators Redmond and Kelly to pages 5, 6 and 7 of the bill.

Senator Doderer offered amendment S-3198 to amendment S-3197 and moved its adoption.

Senator Willits asked and received unanimous consent that action on Senate File 244 be temporarily deferred.

(Senate File 244 pending on adjournment.)

INTRODUCTION OF BILLS

SENATE FILE 262, by Committee on Budget, a bill for an act repealing the board of watchmaking examiners and provisions for certifying watchmakers.

Read first time and PLACED ON CALENDAR.

SENATE FILE 263, by Senator Robinson, a bill for an act relating to the resubmission to the electors of a proposal for issuance of bonds.

Read first time and PASSED ON FILE.

SENATE FILE 264, by Committee on State Government, a bill for an act abolishing the World War I, World War II and Korean veteran's bonus funds and the Korean veteran's bonus tax fund and providing for the transfer of funds.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

SENATE FILE 265, by Budget Human Resources Subcommittee, a bill for an act making appropriations to the Iowa civil rights commission and the state department of health.

Read first time and PLACED ON CALENDAR.

SENATE FILE 266, by Budget Regulatory and Finance Subcommittee, a bill for an act making an appropriation from the general fund of the state to the board of accountancy.

Read first time and PLACED ON CALENDAR.

SENATE FILE 267, by Budget State Government Subcommittee, a bill for an act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board.

Read first time and PLACED ON CALENDAR.

SENATE FILE 268, by Budget State Government Subcommittee, a bill for an act repealing the statutory standing appropriation funding the state employees' disability plan.

Read first time and PLACED ON CALENDAR.

REPORT OF COMMITTEE MEETING

CITIES

Convened: March 21, 1977, 9:05 a.m.

Members Present: A. Miller, Chairperson; Schwengels, Ranking Member; Briles and Readinger.

Members Absent: Slater, Vice Chairperson (arrived 9:14 a.m.) and C. Miller (arrived 9:24 a.m.).

Members Excused: Gallagher (9:40 a.m.) and Orr (9:40 a.m.).

Other Business: Discussion on the Iowa Building Code.

Adjourned: 10:03 a.m.

STUDY BILL RECEIVED

S.S.B. 233 Labor and Industrial Relations

Workers' compensation for agricultural partnerships.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 253	State Government
S.F. 254	Commerce
S.F. 255	Transportation
S.F. 256	State Government
H.F. 279	Judiciary
H.F. 332	Ways and Means
H.F. 367	Budget
H.C.R. 17	Rules and Administration

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 231 passed the Senate on March 21, 1977.

ROBERT M. CARR

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 367, a bill for an Act making appropriations to various state departments, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3199; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

COMMUNICATION FROM THE SECRETARY OF STATE

March 22, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 32, was published in the Waterloo Courier, Waterloo, Iowa on March 10, 1977, and in the Cherokee Daily Times, Cherokee, Iowa on March 9, 1977.

I further certify that Senate File 53, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 9, 1977, and in the Ames Daily Tribune, Ames, Iowa on March 8, 1977.

I further certify that House File 164, was published in the Quad-City Times, Davenport, Iowa on March 10, 1977, and in the Iowegian & Citizen, Centerville, Iowa on March 8, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. SECRETARY: Pursuant to Senate Rule 58, I hereby request that the

name of Lois M. Sherman be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

LOUIS P. CULVER

EXPLANATION OF VOTE

I was necessarily absent from the Senate chamber on Monday, March 21st, 1977, at the time House File 231 came to the floor for voting.

Had I been present, I would have voted "aye."

C. W. HUTCHINS

AMENDMENTS FILED

S-3200	S.F. 213	Gene W. Glenn
S-3201	S.F. 244	Minnette F. Doderer
		James M. Redmond
S-3202	S.F. 222	Berl E. Priebe
		C.W. Hutchins

PRESENTATION OF VISITORS

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

Fifty-seven students from Lincoln Community High School, Mechanicsville, Iowa. Senator Hulse.

Forty students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Charlie Sheridan. Senator Hulse.

Fifty-one students from Woodbine High School, Woodbine, Iowa, accompanied by Phil Hummel. Senator Culver.

On motion of Senator Kinley, the Senate adjourned at 4:30 p.m., until 9:00 a.m., Wednesday, March 23, 1977.

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY—FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 23, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Stan Wierson, pastor of the United Methodist Church, Buffalo Center, Iowa.

The Journal of Tuesday, March 22, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gerald McGowan, Sioux City, Iowa.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 213.

Senate File 213

On motion of Senator Willits, Senate File 213, a bill for an Act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates, was taken up for consideration.

Senator Glenn offered amendment S—3200 filed by him on March 22, 1977, to pages 1, 2 and 3 of the bill.

Senator Palmer called for a division of the amendment, lines 2 through 19 to be considered as division S—3200A of the amendment; lines 20 through 46 to be considered as division S—3200B of the amendment.

Senator Glenn moved the adoption of division S—3200A of the

amendment and requested a record roll call.

On the question "Shall division S—3200A of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 28:

Ashcraft	Bergman	Bisenius	Calhoon
Craft	Culver	Curtis	Drake
Gallagher	Glenn	Hulse	Hutchins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Nystrom	Orr
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Shaff	Tieden

Nays, 20:

Briles	Burroughs	Carr	Coleman
DeKoster	Doderer	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Junkins	Kelly
Miller, E.R.	Palmer	Redmond	Robinson
Slater	Taylor	Van Gilst	Willits

Absent or not voting, 2:

Priebe	Shaw
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Division S—3200A of the amendment was adopted.

Senator Glenn moved the adoption of division S—3200B of the amendment and requested a record roll call.

On the question "Shall division S—3200B of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 30:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Craft	Culver	Curtis
Drake	Gallagher	Glenn	Hulse
Hutchins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Shaff	Tieden		

Nays, 18:

Burroughs	Carr	Coleman	DeKoster
Doderer	Hansen	Hill, E.M.	Hill, P.B.
Hultman	Junkins	Kelly	Miller, E.R.
Redmond	Robinson	Slater	Taylor
Van Gilst	Willits		

Absent or not voting, 2:

Priebe	Shaw
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Division S-3200B of the amendment was adopted.

Senator Willits offered amendment S-3159 filed by Senators Willits, Tieden and Rodgers on March 15, 1977, to pages 1 and 2 of the bill and moved its adoption.

The motion prevailed and amendment S-3159 was adopted.

Senator Hultman offered amendment S-3158 filed by Senators Hultman, et al., on March 15, 1977, to page 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3158 be adopted?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Culver	Curtis
DeKoster	Hill, P.B.	Hulse	Hultman
Junkins	Miller, E.R.	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Shaff
Taylor	Tieden		

Nays, 27:

Calhoon	Carr	Coleman	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Notting	Nystrom	Orr	Palmer

Redmond Slater	Robinson Van Gilst	Rush Willits	Scott
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Absent or not voting, 1:

Shaw

Amendment S—3158 lost.

Senator Murray offered amendment S—3171 filed by Senator Sha. on March 16, 1977, to pages 3, 4 and 5 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3171 be adopted?" (S.F. 213) the vote was:

Ayes, 17:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Curtis	DeKoster	Drake
Hill, P.B.	Hutchins	Junkins	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Taylor			

Nays, 31:

Briles	Calhoon	Carr	Coleman
Culver	Doderer	Gallagher	Glenn
Hansen	Hill, E.M.	Hulse	Hultman
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaff	Slater
Tieden	Van Gilst	Willits	

Absent or not voting, 2:

Schwengels Shaw

Amendment S—3171 lost.

Senator Hultman offered amendment S—3137 filed by Senators Hultman and DeKoster on March 10, 1977, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3137 be adopted?" (S.F.

213) the vote was:

Rule 23 was invoked.

Ayes, 27:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	Curtis	DeKoster
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Ramsey
Readinger	Robinson	Rush	Shaff
Taylor	Tieden	Willits	

Nays, 21:

Briles	Calhoon	Carr	Coleman
Doderer	Drake	Gallagher	Hansen
Hutchins	Miller, A.V.	Miller, C.P.	Nolting
Nystrom	Orr	Palmer	Priebe
Redmond	Rodgers	Scott	Slater
Van Gilst			

Absent or not voting, 2:

Schwengels Shaw

Amendment S-3137 was adopted.

Senator Willits withdrew amendment S-3190 filed by him on March 21, 1977, to page 5 of the bill.

Senator Hultman offered amendment S-3203 to page 5 of the bill.

Senator Willits raised the point of order that amendment S-3203 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3203 in order.

Senator Hultman moved the adoption of amendment S-3203 and requested a record roll call.

On the question "Shall amendment S-3203 be adopted?" (S.F. 213) the vote was:

Ayes, 13:

Ashcraft	Bisenius	Burroughs	Craft
Curtis	Hill, P.B.	Hulse	Hultman
Nystrom	Ramsey	Schwengels	Shaff
Taylor			

Nays, 32:

Bergman	Briles	Calhoon	Carr
Coleman	Culver	DeKoster	Doderer
Gallagher	Glenn	Hansen	Hill, E.M.
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Orr	Palmer	Readinger
Redmond	Rodgers	Rush	Scott
Slater	Tieden	Van Gilst	Willits

Absent or not voting, 5:

Drake	Miller, E.R.	Priebe	Robinson
Shaw			

Amendment S-3203 lost.

Senator Redmond offered amendment S-3207 to page 5 of the bill.

Senator Willits raised the point of order that amendment S-3207 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3207 out of order.

Senator Orr offered amendment S-3206 to page 5 of the bill.

Senator Willits raised the point of order that amendment S-3206 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3206 out of order.

(Senate File 213 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

SENATE FILE 269, by Senator Murray, a bill for an act relating to contracts between state agencies.

Read first time and PASSED ON FILE.

SENATE FILE 270, by Senators Carr, Tieden, Bisenius and Craft, a bill for an act appropriating funds for construction of an area vocational school attendance center in Dubuque county.

Read first time and PASSED ON FILE.

SENATE FILE 271, by Senator Gallagher, a bill for an act relating to the use of abandoned railroad rights-of-way for pipeline routes.

Read first time and PASSED ON FILE.

SENATE FILE 272, by Senators Priebe, Robinson and Tieden, a bill for an act relating to the administrative closing of complaints on file for more than twelve months with the Iowa civil rights commission.

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 213

The Senate resumed consideration of Senate File 213.

Senator Willits offered amendment S-3169 filed by Senators Willits, Palmer and Shaw on March 16, 1977, to pages 3, 4 and 5 of the bill and called for a division of the amendment as follows:

Division S-3169A—Page 1, lines 6 through 10.

Division S-3169B—Page 1, lines 17 through 37.

Division S-3169C—Page 1, lines 11 through 16 and lines 38 through 50; pages 2, 3, 4 and 5; page 6, lines 1 through 24 and lines 46 through 50; page 7 and page 8, lines 1 through 13.

Division S-3169D—Page 6, lines 25 through 45; page 8, lines 14 through 21.

Division S-3169E—Page 1, lines 2 through 5.

Division S-3169F—Page 8, line 22.

Senator Willits withdrew division S-3169A of the amendment.

Amendment S-3204 to division S-3169A of the amendment by Senator Kinley was ruled out of order.

Action on division S-3169B of the amendment was temporarily deferred.

Action on division S-3169C of the amendment was temporarily deferred.

Senator Willits offered amendment S-3209 to division S-3169D of the amendment and moved its adoption.

The motion prevailed and amendment S-3209 to division S-3169D of the amendment was adopted.

Senator Willits moved the adoption of division S—3169D of the amendment.

A record roll call was requested.

On the question “Shall division S—3169D of the amendment be adopted?” (S.F. 213) the vote was:

Ayes, 20:

Briles	Calhoon	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hutchins
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Robinson
Schwengels	Shaw	Slater	Willits

Nays, 30:

Ashcraft	Bergman	Bisenius	Burroughs
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Hansen	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Merritt	Miller, C.P.	Nolting	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Scott	Shaff	Taylor
Tieden	Van Gilst		

Division S—3169D of the amendment lost.

The Senate resumed consideration of division S—3169C of the amendment previously deferred.

Senator Doderer offered amendment S—3210 to division S—3169C of the amendment.

Senator Hultman asked unanimous consent that action on division S—3169C of the amendment be temporarily deferred.

Objection was raised.

Senator Hill of Polk moved that action on division S—3169C of the amendment be temporarily deferred.

The motion prevailed and action on division S—3169C of the

amendment was temporarily deferred.

The Senate resumed consideration of division S-3169B of the amendment, previously deferred.

Senator Willits offered amendment S-3211 to division S-3169B of the amendment.

Senator Kinley took the chair at 2:27 p.m.

President Neu took the chair at 2:37 p.m.

Senator Willits moved the adoption of amendment S-3211 to division S-3169B of the amendment.

A record roll call was requested.

On the question "Shall amendment S-3211 to division S-3169B of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 32:

Bergman	Bisenius	Calhoon	Carr
Craft	Culver	Drake	Gallagher
Glenn	Hansen	Hill, P.B.	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Redmond	Robinson	Scott
Slater	Taylor	Van Gilst	Willits

Nays, 17:

Ashcraft	Briles	Burroughs	Coleman
Curtis	DeKoster	Doderer	Hill, E.M.
Hulse	Hultman	Ramsey	Readinger
Rush	Schwengels	Shaff	Shaw
Tieden			

Absent or not voting, 1:

Rodgers

Amendment S-3211 to division S-3169B of the amendment was adopted.

With the adoption of amendment S—3211 to division S—3169B of the amendment, amendment S—3208 by Senator Willits to division S—3169B of the amendment was ruled out of order.

Senator Willits moved the adoption of division S—3169B of the amendment.

A record roll call was requested.

On the question "Shall division S—3169B of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 31:

Bisenius	Burroughs	Calhoon	Craft
Culver	Drake	Gallagher	Glenn
Hansen	Hill, P.B.	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Redmond
Robinson	Rush	Scott	Shaw
Slater	Tieden	Willits	

Nays, 18:

Ashcraft	Bergman	Briles	Carr
Coleman	Curtis	DeKoster	Doderer
Hill, E.M.	Hulse	Hultman	Kelly
Ramsey	Readinger	Schwengels	Shaff
Taylor	Van Gilst		

Absent or not voting, 1:

Rodgers

Division S—3169B of the amendment was adopted.

The Senate resumed consideration of division S—3169C of the amendment and amendment S—3210 by Senator Doderer to division S—3169C of the amendment, previously deferred.

Senator Doderer moved the adoption of amendment S—3210 to division S—3169C of the amendment.

A record roll call was requested.

On the question "Shall amendment S-3210 to division S-3169C of the amendment be adopted." (S.F. 213) the vote was:

Ayes, 10:

Briles	Coleman	Doderer	Kelly
Miller, C.P.	Miller, E.R.	Nolting	Redmond
Shaw	Taylor		

Nays, 40:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Slater	Tieden	Van Gilst	Willits

Amendment S-3210 to division S-3169C of the amendment lost.

Senator Willits moved the adoption of division S-3169C of the amendment.

A record roll call was requested.

On the question "Shall division S-3169C of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 26:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Curtis	DeKoster	Glenn
Hansen	Hill, P.B.	Hulse	Hultman
Junkins	Murray	Nolting	Nystrom
Palmer	Readinger	Robinson	Rodgers
Schwengels	Shaff	Shaw	Taylor
Tieden	Willits		

Nays, 23:

Briles	Calhoon	Carr	Coleman
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Culver	Doderer	Gallagher	Hill, E.M.
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Orr
Priebe	Ramsey	Redmond	Rush
Scott	Slater	Van Gilst	

Absent or not voting, 1:

Drake

Division S—3169C of the amendment was adopted.

Senator Willits moved the adoption of division S—3169E of the amendment which motion prevailed and division S—3169E of the amendment was adopted.

Senator Willits moved the adoption of division S—3169F of the amendment, which motion prevailed and division S—3169F of the amendment was adopted.

Senator Shaff offered amendment S—3205 to pages 3 and 4 of the bill.

Senator Hansen offered amendment S—3215 by Senators Hansen, et al., to amendment S—3205, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3215 to amendment S—3205 be adopted?" (S.F. 213) the vote was:

Ayes, 32:

Ashcraft	Bergman	Bisenius	Burroughs
Coleman	Craft	Culver	Curtis
DeKoster	Drake	Hansen	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nolting	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Shaff
Shaw	Taylor	Tieden	Van Gilst

Nays, 18:

Briles	Calhoon	Carr	Doderer
Gallagher	Glenn	Hill, E.M.	Hutchins

Kinley	Murray	Orr	Palmer
Redmond	Robinson	Rush	Scott
Slater	Willits		

Amendment S-3215 to amendment S-3205 was adopted.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3214 to amendment S-3205 by Senators Hansen, et al.

Senator Hansen called for a division of amendment S-3205, line 7 through 12 to be considered as division S-3205A of the amendment; lines 2 through 6 and lines 13 through 24 to be considered as division S-3205B of the amendment.

Senator Shaff moved the adoption of division S-3205A of the amendment.

A record roll call was requested.

On the question "Shall division S-3205A of the amendment be adopted?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 26:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	Curtis	DeKoster
Drake	Hansen	Hill, P.B.	Hulse
Hultman	Junkins	Miller, A.V.	Nolting
Nystrom	Ramsey	Readinger	Rodgers
Schwengels	Shaff	Shaw	Taylor
Tieden	Van Gilst		

Nays, 24:

Briles	Calhoon	Carr	Coleman
Doderer	Gallagher	Glenn	Hill, E.M.
Hutchins	Kelly	Kinley	Merritt
Miller, C.P.	Miller, E.R.	Murray	Orr
Palmer	Priebe	Redmond	Robinson
Rush	Scott	Slater	Willits

Division S—3205A of the amendment was adopted.

Senator Shaff moved the adoption of division S—3205B of the amendment.

A record roll call was requested.

On the question “Shall division S—3205B of the amendment be adopted?” (S.F. 213) the vote was:

Ayes, 22:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	Curtis	DeKoster
Drake	Hill, P.B.	Hulse	Hultman
Miller, E.R.	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Shaff	Shaw
Taylor	Tieden		

Nays, 28:

Briles	Calhoon	Carr	Coleman
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Nystrom	Orr
Palmer	Redmond	Robinson	Rush
Scott	Slater	Van Gilst	Willits

Division S—3205B of the amendment lost.

Senator Hultman offered amendment S—3212 to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 17; nays, 32.

Amendment S—3212 lost.

Senator Merritt called up the following motion to reconsider and moved its adoption;

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3137 to Senate File 213 was adopted by the Senate on March 23, 1977.

MILO MERRITT

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-3137 be adopted?" (S.F. 213) the vote was:

Ayes, 20:

Briles	Calhoon	Carr	Coleman
Doderer	Gallagher	Hutchins	Junkins
Merritt	Miller, C.P.	Nystrom	Orr
Palmer	Priebe	Redmond	Rush
Scott	Slater	Van Gilst	Willits

Nays, 30:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	Curtis	DeKoster
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Kelly
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nolting	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Shaff	Shaw
Taylor	Tieden		

The motion lost.

Senator Robinson called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S-3169C to Senate File 213 passed the Senate on March 23, 1977.

CLOYD E. ROBINSON

A record roll call was requested.

On the question "Shall the motion to reconsider division

S—3169C be adopted?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 27:

Briles	Calhoon	Carr	Coleman
Doderer	Drake	Gallagher	Hansen
Hill, E.M.	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Ramsey	Redmond	Robinson	Rush
Scott	Slater	Van Gilst	

Nays, 23:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	Curtis	DeKoster
Glenn	Hill, P.B.	Hulse	Hultman
Merritt	Nystrom	Priebe	Readinger
Rodgers	Schwengels	Shaff	Shaw
Taylor	Tieden	Willits	

The motion prevailed and division S—3169C was brought up for reconsideration.

Senator Willits moved the adoption of division S—3169C of the amendment.

A record roll call was requested.

On the question "Shall division S—3169C of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 18:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Curtis	DeKoster	Glenn
Hill, P.B.	Hulse	Hultman	Nystrom
Readinger	Rodgers	Schwengels	Shaff
Shaw	Willits		

Nays, 32:

Briles	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Gallagher

Hansen	Hill, E.M.	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Redmond	Robinson	Rush	Scott
Slater	Taylor	Tieden	Van Gilst

Division S-3169C of the amendment lost.

Senator Shaff called up the following motion to reconsider:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S-3200A and division S-3200B to Senate File 213 passed the Senate on March 23, 1977.

ROGER J. SHAFF

Senator Shaff moved to reconsider the vote by which division S-3200A of the amendment passed the Senate and requested a record roll call.

On the question "Shall the motion to reconsider division S-3200A of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 26:

Ashcraft	Briles	Burroughs	Carr
Coleman	Craft	Curtis	DeKoster
Drake	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Miller, E.R.	Murray	Nystrom	Redmond
Robinson	Shaff	Slater	Taylor
Van Gilst	Willits		

Nays, 23:

Bergman	Bisenius	Calhoon	Culver
Gallagher	Glenn	Hutchins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Shaw	Tieden	

Absent or not voting, 1:

Doderer

The motion prevailed.

Senator Glenn moved the adoption of division S—3200A of the amendment.

A record roll call was requested.

On the question “Shall division S—3200A of the amendment be adopted?” (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 25:

Bergman	Bisenius	Calhoon	Culver
Doderer	Drake	Gallagher	Glenn
Hulse	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Nolting
Orr	Priebe	Ramsey	Robinson
Rodgers	Rush	Schwengels	Scott
Tieden			

Nays, 25:

Ashcraft	Briles	Burroughs	Carr
Coleman	Craft	Curtis	DeKoster
Hansen	Hill, E.M.	Hill, P.B.	Hultman
Kelly	Miller, E.R.	Murray	Nystrom
Palmer	Readinger	Redmond	Shaff
Shaw	Slater	Taylor	Van Gilst
Willits			

The Chair voted “nay” to break the tie and division S—3200A of the amendment lost.

Senator Shaff moved to reconsider the vote by which division S—3200B of the amendment passed the Senate and requested a record roll call.

On the question “Shall the motion to reconsider division

S-3200B of the amendment be adopted?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 29:

Ashcraft	Briles	Burroughs	Carr
Coleman	Craft	Curtis	DeKoster
Doderer	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Miller, A.V.	Murray	Nystrom	Palmer
Ramsey	Redmond	Robinson	Shaff
Shaw	Slater	Taylor	Van Gilst
Willits			

Nays, 21:

Bergman	Bisenius	Calhoon	Culver
Drake	Gallagher	Glenn	Hutchins
Kinley	Merritt	Miller, C.P.	Miller, E.R.
Nolting	Orr	Priebe	Readinger
Rodgers	Rush	Schwengels	Scott
Tieden			

The motion prevailed.

Senator Glenn moved the adoption of division S-3200B of the amendment and requested a record roll call.

On the question "Shall division S-3200B of the amendment be adopted?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 23:

Bisenius	Calhoon	Culver	Drake
Gallagher	Glenn	Hulse	Hutchins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nolting	Orr	Priebe
Robinson	Rodgers	Rush	Schwengels
Scott	Shaw	Tieden	

Nays, 26:

Ashcraft	Bergman	Briles	Burroughs
Carr	Coleman	Craft	Curtis
DeKoster	Hansen	Hill, E.M.	Hill, P.B.
Hultman	Junkins	Kelly	Murray
Nystrom	Palmer	Ramsey	Readinger
Redmond	Shaff	Slater	Taylor
Van Gilst	Willits		

Absent or not voting, 1:

Doderer

Division S-3200B of the amendment lost.

Senator Murray called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S-3205B to Senate File 213 failed to pass the Senate on March 23, 1977.

JOHN S. MURRAY

A record roll call was requested.

On the question "Shall the motion to reconsider division S-3205B of the amendment be adopted?" (S.F. 213) the vote was:

Ayes, 18:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Curtis	DeKoster	Hill, P.B.
Hulse	Hultman	Murray	Nystrom
Ramsey	Readinger	Schwengels	Shaff
Shaw	Taylor		

Nays, 32:

Briles	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hutchins
Junkins	Kelly	Kinley	Merritt

Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Orr	Palmer	Priebe	Redmond
Robinson	Rodgers	Rush	Scott
Slater	Tieden	Van Gilst	Willits

The motion 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. 213) the vote was:

Rule 23 was invoked.

Ayes, 20:

Calhoon	Carr	Coleman	DeKoster
Drake	Gallagher	Hansen	Hill, E.M.
Junkins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Nolting	Palmer	Redmond
Rush	Scott	Slater	Van Gilst

Nays, 30:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Culver	Curtis
Doderer	Glenn	Hill, P.B.	Hulse
Hultman	Hutchins	Merritt	Miller, E.R.
Murray	Nystrom	Orr	Priebe
Ramsey	Readinger	Robinson	Rodgers
Schwengels	Shaff	Shaw	Taylor
Tieden	Willits		

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 213 failed to pass the Senate.

EARL M. WILLITS

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, 1977, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 160, a bill for an Act making an appropriation to agencies whose responsibilities relate to energy policy and research.

Also: That the House has on March 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 249, a bill for an Act relating to interstate motor vehicle permits.

Also: That the House has on March 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 364, a bill for an Act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employees' retirement system.

Also: That the House has on March 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 385, a bill for an Act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels.

Also: That the House has on March 22, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 414, a bill for an Act making appropriations to the Iowa civil rights commission and the state department of health.

Also: That the House has on March 23, 1977, passed the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 13 resolving that the General Assembly meet in joint session April 14, 1977, at 1:30 p.m. and that the Pioneer Lawmakers be invited to present a program.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 249 a bill for an Act relating to interstate motor vehicle permits, providing for permanent and single trip interstate permits and revising the reporting requirements from monthly

filings to quarterly filings for interstate motor vehicle permit holders.

Read first time and PASSED ON FILE.

HOUSE FILE 364 a bill for an Act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employees' retirement system.

Read first time and PASSED ON FILE.

HOUSE FILE 385 a bill for an Act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive.

Read first time and PASSED ON FILE.

HOUSE FILE 414 a bill for an Act making appropriations to the Iowa civil rights commission and the state department of health.

Read first time and PASSED ON FILE.

HOUSE CONCURRENT RESOLUTION 13

By: Fitzgerald and Millen

1 *Whereas*, the Sixty-seventh General Assembly is
2 advised of a meeting of the Pioneer Lawmakers
3 Association to be held in the Historical Building
4 on Thursday, April 14, 1977, and request the oppor-
5 tunity to formally meet with the General Assembly,
6 *Now Therefore*,
7 *Be It Resolved by the House, the Senate*
8 *Concurring*: That the General Assembly meet in joint
9 session in the House chamber on Thursday, April 14,
10 1977, at 1:30 p.m. and that the Pioneer Lawmakers
11 be invited to attend and present a program on that
12 occasion.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: March 22, 1977, 10:30 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Hultman; Junkins; Kelly; Nolting; Ramsey; Van Gilst and Willits.

Members Absent: DeKoster (arrived 10:35 a.m.).

Members Excused: Priebe.

Final Action: APPROVED.

Senate File 262, a bill for an Act repealing the board of watchmaking examiners and provisions for certifying watchmakers.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Final Action: APPROVED.

Senate File 265, a bill for an Act making appropriations to the Iowa civil rights commission and the state department of health.

The vote was: AYES, 11; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, 1; Hultman. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Final Action: APPROVED.

Senate File 266, a bill for an Act making an appropriation from the general fund of the state to the board of accountancy.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Final Action: APPROVED.

Senate File 267, a bill for an Act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Final Action: APPROVED.

Senate File 268, a bill for an Act repealing the statutory standing appropriation funding the state employees' disability plan.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Final Action: AMEND AND DO PASS.

House File 367, a bill for an Act making appropriations to various state departments.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Priebe.

Adjourned: 11:30 a.m.

ENERGY

Convened: March 17, 1977, 8:10 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Briles; Glenn and Rodgers.

Members Absent: Bisenius and Ramsey.

Members Excused: Culver.

Final Action: DO PASS.

Senate File 182, a bill for an Act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty.

The vote was: AYES, 6; Gallagher, Scott, Burroughs, Briles, Glenn and

Rodgers. NAYS, none. ABSENT OR NOT VOTING, 3; Culver, Ramsey and Bisenius.

Also:

Final Action: APPROVED.

Senate File 258, a bill for an Act relating to smoke and fire detection systems in new buildings intended for human use or occupancy.

The vote was: AYES, 6; Gallagher, Scott, Burroughs, Briles, Glenn and Rodgers. NAYS, none. ABSENT OR NOT VOTING, 3; Culver, Ramsey and Bisenius.

Also:

Other Business: Discussion on the Ames Resource Recovery System; announcement of subcommittees.

Adjourned: 9:00 a.m.

STATE GOVERNMENT

Convened: March 10, 1977, 3:00 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: none.

Final Action: APPROVED.

Senate File 222, a bill for an Act relating to the selections and appointment of the directors of the state fair board.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Junkins, Kelly, Schwengels, Shaff and Slater. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 260, a bill for an Act relating to meetings of the board of parole and the grant or denial of parole.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none.

Also:

Other Business: Assigned Senate Files 151, 164, 177, 178 and study bills to subcommittees.

Adjourned: 4:30 p.m.

STUDY BILLS RECEIVED

S.S.B. 234 Transportation

Provides for changes to railroad laws, funding, repeal of certain sections and penalties.

S.S.B. 235 County Government

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.S.B. 236 County Government

Statewide fire protection.

S.S.B. 237 Energy

Appropriation for deposit in the energy research and development fund.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 257	Commerce
S.F. 259	State Government
S.F. 261	Energy
S.F. 263	County Government
H.F. 277	Natural Resources
H.F. 280	Judiciary

REPORT OF COMMITTEE

Senator Doderer submitted the following report:

MR. PRESIDENT: Your committee on State Government to which was referred House File 331, a bill for an Act relating to meetings of the board of parole and the grant or denial of parole, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Maurice A. Van Nostrand, of Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa State Commerce Commission pursuant to Section 474.1, Code 1975, for the regular six-year term beginning July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

EUGENE M. HILL, Chairperson
WARREN E. CURTIS
PHILIP B. HILL
WILLIAM D. PALMER
CLOYD E. ROBINSON

COMMUNICATION

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

CITY OF MARION

A resolution by the City Council of Marion urging the Iowa Conservation Commission, the Linn County Conservation Commission and the Legislature to review utilizing the funds available through the Conservation Commission to acquire land for improvements to lake facilities in Johnson County, which may not be used for said purposes, and use them for the improvement of Squaw Creek Lake in Linn County.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Monday, March 21 and Tuesday, March 22, 1977, as I was attending an

Education Conference in Texas.

Had I been present I would have voted "aye" on Senate Files 182, 214, 221, 231, 243, and House Files 150 and 231. I would have voted "aye" on Division S-3138A, S-3138B, and amendments S-3179, S-3186, S-3189 and S-3193 to Senate File 214; amendment S-3194 to Senate File 231.

I would have voted "nay" on amendments S-3192 to Senate File 214; S-3183 to House File 231 and "nay" on the motion to reconsider Senate File 167.

WILLARD R. HANSEN

AMENDMENTS FILED

S-3213	H.F. 331	Minnette F. Doderer Richard F. Drake
S-3216	H.F. 367	Elizabeth Shaw
S-3217	S.F. 244	Philip B. Hill
S-3218	S.F. 262	Charles P. Miller Forrest V. Schwengels Merlin D. Hulse Irvin L. Bergman

PRESENTATION OF VISITORS

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

Twenty-four students from Davenport Central High School, Davenport, Iowa, accompanied by Tom Gleich. Senator Ashcraft.

Forty-five students from Ottumwa, Iowa, accompanied by Barry Irelan and Rosemary Corbett. Senator Glenn.

Fifty-one students from Central Lee High School, Argyle, Iowa, accompanied by Howard Carter and Vic Spohnheimer. Senator Junkins.

Thirty-seven students from Gilmore City-Bradgate Junior-Senior High School, Gilmore City, Iowa, accompanied by Mrs. Juelfs. Senator Coleman.

Twenty students from Anamosa Junior High School, Anamosa, Iowa. Senator Hulse.

Thirty students from Northeast Hamilton Community School, Blairsburg, Iowa, accompanied by Mrs. Schutt. Senator Nystrom.

Seventy-five students from Algona Community School, Algona, Iowa, accompanied by Harlan Skaar. Senator Priebe.

On motion of Senator Kinley, the Senate adjourned at 6:00 p.m., until 9:00 a.m., Thursday, March 24, 1977.

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY—FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 24, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Don Gattelle, pastor of the United Methodist Church, Keswick, Iowa.

The Journal of Wednesday, March 23, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Boeke, West Union, Iowa.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

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 Allen J. Meier, Cedar Rapids, Linn County, Iowa, for appointment as Commissioner of Labor for the State of Iowa pursuant to Sections 91.2 and 91.3, 1975 Code of Iowa.

This appointment is for an unexpired term ending June 30, 1977, and a regular two-year term commencing July 1, 1977, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 273, by Senators Tieden and Hultman, a bill for an act relating to the control, abatement and prevention of

hazardous conditions by the department of environmental quality and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 274, by Senator Murray, a bill for an act relating to uniform child-custody jurisdiction.

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 186.

Senate File 186

On motion of Senator Willits, Senate File 186, a bill for an Act making appropriations to various state departments was taken up for consideration.

Senator Willits asked and received unanimous consent that House File 367 be substituted for Senate File 186.

House File 367

On motion of Senator Willits, House File 367, a bill for an Act making appropriations to various state departments, with report of committee recommending amendment and passage was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S-3199 filed by the Committee on Budget on March 22, 1977, to pages 1, 2, 3, 7 and 8 of the bill.

Senator Orr called for a division of the amendment, lines 3 through 5 to be considered as division S-3199A of the amendment; lines 6 through 10 to be considered as division S-3199B of the amendment.

Senator Willits called for a further division of the amendment, lines 7 and 8 to be considered as division S-3199C of the amendment.

Senator Hill of Polk called for a further division of the amendment, lines 9 and 10 to be considered as division S—3199D of the amendment.

President pro tempore Coleman took the chair at 9:25 a.m.

Senator Willits moved the adoption of division S—3199A of the amendment.

A record roll call was requested.

On the question “Shall division S—3199A of the amendment be adopted?” (H.F. 367) the vote was:

Ayes, 19:

Burroughs	Coleman	Curtis	Drake
Hill, E.M.	Hultman	Junkins	Kinley
Miller, C.P.	Miller, E.R.	Palmer	Readinger
Robinson	Rodgers	Schwengels	Shaw
Taylor	Tieden	Willits	

Nays, 30:

Ashcraft	Bergman	Bisenius	Briles
Carr	Craft	Culver	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hutchins	Kelly
Merritt	Miller, A.V.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Redmond	Rush	Scott	Shaff
Slater	Van Gilst		

Absent or not voting, 1:

Calhoon

Division S—3199A of the amendment lost.

Senator Willits moved the adoption of division S—3199B of the amendment

The motion prevailed and division S—3199B of the amendment was adopted.

Senator Willits moved the adoption of division S—3199C of the amendment.

The motion prevailed and division S—3199C of the amendment was adopted.

Senator Willits moved the adoption of division S—3199D of the amendment, which motion prevailed and division S—3199D of the amendment was adopted.

Senator Murray offered amendment S—3219 to page 1 of the bill.

Senator Scott took the chair at 10:10 a.m.

Senator Murray moved the adoption of amendment S—3219.

A record roll call was requested.

On the question "Shall amendment S—3219 be adopted?" (H.F. 367) the vote was:

Rule 23 was invoked.

Ayes, 19:

Ashcraft	Bergman	Briles	Burroughs
DeKoster	Drake	Hansen	Hill, P.B.
Kelly	Miller, E.R.	Murray	Nystrom
Ramsey	Redmond	Rush	Schwengels
Scott	Shaw	Slater	

Nays, 28:

Bisenius	Carr	Coleman	Craft
Culver	Curtis	Doderer	Gallagher
Glenn	Hill, E.M.	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Shaff	Taylor	Tieden	Willits

Absent or not voting, 3:

Calhoon	Hulse	Van Gilst
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Amendment S—3219 lost.

Senator Rodgers offered amendment S—3220 to page 1 of the bill.

President pro tempore Coleman took the chair at 10:50 a.m.

Senator Rodgers moved the adoption of amendment S—3220 and requested a non record roll call.

A record roll call was requested.

On the question “Shall amendment S—3220 be adopted?” (H.F. 367) the vote was:

Ayes, 2:

Coleman Rodgers

Nays, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Van Gilst	Willits		

Absent or not voting, 2:

Calhoon Tieden

Amendment S—3220 lost.

Senator Shaw offered amendment S—3216 to page 3 of the bill.

Senator Willits offered amendment S—3226 to amendment S—3216.

Senator Slater took the chair at 11:10 a.m.

Senator Willits moved the adoption of amendment S-3226 to amendment S-3216.

A record roll call was requested.

On the question "Shall amendment S-3226 to amendment S-3216 be adopted?" (H.F. 367) the vote was:

Ayes, 30:

Carr	Coleman	Culver	Curtis
Doderer	Drake	Glenn	Hansen
Hill, E.M.	Hulse	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Orr	Palmer	Ramsey
Redmond	Robinson	Rodgers	Rush
Scott	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 18:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	DeKoster	Gallagher
Hill, P.B.	Hultman	Kelly	Murray
Nolting	Nystrom	Priebe	Readinger
Schwengels	Shaw		

Absent or not voting, 2:

Calhoon	Shaff
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Amendment S-3226 to amendment S-3216 was adopted.

Senator Shaw moved the adoption of amendment S-3216 as amended.

A non record roll call was requested.

The ayes were 47; nays, 1.

Amendment S-3216 as amended was adopted.

Senator Kelly offered amendment S-3221 by Senators Kelly and Doderer to page 5 of the bill.

President pro tempore Coleman took the chair at 11:30 a.m.

Senator Kelly moved the adoption of amendment S-3221.

The motion prevailed and amendment S-3221 was adopted.

Senator Taylor offered amendment S-3224 to page 1 of the bill.

Senator Rush took the chair at 11:35 a.m.

Senator Taylor moved the adoption of amendment S-3224.

A record roll call was requested.

On the question "Shall amendment S-3224 be adopted?" (H.F. 367) the vote was:

Ayes, 16:

Ashcraft	Bergman	Burroughs	Craft
DeKoster	Drake	Hansen	Hill, P.B.
Hulse	Miller, E.R.	Murray	Nystrom
Ramsey	Schwengels	Shaw	Taylor

Nays, 31:

Bisenius	Carr	Coleman	Culver
Curtis	Doderer	Gallagher	Glenn
Hill, E.M.	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Tieden	Van Gilst	Willits	

Absent or not voting, 3:

Briles	Calhoon	Shaff
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Amendment S-3224 lost.

President pro tempore Coleman took the chair at 11:55 a.m.

Senator Taylor offered amendment S-3223 to page 3 of the bill.

Senator Willits raised the point of order that amendment S-3223 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3223 out of order.

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. 367) the vote was:

Ayes, 47:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readerger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Ashcraft	Calhoon	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.

Senator Willits asked and received unanimous consent that HOUSE FILE 367 be IMMEDIATELY MESSAGED to the House, which request was complied with.

WITHDRAWN

Senator Willits asked and received unanimous consent that Senate File 186 be withdrawn from further consideration of the Senate.

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 March 24, 1977, 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 162, a bill for an Act making an appropriation to the judicial department.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 275, by Senator Rush, a bill for an act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, 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.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 262.

Senate File 262

On motion of Senator Hill of Jasper, Senate File 262, a bill for an Act repealing the board of watchmaking examiners and provisions for certifying watchmakers, was taken up for consideration.

Senator Miller of Des Moines offered amendment S—3218 filed by Senators Miller of Des Moines, et al., on March 23, 1977, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3218 be adopted?" (S.F. 262) the vote was:

Ayes, 30:

Ashcraft	Bergman	Bisenius	Briles
Carr	Coleman	Culver	Curtis
DeKoster	Drake	Gallagher	Hansen
Hulse	Hultman	Hutchins	Junkins
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nolting	Nystrom	Priebe	Ramsey
Robinson	Schwengels	Shaw	Taylor
Tieden	Van Gilst		

Nays, 19:

Calhoon	Craft	Doderer	Glenn
Hill, E.M.	Hill, P.B.	Kelly	Kinley
Murray	Orr	Palmer	Readinger
Redmond	Rodgers	Rush	Scott
Shaff	Slater	Willits	

Absent or not voting, 1;

Burroughs

Amendment S—3218 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. 262) the vote was:

Ayes, 36:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Hansen	Hulse	Hultman
Hutchins	Junkins	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Priebe	Ramsey	Redmond
Robinson	Rodgers	Schwengels	Shaff
Shaw	Taylor	Tieden	Van Gilst

Nays, 13:

Craft	Glenn	Hill, E.M.	Hill, P.B.
Kelly	Kinley	Orr	Palmer
Readinger	Rush	Scott	Slater
Willits			

Absent or not voting, 1:

Burroughs

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 to take up out of order Senate File 266.

Senate File 266

On motion of Senator Hill of Jasper, Senate File 266, a bill for an Act making an appropriation from the general fund of the state to the board of accountancy, was taken up for consideration.

Senator Hill of Jasper offered amendment S-3222 by Senators Hill of Jasper and Palmer to page 1 of the bill.

President pro tempore Coleman took the chair at 2:35 p.m.

Senator Hill of Jasper moved the adoption of amendment S-3222 and requested a non record roll call.

A record roll call was requested.

On the question "Shall amendment S-3222 be adopted?" (S.F. 266) the vote was:

Rule 23 was invoked.

Ayes, 8:

Gallagher	Glenn	Hill, E.M.	Junkins
Orr	Palmer	Redmond	Willits

Nays, 40:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A. V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst

Absent or not voting, 2:

Nystrom	Robinson
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Amendment S-3222 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. 266) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn

Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

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 267.

Senate File 267

On motion of Senator Willits, Senate File 267, a bill for an Act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board, was taken up for consideration.

Senator Readinger took the chair at 3:10 p.m.

Senator Drake offered amendment S—3229 to page 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 27; nays, 21.

Amendment S—3229 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. 267) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Curtis	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Taylor	Van Gilst	Willits

Nays, 2:

Culver	Tieden
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Absent or not voting, 4:

DeKoster	Doderer	Nystrom	Slater
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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 268.

Senate File 268

On motion of Senator Willits, Senate File 268, a bill for an Act repealing the statutory standing appropriation funding 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. 268) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse

Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Shaff	Shaw	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Nolting	Nystrom	Schwengels	Slater
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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 244

On motion of Senator Willits, Senate File 244, a bill for an Act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code, was taken up for further consideration.

Senator Hill of Polk offered amendment S-3217 filed by him on March 23, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3217 was adopted.

The Senate resumed consideration of amendment S-3197 by Senators Redmond and Kelly offered and pending on March 22, 1977.

Senator Doderer withdrew amendment S-3198 to amendment S-3197 filed by Senators Doderer and Redmond on March 22, 1977.

Senator Doderer offered amendment S-3201 to amendment S-3197 filed by Senators Doderer and Redmond on March 22, 1977, and moved its adoption.

The motion prevailed and amendment S-3201 to amendment S-3197 was adopted.

Senator Redmond moved the adoption of amendment S—3197 as amended.

The motion prevailed and amendment S—3197 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?” (S.F. 244) the vote was:

Ayes, 29:

Burroughs	Calhoon	Carr	Coleman
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Readinger
Redmond	Robinson	Rodgers	Rush
Scott	Taylor	Tieden	Van Gilst
Willits			

Nays, 17:

Ashcraft	Bergman	Bisenius	Briles
Craft	Culver	Curtis	DeKoster
Drake	Hill, P.B.	Hulse	Kelly
Priebe	Ramsey	Schwengels	Shaff
Shaw			

Absent or not voting, 4:

Hultman	Nystrom	Palmer	Slater
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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 Hansen asked unanimous consent to suspend Senate Rule 8 to take up for immediate consideration Senate Resolution 9.

Objection was raised.

Senator Hansen moved to suspend Senate Rule 8 to take up for consideration Senate Resolution 9.

President pro tempore Coleman took the chair at 4:00 p.m.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

Senator Kinley moved that the Senate adjourn until 9:00 a.m., Friday, March 25, 1977.

A record roll call was requested.

On the question "Shall the motion to adjourn be adopted?" the vote was:

Rule 23 was invoked.

Ayes, 25:

Calhoon	Carr	Coleman	Culver
Doderer	Gallagher	Glenn	Hill, E.M.
Hutchins	Junkins	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Nolting	Orr
Palmer	Priebe	Redmond	Robinson
Rodgers	Rush	Scott	Van Gilst
Willits			

Nays, 21:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	DeKoster
Drake	Hansen	Hill, P.B.	Hulse
Kelly	Miller, E.R.	Murray	Ramsey
Readinger	Schwengels	Shaff	Shaw
Taylor			

Absent or not voting, 4:

Hultman	Nystrom	Slater	Tieden
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The motion prevailed and the Senate adjourned at 4:07 p.m., until 9:00 a.m., Friday, March 25, 1977.

INTRODUCTION OF BILLS

SENATE FILE 276, by Senator Scott, a bill for an act adjusting motor vehicle registration fees to promote energy efficiency.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 277, by Senators Hansen and Nystrom, a bill for an act relating to the establishment of equestrian riding trails.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 278, by Senators Coleman, Carr, Culver, Schwengels, Calhoun, Nystrom, Rodgers, Ashcraft and Hutchins, a bill for an act relating to the use of diagnostic pharmaceutical agents by optometrists.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 279, by Committee on County Government, a bill for an act relating to the appointment and the duties of a county weed commissioner.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

SENATE RESOLUTION 9

By: Ramsey

- 1 *Whereas*, the United States house of representatives
- 2 has defeated legislation which would have expanded the
- 3 picketing powers of construction workers and is
- 4 known as the "common situs picketing bill"; and
- 5 *Whereas*, the common situs picketing bill would have
- 6 greatly increased construction costs which are already
- 7 increasing at an alarming rate; and
- 8 *Whereas*, it is in the interest of Iowans and the
- 9 members of the public elsewhere that the right of per-
- 10 sons to work be preserved and that costs be held down
- 11 as much as possible; *Now Therefore*,
- 12 *Be It Resolved by the Senate*,
- 13 That the United States Congress be commended for exer-
- 14 cising good judgment in disapproving the common situs
- 15 picketing bill and that it be urged to continue its
- 16 resistance to this proposal; and

17 *Be It Further Resolved*, That copies of this resolu-
 18 tion be forwarded to members of the Iowa congressional
 19 delegation.

20 EXPLANATION

21 This resolution commends the United States House of
 22 Representatives for defeating the common situs picket-
 23 ing bill.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 13

By: Shaw, Hansen, Robinson, Redmond and Rush

1 *Whereas*, the bicycle provides a practical, energy
 2 conserving and healthful alternative to motorized trans-
 3 portation; and

4 *Whereas*, since 1970, the popularity of cycling in
 5 this state has risen sharply as more and more adults
 6 have discovered its value in terms of health, recreation
 7 and transportation; and

8 *Whereas*, the number of facilities for cyclists has
 9 not expanded commensurate with the rise in popularity
 10 of cycling and existing facilities are inadequate; and

11 *Whereas*, traffic safety would be greatly enhanced if
 12 more facilities, such as bikeways, were provided for
 13 cyclists; and

14 *Whereas*, state and federal funds are presently
 15 available for the construction of bikeways; and

16 *Whereas*, abandoned railroad lines may be used for the
 17 construction of bikeways to create transportation and
 18 recreational facilities and minimize the adverse effects
 19 resulting from the abandonment of railroad lines; *Now*
 20 *Therefore*,

21 *Be It Resolved by the Senate, the House of Representa-*
 22 *tives Concurring*, That the state department of transpor-
 23 tation study the feasibility of acquiring and converting
 24 into a bikeway the railroad line owned by the Waterloo
 25 railroad company which has applied to the United States
 26 interstate commerce commission seeking abandonment and
 27 has been granted authority to abandon a section of line
 28 from Cedar Rapids in Linn county to Waterloo in Black
 29 Hawk county; and

30 *Be It Further Resolved*, That the study shall be sub-

Page 2

1 mitted to the General Assembly thirty days after the
 2 convening of the 1978 Session of the Sixty-seventh

3 General Assembly and that the study consider all aspects
 4 bearing on the feasibility of such project, including
 5 the cost of acquisition of the right-of-way, by either
 6 purchase or eminent domain, the cost of converting the
 7 right-of-way into a bikeway together with ancillary
 8 facilities such as comfort stations and camp grounds,
 9 the cost of its continued maintenance and upkeep and an
 10 assessment of anticipated benefits of such bikeway to the
 11 surrounding communities and the residents of this state.

Read first time under Senate Rule 28 and PASSED ON FILE.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: March 17, 1977, 10:30 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: none.

Members Excused: Nystrom, Ranking Member.

Final Action: APPROVED.

Senate File 264, a bill for an Act abolishing the World War I, World War II and Korean Veteran's bonus funds and the Korean veterans bonus tax fund and providing for the transfer of funds.

The vote was: AYES, 13; Doderer, Coleman, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 1; Nystrom.

Also:

Other Business: Assigned bills to subcommittees; discussed legislation relating to continuing education.

Adjourned: 11:50 a.m.

STUDY BILLS RECEIVED

S.S.B. 238 Social Services Budget Subcommittee

Appropriations to the department of social services to fund

current programs under the jurisdiction of the department.

S.S.B. 239 Social Services Budget Subcommittee

Reimbursement or the payment for health care services and providing that it is a discrimination practice to deny reimbursement or payment to certain persons.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 269	State Government
S.F. 270	Budget
S.F. 271	Agriculture
S.F. 272	State Government
S.R. 9	Labor and Industrial Relations
H.F. 249	Ways and Means
H.F. 364	State Government
H.F. 385	Ways and Means
H.F. 414	Budget
H.C.R. 13	Rules and Administration

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 213 failed to pass the Senate on March 23, 1977.

MINNETTE F. DODERER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. John D. Thorson of Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the Air Quality Commission of the Department of Environmental Quality under the provisions of 455B.4, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

MILO MERRITT, Chairperson
ROLF V. CRAFT

CALVIN O. HULTMAN
NORMAN G. RODGERS
TOM SLATER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Murray C. Lawson of Mason City, Cerro Gordo County, Iowa, for appointment as a member of the Job Services Appeal Board under the provisions of Chapter 1068, Acts of the Sixty-sixth General Assembly, 1976 Session, for an initial term commencing July 1, 1976, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
RICHARD F. DRAKE
JAMES V. GALLAGHER
ALVIN V. MILLER
JOHN S. MURRAY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of I. John Rossi of West Des Moines, Polk County, Iowa, for reappointment as a member of the Occupational Safety and Health Review Commission pursuant to the provisions of Section 88.10, 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.

NORMAN G. RODGERS, Chairperson
PHILIP B. HILL
BERL E. PRIEBE
CLOYD E. ROBINSON
FORREST V. SCHWENGELS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Phillip E. Hottell, O.D., of Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Optometry 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.

CHARLES P. MILLER, Chairperson
MINNETTE F. DODERER
GENE W. GLENN

DAVID M. READINGER
RAY TAYLOR

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. SECRETARY: Pursuant to Senate Rule 58, I hereby request that the name of Maurice Van Nostrand be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

ROBERT M. CARR

AMENDMENTS FILED

S-3225	S.F. 31	Dale L. Tieden Robert M. Carr
S-3227	S.F. 215	Charles P. Miller
S-3228	S.F. 258	James V. Gallagher Norman G. Rodgers Minnette F. Doderer George R. Kinley Louis P. Culver
S-3231	H.F. 414	Fred W. Nolting
S-3232	S.F. 222	Earl M. Willits

PRESENTATION OF VISITORS

President Neu welcomed the Honorable Ralph F. McCartney, former member of the Senate and House of Representatives from Floyd County.

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

Six students from the Iowa School for the Deaf, Council Bluffs, Iowa, accompanied by Steve Slater. Senator Slater.

Eighteen students from Carlisle High School, Carlisle, Iowa, accompanied by Mike McVey. Senators Hill of Jasper and Kinley.

Ten students from Rake Junior-Senior High School, Rake, Iowa, accompanied by Mr. Sibley. Senator Priebe.

Forty students from Maquoketa Junior High School,

Maquoketa, Iowa, accompanied by Mr. Disney. Senator Hulse.

Fifty-four students from Westview Junior High School, Lake City, Iowa, accompanied by Mr. Core and Mr. Nielson. Senator Scott.

Twenty-five students from Christ the King School, Des Moines, Iowa, accompanied by Mrs. Spain. Senator Kinley.

Fifty students from Norwalk High School, Norwalk, Iowa, accompanied by Mrs. McNeely. Senator Rodgers.

JOURNAL OF THE SENATE

SEVENTY-FIFTH CALENDAR DAY—FIFTY-FIRST SESSION DAY

Senate Chamber,
Des Moines, Iowa, Friday, March 25, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Sam Hee Shinn, pastor of the Presbyterian Church, Walnut, Iowa.

The Journal of Thursday, March 24, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Thomas Viner, Leon, Iowa.

INTRODUCTION OF BILL

SENATE FILE 280, by Senator Kelly, a bill for an act relating to the disposition of a decedent's property.

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 265.

Senate File 265

On the motion of Senator Nolting, Senate File 265, a bill for an Act making appropriations to the Iowa civil rights commission and the state department of health, was taken up for consideration.

Senator Nolting asked and received unanimous consent that House File 414 be substituted for Senate File 265.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 414, a bill for an Act making appropriations to the Iowa civil rights commission and the state department of health, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3233; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

House File 414

On motion of Senator Nolting, House File 414, a bill for an Act making appropriations to the Iowa civil rights commission and the state department of health, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Nolting offered amendment S-3233 by the Committee on Budget to page 2 of the bill and moved its adoption.

Amendment S-3233 was adopted.

Senator Nolting withdrew amendment S-3231 to page 2 of the bill filed by him on March 24, 1977.

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. 414) the vote was:

Ayes, 44:

Bergman	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt

Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Ashcraft	Burroughs	Orr	Robinson
Rush	Shaw		

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

WITHDRAWN

Senator Nolting asked and received unanimous consent that Senate File 265 be withdrawn from further consideration of the Senate.

Senator Kinley asked and received unanimous consent to take up out of order House File 331.

House File 331

On motion of Senator Doderer, House File 331, a bill for an Act relating to meetings of the board of parole and the grant or denial of parole, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S-3213 filed by Senators Doderer and Drake on March 23, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3213 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. 331) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Readinger	Redmond	Rodgers
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Van Gilst	Willits

Nays, 3:

Hultman	Ramsey	Tieden
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Absent or not voting, 3:

Orr	Robinson	Rush
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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 Doderer asked and received unanimous consent that Senate File 260 be withdrawn from further consideration of the Senate.

WITHDRAWN

Senator Redmond asked and received unanimous consent that Senate File 58 be withdrawn from further consideration of the Senate.

INTRODUCTION OF BILLS

SENATE FILE 281, by Senators Rodgers, Priebe, Miller of Cerro Gordo, Schwengels, Orr, Gallagher, Shaff, Coleman, Tieden, Hutchins, Taylor, Culver, Hulse, Bisenius, Nolting, Merritt, Craft, Willits and Scott, a bill for an act relating to the evaluation of utility easements.

Read first time and PASSED ON FILE.

SENATE FILE 282, by Senator Gallagher, a bill for an act relating to the taking of estimates for repair of automobiles.

Read first time and PASSED ON FILE.

SENATE FILE 283, by Senators Ramsey, Shaw, Bisenius, Briles, Burroughs, Schwengels, Ashcraft, Coleman, Nolting, Miller of Marshall, Robinson, Hulse, Nystrom, Hill of Jasper, Tieden, Taylor, Bergman and Rodgers, a bill for an act establishing the penalties of death or life imprisonment for certain offenses, and prescribing the procedures applicable thereto.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 24, 1977, 7:45 a.m.

Members Present: Nolting, Chairperson; A. Miller, Vice Chairperson and Craft.

Members Absent: Readinger, Ranking Member (arrived 7:55 a.m.) and Calhoon.

Other Business: Recommended appropriations for the Drug and Alcoholism Administration and the Commission on the Aging.

Adjourned: 9:00 a.m.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: March 24, 1977, 7:45 a.m.

Members Present: Carr, Chairperson and Gallagher.

Members Absent: Coleman, Vice Chairperson (arrived 8:15 a.m.) and Drake, Ranking Member (arrived 8:15 a.m.).

Other Business: Representatives of the State Board of Regents, Attorney General's Office and Department of Transportation gave presentations regarding the proposed airplane pool.

Adjourned: 9:15 a.m.

INTRODUCTION OF BILL

SENATE FILE 284, by Budget Social Services Subcommittee, 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 under Senate Rule 28 and PLACED ON CALENDAR

BILLS ASSIGNED TO COMMITTEE

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

S.F. 273	Natural Resources
S.F. 274	Judiciary
S.F. 275	Judiciary
S.F. 276	Transportation
S.F. 277	Natural Resources
S.F. 278	Judiciary
S.C.R. 13	Transportation

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Beverly B. Everett, of New Sharon, Mahaska County, Iowa, for reappointment as a member of the Department of Environmental Quality Board of Certification for Water Works Operators under the provisions of Section 455B.53, 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 V. GALLAGHER, Chairperson
 IRVIN L. BERGMAN
 JAMES E. BRILES
 EUGENE M. HILL
 GEORGE R. KINLEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Virginia E. Phipps, Cherokee, Cherokee County, Iowa, for appointment as a member of the Energy Policy Council under the

provisions of Chapter 1088, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOUIS P. CULVER, Chairperson
IRVIN L. BERGMAN
ROBERT M. CARR
C. JOSEPH COLEMAN
WARREN E. CURTIS

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 200

Cities
Slater, Chairperson
Briles
Orr

SENATE FILE 230

Commerce
E. Hill, Chairperson
Palmer
Nolting

SENATE FILE 238

Judiciary
Glenn, Chairperson
Rush
Scott
Shaw
Ramsey

SENATE FILE 245

Judiciary
Glenn, Chairperson
Rush
Scott
Shaw
Ramsey

SENATE FILE 247

Transportation
Drake, Chairperson
Robinson
Coleman
Hutchins
Ashcraft

SENATE FILE 219

Cities
Readinger, Chairperson
Slater
Orr

SENATE FILE 236

Judiciary
Glenn, Chairperson
Rush
Scott
Ramsey
Shaw

SENATE FILE 239

Judiciary
P. Hill, Chairperson
Ashcraft
Coleman

SENATE FILE 246

Judiciary
Glenn, Chairperson
Scott
Ramsey
Shaw
Rush

SENATE FILE 248

Ways and Means
Curtis, Chairperson
Rodgers
Nolting

SENATE FILE 249

Commerce
Rodgers, Chairperson
Curtis
Burroughs

SENATE FILE 251

Judiciary
Glenn, Chairperson
Rush
Scott
Ramsey
Shaw

SENATE FILE 254

Commerce
Palmer, Chairperson
Curtis
Bisenius

SENATE FILE 261

Energy
Scott, Chairperson
Gallagher
Briles

SENATE RESOLUTION 8

Rules and Administration
Junkins, Chairperson
Coleman
Hultman

HOUSE FILE 212

County Government
P. Hill, Chairperson
Merritt
C. Miller

HOUSE FILE 277

Natural Resources
Slater, Chairperson
Bergman
Junkins

HOUSE FILE 280

Judiciary
Coleman, Chairperson
Redmond
Ramsey

SENATE FILE 250

Budget—Budget Subcommittee on
State Government
Willits, Chairperson
Rodgers
Taylor
Doderer
Tieden

SENATE FILE 252

Education
Shaw, Chairperson
Taylor
Slater

SENATE FILE 255

Transportation
Tieden, Chairperson
Robinson
Ashcraft

SENATE FILE 264

Budget
DeKoster, Chairperson
Willits
Kelly

SENATE RESOLUTION 9

Labor and Industrial Relations
Nofling, Chairperson
Calhoon
Hulse

HOUSE FILE 267

County Government
Redmond, Chairperson
Briles
C. Miller

HOUSE FILE 279

Judiciary
Willits, Chairperson
Doderer
DeKoster

HOUSE CONCURRENT RESOLUTION 13

Rules and Administration
Kinley, Chairperson
Junkins
Hultman

HOUSE CONCURRENT RESOLUTION 17 S.S.B. 233

Rules and Administration
Junkins, Chairperson
Kinley
Hultman

Labor and Industrial Relations
Merritt, Chairperson
Robinson
Hulse

S.S.B. 234

Transportation
Coleman, Chairperson
Hutchins
Ashcraft

S.S.B. 235

County Government
Hutchins, Chairperson
Briles
Merritt

S.S.B. 236

County Government
Hutchins, Chairperson
Briles
Merritt

S.S.B. 237

Energy
Rodgers, Chairperson
Gallagher
Burroughs

PRESENTATION OF VISITORS

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

Seventeen students, members of the 4-H Club from Fort Madison, Iowa. Senator Junkins.

Forty-five students, members of the 4-H Club from Washington County accompanied by Mr. and Mrs. Robert Spenner, Mrs. Curtis Mineart and Mrs. Larry Shalla. Senator Schwengels.

On motion of Senator Kinley, the Senate adjourned at 11:35 a.m., until 10:00 a.m., Monday, March 28, 1977.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY—FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 28, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Dale L. Tieden, member of the Senate, from Elkader, Clayton County, Iowa.

The Journal of Friday, March 25, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garner, Cherokee, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shaw for the day on request of Senator Hultman.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

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 Blaine L. Donaldson, Storm Lake, Buena Vista County, Iowa, for reappointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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, Greenfield, Adair County, Iowa, for reappointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Bernice S. Heath, Crescent, Pottawattamie County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the unexpired portion of a 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 Sidney S. Vander Woude, Coralville, Johnson County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the unexpired portion of a 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 Dennis Walter, M.D., Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the unexpired portion of a term ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILL

SENATE FILE 285, by Senator Schwengels, a bill for an act relating to procedures to be followed by drainage districts in which are located ditches, drains or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

Read first time and PASSED ON FILE.

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 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

Read first time and PASSED ON FILE.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the State Board of Engineering Examiners, Harrison Kane, Ph.D., filed March 16, 1977, and found on page 658 of the Senate Journal.

As a member of the Iowa Civil Rights Commission, Harriette Bruce, filed March 21, 1977, and found on pages 720-721 of the Senate Journal.

As a member of the Air Quality Commission of the Department of Environmental Quality, John D. Thorson, filed March 24, 1977, and found on page 785 of the Senate Journal.

As a member of the Job Services Appeal Board, Murray C. Lawson, filed March 24, 1977, and found on page 786 of the Senate Journal.

As a member of the Occupational Safety and Health Review Commission, I. John Rossi, filed March 24, 1977, and found on page 786 of the Senate Journal.

As a member of the State Board of Optometry Examiners, Phillip E. Hottell, O.D., filed March 24, 1977, and found on page 786 of the Senate Journal.

As a member of the Department of Environmental Quality Board of Certification for Waterworks Operators, Beverly B. Everett, filed March 25, 1977, and found on page 794 of the Senate Journal.

As a member of the Energy Policy Council, Virginia E. Phipps, filed March 25, 1977, and found on pages 794-795 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

HARRISON KANE, Ph.D.

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Drake	Junkins	Orr	Ramsey
Robinson	Rodgers	Shaw	

President Neu declared the appointment of Harrison Kane, Ph.D., as a member of the State Board of Engineering Examiners confirmed for the regular three-year term ending June 30, 1979.

HARRIETTE BRUCE

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels

Scott
Tieden

Shaff
Van Gilst

Slater
Willits

Taylor

Nays, none.

Absent or not voting, 7:

Drake
Robinson

Junkins
Rodgers

Orr
Shaw

Ramsey

President Neu declared the appointment of Harriette Bruce as a member of the Iowa Civil Rights Commission confirmed for the unexpired portion of the term ending June 30, 1977.

JOHN D. THORSON

Ayes, 43:

Ashcraft
Burroughs
Craft
Doderer
Hill, E.M.
Hutchins
Miller, A.V.
Nolting
Readinger
Scott
Tieden

Bergman
Calhoon
Culver
Gallagher
Hill, P.B.
Kelly
Miller, C.P.
Nystrom
Redmond
Shaff
Van Gilst

Bisenius
Carr
Curtis
Glenn
Hulse
Kinley
Miller, E.R.
Palmer
Rush
Slater
Willits

Briles
Coleman
DeKoster
Hansen
Hultman
Merritt
Murray
Priebe
Schwengels
Taylor

Nays, none.

Absent or not voting, 7:

Drake
Robinson

Junkins
Rodgers

Orr
Shaw

Ramsey

President Neu declared the appointment of John D. Thorson as a member of the Air Quality Commission of the Department of Environmental Quality confirmed for the regular four-year term ending June 30, 1979.

MURRAY C. LAWSON

Ayes, 43:

Ashcraft
Burroughs

Bergman
Calhoon

Bisenius
Carr

Briles
Coleman

Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Drake	Junkins	Orr	Ramsey
Robinson	Rodgers	Shaw	

President Neu declared the appointment of Murray C. Lawson as a member of the Job Services Appeal Board confirmed for an initial term ending June 30, 1978.

I. JOHN ROSSI

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Drake	Junkins	Orr	Ramsey
Robinson	Rodgers	Shaw	

President Neu declared the appointment of I. John Rossi as a member of the Occupational Safety and Health Review Commission confirmed for the regular six-year term ending June 30, 1982.

PHILLIP E. HOTTELL, O.D.

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Drake	Junkins	Orr	Ramsey
Robinson	Rodgers	Shaw	

President Neu declared the appointment of Phillip E. Hottell, O.D., as a member of the State Board of Optometry Examiners confirmed for the regular three-year term ending June 30, 1979.

BEVERLY B. EVERETT

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Drake	Junkins	Orr	Ramsey
Robinson	Rodgers	Shaw	

President Neu declared the appointment of Beverly B. Everett as a member of the Department of Environmental Quality Board of Certification for Waterworks Operators confirmed for the regular three-year term ending June 30, 1979.

VIRGINIA E. PHIPPS

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Drake	Junkins	Orr	Ramsey
Robinson	Rodgers	Shaw	

President Neu declared the appointment of Virginia E. Phipps as a member of the Energy Policy Council confirmed.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 222.

Senate File 222

On motion of Senator Slater, Senate File 222, a bill for an Act relating to the selection and appointment of the directors of the state fair board, was taken up for consideration.

Senator Willits offered amendment S-3232 filed by him on on March 24, 1977, to pages 1, 2, 3 and 4 of the bill.

Senator Hill of Polk called for a division of the amendment, pages 1, 2 and page 3, lines 1 through 27 to be considered as division S—3232A of the amendment; page 3, lines 28 through 50, and page 4, lines 1 and 2 to be considered as division S—3232B of the amendment.

President pro tempore Coleman took the chair at 10:55 a.m.

Senator Willits moved the adoption of division S—3232A of the amendment.

A record roll call was requested.

On the question “Shall division S—3232A of the amendment be adopted?” (S.F. 222) the vote was:

Ayes, 6:

Carr	Hill, P.B.	Orr	Palmer
Redmond	Willits		

Nays, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst		

Absent or not voting, 2:

Robinson	Shaw
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Division S—3232A of the amendment lost.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

(Senate File 222 pending on recess.)

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 March 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 82, a bill for an Act placing with the department of health the authority for regulating the design, installation and use of radiation emitting equipment and providing a penalty.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 286, by Senator Hill of Polk, a bill for an act relating to unlawful gambling and lawful gambling as an exception thereto, gambling devices, providing a tax and for licensing, reporting, profits, penalties, suspension, revocation and injunction in connection with gambling.

Read first time, and PASSED ON FILE.

SENATE FILE 287, by Senator Rodgers, a bill for an act relating to the licensing and practicing of veterinarians.

Read first time and PASSED ON FILE.

SENATE FILE 288, by Committee on Judiciary, a bill for an act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

Read first time and PLACED ON CALENDAR.

SENATE FILE 289, by Committee on Judiciary, a bill for an act to propose changes in the rules of criminal procedure.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 82, a bill for an Act placing with the department of health the authority for regulating the design, installation and use of radiation emitting equipment and providing a penalty.

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 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 Kenneth E. Smith, of Indianola, Warren County, Iowa, for appointment as a member of the City Finance Committee under the provisions of Section 384.13, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

BASS VAN GILST, Chairperson
CLOYD E. ROBINSON
BOB RUSH
ROGER J. SHAFF
ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Van Gilst moved the appointment of Kenneth E. Smith

as a member of the City Finance Committee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Carr	Hultman	Miller, C.P.	Robinson
Shaw			

President Neu declared the appointment of Kenneth E. Smith as a member of the City Finance Committee confirmed for the regular four-year term ending June 30, 1980.

Senator Miller of Cerro Gordo 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, of Cedar Falls, Black Hawk County, Iowa, for reappointment as a public member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for the 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.

ALVIN V. MILLER, Chairperson
 STEPHEN W. BIENIUS
 WILLARD R. HANSEN
 FRED W. NOLTING
 WILLIAM D. PALMER

The motion prevailed and the report was adopted.

Senator Miller of Cerro Gordo 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, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 5:

Hultman	Miller, C.P.	Robinson	Shaw
Willits			

President Neu declared the appointment of Lois M. Sherman as a member of the State Board of Examiners for Nursing Home Administrators confirmed for the regular three-year term ending June 30, 1979.

BUSINESS PENDING

Senate File 222

The Senate resumed consideration of Senate File 222.

Senator Willits withdrew division B of amendment S-3232.

Senator Priebe offered amendment S-3202 filed by Senators Priebe and Hutchins on March 22, 1977, to pages 1, 2, 3 and 4 of the bill.

Senator Priebe offered amendment S-3234 to amendment S-3202 and moved its adoption.

Amendment S-3234 to amendment S-3202 was adopted.

Senator Willits offered amendment S-3239 by Senators Willits, Priebe and Hutchins to amendment S-3202 and moved its adoption.

The motion prevailed and amendment S-3239 to amendment S-3202 was adopted.

Senator Priebe offered amendment S-3240 by Senators Priebe and Gallagher to amendment S-3202.

Senator Hill of Polk called for a division of amendment S-3240, lines 3 through 12 to be considered as division S-3240A of the amendment; lines 13 through 32 to be considered as division S-3240B of the amendment.

Senator Priebe moved the adoption of division S-3240A of the amendment.

A non record roll call was requested.

The ayes were 33, nays 12.

Division S-3240A of the amendment was adopted.

Senator Hill of Polk raised the point of order that division S-3240B of the amendment was not germane to the bill.

The Chair ruled the point well taken and division S-3240B of the amendment out of order.

Sénator Priebe moved the adoption of amendment S-3202 as amended.

A record roll call was requested.

On the question "Shall amendment S-3202 as amended be adopted?" (S.F. 222) the vote was:

Ayes, 30:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Coleman	Craft	Culver
Curtis	DeKoster	Drake	Gallagher
Hill, E.M.	Hulse	Hultman	Hutchins
Junkins	Merritt	Miller, A.V.	Miller, E.R.
Nolting	Priebe	Ramsey	Rodgers
Schwengels	Scott	Shaff	Taylor
Tieden	Van Gilst		

Nays, 17:

Ashcraft	Carr	Doderer	Glenn
Hansen	Hill, P.B.	Kelly	Kinley
Miller, C.P.	Murray	Orr	Palmer
Readinger	Redmond	Rush	Slater
Willits			

Absent or not voting, 3:

Nystrom	Robinson	Shaw
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Amendment S-3202 as amended was adopted.

With the adoption of amendment S-3202, amendment S-3235 by Senator Kelly was ruled out of order.

President pro tempore Coleman took the chair at 5:00 p.m.

Senator Drake offered amendment S-3244 to page 4 of the bill and moved its adoption.

Senator Hill of Polk raised the point of order that amendment S-3244 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3244 out of order.

Senator Redmond asked unanimous consent that Section 402.6 of Mason's Manual of Legislative Procedure be suspended for the purpose of considering amendment S-3244.

Objection was raised.

Senator Slater moved that the bill 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. 222) the vote was:

Ayes, 38:

Bergman	Bisenius	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hulse
Hultman	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Palmer	Priebe	Ramsey
Readinger	Redmond	Rodgers	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Willits		

Nays, 9:

Ashcraft	Briles	Burroughs	Hill, P.B.
Kelly	Miller, C.P.	Orr	Rush
Van Gilst			

Absent or not voting, 3:

Nystrom	Robinson	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.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 222 passed the Senate on March 28, 1977.

TOM SLATER

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 24, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 214, a bill for an Act providing appropriations to agencies, institutions, commissions, departments and boards responsible for education programs in this state.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 214

S-3245

- 1 Amend Senate File 214 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "a. For the war orphans educational aid fund
- 5 created by section thirty-five point eight (35.8)
- 6 of the Code\$40,000".
- 7 2. Page 1, lines 20 through 22 by striking the
- 8 words "for the fiscal period July 1, 1977 to December
- 9 31, 1977".
- 10 3. Page 1, line 22, by striking the figure "30,000"
- 11 and inserting in lieu thereof the figure "83,800".
- 12 4. Page 1, line 27, by striking the figure
- 13 "3,792,500" and inserting in lieu thereof the figure
- 14 "3,692,500".
- 15 5. Page 2, line 17, by inserting after the word
- 16 "Code" the words "and for tuition grants to students
- 17 who meet the qualifications prescribed under sections
- 18 two hundred sixty-one point nine (261.9) to two hundred
- 19 sixty-one point sixteen (261.16) of the Code and who
- 20 are enrolled in Gaullaudet College in Washington,
- 21 D.C.".
- 22 6. Page 2, line 17, by striking the figure
- 23 "500,000" and inserting in lieu thereof the figure
- 24 "250,000".
- 25 7. Page 3, by inserting after line 9 the following:
- 26 " ____ . A person who receives financial benefits
- 27 under this section shall be required to repay the
- 28 amount of funds paid on behalf of such person unless
- 29 such person practices optometry in this state for
- 30 the same number of years for which the person received

31 benefits. The debt owed to the state shall be prorated
 32 based upon the number of years the person attended
 33 an optometric school and received benefits from the
 34 state and for each year the person practices in this
 35 state the prorated amount of debt shall not have to
 36 be repaid to the state. ”

37 8. Page 4, line 15, by striking the figure
 38 “2,475,000” and inserting in lieu thereof the figure
 39 “2,350,000”.

40 9. Page 5, line 33, by striking the figure
 41 “150,000” and inserting in lieu thereof the figure
 42 “100,000”.

43 10. Page 6, by striking lines 8 through 13.

44 11. Page 6, by striking lines 14 through 35.

45 12. Page 7, by striking lines 1 through 3 and
 46 inserting in lieu thereof the following:

47 “12. MERGED AREA SCHOOLS

48 a. For general state financial aid to merged areas
 49 as defined in section two hundred eighty A point two
 50 (280A.2) of the Code the amount of thirty-two million

Page 2

1 three hundred fourteen thousand one hundred
 2 (32,314,100) dollars to be allocated as follows,
 3 provided that, as a condition of this appropriation
 4 no part of the funds appropriated shall be expended
 5 by the department of public instruction with respect
 6 to any contract entered into between a community
 7 college or area vocation school and any private
 8 institution pursuant to section two hundred eighty
 9 A point twenty-three (280A.23), subsection one (1),
 10 section two hundred eighty A point twenty-five
 11 (280A.25) subsection eight (8), and chapter twenty-
 12 eight E (28E) of the Code, without preparation by
 13 each contracting party of a detailed projection of
 14 the costs to such party, direct or indirect, and a
 15 detailed projection of the costs to the state
 16 government, arising as a consequence of such proposed
 17 contract for a three-year period from the proposed
 18 effective date of such contract, regardless of the
 19 proposed term of such contract, which cost projections
 20 shall be submitted to the state board of public
 21 instruction and approved as a part of such contract:

22	(1) Merged Area I	\$1,605,849
23	(2) Merged Area II	\$2,169,145
24	(3) Merged Area III	\$1,970,520
25	(4) Merged Area IV	\$ 737,210
26	(5) Merged Area V	\$2,528,214

27	(6) Merged Area VI	\$2,214,423
28	(7) Merged Area VII	\$2,103,036
29	(8) Merged Area IX	\$2,435,621
30	(9) Merged Area X	\$3,637,503
31	(10) Merged Area XI	\$4,976,733
32	(11) Merged Area XII	\$1,612,085
33	(12) Merged Area XIII	\$2,201,767
34	(13) Merged Area XIV	\$ 830,378
35	(14) Merged Area XV	\$1,748,114
36	(15) Merged Area XVI	\$1,543,502"

37 13. Page 7, by inserting after line 20 the

38 following:

39 "d. FOR MERGED AREA X

40 For continuation of the waste water program

41\$100,000".

42 14. Page 7, line 26, by striking the figure

43 "120,000" and inserting in lieu thereof the figure

44 "100,000".

45 15. Page 7, line 31, by inserting after the word

46 "purposes" the words ", however, as a condition for

47 the appropriation of these funds and notwithstanding

48 any provision of chapter twenty (20) of the Code,

49 the state board of regents, for purposes of

50 implementing collective bargaining pursuant to chapter

Page 3

1 twenty (20) of the Code, shall continue to act as
 2 a 'public employer' for its academic, professional
 3 and scientific, and other employees who are exempt
 4 from its merit system by chapter nineteen A (19A)
 5 of the Code and who are defined as 'professional'
 6 employees by chapter twenty (20) of the Code".

7 16. Page 8, by striking line 7.

8 17. Page 8, line 13, by striking the figure

9 "63,712,000" and inserting in lieu thereof the figure

10 "62,331,700".

11 18. Page 9, line 9, by striking the figure

12 "1,362,000" and inserting in lieu thereof the figure

13 "1,338,700".

14 19. Page 9, line 15, by striking the figure

15 "52,514,000" and inserting in lieu thereof the figure

16 "51,352,900".

17 20. Page 9, line 25, by striking the figure

18 "5,489,000" and inserting in lieu thereof the figure

19 "5,342,200".

20 21. Page 9, line 29, by striking the figure

21 "21,612,000" and inserting in lieu thereof the figure

22 "21,174,500".

23 22. Page 9, by inserting after line 29 the

24 following new subsections:

25 "___ . IOWA BRAILLE AND SIGHT-SAVING SCHOOL

26 For salaries, support, maintenance, equipment,

27 and miscellaneous purposes\$1,512,000

28 ___ . STATE SCHOOL FOR THE DEAF

29 For salaries, support, maintenance, equipment,

30 and miscellaneous

31 purposes \$2,825,000".

32 23. Page 10, by inserting after line 2 the

33 following:

34 "Sec. ___ . The college of medicine of the state

35 university of Iowa shall, in its student admissions

36 decisions, take into consideration and give weight

37 to the potential of the applicant to practice medicine

38 in areas of the state where the doctor-patient ratio

39 indicates there is a shortage of adequate medical

40 care as compared to the state as a whole."

41 24. Page 10, by inserting after line 12 the

42 following:

43 "Sec. ___. Section thirty-five C point one (35C.1),

44 Code 1977, is amended by adding the following new

45 unnumbered paragraph:

46 *NEW UNNUMBERED PARAGRAPH.* A person shall not be

47 entitled to compensation under this chapter if that

48 person deserted the armed forces of the United States

49 and subsequently received a discharge or separation

50 under honorable conditions from the armed forces

Page 4

1 because of a pardon or review process instituted at

2 the direction of the president of the United States.

3 This section being deemed of immediate importance,

4 shall take effect and be in force from and after its

5 publication in the Storm Lake Pilot-Tribune, a

6 newspaper published in Storm Lake, Iowa, and in The

7 Hartley Sentinel, a newspaper published in Hartley,

8 Iowa."

REPORT OF COMMITTEE MEETING

BUDGET

Convened: March 25, 1977, 9:35 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Junkins; Kelly; Nolting; Priebe;

Ramsey; Van Gilst and Willits.

Members Absent: none.

Final Action: APPROVED.

Senate File 284, a bill for an Act making appropriations to the department of social services to fund current programs under the jurisdiction of the department.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: AMEND AND DO PASS

House File 414, a bill for an Act making appropriations to the Iowa civil rights commission and the state.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Adjourned: 10:45 a.m.

STUDY BILLS RECEIVED

S.S.B. 240 Commerce

Inspection by insurance companies of any factory, plant, establishment, construction site or other area, work place or environment where work is performed by an employee of an employer.

S.S.B. 241 Cities

Relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves territory in more than one county, clarifying the publication requirements for notice of election results, and allowing chapter 368 to prevail over chapter 17A of the Code except for provisions relating to rule making and hearing procedures.

COMMUNICATION

The following communication was filed with the Secretary of the Senate on March 21, 1977.

March 18, 1977

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 fifty-three (53) claims of a general nature. This supplements our filing on January 11, 1977.

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
STATE COMPROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
478-65-25	Iowa Better Trucking Bureau Sioux City, Iowa Registration fee refund	\$ 20.00	Disapproved
964-65-25	Booth Associates, Inc. Sioux City, Iowa Reciprocity refund	192.69	Disapproved
982-65-25	Harold J. Rafteseth Elgin, North Dakota License fee refund	51.02	Disapproved
2126-65-25	Bruce Motor Freight, Inc. Des Moines, Iowa Prorate license fee refund	1,739.98	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
247-66-25	Sorensen Brothers, Inc. Albert Lee, Minnesota Prorate refund	1,223.50	Disapproved
493-66-25	Engineered Transportation, Inc. Sac City, Iowa Registration fee refund	Undetermined	Disapproved
503-66-25	Engineered Transportation, Inc. Sac City, Iowa Registration fee refund	Undetermined	Disapproved
741-66-25	Hirschbach & Son, Inc. Sioux City, Iowa Reciprocity refund	731.16	Disapproved
1003-66-25	Orrin Hilgenberg Coon Rapids, Iowa Reciprocity refund	147.60	Disapproved
1868-66-25	H. & M. Trucks, Inc. Lake View, Iowa Prorate refund	418.41	Disapproved
1899-66-25	Wenger Truck Line, Inc. Beaver, Iowa License fee refund	Undetermined	Disapproved
1977-66-25	Cannon III Dubuque, Iowa Outdated invoice	1,445.28	Disapproved
2078-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	3,301.32	Disapproved
2087-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	2,388.76	Disapproved
2088-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	2,415.60	Disapproved
2112-66-25	Hertz Corporation Evansville, Indiana Fine refund	10.00	Disapproved
2166-66-25	Meadows Minnesota Terminal Kansas City, Missouri County license plate refund	30.00	Disapproved
2215-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	161.04	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2243-66-25	Edwin G. Greiman Garner, Iowa Unused license fee refund	247.00	Disapproved
2255-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	75.67	Disapproved
2302-66-25	Famco, Inc. Dubuque, Iowa Outdated invoice	832.04	Disapproved
2652-67-25	Employers Insurance of Wausau Kansas City, Missouri Adjusted insurance premium	3,546.00	Disapproved
2825-67-25	Cannon III Dubuque, Iowa Outdated invoice	928.20	Disapproved
3031-67-25	Ryan Truck Leasing Co. Melrose Park, Illinois Prorate refund	2,359.32	Disapproved
3060-67-25	Vernon W. Mackie Conrad, Iowa Prorate refund	Undetermined	Disapproved
3077-67-25	Ames Construction Co. Burnsville, Minnesota Excess Prorate fees	Undetermined	Disapproved
3088-67-25	Walker & Orme, Inc. Minden, Iowa License plate refund	180.47	Disapproved
3155-67-25	Norlan McClure Keosauqua, Iowa Prorate refund	290.00	Disapproved
3233-67-25	Margarette R. Lyon Wayland, Iowa Property damage	33.55	Disapproved
3245-67-25	C. Sargent Manitowoc, Wisconsin Outdated claim	50.50	Disapproved
3265-67-25	Kenneth W. Scott Millersport, Ohio Refund trip permits	11.10	Disapproved
3273-67-25	Duaine Folkerts Trucking, Inc. Jetmore, Kansas Prorate refund	33.58	Disapproved
3278-67-25	Farm House Foods Corporation Milwaukee, Wisconsin Prorate refund	1,663.09	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3281-67-25	Connie M. Ballentine Perry, Iowa Property damage	25.00	Disapproved
3284-67-25	Amos A. Leonard, Jr. Washta, Iowa Travel & related expenses	2,456.60	Disapproved
3303-67-25	Simonsen Manufacturing Co. Quimby, Iowa Prorate refund	50.00	Disapproved
3306-67-25	Darold Powers Des Moines, Iowa Breach of contract	5,964.48+	Disapproved
3308-67-25	Louis Wall Sioux Falls, South Dakota License refund	Undetermined	Disapproved
3332-67-25	Donald Tsai, M.D. Urbandale, Iowa Property loss	775.00	Disapproved
3336-67-25	Roland McCreery Elevator Co. Inc. Packwood, Iowa Prorate fees refund	Undetermined	Disapproved
3339-67-25	Carol J. Baker Hedrick, Iowa Property damage/loss	70.00	Disapproved
3345-67-25	Antonio S. Lim, Jr., M.D. Woodward, Iowa Property damage	135.00	Disapproved
3348-67-25	Iowa Methodist Medical Center Des Moines, Iowa Outdated invoice	600.00	Disapproved
3384-67-25	James N. Hoel St. Paul, Minnesota Prorate refund	8.07	Disapproved
3397-67-25	The Laura Baker School Northfield, Minnesota Outdated invoice	900.00	Disapproved
3437-67-25	Mills County Department of Social Services Glenwood, Iowa Outdated invoice	1,723.25	Disapproved
3453-67-25	J.M.J. Projects, Inc. Kansas City, Kansas Prorate refund	483.74	Disapproved
3489-67-25	Merchants Transfer & Storage Co. Davenport, Iowa Prorate refund	253.60	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3502-67-25	Danube Carpet Mills, Inc. Fort Oglethorpe, Georgia Permit refund	2.00	Disapproved
3509-67-25	Rick Gralapp Des Moines, Iowa Stolen property	55.00	Disapproved
3510-67-25	DeWayne E. Clarke Des Moines, Iowa Stolen property	36.50	Disapproved
3527-67-25	Admiral Merchants Motor Freight, Inc. Minneapolis, Minnesota	1,336.95	Disapproved
3571-67-25	Alfred H. Schmidt Charles City, Iowa Auto license refund	62.00	Disapproved

BILLS ASSIGNED TO COMMITTEE

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

S.F. 280	Judiciary
S.F. 281	Commerce
S.F. 282	Commerce
S.F. 283	Judiciary

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing paragraph two (2) of Senate Amendment S-3021 to Senate Amendment S-3197 to Senate File 244, the language shown stricken through has been dropped since the amendment does not affect an existing section in the Code.

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:

COMMONWEALTH OF VIRGINIA

A copy of House Joint Resolution No. 168 agreed to by the Virginia General Assembly applying to Congress to call a convention for the purpose

of amending the Constitution of the United States to provide the President with the power to veto any particular item or items of any appropriations bill.

REPORT OF COMMITTEE

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on Energy to which was referred House Concurrent Resolution 11, a resolution urging that during the winter season, the temperature controls in all buildings owned by the state or a political subdivision of the state, except health care facilities, be modified if necessary for efficient operation and set to maintain a temperature of 65 degrees, and that the air conditioning not be operated during the months beginning October first and ending May 31st unless the outside temperature reaches 80 degrees, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3241; and when so amended the resolution BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES V. GALLAGHER, Chairperson

AMENDMENTS FILED

S-3237	S.F. 279	Ray Taylor C. W. Hutchins Joan Orr
S-3238	S.F. 284	William D. Palmer Lucas J. DeKoster
S-3242	S.F. 196	Norman G. Rodgers C. Joseph Coleman
S-3247	S.F. 284	John S. Murray

PRESENTATION OF VISITORS

President pro tempore Coleman welcomed the Honorable Jim O. Henry, former member of the Senate and House of Representatives from Pottawattamie County who was present in the Senate chamber.

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

Thirty-eight students from Grand Junction, Iowa, accompanied by Mrs. Kenneth Denger. Senator Nystrom.

PETITIONS

The following petitions were presented and placed on file:

By Senator Ashcraft from twenty-eight residents of Scott County opposing Senate File 167, relating to transportation and providing for changes in the motor vehicle registration.

By Senator Ramsey from twenty-eight residents of Wayne, Lucas and Decatur Counties favoring legislation to provide earlier retirement and buy-back privileges for members of the Iowa Public Employees' Retirement System.

By Senator Ashcraft from one hundred eighty-eight residents of Scott County favoring legislation to create a separate state agency to regulate credit unions.

By Senator Hill of Jasper from four hundred thirty-nine residents of Jasper, Marshall and Polk Counties favoring improvements to facilities for the campground at Rock Creek Lake.

By Senator Merritt from thirty-three residents of Chickasaw County requesting that the State of Iowa assume ownership, repair and maintenance of the dam at Nashua, Iowa.

By Senator Nolting from seventy-nine residents of Black Hawk County favoring an appropriation for human resource programs.

By Senator Gallagher from twenty-three residents of Black Hawk County favoring an appropriation for human resource programs.

By Senator Redmond from forty-one residents of Linn County favoring legislation to permit the sale of certified raw milk.

By Senator Culver from fifteen residents from Pottawattamie County opposing any attempt to take away the food concession in

the statehouse from the Iowa Commission for the Blind.

By Senator Miller of Des Moines one hundred fifteen residents of Des Moines County opposing legislation that would require the state, counties and cities to purchase certain items from Iowa State Industries.

By Senator Ramsey from sixty-eight residents of Appanoose County favoring an appropriation for human resource programs.

By Senator Merritt from thirty residents of Chickasaw County favoring legislation to regulate the use of beverage containers.

By Senator Hutchins from fourteen residents of Audubon, Shelby and Plymouth Counties favoring capital punishment.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Culver from twenty-three residents of Shelby County.

Senator Van Gilst from thirty residents of Mahaska County.

Senator Nolting from forty-two residents of Black Hawk County.

Senator Culver from forty-one residents of Shelby, Pottawattamie, and Crawford Counties.

Senator Shaw from eight residents of Scott County.

Senator Kelly from twenty-six residents of Woodbury County.

Senator Murray from one hundred nineteen residents of Story County.

Senator Merritt from twenty-eight residents of Floyd County.

Senator Hill of Jasper from eighteen residents of Marion County.

Senator Hill of Polk from five residents of Buena Vista County.

The following petitions urging rescission of the Equal Rights Amendment were presented and placed on file by:

Senator Hill of Jasper from seventy-eight residents of Polk and Warren Counties.

Senator Hill of Jasper from thirteen residents of Webster County.

On motion of Senator Kinley, the Senate adjourned at 5:15 p.m., until 1:30 p.m., Tuesday, March 29, 1977.

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY—FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 29, 1977

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

Prayer was offered by the Reverend James Fyfe, pastor of the Montrose Presbyterian Church, Montrose, Iowa.

The Journal of Monday, March 28, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rogers, Eldora, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shaw for the day on request of Senator Hultman; Senator Robinson for the day on request of Senator Kinley.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented.

March 29, 1977

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 W. David Frevert, West Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Architectural Examiners pursuant to Section 118.1, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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. McHugh, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Architectural Examiners pursuant to Section 118.1, 1975 Code of Iowa, for a regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 290, by Senators Calhoon and Carr, a bill for an act relating to the sale of beer on Sunday.

Read first time and PASSED ON FILE.

SENATE FILE 291, by Senators Craft and Tieden, a bill for an act relating to natural river areas.

Read first time and PASSED ON FILE.

REREFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that SENATE FILE 258 be REREFERRED to the committee on ENERGY.

CONSIDERATION OF BILLS

Senate File 31

On motion of Senator Miller of Marshall, Senate File 31, a bill for an Act to create an alcoholism rehabilitation fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Redmond offered amendment S-3134 filed by the Committee on Ways and Means on March 10, 1977, to pages 1 and 3 of the bill and moved its adoption.

Amendment S-3134 was adopted.

Senator Miller of Marshall offered amendment S-3182 filed by her on March 17, 1977, to pages 1, 2 and 3 of the bill and moved its adoption.

Amendment S-3182 was adopted.

Senator Tieden offered amendment S-3225 filed by Senators Tieden and Carr on March 24, 1977, to pages 1 and 3 of the bill.

Senator Redmond called for a division of the amendment, lines 2 through 7 and lines 37 and 38 to be considered as division S-3225A of the amendment; lines 8 through 36 to be considered as division S-3225B of the amendment.

Senator Tieden asked and received unanimous consent to withdraw division S-3225A of the amendment.

Senator Redmond raised the point of order that division S-3225B of the amendment was not germane to the bill.

The Chair ruled the point well taken and division S-3225B of the amendment out of order.

Senator Bienius offered amendment S-3251 to page 2 of the bill.

Senator Nolting took the chair at 2:10 p.m.

Senator Bienius moved the adoption of amendment S-3251.

A non record roll call was requested.

The ayes were 10, nays 36.

Amendment S-3251 lost.

President pro tempore Coleman took the chair at 3:15 p.m.

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?" (S.F. 31) the vote was:

Ayes, 35:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Glenn	Hansen	Hulse
Hultman	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Priebe	Ramsey	Redmond
Schwengels	Scott	Shaff	Taylor
Tieden	Van Gilst	Willits	

Nays, 10:

Carr	Gallagher	Hill, E.M.	Hill, P.B.
Kelly	Nolting	Readinger	Rodgers
Rush	Slater		

Absent or not voting, 5:

Merritt	Miller, C.P.	Palmer	Robinson
Shaw			

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 to take up for consideration Senate File 279.

Senate File 279

On motion of Senator Hutchins, Senate File 279, a bill for an Act relating to the appointment and the duties of a county weed commissioner, was taken up for consideration.

Senator Taylor offered amendment S-3237 filed by Senators Taylor, Hutchins and Orr on March 28, 1977, to pages 1 and 2 of the bill and moved its adoption.

Amendment S-3237 was adopted.

Senator Hulse took the chair at 3:40 p.m.

Senator Hutchins moved that the bill 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. 279) the vote was:

Ayes, 37:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Ramsey	Readinger	Redmond	Rodgers
Schwengels	Taylor	Tieden	Van Gilst
Willits			

Nays, 3:

Priebe	Rush	Scott
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Absent or not voting, 10:

Ashcraft	Coleman	Doderer	Drake
Merritt	Miller, C.P.	Robinson	Shaff
Shaw	Slater		

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 288.

Senate File 288

On motion of Senator Willits, Senate File 288, a bill for an Act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization, 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. 288) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rodgers	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 2:

Hill, E.M.	Rush
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Absent or not voting, 6:

Doderer	Drake	Merritt	Miller, C.P.
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 for consideration Senate File 289.

Senate File 289

On motion of Senator Glenn, Senate File 289, a bill for an Act to propose changes in the rules of criminal procedure, was taken up for consideration.

Senator Ramsey offered amendment S-3255 to pages 7, 8 and 28 of the bill and called for a division of the amendment, lines 2 through 15 to be considered as division S-3255A of the amendment; line 16, to be considered as division S-3255B of the amendment; line 17 to be considered as division S-3255C of the amendment.

Action on division S-3255A of the amendment was temporarily deferred.

Senator Ramsey moved the adoption of division S-3255B of the amendment.

A record roll call was requested.

On the question "Shall division S-3255B of the amendment be adopted?" (S.F. 289) the vote was:

Ayes, 9:

Ashcraft	Burroughs	Drake	Hulse
Hultman	Kelly	Ramsey	Schwengels
Tieden			

Nays, 34:

Bergman	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Readinger	Redmond	Rodgers
Rush	Scott	Slater	Taylor
Van Gilst	Willits		

Absent or not voting, 7:

Bisenius	Briles	Gallagher	Miller, C.P.
Robinson	Shaff	Shaw	

Division S-3255B of the amendment lost.

The Senate resumed consideration of division S-3255A of the amendment.

Senator Ramsey asked and received unanimous consent to withdraw division S-3255A of the amendment.

Senator Ramsey withdrew division S-3255C of the amendment.

Senator Ramsey offered amendment S—3254 to page 15 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3254 be adopted?" (S.F. 289) the vote was:

Ayes, 19:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	DeKoster	Drake
Hansen	Hulse	Kelly	Miller, E.R.
Nystrom	Ramsey	Schwengels	Shaff
Taylor	Tieden	Van Gilst	

Nays, 26:

Calhoon	Carr	Coleman	Culver
Curtis	Doderer	Glenn	Hill, E.M.
Hill, P.B.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Murray	Nolting
Orr	Palmer	Priebe	Readinger
Redmond	Rodgers	Rush	Scott
Slater	Willits		

Absent or not voting, 5:

Gallagher	Hultman	Miller, C.P.	Robinson
Shaw			

Amendment S—3254 lost.

Senator Ramsey offered amendment S—3253 to page 16 of the bill and moved its adoption.

The motion prevailed and amendment S—3253 was adopted.

Senator Glenn offered amendment S—3252 to page 31 of the bill.

Senator Redmond offered amendment S—3256 to amendment S—3252.

(Senate File 289 pending on adjournment.).

REPORTS OF COMMITTEE MEETINGS

ENERGY

Convened: March 28, 1977, 2:30 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver; Glenn; Ramsey and Rodgers.

Members Absent: none.

Final Action: AMEND AND DO PASS.

House Concurrent Resolution 11, a resolution urging that during the winter months, the temperature controls in all buildings owned by the state or a political subdivision of the state, except health care facilities, be modified if necessary for efficient operation and set to maintain a temperature of 65 degrees, and that the air conditioning not be operated between October and May, unless the temperature reaches 80 degrees.

The vote was: AYES, 8; Gallagher, Scott, Bisenius, Briles, Culver, Glenn, Ramsey and Rodgers. NAYS, 1; Burroughs.

Also:

Other Business: Assigned Senate File 261 and S.S.B. 237 to subcommittees.

Adjourned: 3:00 p.m.

JUDICIARY

Convened: March 28, 1977, 1:30 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Coleman; Doderer; P. Hill; Ramsey; Redmond and Scott.

Members Absent: Ashcraft (arrived 1:35 p.m.) and Willits (arrived 1:45 p.m.).

Members Excused: Shaw.

Final Action: APPROVED.

Senate File 288, a bill for an Act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds

wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

The vote was: AYES, 8; Glenn, DeKoster, Ashcraft, Coleman, P. Hill, Ramsey, Scott and Willits. NAYS, 3; Rush, Doderer and Redmond. ABSENT OR NOT VOTING, 1; Shaw.

Also:

Final Action: APPROVED.

Senate File 289, a bill for an Act relating to changes in the rules of criminal procedure.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Ashcraft, Coleman, Doderer, P. Hill, Ramsey, Redmond and Scott. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Willits.

Also:

Other Business: Bills assigned to subcommittees.

Adjourned: 2:30 p.m.

STUDY BILLS RECEIVED

S.S.B. 242 County Government

Procedures of the county compensation boards.

S.S.B. 243 County Government

Platting of land.

S.S.B. 244 Energy

Contents of an application for registration of a surface mining site.

S.S.B. 245 Human Resources Budget Subcommittee

Appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

S.S.B. 246 Education Budget Subcommittee

Appropriating funds for the second phase for the construction of the Lindquist center located at the University of Iowa.

S.S.B. 247 Education Budget Subcommittee

Appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

S.S.B. 248 Education Budget Subcommittee

Appropriations to the Iowa braille and sightsaving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents.

S.S.B. 249 Budget

Appropriates funds for the enforcement of welfare fraud laws.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 285	Natural Resources
S.F. 286	Judiciary
S.F. 287	State Government
H.F. 82	Energy
H.F. 101	County Government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Blaine L. Donaldson, Storm Lake, Buena Vista, Iowa, for reappointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30,

1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
C. JOSEPH COLEMAN
WARREN E. CURTIS
BOB RUSH
RAY TAYLOR

COMMUNICATION

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

STATE OF NEW JERSEY

A copy of Senate No. 1271 passed by the New Jersey Senate and General Assembly providing for the application by the State of New Jersey to the Congress of the United States for the calling of a convention for proposing an amendment to the Constitution of the United States with respect to the right to life.

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

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 Examiners for Nursing Home Administrators:

BLAINE L. DONALDSON, Storm Lake, Buena Vista County, Iowa, for a regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Priebe, Chairperson
Senator Coleman
Senator Curtis
Senator Rush
Senator Taylor

DWIGHT E. FRY, Greenfield, Adair County, Iowa, for a regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Carr, Chairperson
Senator Bergman
Senator Briles
Senator Glenn
Senator Junkins

BERNICE S. HEATH, Crescent, Pottawattamie County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Nolting, Chairperson
Senator Doderer
Senator Drake
Senator Hulse
Senator Slater

DENNIS WALTER, M.D., Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Orr, Chairperson
Senator Ramsey
Senator Readinger
Senator Van Gilst
Senator Willits

SIDNEY S. VANDER WOUDE, Coralville, Johnson County, Iowa, for the unexpired portion of a term ending June 30, 1978.

Senator Hutchins, Chairperson
Senator Doderer
Senator E. Miller
Senator Murray
Senator Redmond

COMMUNICATION FROM THE SECRETARY OF STATE

March 28, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 61, was published in The Winterset Madisionian, Winterset, Iowa, on March 16, 1977, and in The Decorah Journal, Decorah, Iowa, on March 17, 1977.

I further certify that House File 128, was published in the Iowa City Press-Citizen, Iowa City, Iowa, on March 18, 1977, and in The Bancroft Register, Bancroft, Iowa, on March 16, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORTS OF COMMITTEE

Senator Kinley submitted the following reports:

MR. PRESIDENT: Your committee on Rules and Administration to which was referred House Concurrent Resolution 7, a resolution relating to reorganization of certain positions within the Chief Clerk's office, begs leave to report it has had the same under consideration and recommends the resolution BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Rules and Administration to which was referred House Concurrent Resolution 13, a resolution relating to Pioneer Lawmaker's Day, April 14, 1977, at 1:30 p.m., begs leave to report it has had the same under consideration and recommends the resolution BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Rules and Administration to which was referred House Concurrent Resolution 17, a resolution setting April 27, 1977, at 7:30 p.m., in the House Chamber for memorial session, begs leave to report it has had the same under consideration and recommends the resolution BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

GEORGE R. KINLEY, Chairperson

AMENDMENTS FILED

S-3248	S.F. 284	E. Kevin Kelly
S-3249	S.F. 284	E. Kevin Kelly
S-3250	S.F. 284	Richard R. Ramsey
S-3257	S.F. 289	Richard R. Ramsey

PRESENTATION OF VISITORS

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

Forty-one students from Twin Rivers Community School,

Bode, Iowa, accompanied by Paul Aslesen and Mrs. Nancy Warren. Senator Priebe.

Twenty-five students from Harlan Community School, Harlan, Iowa, accompanied by Ted Williams. Senator Culver.

Forty students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Charlie Sheridan. Senator Hulse.

Fifty-two students from West Marshall School, State Center, Iowa, accompanied by Mrs. Quick. Senator Miller of Marshall.

On motion of Senator Kinley, the Senate adjourned at 5:00 p.m., until 1:30 p.m., Wednesday, March 30, 1977.

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY—FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 30, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Glen Fink, pastor of the Community Chapel, Lakota, Iowa.

The Journal of Tuesday, March 29, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dale Grunewald, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shaw for the day on request of Senator Hultman; Senator Robinson for the day 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 March 30, 1977, amended and passed the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 7 relating to Easter recess.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 8, by Senators Redmond and Orr, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the terms of office of elected state officials.

Read first time and PASSED ON FILE.

SENATE FILE 292, by Committee on Ways and Means, 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 PLACED ON CALENDAR.

SENATE FILE 293, by Senators Redmond, Orr, Ashcraft, Schwengels, Hulse, Briles, Miller of Marshall, Bisenius, Curtis, Slater, Junkins, Coleman, Shaw, Carr, Nystrom, Hansen, Tieden, Burroughs, Merritt, Gallagher, Kelly, Bergman, Priebe, Hutchins, Readinger, Calhoon, Miller of Cerro Gordo and Willits, a bill for an act to allow renewal of operator and chauffeur licenses by mail.

Read first time and PASSED ON FILE.

SENATE FILE 294, by Committee on Natural Resources, a bill for an act directing the state conservation commission to dredge Blue Lake located in Monona County, Iowa.

Read first time and PLACED ON CALENDAR.

HOUSE AMENDMENT TO SENATE CONCURRENT RESOLUTION 7

- 1 Amend Senate Concurrent Resolution 7 as amended
- 2 and passed by the Senate by striking lines 3 and 4
- 3 and inserting in lieu thereof the words "it be
- 4 to reconvene on Tuesday, April 12, 1977."

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.

SENATE AMENDMENT TO HOUSE AMENDMENT CONSIDERED

Senate File 162

Senator Willits called up for consideration Senate File 162, a bill for an Act making an appropriation to the judicial department, amended by the House, further amended by the Senate and moved that the Senate insist on its amendment to Senate File 162.

The motion prevailed and the Senate **INSISTED** on its amendment to **SENATE FILE 162**.

CONSIDERATION OF RESOLUTION

House Concurrent Resolution 11

On motion of Senator Scott, House Concurrent Resolution 11, a resolution relating to temperature control in all state buildings, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Scott offered amendment S-3241 filed by the Committee on Energy on March 28, 1977.

Senator Hulse took the chair at 3:00 p.m.

Senator Scott moved the adoption of amendment S-3241.

The motion prevailed and amendment S-3241 was adopted.

DEFERRED

Senator Hill of Polk asked and received unanimous consent that **HOUSE CONCURRENT RESOLUTION 11** be **DEFERRED** and that the resolution be returned to the regular calendar as **UNFINISHED BUSINESS** under Senate Rule 6.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following **CONFERENCE COMMITTEE** on **SENATE FILE 162** on the part of the Senate: Senators Willits, chairperson; Doderer, Nolting,

DeKoster and Taylor.

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

The Senate resumed session, Senator Glenn presiding.

INTRODUCTION OF BILLS

SENATE FILE 295, by Senators Doderer, Orr, Carr, Calhoun, Willits, Slater and Craft, a bill for an act creating a corporate residential utility consumer action group, and providing penalties.

Read first time and PASSED ON FILE.

SENATE FILE 296, by Committee on Education, a bill for an act relating to the membership and duties of the state advisory council for vocational education.

Read first time and PLACED ON CALENDAR.

SENATE FILE 297, by Committee on Budget, a bill for an act appropriating funds for the enforcement of welfare fraud laws.

Read first time and PLACED ON CALENDAR.

SENATE FILE 298, by Budget Education Subcommittee, a bill for an act appropriating funds for the second phase for the construction of the Lindquist center located at the university of Iowa.

Read first time and PLACED ON CALENDAR.

SENATE FILE 299, by Budget Education Subcommittee, a bill for an act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

Read first time and PLACED ON CALENDAR.

SENATE FILE 300, by Committee on Education, a bill for an act relating to the procedures prescribed for school reorganization.

Read first time and PLACED ON CALENDAR.

SENATE FILE 301, by Budget Education Subcommittee, a bill for an act making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents.

Read first time and PLACED ON CALENDAR.

SENATE CONCURRENT RESOLUTION 14

By: Committee on Human Resources

1 *Whereas*, a joint interim subcommittee of the senate
 2 and house committees on human resources has during the
 3 1976 legislative interim considered the administrative
 4 structure of agencies delivering mental health services
 5 in Iowa; and
 6 *Whereas*, the subcommittee in November, 1976, received
 7 a staff report indicating that greater coordination
 8 among agencies providing mental health services in Iowa
 9 is desirable; and
 10 *Whereas*, the subcommittee subsequently received from
 11 the department of social services, the Iowa mental
 12 health authority and the community mental health centers
 13 association of Iowa a proposal that planning for con-
 14 tinued development of an integrated mental health
 15 delivery system can be conducted by a consortium
 16 including but not limited to these three agencies and
 17 the health facilities division of the department of
 18 health; and
 19 *Whereas*, such planning is desirable but should be
 20 based on concurrent research and planning efforts
 21 by knowledgeable persons directly responsible to the
 22 General Assembly and not affiliated with any of the
 23 potentially affected agencies in the state of Iowa; and
 24 *Whereas*, that study should include a description
 25 of the characteristics of the service system which
 26 shall include a profile of current recipients of
 27 mental health services in Iowa's mental health centers
 28 and four state mental health institutes, an assessment
 29 of current and potential demand for mental health
 30 services, and a fiscal and administrative analysis of

Page 2

1 the mental health system; and

2 *Whereas*, the governor has appointed a task force
3 on mental health; *Now Therefore*,

4 *Be It Resolved by the Senate, the House Concurring*,

5 That a bipartisan joint select commit-
6 tee composed of three members of the house committee on
7 human resources and three members of the senate committee
8 on human resources, be appointed by the respective chair-
9 persons of those committees. The joint select committee
10 is authorized to expend the sum of seventy-five thousand
11 (75,000) dollars, or so much thereof as is necessary, from
12 funds appropriated pursuant to section two point twelve
13 (2.12) of the Code for the purpose of employing qualified
14 persons or a qualified business firm to conduct a study of
15 mental health. While the first session of the sixty-
16 seventh general assembly is in session the joint select
17 committee shall act as the policy-making body in regard
18 to the manner in which the study shall be conducted and
19 coordinate the efforts of the persons or firm selected
20 to carry out the study; and

21 *Be It Further Resolved*, That following the adjournment
22 of the first session of the sixty-seventh general assembly
23 the house and senate committees on human resources shall
24 succeed to and assume the responsibility of the joint
25 select committee in regard to the study of mental health
26 and may appoint a joint subcommittee for such purposes;
27 and

28 *Be It Further Resolved*, That the report of the persons
29 or firm employed to carry out the study shall be delivered
30 to the chairpersons of the senate and house committees on
31 human resources, the chairpersons of the senate and house
32 budget committees, and the members of the Legislative
33 Council, at a time to be agreed upon but not later than
34 March 1, 1978. The report shall include the findings and
35 recommendations for the future of mental health in Iowa; and

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1 *Be It Further Resolved*, That the governor's task
2 force shall be informed of and be given an opportunity
3 for appropriate participation in research and planning
4 relative to administration and delivery of mental
5 health services in Iowa, and specifically, that the
6 task force shall be invited to review and recommend
7 changes to the research design and work plan, to review
8 the results of the study of mental health in Iowa
9 authorized by this resolution, to comment on the recom-
10 mendations arising from such a study, and to present
11 to the governor and the legislature, within sixty days

- 12 after receipt of such findings and conclusions, their
- 13 recommendations, if any, for changes in Iowa's mental
- 14 health care delivery systems.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 29, 1977, 9:45 a.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Hulse; Hutchins; E. Miller; Readinger and Scott.

Members Absent: Calhoon.

Members Excused: A. Miller (arrived 9:50 a.m.).

Other Business: Presentation and discussion of proposed veterinary practices act.

Adjourned: 10:08 a.m.

WAYS AND MEANS

Convened: March 29, 1977, 10:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Kelly; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Palmer.

Members Excused: Junkins (arrived 10:10 a.m.).

Final Action: APPROVED.

Senate File 292, 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.

The vote was: AYES, 12; Rodgers, Nolting, Curtis, Craft, E. Hill, Hultman, Kelly, Priebe, Readinger, Redmond, Shaff and Van Gilst. NAYS, 1; Junkins. ABSENT OR NOT VOTING, 1; Palmer.

Adjourned: 10:40 a.m.

INTRODUCTION OF BILL

SENATE FILE 302, by Budget Human Resources Subcommittee, a bill for an act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

STUDY BILLS RECEIVED

S.S.B. 250 Labor and Industrial Relations

Procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

S.S.B. 251 Energy

Prohibiting discrimination against consumers who use alternative energy devices by municipalities, corporations and cooperative associations which furnish gas or electricity.

S.S.B. 252 Cities

Leaves of absence for military service from the state, the state's subdivisions and municipalities.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 290 State Government
S.F. 291 Natural Resources

REPORTS OF COMMITTEE

Senator Priebe submitted the following reports:

MR. PRESIDENT: Your committee on Natural Resources to which was referred Senate File 209, a bill for an Act relating to railroad rights-of-way

acquired by the state conservation commission and political subdivisions of the state, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Natural Resources to which was referred House File 251, a bill for an Act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Raymond L. Sullivan of Des Moines, Polk County, Iowa, for appointment as a member of the Energy Policy Council under the provisions of Chapter 1088, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN G. RODGERS, Chairperson
LUCAS J. DE KOSTER
GENE W. GLENN
WILLIAM D. PALMER
DAVID M. READINGER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mildred F. Coughlon of Fort Dodge, Webster County, Iowa, for appointment as a member of the State Board of Examiners for Hearing Aid Dealers under the provisions of Section 154A.2, 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.

EUGENE M. HILL, Chairperson
FORREST F. ASHCRAFT
JAMES E. BRILES
C. JOSEPH COLEMAN
JAMES V. GALLAGHER

**ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS**

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

ALLEN J. MEIER, Cedar Rapids, Linn County, Iowa, as Commissioner of Labor for the State of Iowa, for the unexpired portion of a term ending June 30, 1977, and for the regular two-year term commencing July 1, 1977, and ending June 30, 1979.

Senator Culver, Chairperson
Senator Drake
Senator Hultman
Senator Priebe
Senator Robinson

As members of the State Board of Architectural Examiners:

W. DAVID FREVERT, West Des Moines, Polk County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Coleman, Chairperson
Senator Gallagher
Senator P. Hill
Senator Nolting
Senator Shaff

NANCY G. MC HUGH, Cedar Rapids, Linn County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Van Gilst, Chairperson
Senator Redmond
Senator Rush
Senator Schwengels
Senator Shaff

AMENDMENTS FILED

S-3259	S.F. 289	James M. Redmond Lucas J. DeKoster
S-3260	H.F. 251	Irvin L. Bergman
S-3261	H.C.R. 11	Philip B. Hill

PRESENTATION OF VISITORS

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

Fifty students from Newell-Providence Junior-Senior High School, Newell, Iowa, accompanied by William Jones. Senator Curtis.

Eighty-six students from Forest City High School, Forest City, Iowa, accompanied by Dan J. Settle and Ron Sanderson. Senator Priebe.

Fifty students from Rodman Middle School, Rodman, Iowa. Senator Priebe.

Fifty-five students from Villisca, Iowa. Senators Hultman and Briles.

Twenty-nine students from St. Matthew's School, Cedar Rapids, Iowa, accompanied by Mrs. Glaza. Senator Redmond.

On motion of Senator Kinley, the Senate adjourned at 3:24 p.m., until 1:30 p.m., Thursday, March 31, 1977.

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY—FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 31, 1977

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

Prayer was offered by Campus Minister Sally Smith, affiliated with United Ministry of Higher Education, Iowa City, Iowa.

The Journal of Wednesday, March 30, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nystrom for the day on request of Senator 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 House has on March 30, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 367, a bill for an Act making appropriations to various state departments.

Also: That the House has on March 31, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 414, a bill for an Act making appropriations to the Iowa civil rights commission and the state department of health.

Also: That the House has on March 30, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

Also: That the House has on March 30, 1977, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 21, relating to the Environmental Protection Agency.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 303, by Senator Doderer, a bill for an act relating to a dissolution of marriage action and providing a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 304, by Senator Ramsey, a bill for an act to clarify language stating what persons may file an application for a conciliation order in cases of dissolution of marriage.

Read first time and PASSED ON FILE.

SENATE FILE 305, by Senator Scott, a bill for an act to provide an income tax credit for proper insulation of buildings and making the Act retroactive.

Read first time and PASSED ON FILE.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

Read first time and PASSED ON FILE.

HOUSE CONCURRENT RESOLUTION 21

By: Committee on Agriculture

- 1 *Whereas*, the United States environmental protection agency,
- 2 hereinafter referred to as EPA, through its office of air

3 and waste management, by publication in the federal register
4 of Thursday, January 13, 1977, Volume 42, No. 9, has proposed,
5 under authority of section 111 of the U.S. Clean Air Act,
6 to impose new standards of performance for new stationary
7 sources of alleged air pollution for farm elevators, country
8 elevators, terminals and dryers which have a cumulative grain
9 "leg" capacity of ten thousand bushels per hour or more if
10 such installations are modified, reconstructed or built new;
11 and

12 *Whereas*, adoption of such regulations would impose
13 restrictions and regulations of such nature which may result
14 in financial hardship for many farm and country elevators;
15 and

16 *Whereas*, the EPA has woefully underestimated the number
17 of farm and country elevators that would ultimately be affected
18 and has grossly underestimated the size of average country
19 elevators within major grain producing states; and

20 *Whereas*, Iowa is one of the leading grain producing,
21 handling and exporting states; and

22 *Whereas*, the EPA by its admission has not studied nor
23 issued an economic impact statement and has not projected
24 inflationary trends into cost estimates; and

25 *Whereas*, the Iowa department of environmental quality has,
26 under existing regulations, performed an outstanding job of
27 enforcement of common sense pollution standards now existing
28 which has resulted in excellent control of farm and country
29 elevator particulate matter emissions; *Now Therefore*,

30 *Be It Resolved by the House of Representatives, the Senate*

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1 *Concurring*, That the EPA be informed of the overwhelming
2 concern of the general assembly of the state of Iowa for
3 farmers, consumers and country elevators; and

4 *Be It Further Resolved*, That the EPA is requested to notify,
5 before rules governing grain production or handling are
6 proposed, the Iowa department of environmental quality,
7 department of agriculture and similar departments in other
8 major grain producing or handling states for their review
9 of the proposed rules; and

10 *Be It Further Resolved*, That the EPA is requested to exempt
11 by specific language farm elevators and that such language
12 further specifically include exemption for country elevators
13 who by definition receive the majority of their grain volume
14 direct from the farm producer as the first purchaser in the
15 grain distribution system; and

16 *Be It Further Resolved*, That this concurrent resolution
17 being of immediate urgency be dispatched immediately to Mr.
18 John Quarles, acting administrator, EPA, Washington, D.C.,

19 and to the Iowa congressional delegation and that a copy of
20 this concurrent resolution be served upon the house and senate
21 agriculture committees of the Congress of the United States.

Read first time and PASSED ON FILE.

UNFINISHED BUSINESS

Senate File 289

On motion of Senator Glenn, Senate File 289, a bill for an Act to propose changes in the rules of criminal procedure, was taken up for further consideration.

The Senate resumed consideration of amendment S-3256 by Senator Redmond offered and pending March 29, 1977.

Senator Redmond withdrew amendment S-3256.

Senator Redmond offered amendment S-3259 to amendment S-3252 filed by Senators Redmond and DeKoster on March 30, 1977.

Senator Van Gilst took the chair at 1:50 p.m.

Senator Redmond moved the adoption of amendment S-3259 to amendment S-3252.

Amendment S-3259 to amendment S-3252 was adopted.

Senator Glenn moved the adoption of amendment S-3252 as amended.

Amendment S-3252 as amended was adopted.

Senator Ramsey offered amendment S-3257 filed by him on March 29, 1977, to page 9 of the bill.

President Neu took the chair at 2:05 p.m.

Senator Ramsey moved the adoption of amendment S-3257 and requested a record roll call.

On the question "Shall amendment S-3257 be adopted?" (S.F. 289) the vote was:

Rule 23 was invoked.

Ayes, 20:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Craft	Curtis
Drake	Gallagher	Hansen	Hill, E.M.
Hutchins	Kelly	Miller, E.R.	Ramsey
Schwengels	Shaw	Taylor	Tieden

Nays, 25:

Calhoon	Culver	DeKoster	Doderer
Glenn	Hill, P.B.	Hulse	Junkins
Kinley	Merritt	Miller, A.V.	Murray
Nolting	Orr	Palmer	Priebe
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Slater	Van Gilst
Willits			

Absent or not voting, 5:

Coleman	Hultman	Miller, C.P.	Nystrom
Shaff			

Amendment S-3257 lost.

Senator Ramsey offered amendment S-3262 to pages 11, 22, 23 and 32 of the bill.

Senator Glenn called for a division of the amendment, lines 2 through 8, and lines 12 through 15 to be considered as division S-3262A of the amendment; lines 9 through 11 to be considered as division S-3262B of the amendment.

Senator Ramsey moved the adoption of division S-3262A of the amendment, which motion prevailed and division S-3262A of the amendment was adopted.

Senator Ramsey withdrew division S-3262B of the amendment.

Senator Glenn offered amendment S—3263 to pages 1 through 6 and 18 through 36 of the bill and moved its adoption.

Amendment S—3263 was 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. 289) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	■ Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaw	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Hansen	Nystrom	Shaff	Slater
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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.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 289 passed the Senate on March 31, 1977.

RICHARD R. RAMSEY

House Concurrent Resolution 11

On motion of Senator Scott, House Concurrent Resolution 11, a resolution relating to temperature control in all state buildings, was taken up for further consideration.

Senator Hill of Polk offered amendment S-3261 filed by him on March 30, 1977, and moved its adoption.

Amendment S-3261 was adopted.

Senator Scott moved the adoption of House Concurrent Resolution 11 as amended.

The motion prevailed and House Concurrent Resolution 11 as amended was adopted.

ADOPTION OF RESOLUTIONS

House Concurrent Resolution 7

On motion of Senator Willits, House Concurrent Resolution 7, a resolution relating to reorganization of certain positions within the Chief Clerk's office, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved the adoption of House Concurrent Resolution 7, which motion prevailed and House Concurrent Resolution 7 was adopted.

House Concurrent Resolution 13

On motion of Senator Kinley, House Concurrent Resolution 13, relating to Pioneer Lawmaker's Day, April 14, 1977, at 1:30 p.m., with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kinley moved the adoption of House Concurrent Resolution 13, which motion prevailed and House Concurrent Resolution 13 was adopted.

House Concurrent Resolution 17

On motion of Senator Junkins, House Concurrent Resolution 17, a resolution providing for an evening session of the Sixty-seventh General Assembly for a joint memorial session on April 27, 1977, at 7:30 p.m., with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Junkins moved the adoption of House Concurrent Resolution 17, which motion prevailed and House Concurrent Resolution 17 was adopted.

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 7

Senator Kinley called up for consideration Senate Concurrent Resolution 7, a resolution relating to Easter recess, amended by the House, and moved that the Senate concur in House amendment S-3258, filed March 30, 1977, and found on page 845 of the Senate Journal.

The motion prevailed and the Senate concurred in House amendment S-3258.

Senator Kinley moved the adoption of Senate Concurrent Resolution 7, as amended, which motion prevailed and Senate Concurrent Resolution 7 as amended was adopted.

INTRODUCTION OF BILLS

SENATE FILE 306, by Senator Priebe, a bill for an act increasing the cigarette and tobacco tax and providing that such increase be remitted to the counties to lower the tax levy for school district funds.

Read first time and PASSED ON FILE.

SENATE FILE 307, by Committee on County Government, a bill for an act relating to vacating and closing highways.

Read first time and PLACED ON CALENDAR.

SENATE FILE 308, by Senator Willits, a bill for an act to allow the governor to accept offers made by the United States of America to retrocede property to the state.

Read first time and PASSED ON FILE.

SENATE FILE 309, by Committee on Cities, a bill for an act authorizing cities and counties to impose local taxes, appropriating the proceeds, providing property tax relief, making the taxes subject to applicable provisions of the Code, and including penalties.

Read first time and REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

SENATE FILE 310, by Committee on Energy, a bill for an act relating to the applicability of provisions of the state building code relating to smoke and fire detection systems.

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 March 14, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 156, a bill for an Act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 156

S-3266

- 1 Amend Senate File 156, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 3, line 25, by striking the word "three"
- 4 and inserting in lieu thereof the word "two".

5 2. Page 3, line 28, by striking the figure
6 "241,477" and inserting in lieu thereof the figure
7 "125,000".

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: March 30, 1977, 1:50 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Carr; DeKoster; Hultman; Kelly; Nolting; Priebe; Van Gilst and Willits.

Members Absent: Ramsey (arrived 2:05 p.m.).

Members Excused: Shaw, Ranking Member and Junkins.

Final Action: APPROVED.

Senate File 297, a bill for an Act appropriating funds for the enforcement of welfare fraud laws.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Junkins.

Also:

Final Action: APPROVED.

Senate File 298, a bill for an Act appropriating funds for the second phase for the construction of the Lindquist center located at the university of Iowa.

The vote was: AYES, 10; Palmer, E. Hill, Carr, DeKoster, Hultman, Kelly, Nolting, Priebe, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 3; Shaw, Junkins and Ramsey.

Also:

Final Action: APPROVED.

Senate File 299, a bill for an Act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

The vote was: AYES, 9; Palmer, Carr, DeKoster, Hultman, Kelly, Nolting, Priebe, Van Gilst and Willits. NAYS, 1; E. Hill. ABSENT OR NOT VOTING, 3; Shaw, Junkins and Ramsey.

Also:

Final Action: APPROVED.

Senate File 301, a bill for an Act making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Junkins.

Also:

Final Action: APPROVED.

Senate File 302, a bill for an Act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Junkins.

Adjourned: 2:35 p.m.

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: March 29, 1977, 11:36 a.m.

Members Present: Van Gilst, Chairperson; P. Hill, Ranking Member; Hutchins and Nystrom.

Member Absent: Robinson, Vice Chairperson.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act appropriating funds for the second phase for the construction of the Lindquist center located at the university of Iowa.

The vote was: AYES, 4; Van Gilst, P. Hill, Hutchins and Nystrom. NAYS, none. ABSENT OR NOT VOTING, 1; Robinson.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

The vote was: AYES, 4; Van Gilst, P. Hill, Hutchins and Nystrom. NAYS, none. ABSENT OR NOT VOTING, 1; Robinson.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

A study bill for an Act making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents.

The vote was: AYES, 4; Van Gilst, P. Hill, Hutchins and Nystrom. NAYS, none. ABSENT OR NOT VOTING, 1; Robinson.

Adjourned: 12:00 noon.

EDUCATION

Convened: March 29, 1977, 10:05 a.m.

Members Present: Orr, Chairperson; Willits, Vice Chairperson; Hansen, Ranking Member; Merritt; Scott; Slater and Taylor.

Members Absent: DeKoster (arrived 11:00 a.m.) and Carr (arrived 10:42 a.m.).

Members Excused: Shaw.

Final Action: APPROVED.

Senate File 296, a bill for an Act relating to the membership and duties of the state advisory council for vocational education.

The vote was: AYES, 7; Orr, Willits, Hansen, Merritt, Scott, Slater and Taylor. NAYS, none. ABSENT OR NOT VOTING, 3; Carr, DeKoster and Shaw.

Also:

Final Action: APPROVED.

Senate File 300, a bill for an Act relating to the procedures prescribed for school reorganization.

The vote was: AYES, 7; Orr, Willits, Hansen, Carr, DeKoster, Scott and Slater. NAYS, 2; Merritt and Taylor. ABSENT OR NOT VOTING, 1; Shaw.

Adjourned: 11:10 a.m.

HUMAN RESOURCES

Convened: March 28, 1977, 2:34 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Other Business: Discussion of the Blue Ribbon Report of the Advisory Commission on Corrections by Commissioner of Social Services, Kevin Burns; Director of Corrections, Roland McCauley and Director of Mental Health Institution at Mount Pleasant, Hal Farrier.

Adjourned: 3:35 p.m.

HUMAN RESOURCES

Convened: March 30, 1977, 9:15 a.m.

Members Present: C. Miller, Chairperson; Murray, Ranking Member; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: Carr, Vice Chairperson (arrived at 9:50 a.m.) and Calhoon.

Final Action: APPROVED.

Senate Concurrent Resolution 14, a resolution relating to a joint interim committee on human resources to study mental health services in Iowa.

The vote was: AYES, 8; C. Miller, Carr, Murray, Craft, P. Hill, Rush, Slater and Taylor. NAYS, 1; E. Hill. ABSENT OR NOT VOTING, 3; A. Miller, Calhoon and E. Miller.

Adjourned: 10:10 a.m.

NATURAL RESOURCES

Convened: March 30, 1977, 10:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Slater and Tieden.

Members Absent: none.

Final Action: DO PASS.

Senate File 209, a bill for an Act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state.

The vote was: AYES, 9; Priebe, Culver, Bergman, Burroughs, Calhoon, Junkins, E. Miller, Slater and Tieden. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 294, a bill for an Act relating to directing the state conservation commission to dredge Blue Lake located in Monona County, Iowa.

The vote was: AYES, 9; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoon, Junkins, Slater and Tieden. NAYS, none.

Also:

Final Action: DO PASS.

House File 251, a bill for an Act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

The vote was: AYES, 9; Priebe, Culver, Bergman, Burroughs, Calhoon, Junkins, E. Miller, Slater and Tieden. NAYS, none.

Also:

Other Business: Subcommittee assignments.

Adjourned: 11:05 a.m.

RULES AND ADMINISTRATION

Convened: March 29, 1977, 12:03 p.m.

Members Present: Kinley, Chairperson; Junkins, Vice Chairperson; Hultman and Willits.

Members Absent: Coleman (arrived 12:09 p.m.).

Members Excused: Ramsey, Ranking Member (arrived 12:11 p.m.).

Final Action: DO PASS.

House Concurrent Resolution 7, a resolution relating to the reorganization of certain positions within the Chief Clerk's Office.

The vote was: AYES, 4; Kinley, Junkins, Hultman and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Coleman and Ramsey.

Also:

Final Action: DO PASS.

House Concurrent Resolution 13, a resolution relating to Pioneer Lawmaker's Day, April 14, 1977, at 1:30 p.m.

The vote was: AYES, 4; Kinley, Junkins, Hultman and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Coleman and Ramsey.

Also:

Final Action: DO PASS.

House Concurrent Resolution 17, a resolution providing for an evening session of the Sixty-seventh General Assembly for a joint memorial session on April 27, 1977, at 7:30 p.m.

The vote was: AYES, 5; Kinley, Junkins, Coleman, Hultman and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Ramsey.

Also:

Other Business: Adopted a buy-back policy on IPERS.

Adjourned: 12:15 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 8	State Government
S.F. 293	Transportation
S.F. 295	Commerce

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3257 to Senate File 289 failed to be adopted by the Senate.

MERLIN D. HULSE

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Allen J. Meier, Cedar Rapids, Linn County, Iowa, for appointment as Commissioner of Labor for the State of Iowa, under the provisions of Section 91.2, Code 1975, for the unexpired portion of a term ending June 30, 1977, and for the regular two-year term-commencing July 1, 1977, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOUIS P. CULVER, Chairperson
 RICHARD F. DRAKE
 CALVIN O. HULTMAN
 BERL E. PRIEBE
 CLOYD E. ROBINSON

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. William F. Dunn, West Des Moines, Polk County, Iowa, for appointment as a member representing employees of the Job Services Appeal Board pursuant to Chapter 1068, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, for an initial term commencing July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
 LOUIS P. CULVER
 WILLARD R. HANSEN
 PHILIP B. HILL
 JOAN ORR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas H. Huston, Des Moines, Polk County, Iowa, for reappointment as Superintendent of Banking for the State of Iowa, under the provisions of Section 524.201, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1977, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
 STEPHEN W. BIENIUS
 PHILIP B. HILL
 FRED W. NOLTING
 BERL E. PRIEBE

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 enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 31st day of March, 1977:

Senate File 160.

STEVEN C. CROSS, Secretary of the Senate

REPORT OF COMMITTEE

Senator Doderer submitted the following report:

MR. PRESIDENT: Your committee on State Government to which was referred Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

AMENDMENTS FILED

S-3264	S.F. 302	Richard R. Ramsey
S-3265	S.F. 298	John S. Murray
S-3267	S.F. 284	Minnette F. Doderer
S-3268	H.F. 464	Minnette F. Doderer

PRESENTATION OF VISITORS

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

Ninety students from Prairie Community School, Gowrie, Iowa, accompanied by Richard Phillips. Senator Coleman.

Twenty-five students from Carson-Macedonia Community School, Carson, Iowa, accompanied by Rosemary Witt. Senator

Hultman.

Forty students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Lynn Disney. Senator Hulse.

On motion of Senator Kinley, the Senate adjourned at 3:00 p.m., until 9:00 a.m., Friday, April 1, 1977.

JOURNAL OF THE SENATE

EIGHTY-SECOND CALENDAR DAY—FIFTY-SIXTH SESSION DAY.

Senate Chamber
Des Moines, Iowa, Friday, April 1, 1977.

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Byron Surface, pastor of the First United Methodist Church, Denison, Iowa.

The Journal of Thursday, March 31, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Jim Wilson, Iowa City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Curtis for the day on request of Senator Hultman; Senator Priebe for the day 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 members of the conference committee on the part of the House concerning the difference between the House and the Senate on Senate File 162, a bill for an Act making an appropriation to the judicial department, are as follows: The Representative from Benton, Mr. Wyckoff, Chair; the Representative from Polk, Mr. Jesse; the Representative from Mahaska, Mr. Koogler; the Representative from Hardin, Mr. Welden; 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 Senate File 297.

Senate File 297

On motion of Senator DeKoster, Senate File 297, a bill for an Act appropriating funds for the enforcement of welfare fraud laws, 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. 297) the vote was:

Rule 23 was invoked.

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A. V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

Coleman

Absent or not voting, 3:

Curtis	Priebe	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.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 298.

Senate File 298

On motion of Senator Van Gilst, Senate File 298, a bill for an

Act appropriating funds for the second phase for the construction of the Lindquist center located at the university of Iowa, was taken up for consideration.

Senator Murray offered amendment S—3265 filed by him on March 31, 1977, to page 1 of the bill and moved its adoption.

Amendment S—3265 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?" (S.F. 298) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Curtis Priebe

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 299.

Senate File 299

On motion of Senator Van Gilst, Senate File 299, a bill for an

Act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating 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. 299) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoun	Carr	Coleman
Craft	DeKoster	Doderer	Drake
Glenn	Hansen	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 4:

Culver	Gallagher	Hill, E.M.	Miller, C.P.
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Absent or not voting, 2:

Curtis	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.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 301.

Senate File 301

On motion of Senator Van Gilst, Senate File 301, a bill for an Act making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of

federal funds for designated programs by appropriating funds to the state board of regents, 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. 301) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Curtis	Miller, A.V.	Miller, C.P.	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.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 302.

Senate File 302

On motion of Senator Nolting, Senate File 302, a bill for an Act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse, was taken up for consideration.

Senator Ramsey offered amendment S-3271 by Senators

Ramsey, et al., to page 1 of the bill.

Senator Drake took the chair at 11:00 a.m.

Senator Ramsey moved the adoption of amendment S-3271 and requested a record roll call.

On the question "Shall amendment S-3271 be adopted?" (S.F. 302) the vote was:

Ayes, 23:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	DeKoster	Drake
Hansen	Hulse	Hultman	Kelly
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Ramsey	Schwengels	Scott
Shaff	Shaw	Tieden	

Nays, 25:

Calhoon	Carr	Coleman	Culver
Doderer	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Nolting	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Slater	Taylor	Van Gilst
Willits			

Absent or not voting, 2:

Curtis	Priebe
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Amendment S-3271 lost.

Senator Ramsey withdrew amendment S-3264 to page 1 of the bill filed by him on March 31, 1977.

Senator Slater offered amendment S-3274 by Senators Slater, Carr and Palmer to page 1 of the bill and moved its adoption.

The motion prevailed and amendment S-3274 was 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?" (S.F. 302) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Curtis Priebe

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 156

Senator Junkins called up for consideration Senate File 156, a bill for an Act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, amended by the House, and moved that the Senate concur in House amendment S-3266, filed March 31, 1977, and found on pages 863-864 of the Senate Journal.

The motion lost and the Senate REFUSED TO CONCUR in House amendment S-3266 to Senate File 156.

MOTION TO RECONSIDER WITHDRAWN

Senator Carr withdrew the motion to reconsider House File 231, a bill for an Act relating to the authority of the director of

revenue to sell cigarette stamps through banks, filed by him on March 22, 1977, and found on page 732 of the Senate Journal.

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 31, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 331, a bill for an Act relating to meetings of the board of parole and the grant or denial of parole.

Also: That the House has on March 31, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 380, a bill for an Act relating to the authority of the department of environmental quality to issue permits for public water supply systems.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 311, by Senator Tieden, a bill for an act relating to the authority of the state conservation commission to provide fire protection for its property.

Read first time and PASSED ON FILE.

SENATE FILE 312, by Committee on State Government, a bill for an act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license.

Read first time and PLACED ON CALENDAR.

SENATE FILE 313, by Senator Rush, a bill for an act relating to the filling of vacancies in the United States house of

representatives and in the general assembly, and empowering the governor to call special elections to fill prospective vacancies in those bodies.

Read first time and PASSED ON FILE.

SENATE FILE 314, by Committee on Ways and Means, a bill for an act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

Read first time and PLACED ON CALENDAR.

SENATE FILE 315, by Senator Murray, a bill for an act relating to judicial review of agency actions.

Read first time and PASSED ON FILE.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 380, a bill for an Act relating to the authority of the department of environmental quality to issue permits for public water supply systems.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Convened: March 31, 1977, 7:30 a.m.

Members Present: Carr, Chairperson; Coleman, Vice Chairperson and Gallagher.

Members Absent: Drake, Ranking Member and Hansen.

Other Business: Report from State Board of Regents and Department of Transportation on meetings concerning statewide aircraft pool.

Adjourned: 9:30 a.m.

CITIES

Convened: March 25, 1977, 1:35 p.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Briles; Gallagher; Hansen; C. Miller; Orr and Readinger.

Members Absent: none.

Final Action: APPROVED.

Senate File 309, a bill for an Act authorizing cities and counties to impose local taxes, appropriating the proceeds, providing property tax relief, making the taxes subject to applicable provisions of the Code, and including penalties.

The vote was: AYES, 5; A. Miller, Slater, Hansen, C. Miller and Readinger. NAYS, 2; Briles and Gallagher. VOTING PRESENT, 2; Schwengels and Orr.

Adjourned: 2:28 p.m.

COUNTY GOVERNMENT

Convened: March 31, 1977, 10:00 a.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles, Ranking Member; P. Hill; Merritt; C. Miller; Murray; Orr; Taylor and Van Gilst.

Members Absent: none.

Final Action: APPROVED.

Senate File 307, a bill for an Act relating to vacating and closing highways.

The vote was: AYES, 7; Redmond, Hutchins, Briles, Merritt, C. Miller, Taylor and Van Gilst. NAYS, 1; P. Hill. ABSENT OR NOT VOTING, 2; Murray and Orr.

Also:

Other Business: Discussion of study bills; substituted House File 74 for S.S.B. 52, which will be passed to floor after required fiscal note is received.

Adjourned: 10:34 a.m.

ENERGY

Convened: March 31, 1977, 11:10 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver; Glenn and Ramsey.

Members Absent: none.

Members Excused: Rodgers.

Final Action: APPROVED.

Senate File 310, a bill for an Act relating to the applicability of provisions of the state building code relating to smoke and fire detection systems.

The vote was: AYES, 8; Gallagher, Scott, Burroughs, Bisenius, Briles, Culver, Glenn and Ramsey. NAYS, none. ABSENT OR NOT VOTING, 1; Rodgers.

Also:

Other Business: Craig Palmer from Senator Palmer's office discussed the money that will be available from federal funds for insulation and payment of heating bills; assigned bills to subcommittees.

Adjourned: 11:55 a.m.

JUDICIARY

Convened: March 30, 1977, 10:10 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Ramsey; Redmond; Scott and Willits.

Members Absent: Doderer (arrived 10:15 a.m.)

Members Excused: Shaw.

Other Business: Corrections to the Criminal Code discussed and approved as amended to be drafted as a Judiciary committee bill.

Adjourned: 11:30 a.m.

STATE GOVERNMENT

Convened: March 31, 1977, 10:00 a.m.

Members Present: Coleman, Vice Chairperson; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: Doderer, Chairperson (arrived at 10:15 a.m.).

Members Excused: Nystrom, Ranking Member.

Final Action: DO PASS.

Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties.

The vote was: AYES, 9; Doderer, Ashcraft, Carr, Culver, Glenn, Junkins, Schwengels and Slater: NAYS, 4; Coleman, Kelly, Drake and Shaff. ABSENT OR NOT VOTING, 1; Nystrom.

Also:

Other Business: Discussed legislation relating to the licensing of social workers.

Adjourned: 11:00 a.m.

STUDY BILL RECEIVED

S.S.B. 253 Ways and Means

Property taxes and property tax credits by providing for the complete phaseout of personal property taxes.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 303	Judiciary
S.F. 304	Judiciary
S.F. 305	Ways and Means
S.F. 306	Ways and Means
S.F. 308	State Government
H.F. 464	Budget
H.C.R. 21	Agriculture

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dennis Walter, M.D., Des Moines, Polk 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 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.

JOAN ORR, Chairperson
 RICHARD R. RAMSEY
 DAVID M. READINGER
 BASS VAN GILST
 EARL M. WILLITS

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. SECRETARY: Pursuant to Senate Rule 58, I hereby request that the name of Thomas H. Huston be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

CLOYD E. ROBINSON

REPORT OF COMMITTEE

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on Education, to which was referred House File 254, a bill for an Act relating to require inclusion of achievements of women, minorities, and others in total school program and to require English-language arts, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

JOAN ORR, Chairperson

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Friday, April 1, 1977, when the vote on Senate File 301 was taken.

Had I been present, I would have voted "aye".

ALVIN V. MILLER

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 225

State Government
 Drake, Chairperson
 Shaff
 Glenn

SENATE FILE 256

State Government
 Kelly, Chairperson
 Drake
 Slater

SENATE FILE 253

State Government
 Drake, Chairperson
 Shaff
 Glenn

SENATE FILE 259

State Government
 Slater, Chairperson
 Shaff
 Junkins

SENATE FILE 263

County Government
Orr, Chairperson
Taylor
Merritt

SENATE FILE 272

State Government
Glenn, Chairperson
Drake
Shaff

SENATE FILE 274

Judiciary
DeKoster, Chairperson
P. Hill
Coleman

SENATE FILE 277

Natural Resources
Calhoun, Chairperson
Burroughs
Culver

SENATE FILE 280

Judiciary
P. Hill, Chairperson
DeKoster
Coleman

SENATE FILE 286

Judiciary
Willits, Chairperson
Scott
Ramsey

HOUSE FILE 82

Energy
Rodgers, Chairperson
Gallagher
Briles

HOUSE FILE 210

Natural Resources
Junkins, Chairperson
Tieden
E. Miller
Culver

SENATE FILE 269

State Government
Ashcraft, Chairperson
Junkins
Glenn

SENATE FILE 273

Natural Resources
Bergman, Chairperson
Slater
Junkins

SENATE FILE 275

Judiciary
Scott, Chairperson
Shaw
Redmond

SENATE FILE 278

Judiciary
Scott, Chairperson
Doderer
Ramsey

SENATE FILE 283

Judiciary
Glenn, Chairperson
Rush
Scott
Ramsey
Shaw

SENATE CONCURRENT RESOLUTION 12

State Government
Drake, Chairperson
Schwengels
Culver

HOUSE FILE 101

County Government
Merritt, Chairperson
Taylor
Van Gilst

HOUSE FILE 249

Ways and Means
Palmer, Chairperson
Hultman
E. Hill
Van Gilst
Readinger

HOUSE FILE 332

Ways and Means
 Rodgers, Chairperson
 Nolting
 Curtis
 Van Gilst
 Kelly

HOUSE FILE 385

Ways and Means
 Readinger, Chairperson
 E. Hill
 Hultman
 Palmer
 Van Gilst

S.S.B. 241

Cities
 Slater, Chairperson
 Hansen
 Gallagher

S.S.B. 243

County Government
 P. Hill, Chairperson
 Redmond
 Murray

S.S.B. 250

Labor and Industrial Relations
 Murray, Chairperson
 Merritt
 Nolting

S.S.B. 252

Cities
 Gallagher, Chairperson
 Orr
 Briles

HOUSE FILE 364

State Government
 Doderer, Chairperson
 Nystrom
 Schwengels
 Carr
 Slater

S.S.B. 240

Commerce
 Palmer, Chairperson
 Curtis
 Bisenius

S.S.B. 242

County Government
 Hutchins, Chairperson
 Redmond
 Taylor

S.S.B. 244

Energy
 Glenn, Chairperson
 Ramsey
 Scott

S.S.B. 251

Energy
 Bisenius, Chairperson
 Gallagher
 Scott

S.S.B. 253

Ways and Means
 Rodgers, Chairperson
 Nolting
 Curtis
 Van Gilst
 Kelly

AMENDMENTS FILED

S-3269

S.F. 34

C. W. Hutchins

S-3270

S.F. 284

John Scott

S-3272

S.F. 264

Minnette F. Doderer

Richard F. Drake

Forrest V. Schwengels

Louis P. Culver

C.W. Hutchins

S-3275	H.F. 464	E. Kevin Kelly
S-3276	H.F. 464	E. Kevin Kelly

PRESENTATION OF VISITORS

President Neu welcomed the Honorable William J. Reichardt, former member of the Senate and House of Representatives from Polk County who was present in the Senate chamber.

President Neu welcomed the Honorable Lawrence Putney, former member of the Senate and House of Representatives from Tama County who was present in the Senate chamber.

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

Twenty students, members of the Cub Scouts from Slater, Iowa, accompanied by Carol Hansen, Jackie O'Donnell and Robin Hastert. Senator Murray.

Twenty-five students from Dumont High School, Dumont, Iowa, accompanied by Paul Dierking. Senator Burroughs.

Thirty-five students from Mar-Mac Middle School, McGregor, Iowa, accompanied by Ron Vick and Jim Elliott. Senator Tieden.

On motion of Senator Kinley, the Senate adjourned at 12:00 noon, until 10:00 a.m., Monday, April 4, 1977.

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY—FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 4, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Charles Mahaffey, pastor of the Asbury United Methodist Church, Cedar Rapids, Iowa.

The Journal of Friday, April 1, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gene Michel, Cherokee, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Curtis for the day on request of Senator Hultman; Senators Willits, Priebe and Carr for the day on request of Senator Kinley.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the State Board of Examiners for Nursing Home Administrators, Blaine L. Donaldson, filed March 28, 1977, and found on pages 839-840 of the Senate Journal.

As a member of the Energy Policy Council, Raymond L. Sullivan, filed March 30, 1977, and found on page 852 of the Senate Journal.

As a member of the State Board of Examiners for Hearing Aid Dealers, Mildred F. Coughlon, filed March 30, 1977, and found on page 852 of the Senate Journal.

As Commissioner of Labor, Allen J. Meier, filed March 31, 1977, and found on page 870 of the Senate Journal.

As a member of the Job Services Appeal Board, William F. Dunn, filed March 31, 1977, and found on page 870 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Dennis Walter, M.D., filed April 1, 1977, and found on pages 884-885 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

BLAINE L. DONALDSON

Ayes, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readinger
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 13:

Calhoon	Carr	Curtis	Doderer
Hansen	Junkins	Nolting	Priebe
Ramsey	Redmond	Robinson	Shaw
Willits			

President Neu declared the appointment of Blaine L. Donaldson as a member of the State Board of Examiners for Nursing Home Administrators confirmed for the regular three-year term ending June 30, 1980.

RAYMOND L. SULLIVAN

Ayes, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readinger
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 13:

Calhoon	Carr	Curtis	Doderer
Hansen	Junkins	Nolting	Priebe
Ramsey	Redmond	Robinson	Shaw
Willits			

President Neu declared the appointment of Raymond L. Sullivan as a member of the Energy Policy Council confirmed.

MILDRED F. COUGHLON

Ayes, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray

Nystrom	Orr	Palmer	Readinger
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 13:

Calhoon	Carr	Curtis	Doderer
Hansen	Junkins	Nolting	Priebe
Ramsey	Redmond	Robinson	Shaw
Willits			

President Neu declared the appointment of Mildred F. Coughlon as a member of the State Board of Examiners for Hearing Aid Dealers confirmed for the regular three-year term ending June 30, 1979.

ALLEN J. MEIER

Ayes, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readinger
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 13:

Calhoon	Carr	Curtis	Doderer
Hansen	Junkins	Nolting	Priebe
Ramsey	Redmond	Robinson	Shaw
Willits			

President Neu declared the appointment of Allen J. Meier as Commissioner of Labor confirmed for the regular two-year term ending June 30, 1979.

WILLIAM F. DUNN

Ayes, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readeringer
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 13:

Calhoon	Carr	Curtis	Doderer
Hansen	Junkins	Nolting	Priebe
Ramsey	Redmond	Robinson	Shaw
Willits			

President Neu declared the appointment of William F. Dunn as a member of the Job Services Appeal Board confirmed for an initial term ending June 30, 1980.

DENNIS WALTER, M.D.

Ayes, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readeringer
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 13:

Calhoon	Carr	Curtis	Doderer
Hansen	Junkins	Nolting	Priebe

Ramsey
Willits

Redmond

Robinson

Shaw

President Neu declared the appointment of Dennis Walter, M.D., as a member of the State Board of Examiners for Nursing Home Administrators confirmed for the regular three-year term ending June 30, 1979.

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 Phyllis J. Peters of Sioux City, Woodbury County, Iowa, for reappointment as a licensed member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, 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.

C. JOSEPH COLEMAN, Chairperson
FORREST F. ASHCRAFT
JAMES V. GALLAGHER
C. W. HUTCHINS
E. KEVIN KELLY

The motion prevailed and the report was adopted.

Senator Coleman moved the appointment of Phyllis J. Peters as a licensed 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, 37:

Ashcraft
Burroughs
DeKoster
Hill, E.M.
Hutchins
Miller, A.V.
Nystrom
Rodgers
Shaff
Van Gilst

Bergman
Coleman
Drake
Hill, P.B.
Kelly
Miller, E.R.
Orr
Rush
Slater

Bisenius
Craft
Gallagher
Hulse
Kinley
Murray
Palmer
Schwengels
Taylor

Briles
Culver
Glenn
Hultman
Merritt
Nolting
Readinger
Scott
Tieden

Nays, 1:

Miller, C.P.

Absent or not voting, 12:

Calhoon	Carr	Curtis	Doderer
Hansen	Junkins	Priebe	Ramsey
Redmond	Robinson	Shaw	Willits

President Neu declared the appointment of Phyllis J. Peters as a member of the State Board of Examiners for Nursing Home Administrators confirmed for the regular three-year term ending June 30, 1979.

On motion of Senator Kinley, the Senate recessed until 11:00 a.m.

The Senate reconvened, President Neu, presiding.

CONSIDERATION OF BILLS

Senate File 209

On motion of Senator Miller of Marshall, Senate File 209, a bill for an Act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Junkins raised the point of order that a fiscal note was required under Joint Rule 16.

The Chair ruled the point well taken and invoked Joint Rule 16.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 292.

Senate File 292

On motion of Senator Shaff, Senate File 292, 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, was

taken up for consideration.

Senator Shaff offered amendment S-3277 to pages 1 and 2 of the bill.

Senator Coleman called for a division of the amendment, lines 2 through 6 to be considered as division S-3277A of the amendment; lines 7 through 10 to be considered as division S-3277B of the amendment.

Senator Shaff moved the adoption of division S-3277A of the amendment.

Division S-3277A of the amendment was adopted.

Senator Shaff moved the adoption of division S-3277B of the amendment.

Division S-3277B of the amendment was adopted.

(Senate Files 209 and 292 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman 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 31, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 233, a bill for an Act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority,

Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans.

Also: That the House has on March 31, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 411, a bill for an Act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive.

Also: That the House has on March 31, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 412, a bill for an Act relating to the reporting of stock transfers for inheritance tax purposes.

Also: That the House has on March 31, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 445, a bill for an Act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 9, by Senator Hultman, a joint resolution proposing an amendment to the Constitution of the State of Iowa relative to qualifications for membership in the general assembly.

Read first time and PASSED ON FILE.

SENATE FILE 316, by Senator Hultman, a bill for an act to reorganize five of the policy-making bodies of the department of environmental quality into a single environmental quality commission and to make revisions of the Code appropriate and necessary to reflect the reorganization.

Read first time and PASSED ON FILE.

SENATE FILE 317, by Committee on Judiciary, a bill for an act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain

the criminal code.

Read first time and PLACED ON CALENDAR.

SENATE FILE 318, by Committee on Judiciary, a bill for an act making technical changes of a corrective nature to the criminal code revision.

Read first time and PLACED ON CALENDAR.

SENATE FILE 319, by Committee on Judiciary, a bill for an act amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 411, a bill for an Act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive.

Read first time and PASSED ON FILE.

HOUSE FILE 412, a bill for an Act relating to the reporting of stock transfers for inheritance tax purposes.

Read first time and PASSED ON FILE.

HOUSE FILE 445, a bill for an Act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 233

S-3281

- 1 Amend Senate File 233 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 5 the follow-

4 ing:

5 "Sec. 2. Section one hundred forty-seven point
6 eighty (147.80), unnumbered paragraph one (1), Code
7 1977, is amended to read as follows:

8 An examining board shall set the fees for the
9 examination of applicants, which fees shall be based
10 upon the annual cost of administering the examinations.
11 *An examining board may issue multi-year licenses for*
12 *a term not exceeding three years.* An examining board
13 shall set the [annual] fees required for any of the
14 following based upon the cost of sustaining the board
15 and the actual costs of licensing:

16 Sec. 3. It is the intent of the general assembly
17 that the board of medical examiners begin to issue
18 multi-year licenses in the fiscal year beginning July
19 1, 1977."

20 2. By renumbering the remaining section.

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 292

The Senate resumed consideration of Senate File 292.

Senator Hutchins offered amendment S-3279 to pages 1 and 2 of the bill.

Senator Shaff raised the point of order that amendment S-3279 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3279 out of order.

Senator Ramsey offered amendment S-3285 to strike everything after the enacting clause of the bill.

Senator Doderer took the chair at 3:48 p.m.

President pro tempore Coleman took the chair at 4:07 p.m.

Senator Ramsey moved the adoption of amendment S-3285 and requested a record roll call.

On the question "Shall amendment S-3285 be adopted?" (S.F. 292) the vote was:

Ayes, 22:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	DeKoster
Doderer	Drake	Hansen	Hill, P.B.
Junkins	Merritt	Miller, E.R.	Ramsey
Redmond	Robinson	Rush	Schwengels
Scott	Shaw		

Nays, 22:

Calhoon	Carr	Culver	Gallagher
Glenn	Hill, E.M.	Hulse	Hutchins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Nolting	Orr	Palmer	Readinger
Rodgers	Shaff	Slater	Taylor
Tieden	Van Gilst		

Absent or not voting, 6:

Curtis	Hultman	Murray	Nystrom
Priebe	Willits		

Amendment S-3285 lost.

Senator Kelly called up the following motion to reconsider:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3285 failed to pass the Senate on April 4, 1977.

E. Kevin Kelly

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S—3285 be adopted?" (S.F. 292) the vote was:

Ayes, 34:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
DeKoster	Doderer	Drake	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Junkins	Kelly	Merritt
Miller, C.P.	Miller, E.R.	Orr	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaw	Slater
Tieden	Van Gilst		

Nays, 11:

Calhoon	Culver	Gallagher	Hutchins
Kinley	Miller, A.V.	Nolting	Palmer
Rodgers	Shaff	Taylor	

Absent or not voting, 5:

Curtis	Murray	Nystrom	Priebe
Willits			

The motion prevailed and amendment S—3285 was brought up for consideration.

Senator Ramsey moved the adoption of amendment S—3285.

A record roll call was requested.

On the question "Shall amendment S—3285 be adopted?" (S.F. 292) the vote was:

Rule 23 was invoked.

Ayes, 23:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	DeKoster
Doderer	Drake	Hansen	Hill, P.B.
Junkins	Merritt	Miller, E.R.	Orr
Ramsey	Redmond	Robinson	Rush
Schwengels	Scott	Shaw	

Nays, 22:

Calhoon	Carr	Culver	Gallagher
Glenn	Hill, E.M.	Hulse	Hultman
Hutchins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Nolting	Palmer	Readinger
Rodgers	Shaff	Slater	Taylor
Tieden	Van Gilst		

Absent or not voting, 5:

Curtis	Murray	Nystrom	Priebe
Willits			

Amendment S-3285 was adopted.

President Neu took the chair at 4:35 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. 292) the vote was:

Ayes, 16:

Bergman	Bisenius	Briles	Coleman
DeKoster	Doderer	Drake	Hansen
Hill, P.B.	Kelly	Merritt	Orr
Ramsey	Schwengels	Shaw	Taylor

Nays, 29:

Ashcraft	Burroughs	Calhoon	Carr
Craft	Culver	Gallagher	Glenn
Hill, E.M.	Hulse	Hultman	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nolting	Palmer	Readinger
Redmond	Robinson	Rodgers	Rush
Scott	Shaff	Slater	Tieden
Van Gilst			

Absent or not voting, 5:

Curtis	Murray	Nystrom	Priebe
Willits			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senate File 209

The Senate resumed consideration of Senate File 209.

Senator Drake offered amendment S—3280 by Senators Drake, Miller of Marshall and Gallagher to page 1 of the bill and moved its adoption.

Amendment S—3280 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?" (S.F. 209) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rodgers	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst		

Nays, 1:

Rush

Absent or not voting, 7:

Curtis	Doderer	Hill, E.M.	Murray
Nystrom	Priebe	Willits	

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 251

On motion of Senator Bergman, House File 251, a bill for an Act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bergman offered amendment S-3260 filed by him on March 30, 1977, to pages 2 and 3 of the bill and moved its adoption.

Amendment S-3260 was adopted.

Senator Tieden offered amendment S-3278 to page 4 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 30, nays 12.

Amendment S-3278 was adopted.

Senator Tieden offered amendment S-3288 to page 4 of the bill and moved its adoption.

Amendment S-3288 was 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. 251) the vote was:

Ayes, 38:

- | | | | |
|--------------|--------------|-----------|------------|
| Ashcraft | Bergman | Bisenius | Briles |
| Calhoun | Carr | Coleman | Culver |
| DeKoster | Drake | Gallagher | Glenn |
| Hansen | Hulse | Hultman | Hutchins |
| Junkins | Kelly | Kinley | Merritt |
| Miller, A.V. | Miller, E.R. | Nolting | Orr |
| Palmer | Ramsey | Readinger | Redmond |
| Robinson | Rodgers | Rush | Schwengels |
| Shaff | Shaw | Slater | Taylor |
| Tieden | Van Gilst | | |

Nays, 5:

Burroughs Scott	Craft	Hill, P.B.	Miller, C.P.
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Absent or not voting, 7:

Curtis Nystrom	Doderer Priebe	Hill, E.M. Willits	Murray
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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 296.

Senate File 296

On motion of Senator Scott, Senate File 296, a bill for an Act relating to the membership and duties of the state advisory council for vocational education, was taken up for consideration.

Senator Scott offered amendment S-3286 by Senators Doderer, et al., to page 3 of the bill and moved its adoption.

Amendment S-3286 was adopted.

Senator Doderer offered amendment S-3287 by Senators Doderer, et al., to page 3 of the bill and moved its adoption.

Amendment S-3287 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. 296) the vote was:

Ayes, 38:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Glenn
Hansen	Hill, P.B.	Hultman	Hutchins

Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Van Gilst		

Nays, 4:

Craft	Gallagher	Hulse	Tieden
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Absent or not voting, 8:

Briles	Curtis	Hill, E.M.	Murray
Nystrom	Priebe	Shaw	Willits

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 ADOPTED

Senator Hultman called up the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 209 passed the Senate on April 4, 1977.

CALVIN O. HULTMAN

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 209) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Nolting	Orr	Palmer
Ramsey	Readinger	Redmond	Rodgers
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst

Nays, none.

Absent or not voting, 10:

Briles	Curtis	Hill, E.M.	Miller, C.P.
Murray	Nystrom	Priebe	Robinson
Rush	Willits		

The motion prevailed.

Senator Hultman moved to reconsider the vote by which Senate File 209 went to its last reading, which motion prevailed.

Senate File 209

On motion of Senator Gallagher, Senate File 209, a bill for an Act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions of the state, was taken up for reconsideration.

Senator Hultman moved to reconsider the vote by which amendment S-3280 was adopted by the Senate, which motion prevailed.

Senator Drake offered amendment S-3289 to amendment S-3280 and moved its adoption.

Amendment S-3289 to amendment S-3280 was adopted.

Senator Drake moved the adoption of amendment S-3280 as amended, which motion prevailed and amendment S-3280 as amended 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?" (S.F. 209) the vote was:

Ayes, 33:

Bergman	Bisenius	Burroughs	Calhoon
Coleman	Craft	Culver	DeKoster

Doderer	Drake	Gallagher	Glenn
Hansen	Hill, P.B.	Hulse	Hultman
Hutchins	Kinley	Merritt	Miller, A. V.
Miller, C.P.	Miller, E.R.	Nolting	Orr
Ramsey	Readinger	Rodgers	Schwengels
Scott	Shaff	Taylor	Tieden
Van Gilst			

Nays, 9:

Ashcraft	Carr	Junkins	Kelly
Redmond	Robinson	Rush	Shaw
Slater			

Absent or not voting, 8:

Briles	Curtis	Hill, E.M.	Murray
Nystrom	Palmer	Priebe	Willits

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 292 failed to pass the Senate on April 4, 1977.

ROGER J. SHAFF

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 31, 1977, 9:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Palmer; Priebe; Shaff and Van Gilst.

Members Absent: Redmond (arrived 9:10 a.m.) and Readinger.

Final Action: APPROVED.

Senate File 314, a bill for an Act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

The vote was: AYES, 12; Rodgers, Nolting, Curtis, Craft, E. Hill, Hultman,

Junkins, Kelly, Priebe, Redmond, Shaff and Van Gilst. NAYS, 1; Palmer. ABSENT OR NOT VOTING, 1; Readinger.

Adjourned: 9:25 a.m.

STUDY BILLS RECEIVED

S.S.B. 254 Regulatory and Finance Budget Subcommittee

Appropriating funds from the military service tax credit fund to the general fund.

S.S.B. 255 Regulatory and Finance Budget Subcommittee

Appropriation to the moneys and credits replacement fund.

S.S.B. 256 Regulatory and Finance Budget Subcommittee

Appropriations to the municipal assistance fund and county government assistance fund.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 311	Natural Resources
S.F. 313	State Government
S.F. 315	State Government
H.F. 380	Natural Resources

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Rodson L. Riggs, Des Moines, Polk County, Iowa, for reappointment as Director of Energy Policy under the provisions of Section 93.3, Code 1975, for the regular two-year term beginning July 1, 1977, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES V. GALLAGHER, Chairperson
CLIFF BURROUGHS
JOHN S. MURRAY
NORMAN G. RODGERS
JOHN SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of George E. Deininger, Dubuque, Dubuque County, Iowa, for appointment as a member of the State Board of Architectural Examiners under the provisions of Section 118.1, 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.

C. JOSEPH COLEMAN, Chairperson
STEPHEN W. BISENIUS
ROBERT M. CARR
EUGENE M. HILL
DALE L. TIEDEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert F. Renfro, O.D., Sioux City, Woodbury County, Iowa, for appointment as a member of the State Board of Optometry 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.

JAMES V. GALLAGHER, Chairperson
JAMES CALHOON
E. KEVIN KELLY
ALVIN V. MILLER
RICHARD R. RAMSEY

REPORTS OF COMMITTEE

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 217, a bill for an Act to clarify the responsibilities of parents to children, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3283; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 238, a bill for an Act relating to business corporations, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 1, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

H. F. 77—Relating to the time when an action is deemed to have been commenced for the purposes of Section six hundred seventeen point three (617.3) of the Code.

H. F. 150—To repeal provisions relating to the compensation of deputy county officers in certain counties.

Also: That on April 4, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 160—Relating to and making an appropriation to agencies whose responsibilities relate to energy policy and research.

H. F. 44—Relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Monday, April 4, 1977.

Had I been present, I would have voted "aye" on the En Bloc Confirmations and "aye" on the confirmation of Phyllis J. Peters.

WILLARD R. HANSEN

AMENDMENTS FILED

S-3282

S.F. 309

Lucas J. DeKoster

S-3284

S.F. 310

C. W. Hutchins

PRESENTATION OF VISITORS

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

Fourteen students from Burlington Community High School,

Burlington, Iowa, accompanied by their principal, Lyle Ebner and Dick Wagner. Senator Miller of Des Moines.

Twenty students from Central High School, DeWitt, Iowa, accompanied by Mr. Hastler. Senator Shaff.

Fifty students from Perry, Iowa, accompanied by C. Mains and J. Ingram. Senator Rodgers.

PETITIONS

The following petitions were presented and placed on file:

By Senator Glenn from one thousand two hundred forty-three residents of Pottawattamie County favoring legislation to raise the legal drinking age to nineteen.

By Senator Tieden from seventeen residents of Clayton and Delaware Counties favoring legislation to regulate the use of beverage containers.

By Senator Priebe from fifty-one residents of Kossuth and Palo Alto Counties favoring an appropriation for human resource programs.

By Senator Calhoon from fifty-seven residents of Woodbury County favoring an appropriation for human resource programs.

By Senator Rush from sixty-four residents of Linn County favoring legislation to permit the sale of certified raw milk.

By Senator Tieden from twenty-four residents of Clayton County favoring an increase in inheritance tax exemptions.

By Senator Junkins from fifty residents of Des Moines County favoring legislation to improve IPERS benefits.

By Senator Murray from five hundred thirty-eight residents of Iowa favoring an appropriation for an addition to the library at Iowa State University.

By Senator Hill of Jasper from forty-six residents of Marshall County urging rescission of the Equal Rights Amendment.

By Senator Van Gilst from one hundred seventy-five residents of Warren County favoring legislation to provide regulation of rates for municipally owned utilities.

By Senator Hansen from seven hundred fifty residents of Black Hawk County favoring legislation to create a separate state agency to regulate credit unions.

By Senator Doderer from five residents of Johnson County favoring an appropriation for human resource programs.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Hill of Polk from twenty-eight residents of Iowa.

Senator Junkins from twenty-two residents of Lee County.

Senator Hutchins from twenty residents of Crawford, Montgomery, Warren, Page, Pottawattamie, Cass, Polk and Union Counties.

Senator Priebe from thirty-six residents of Hancock and Winnebago Counties.

Senator Doderer from sixty-seven residents of Polk County.

On motion of Senator Kinley, the Senate adjourned at 5:40 p.m., until 1:30 p.m., Tuesday, April 5, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY—FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 5, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Walter Bernard, Jr., pastor of the Faith Warren United Methodist Church, Waverly, Iowa.

The Journal of Monday, April 4, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan Robb, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Willits for the day on request of Senator Kinley.

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 1, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 36, a bill for an Act correcting an erroneous correlating amendment contained in Chapter 1241 of the Acts of the Sixty-sixth General Assembly.

Also: That the House has on April 1, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 71, a bill for an Act to abolish the state board of eugenics.

Also: That the House has on March 3, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 39, a bill for an Act relating to payment of per diem and expenses to certain persons elected to the general assembly.

Also: That the House has on March 31, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 415, a bill for an Act relating to the deduction of debts and property taxes for inheritance tax purposes.

Also: That the House has on April 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 439, a bill for an Act relating to the establishment of sanitary disposal projects.

Also: That the House has on April 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 444, a bill for an Act authorizing the department of agriculture to establish an aujeszky's disease control program.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 320, by Senator Hutchins, a bill for an act relating to the treatment of free newspapers and shoppers guides under the state sales tax.

Read first time and PASSED ON FILE.

SENATE FILE 321, by Committee on Commerce, a bill for an act relating to bonded agricultural warehouses.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 39, a bill for an Act relating to payment of per diem and expenses to certain persons elected to the general assembly.

Read first time and PASSED ON FILE.

HOUSE FILE 415, a bill for an Act relating to the deduction of debts and property taxes for inheritance tax purposes.

Read first time and PASSED ON FILE.

HOUSE FILE 439, a bill for an Act relating to the establishment of sanitary disposal projects and authorizing the use of injunctions for certain violations.

Read first time and PASSED ON FILE.

HOUSE FILE 444, a bill for an Act authorizing the department of agriculture to establish an aujeszky's disease control program 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.

MOTION TO RECONSIDER ADOPTED

Senator Ramsey called up the motion to reconsider Senate File 289, a bill for an Act to propose changes in the rules of criminal procedure, filed by him on March 31, 1977, found on page 860 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 289) the vote was:

Rule 23 was invoked.

Ayes, 26:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Curtis	Drake	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Kelly
Miller, C.P.	Miller, E.R.	Nystrom	Ramsey
Schwengels	Scott	Shaff	Shaw
Taylor	Tieden		

Nays, 22:

Calhoon	Culver	DeKoster	Doderer
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Gallagher	Glenn	Hill, P.B.	Junkins
Kinley	Miller, A.V.	Murray	Nolting
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Slater	Van Gilst		

Absent or not voting, 2:

Merritt	Willits
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The motion prevailed.

Senator Ramsey moved to reconsider the vote by which Senate File 289 went to its last reading, which motion prevailed.

Senate File 289

On motion of Senator Glenn, Senate File 289, a bill for an Act to propose changes in the rules of criminal procedure, was brought up for reconsideration.

Senator Hulse moved to reconsider the vote by which amendment S-3257 failed to be adopted by the Senate.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-3257 be adopted?" (S.F. 289) the vote was:

Ayes, 20:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	Drake
Hill, E.M.	Hulse	Hultman	Hutchins
Miller, E.R.	Nystrom	Priebe	Ramsey
Schwengels	Shaff	Taylor	Tieden

Nays, 25:

Calhoon	Culver	DeKoster	Doderer
Gallagher	Glenn	Hill, P.B.	Junkins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nolting	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaw	Slater
Van Gilst			

Absent or not voting, 5:

Carr	Coleman	Hansen	Merritt
Willits			

The motion lost.

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. 289) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	

Nays, none.

Absent or not voting, 3:

Coleman	Merritt	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.

REREFERRED TO COMMITTEE

Senator Priebe asked and received unanimous consent that SENATE FILE 294 be REREFERRED to the committee on NATURAL RESOURCES.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 307.

Senate File 307

On motion of Senator Hutchins, Senate File 307, a bill for an Act relating to vacating and closing highways, was taken up for consideration.

Senator Hutchins moved that the bill 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. 307) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst

Nays, 1:

Hill, P.B.

Absent or not voting, 5:

Coleman	Culver	Merritt	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 for consideration Senate File 310.

Senate File 310

On motion of Senator Gallagher, Senate File 310, a bill for an Act relating to the applicability of provisions of the state building

code relating to smoke and fire detection systems, was taken up for consideration.

Senator Hutchins offered amendment S-3284 filed by him on April 4, 1977, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 23; nays, 21.

Amendment S-3284 was adopted.

Action on Senate File 310 was temporarily deferred.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 314.

Senate File 314

On motion of Senator Kelly, Senate File 314, a bill for an Act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts, was taken up for consideration.

Senator Ashcraft took the chair at 2:53 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. 314) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.

Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst

Nays, none.

Absent or not voting, 2:

Coleman Willits

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

Senate File 310

The Senate resumed consideration of Senate File 310 previously deferred.

Senator Bisenius moved that Senate File 310 be deferred and that the bill be returned to the regular calendar as unfinished business under Senate Rule 6.

A non record roll call was requested.

The ayes were 29; nays, 16.

The motion prevailed and action on Senate File 310 was DEFERRED and the bill was returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 217.

Senate File 217

On motion of Senator Rush, Senate File 217, a bill for an Act to clarify the responsibilities of parents to children, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Rush offered amendment S-3283 filed by the committee on Judiciary on April 4, 1977, to page 1 of the bill and

moved its adoption.

Amendment S-3283 was adopted.

Senator Rush moved that the bill 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. 217) the vote was:

Ayes, 45:

Ashcraft	Bisenius	Briles	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 5:

Bergman	Coleman	Drake	Robinson
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 238.

Senate File 238

On motion of Senator Kelly, Senate File 238, a bill for an Act relating to business corporation, 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?" (S.F. 238) the vote was:

Ayes, 45:

Ashcraft	Bisenius	Briles	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 5:

Bergman	Coleman	Miller, C.P.	Schwengels
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 317.

Senate File 317

On motion of Senator Glenn, Senate File 317, a bill for an Act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code, 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. 317) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	

Nays, none.

Absent or not voting, 3:

Coleman	Hultman	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.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 319.

Senate File 319

On motion of Senator Glenn, Senate File 319, a bill for an Act amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole, was taken up for consideration.

Senator Doderer took the chair at 4:11 p.m.

Senator Nolting took the chair at 4:17 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. 319) the vote was:

Ayes, 34:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Culver	Curtis
DeKoster	Doderer	Gallagher	Glenn
Hansen	Hill, P.B.	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Shaw	Slater
Taylor	Van Gilst		

Nays, 13:

Briles	Burroughs	Craft	Drake
Hulse	Hultman	Hutchins	Kelly
Priebe	Redmond	Scott	Shaff
Tieden			

Absent or not voting, 3:

Hill, E.M.	Palmer	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.

House File 254

On motion of Senator Scott, House File 254, a bill for an Act to require inclusion of achievements of women, minorities, and others in total school program and to require English-language arts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Scott offered amendment S-3291 by Senators Scott, DeKoster and Doderer to page 1 of the bill.

Senator Shaw offered amendment S-3294 to amendment S-3291, moved its adoption and requested a non record roll call.

The ayes were 35; nays, 11.

Amendment S-3294 to amendment S-3291 was adopted.

With the adoption of amendment S-3294 to amendment S-3291, amendments S-3296 and S-3297 by Senator Doderer to amendment S-3291 were ruled out of order.

Senator Scott moved the adoption of amendment S-3291 as amended.

Amendment S-3291 as amended was adopted.

Action on House File 254 was temporarily deferred.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As Director of Energy Policy, Rodson L. Riggs, filed April 4, 1977, and found on page 909 of the Senate Journal.

As a member of the State Board of Architectural Examiners, George E. Deininger, filed April 4, 1977, and found on page 910 of the Senate Journal.

As a member of the State Board of Optometry Examiners, Robert F. Renfro, O.D., filed April 4, 1977, and found on page 910 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

RODSON L. RIGGS

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst

Nays, none.

Absent or not voting, 2:

Priebe Willits

The Chair declared the appointment of Rodson L. Riggs as Director of Energy Policy confirmed for the regular two-year term ending June 30, 1979.

GEORGE E. DEININGER

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst

Nays, none.

Absent or not voting, 2:

Priebe Willits

The Chair declared the appointment of George E. Deininger as a member of the State Board of Architectural Examiners confirmed for the regular three-year term ending June 30, 1979.

ROBERT F. RENFRO, O.D.

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst

Nays, none.

Absent or not voting, 2:

Priebe Willits

The Chair declared the appointment of Robert F. Renfro as a member of the State Board of Optometry Examiners confirmed for the regular three-year term ending June 30, 1979.

House File 254

The Senate resumed consideration of House File 254.

Senator Doderer offered amendment S-3298 to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 33; nays, 11.

Amendment S-3298 was adopted.

Senator Ramsey offered amendment S-3299 to page 3 of the

bill.

Senator Scott raised the point of order that amendment S-3299 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3299 was ruled out of order.

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. 254) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst		

Nays, none.

Absent or not voting, 4:

Miller, C.P.	Miller, E.R.	Nystrom	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.

INTRODUCTION OF BILLS

SENATE FILE 322, by Committee on Energy, a bill for an act to make an appropriation for deposit in the energy research and development fund.

Read first time and REFERRED to the committee on BUDGET

under Senate Rule 36.

SENATE FILE 323, by Senators Carr, Slater, Palmer, Gallagher, Miller of Des Moines, Merritt, Redmond, Willits, Robinson, Rush, Nolting, Calhoun, Priebe, Culver, Miller of Cerro Gordo, Doderer, Coleman, Hutchins, Orr and Hill of Jasper, a bill for an act relating to rate increases by public utilities.

Read first time and PASSED ON FILE.

SENATE FILE 324, by Senator Carr, a bill for an act relating to the computation of monthly pensions for firemen and policemen.

Read first time and PASSED ON FILE.

SENATE FILE 325, by Senator Kelly, a bill for an act relating to certain exemptions under the Iowa uniform securities Act.

Read first time and PASSED ON FILE.

SENATE FILE 326, by Senator Kelly, a bill for an act providing for the organization and regulation of nonprofit legal services corporations.

Read first time and PASSED ON FILE.

SENATE FILE 327, by Senator Coleman, a bill for an act authorizing an income tax credit for the establishment of wind erosion control and wildlife habitat areas and providing for the recapture of tax credits under certain circumstances.

Read first time and PASSED ON FILE.

SENATE FILE 328, by Committee on Labor and Industrial Relations, a bill for an act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

Read first time and PLACED ON CALENDAR.

SPECIAL GUEST

President Neu presented Mr. Pat Paulsen, National Campaign Chairman for the National Kidney Foundation, who addressed the Senate briefly.

Mr. Paulsen was in Iowa to assist in raising funds for the Kidney Foundation of Iowa.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 31, 1977, 10:10 a.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Robinson and Rodgers.

Members Absent: Palmer (arrived 10:30 a.m.).

Final Action: APPROVED.

Senate File 321, a bill for an Act relating to bonded agricultural warehouses.

The vote was: AYES, 9; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Curtis, Nolting, Robinson and Rodgers. NAYS, none. ABSENT OR NOT VOTING, 1; Palmer.

Also:

Other Business: Discussion of S.S.B. 183.

Adjourned: 11:00 a.m.

JUDICIARY

Convened: April 4, 1977, 1:35 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; P. Hill; Coleman; Ashcraft; Scott and Ramsey.

Members Absent: Redmond and Doderer (arrived 1:45 p.m.).

Members Excused: Shaw and Willits.

Final Action: AMEND AND DO PASS.

Senate File 217, a bill for an Act to clarify the responsibilities of parents to children.

The vote was: AYES, 9; Glenn, Rush, DeKoster, P. Hill, Coleman, Ashcraft, Scott, Ramsey and Doderer. NAYS, none. ABSENT OR NOT VOTING, 3; Redmond, Shaw and Willits.

Also:

Final Action: DO PASS.

Senate File 238, a bill for an Act relating to business corporations.

The vote was: AYES, 9; Glenn, Rush, DeKoster, P. Hill, Coleman, Ashcraft, Scott, Ramsey and Doderer. NAYS, none. ABSENT OR NOT VOTING, 3; Redmond, Shaw and Willits.

Also:

Final Action: APPROVED.

Senate File 317, a bill for an Act amending the Criminal Code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the Criminal Code.

The vote was: AYES, 9; Glenn, Rush, DeKoster, P. Hill, Coleman, Ashcraft, Scott, Ramsey and Doderer. NAYS, none. ABSENT OR NOT VOTING, 3; Redmond, Shaw and Willits.

Also:

Final Action: APPROVED:

Senate File 318, a bill for an Act making technical changes of a corrective nature to the Criminal Code revision.

The vote was: AYES, 8; Glenn, Rush, DeKoster, P. Hill, Coleman, Ashcraft, Scott and Ramsey. NAYS, none. ABSENT OR NOT VOTING, 4; Doderer, Shaw, Willits and Redmond.

Also:

Final Action: APPROVED.

Senate File 319, a bill for an Act amending the Criminal Code revision so that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

The vote was: AYES, 9; Glenn, Rush, DeKoster, P. Hill, Coleman,

Ashcraft, Scott, Ramsey and Doderer. NAYS, none. ABSENT OR NOT VOTING, 3; Redmond, Shaw and Willits.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: April 4, 1977, 2:35 p.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush and Taylor.

Members Absent: Murray, Ranking Member; Calhoun and Slater.

Other Business: Discussed Senate Files 68 and 86.

Adjourned: 2:50 p.m.

STATE GOVERNMENT

Convened: March 29, 1977, 9:00 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Culver; Drake; Glenn; Junkins; Kelly; Rush and Slater.

Members Absent: Ashcraft; Carr (arrived 9:30 a.m.); Schwengels (arrived 9:30 a.m.) and Shaff (arrived 9:45 a.m.).

Final Action: APPROVED.

Senate File 312, a bill for an Act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license.

The vote was: AYES, 10; Doderer, Nystrom, Carr, Drake, Glenn, Junkins, Kelly, Rush, Schwengels and Slater. NAYS, 1; Culver. VOTING PRESENT, 1; Coleman. ABSENT OR NOT VOTING, 2; Ashcraft and Shaff.

Also:

Other Business: Discussed Senate File 137; assigned bills to subcommittee.

Adjourned: 10:00 a.m.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 9	State Government
S.F. 316	State Government
H.F. 411	Ways and Means
H.F. 412	Ways and Means
H.F. 445	Natural Resources

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harris F. Seidel, Ph.D., Ames, Story County, Iowa, for reappointment as a member of the Department of Environmental Quality Board of Certification for Waterworks Operators pursuant to Section 455B.53, 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.

WILLIAM D. PALMER, Chairperson
STEPHEN W. BISENIUS
MILO MERRITT
JOHN S. MURRAY
BERL E. PRIEBE

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sidney S. Vander Woude, Coralville, Johnson County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, Code 1975, for the unexpired portion of a three-year term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. W. HUTCHINS, Chairperson
MINNETTE F. DODERER
ELIZABETH R. MILLER
JOHN S. MURRAY
JAMES M. REDMOND

AMENDMENTS FILED

S-3290	S.F. 300	Irvin L. Bergman
S-3295	H.F. 464	John S. Murray
S-3300	S.F. 318	Gene W. Glenn
S-3301	S.F. 318	Gene W. Glenn

PRESENTATION OF VISITORS

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

One hundred ten students from Lewis Central Elementary School, Council Bluffs, Iowa, accompanied by Ron Kelly. Senators Slater and Hultman.

Fifty students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Charlie Sheridan. Senator Hulse.

Eleven students from Iowa Falls, Iowa, accompanied by Mrs. Verlyn Ellefson. Senator Taylor.

On motion of Senator Kinley, the Senate adjourned at 5:13 p.m., until 3:30 p.m., Wednesday, April 6, 1977.

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY—FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 6, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Earl Underwood, Jr., pastor of the United Presbyterian Church, Akron, Iowa.

The Journal of Tuesday, April 5, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R.G. Boeke, Osage, Iowa.

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 1, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Also: That the House has on March 31, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 224, a bill for an Act relating to mobile home tiedowns and providing a penalty.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 329, by Committee on Judiciary, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

Read first time and PLACED ON CALENDAR.

SENATE FILE 330, by Senators Taylor and Shaw, a bill for an act relating to the requirements for certification by the board of educational examiners.

Read first time and PASSED ON FILE.

SENATE FILE 331, by Senator Doderer, a bill for an act to establish a mobile home parks residential landlord and tenant act and providing civil penalties.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Read first time and PASSED ON FILE.

HOUSE FILE 224, a bill for an Act relating to mobile home tiedowns and providing a penalty.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 15

By: Gallagher

1 *Whereas*, the Governor has appointed a Telecommunica-
2 tions Task Force to develop a state communications
3 plan; and
4 *Whereas*, the Telecommunications Task Force will be
5 reviewing the following areas of communications: land
6 mobile, data, telephone, and broadcasting; and
7 *Whereas*, the Police Communications Review Committee
8 was established by the General Assembly to review pro-
9 posed changes of the communications operating procedures
10 of the Department of Public Safety which affect operating
11 procedures of local law enforcement agencies; *Now There-*
12 *fore,*
13 *Be It Resolved by the Senate, the House Concurring,*
14 That the Legislative Council is urged to approve the
15 establishment of a joint interim study by the Police
16 Communications Review Committee and the Telecommunications

17 Task Force to study all facets of communications on
18 the state level and make recommendations concerning the
19 most efficient delivery of communications services; and
20 *Be It Further Resolved*, That the joint recommendations
21 of the Police Communications Review Committee and the
22 Telecommunications Task Force be transmitted to the
23 Legislative Council and the General Assembly meeting
24 in 1978.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 318.

Senate File 318

On motion of Senator Glenn, Senate File 318, a bill for an Act making technical changes of a corrective nature to the criminal code revision, was taken up for consideration.

Senator Miller of Cerro Gordo took the chair at 3:58 p.m.

Senator Glenn offered amendment S-3300 filed by him on April 5, 1977, to page 6 of the bill and moved its adoption.

Amendment S-3300 was adopted.

Senator Glenn offered amendment S-3302 to pages 31 through 45 of the bill and moved its adoption.

Amendment S-3302 was adopted.

Senator Glenn withdrew amendment S-3301 filed by him on April 5, 1977, to page 35 of the bill.

Senator Glenn offered amendment S-3303 to page 35 of the bill and moved its adoption.

Amendment S-3303 was adopted.

President pro tempore Coleman took the chair at 4:25 p.m.

Senator Ashcraft offered amendment S-3309 to page 1 of the bill and moved its adoption.

Amendment S-3309 was 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. 318) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Hutchins 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 332, by Senator Curtis, a bill for an act authorizing a corporation licensed under chapter five hundred thirty-six A (536A) of the Code to establish, own, operate, utilize, and participate in electronic fund transfer systems.

Read first time and PASSED ON FILE.

SENATE FILE 333, by Committee on Human Resources, a bill for an act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill.

Read first time and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 5, 1977, 9:05 a.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Hulse; Hutchins; A. Miller; E. Miller; Readinger and Scott.

Members Absent: Calhoon.

Final Action: APPROVED.

S.S.B. 131, a study bill for an Act relating to the veterinary practices act.

The vote was: AYES, 9; Van Gilst, Merritt, Tieden, Hulse, Hutchins, A. Miller, E. Miller, Readinger and Scott. NAYS, none. ABSENT OR NOT VOTING, 1; Calhoon.

Also:

Final Action: AMEND AND DO PASS.

House File 228, a bill for an Act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law.

The vote was: AYES, 9; Van Gilst, Merritt, Tieden, Hulse, Hutchins, A. Miller, E. Miller, Readinger and Scott. NAYS, none. ABSENT OR NOT VOTING, 1; Calhoon.

Also:

Other Business: Assignment of subcommittees.

Adjourned: 10:05 a.m.

COMMERCE

Convened: April 5, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Robinson and Rodgers.

Members Absent: Palmer (arrived 9:30 a.m.).

Final Action: FAILED TO PASS.

S.S.B. 183, a study bill for an Act relating to the bonding of grain dealers.

The vote was: AYES, 4; Bergman, Bisenius, Nolting and Rodgers. NAYS, 6; E. Hill, Priebe, Burroughs, Curtis, Palmer and Robinson.

Adjourned: 10:00 a.m.

ENERGY

Convened: April 4, 1977, 2:30 p.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius, Briles, Culver, Glenn, Ramsey and Rodgers.

Members Absent: none.

Final Action: APPROVED.

Senate File 322, a bill for an Act to make an appropriation for deposit in the energy research and development fund.

The vote was: AYES, 9; Gallagher, Scott, Burroughs, Bisenius, Briles, Culver, Glenn, Ramsey and Rodgers. NAYS, none.

Also:

Other Business: Further discussion of federal funds available for insulation and payment of heating bills.

Adjourned: 3:00 p.m.

JUDICIARY

Convened: April 6, 1977, 10:10 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Ramsey; Scott; Willits and Redmond.

Members Absent: Shaw (arrived 10:12 a.m.) and Doderer (arrived 10:18 a.m.).

Final Action: DO PASS.

House File 281, a bill for an Act to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

The vote was: AYES, 10; Glenn, Rush, Ashcraft, Coleman, P. Hill, Ramsey, Scott, Willits, Redmond and Shaw. NAYS, none. ABSENT OR NOT VOTING, 2; DeKoster and Doderer.

Also:

Final Action: APPROVED.

Senate File 329, a bill for an Act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

The vote was: AYES, 12; Glenn, Rush, DeKoster, Ashcraft, Coleman, P. Hill, Ramsey, Redmond, Scott, Shaw, Willits and Doderer. NAYS, none.

Also:

Other Business: Discussed S.S.B. 157—No final action.

Adjourned: 11:10 a.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: April 4, 1977, 1:35 p.m.

Members Present: Nolting, Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray; Nystrom; Palmer and Robinson.

Members Absent: none.

Members Excused: Calhoon, Vice Chairperson.

Final Action: DO PASS.

Senate File 328, a bill for an Act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

The vote was: AYES, 8; Nolting, Hulse, Burroughs, Merritt, Murray, Nystrom, Palmer and Robinson. NAYS, none. ABSENT OR NOT VOTING, 1; Calhoon.

Also:

Other Business: Discussion of legislation to provide a funding system for

unemployment compensation benefits.

Adjourned: 2:15 p.m.

STATE GOVERNMENT

Convened: April 5, 1977, 9:00 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels and Slater.

Members Absent: Shaff (arrived 9:20 a.m.).

Other Business: Discussed legislation relating to licensing of social workers; assigned bills to subcommittee.

Adjourned: 10:00 a.m.

TRANSPORTATION

Convened: April 6, 1977, 9:15 a.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Gallagher; Tieden; Ashcraft; Shaff and Hutchins.

Members Absent: Doderer (arrived 9:16 a.m.) and Coleman (arrived 9:25 a.m.).

Final Action: DO PASS.

House File 197, a bill for an Act relating to certain bikeway and walkway construction projects.

The vote was: AYES, 9; Robinson, Glenn, Drake, Tieden, Ashcraft, Shaff, Hutchins, Doderer and Coleman, NAYS, none. VOTING PRESENT, 1; Gallagher.

Also:

Other Business: Discussed Senate File 196 and S.S.B. 197—No final action.

Adjourned: 10:00 a.m.

INTRODUCTION OF BILL

SENATE FILE 334, by Committee on Transportation, a bill for an act relating to registration fees for motor trucks, truck tractors,

road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a five or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

STUDY BILLS RECEIVED

S.S.B. 257 Labor and Industrial Relations

Amendments to Chapter 96, Code 1977, relating to unemployment compensation.

S.S.B. 258 County Government

Creation of a county budget review committee, specifying powers and duties, and providing for consolidation of county funds and limitation of certain budget expenditures for counties.

S.S.B. 259 Natural Resources Budget Subcommittee

Appropriating funds for capital improvements of state fair grounds and for capital improvements under the jurisdiction of the state conservation commission.

S.S.B. 260 Natural Resources Budget Subcommittee

Appropriating funds to the sewage works construction fund.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 320	Ways and Means
S.F. 323	Commerce
S.F. 324	State Government
S.F. 325	Commerce
S.F. 326	Judiciary
S.F. 327	Ways and Means
H.F. 39	Rules and Administration
H.F. 415	Ways and Means
H.F. 439	Natural Resources
H.F. 444	Agriculture

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard A. Martin, Emmetsburg, Palo Alto 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 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.

EARL M. WILLITS, Chairperson
 WARREN E. CURTIS
 BERL E. PRIEBE
 RICHARD R. RAMSEY
 BOB RUSH

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Grace Rasmussen, Manilla, Crawford County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners pursuant to 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.

ALVIN V. MILLER, Chairperson
 C. W. HUTCHINS
 E. KEVIN KELLY
 MILO MERRITT
 ELIZABETH R. MILLER

REPORT OF COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following change in grade

of the indicated employees to be effective on the date indicated.

Norma Bliquez

Grade 13 to Grade 15 effective
March 25, 1977.

Dixie Risbeck

Grade 13 to Grade 15 effective
March 25, 1977.

GEORGE R. KINLEY, Chairperson

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 464, a bill for an Act making appropriations to the department of social services to fund current programs under the jurisdiction of the department, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3310; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Hill of Jasper submitted the following report:

MR. PRESIDENT: Your committee on Commerce to which was referred Senate File 282, a bill for an Act relating to the taking of estimates for repair of automobiles, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

EUGENE M. HILL, Chairperson

Senator Redmond submitted the following reports:

MR. PRESIDENT: Your committee on County Government to which was referred House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

MR. PRESIDENT: Your committee on County Government to which was referred House File 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES M. REDMOND, Chairperson

Senator Orr submitted the following reports:

MR. PRESIDENT: Your committee on Education to which was referred Senate File 135, a bill for an Act relating to tuition rates set by the state board of regents, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

MR. PRESIDENT: Your committee on Education to which was referred Senate File 218, a bill for an act relating to the purchase of coal by the state board of regents, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JOAN ORR, Chairperson

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on Human Resources to which was referred Senate File 42, a bill for an Act relating to county health centers, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CHARLES P. MILLER, Chairperson

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on Judiciary to which was referred House File 281, a bill for an Act to clarify jurisdiction and venue provisions in cases of dissolution of marriage, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

Senator Priebe submitted the following reports:

MR. PRESIDENT: Your committee on Natural Resources to which was referred House File 229, a bill for an Act relating to the registration certificates of vessels, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Natural Resources to which was referred House File 277, a bill for an Act relating to the authority of the Iowa natural resources council, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

Senator Doderer submitted the following report:

MR. PRESIDENT: Your committee on State Government to which was referred Senate File 308, a bill for an Act to allow the governor to accept offers made by the United States of America to retrocede property to the state, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on Transportation to which was referred House File 197, a bill for an Act relating to certain bikeway and walkway construction projects, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint

Rule 16.

CLOYD E. ROBINSON, Chairperson

EXPLANATION OF VOTES

MR. PRESIDENT: Due to the non-functioning sound system on Monday, April 4, 1977, I was unaware that the Senate had convened and was voting on appointments.

Had I been present, I would have voted "aye" on the following appointments: Blaine L. Donaldson, Raymond L. Sullivan, Mildred F. Coughlon, Allen J. Meier, Dennis Walter, M.D. and William F. Dunn.

FRED W. NOLTING

AMENDMENTS FILED

S-3304	S.F. 329	Lucas J. DeKoster
S-3305	S.F. 329	Lucas J. DeKoster
S-3306	S.F. 213	Philip B. Hill
S-3307	S.F. 264	Richard F. Drake
		Forrest V. Schwengels
		Louis P. Culver
		C. W. Hutchins
S-3308	S.F. 312	Lucas J. DeKoster

PRESENTATION OF VISITORS

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

Forty students from Elmwood Elementary School, Des Moines, Iowa, accompanied by Shirley Brunk. Senator Hill of Polk.

Ten students, members of the 4-H Council from Clinton County, accompanied by Mr. Miller and Mr. Seyfert. Senator Shaff.

On motion of Senator Kinley, the Senate adjourned at 4:30 p.m., until 9:00 a.m., Thursday, April 7, 1977.

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY—SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 7, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend James Tishim, pastor of the Glad Tidings Assembly of God Church, Des Moines, Iowa.

The Journal of Wednesday, April 6, 1977, was approved.

INTRODUCTION OF BILLS

SENATE FILE 335, by Senator Readinger, a bill for an act relating to the method for filing claims for the homestead tax credit, the military service tax credit, and the personal property tax credit.

Read first time and PASSED ON FILE.

SENATE FILE 336, by Senators Readinger and Slater, a bill for an act imposing a state tax on the renting of hotel and motel rooms and providing for the revenue to be returned to the cities and counties.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILL

Senator Kinley asked and received unanimous consent to take up out of order Senate File 312.

Senate File 312

On motion of Senator Junkins, Senate File 312, a bill for an Act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and

procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license, was taken up for consideration.

Senator DeKoster offered amendment S-3308 filed by him on April 6, 1977, to page 4 of the bill.

President pro tempore Coleman took the chair at 9:25 a.m.

Senator DeKoster moved the adoption of amendment S-3308 and requested a record roll call.

On the question "Shall amendment S-3308 be adopted?" (S.F. 312) the vote was:

Rule 23 was invoked.

Ayes, 23:

Ashcraft	Bergman	Bisenius	Briles
Carr	Coleman	Craft	DeKoster
Gallagher	Hill, P.B.	Hultman	Miller, C.P.
Miller, E.R.	Nolting	Nystrom	Palmer
Ramsey	Robinson	Scott	Shaff
Shaw	Taylor	Tieden	

Nays, 25:

Burroughs	Culver	Curtis	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Murray
Priebe	Readinger	Redmond	Rodgers
Rush	Schwengels	Slater	Van Gilst
Willits			

Absent or not voting, 2:

Calhoon	Orr
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Amendment S-3308 lost.

Senator Kelly offered amendment S—3311 to page 13 of the bill.

President Neu took the chair at 9:50 a.m.

Senator Kelly moved the adoption of amendment S—3311.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 22, nays 26.

Amendment S—3311 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. 312) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 6:

Briles	Craft	Hulse	Merritt
Ramsey	Shaw		

Absent or not voting, 2:

Miller, C.P.	Orr
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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, on April 5, 1977, insists on its amendment to Senate File 156, a bill for an Act providing an appropriation to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, and that the members of the conference committee on the part of the House are: The Representative from Greene, Mr. Perkins, Chair; the Representative from Black Hawk, Ms. O'Halloran; the Representative from Dubuque, Mr. Jochum; the Representative from Grundy, Mr. Evans; and the Representative from Jones, Ms. Shimanek.

Also: That the House has on April 4, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

Also: That the House has on April 4, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 262, a bill for an Act making an appropriation to the board of watchmaking examiners.

Also: That the House has on April 4, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 266, a bill for an Act making an appropriation from the general fund of the state to the board of accountancy.

Also: That the House has on April 4, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 70, a bill for an Act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

Also: That the House has on April 4, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 408, a bill for an Act relating to the improvement and maintenance plans of county conservation boards.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 337, by Committee on Labor and Industrial Relations, a bill for an act to provide a funding system for unemployment compensation benefits.

Read first time and PLACED ON CALENDAR.

SENATE FILE 338, by Senator Carr, a bill for an act relating to the examination and settlement of accounts of county officers or employees.

Read first time and PASSED ON FILE.

SENATE FILE 339, by Senator Taylor, a bill for an act relating to the chemical testing of persons killed in vehicle accidents.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 70, a bill for an Act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

Read first time and PASSED ON FILE.

HOUSE FILE 408, a bill for an Act relating to the improvement and maintenance plans of county conservation boards.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 234

S-3312

- 1 Amend Senate File 234, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 11, by striking the figure "28,055"
- 4 and inserting in lieu thereof the figure "29,183".
- 5 2. Page 1, line 15, by striking the figure "13,719"
- 6 and inserting in lieu thereof the figure "17,700".
- 7 3. Page 1, by striking lines 16 through 23.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following CONFERENCE COMMITTEE on SENATE FILE 156 on the part of the Senate: Senators Junkins, Chairperson; Redmond, Carr, Ramsey and Schwengels.

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

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILLS

SENATE FILE 340, by Budget Regulatory and Finance Subcommittee, a bill for an act appropriating funds from the military service tax credit fund to the general fund.

Read first time and PLACED ON CALENDAR.

SENATE FILE 341, by Budget Regulatory and Finance Subcommittee, a bill for an act making an appropriation to the moneys and credits replacement fund.

Read first time and PLACED ON CALENDAR.

SENATE FILE 342, by Budget Regulatory and Finance Subcommittee, a bill for an act making appropriations to the municipal assistance fund and county government assistance fund.

Read first time and PLACED ON CALENDAR.

SENATE FILE 343, by Budget Natural Resources Subcommittee, a bill for an act appropriating funds to the sewage works construction fund.

Read first time and PLACED ON CALENDAR.

SENATE FILE 344, by Budget Natural Resources Subcommittee, a bill for an act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment.

Read first time and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Convened: April 5, 1977, 8:10 a.m.

Members Present: Junkins, Chairperson; Orr, Vice Chairperson; Bisenius, Ranking Member and Schwengels.

Members Absent: Redmond (arrived 8:40 a.m.).

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

S.S.B. 259, a study bill for an Act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment.

The vote was: AYES, 4; Junkins, Bisenius, Redmond and Schwengels. NAYS, none. ABSENT OR NOT VOTING, 1; Orr.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

S.S.B. 260, a study bill for an Act appropriating funds to the sewage works construction fund.

The vote was: AYES, 4; Junkins, Bisenius, Redmond and Schwengels. NAYS, none. ABSENT OR NOT VOTING, 1; Orr.

Adjourned: 1:25 p.m.

EDUCATION

Convened: April 6, 1977, 1:30 p.m.

Members Present: Orr, Chairperson, Willits, Vice Chairperson; Hansen, Ranking Member; Carr, DeKoster; Merritt; Scott; Shaw; Slater and Taylor.

Members Absent: none.

Final Action: DO PASS.

Senate File 135, a bill for an Act relating to tuition rates set by the state board of regents.

The vote was AYES, 7; Orr, Willits, Carr, DeKoster, Merritt, Scott and Slater. NAYS, 3; Hansen, Shaw and Taylor.

Also:

Final Action: DO PASS.

Senate File 218, a bill for an Act relating to the purchase of coal by the state board of regents.

The vote was AYES, 10; Orr, Willits, Hansen, Carr, DeKoster, Merritt, Shaw, Scott, Slater and Taylor. NAYS, none.

Also:

Other Business: Discussed Senate File 252.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: April 6, 1977, 9:07 a.m.

Members Present: C. Miller, Chairperson; Murray, Ranking Member; Calhoon; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: Carr, Vice Chairperson (arrived 9:26 a.m.), Craft (arrived 9:12 a.m.) and E. Hill (arrived 9:25 a.m.).

Final Action: DO PASS.

Senate File 42, a bill for an Act relating to county health centers.

The vote was: AYES, 11; C. Miller, Carr, Murray, Calhoon, Craft, E. Hill, P. Hill, A. Miller, Rush, Slater and Taylor. NAYS, none. ABSENT OR NOT VOTING, 1; E. Miller.

Also:

Final Action: APPROVED.

S.S.B. 69, a study bill for an Act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill.

The vote was: AYES, 12; C. Miller, Carr, Murray, Calhoon, Craft, E. Hill, P. Hill, A. Miller, E. Miller, Rush, Slater and Taylor. NAYS, none.

Adjourned 10:00 a.m.

NATURAL RESOURCES

Convened: April 6, 1977, 10:10 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman, Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Final Action: DO PASS.

House File 229, a bill for an Act relating to the registration certificates of vessels.

The vote was: AYES, 9; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoon, Junkins, Slater and Tieden. NAYS, none.

Also:

Final Action: DO PASS.

House File 277, a bill for an Act relating to the authority of the Iowa natural resources council.

The vote was: AYES, 9; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoon, Junkins, Slater and Tieden. NAYS, none.

Also:

Other Business: Presentation by Larry Crane, Department of Environmental Quality; discussed bills.

Adjourned: 11:05 a.m.

STATE GOVERNMENT

Convened: April 6, 1977, 2:30 p.m.

Members Present: Doderer, Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Kelly; Rush; Schwengels and Slater.

Members Absent: Junkins and Shaff (arrived at 2:50 p.m.).

Members Excused: Coleman, Vice Chairperson.

Final Action: DO PASS.

Senate File 308, a bill for an Act to allow the governor to accept offers made by the United States of America to retrocede property to the state.

The vote was: AYES, 11; Doderer, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Kelly, Rush, Schwengels and Slater. NAYS, none. ABSENT OR NOT VOTING, 3; Coleman, Junkins and Shaff.

Also:

Other Business: Assigned bills.

Adjourned: 2:15 p.m.

WAYS AND MEANS

Convened: April 6, 1977, 1:00 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; Hultman; Kelly; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: E. Hill (arrived 1:30 p.m.), Junkins (arrived 1:50 p.m.), Palmer (arrived 1:55 p.m.) and Priebe (arrived 1:15 p.m.).

Other Business: Discussion of S.S.B. 253—relating to property tax.

Adjourned: 2:30 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 330	Education
S.F. 331	Commerce
S.F. 332	Commerce
S.C.R. 15	State Government
H.F. 75	Energy
H.F. 224	Transportation

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on

Wednesday, April 6, 1977, when the vote was taken on Senate File 318.
Had I been present, I would have voted "aye."

C. W. HUTCHINS

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 8

State Government
Carr, Chairperson
Culver
Schwengels

SENATE FILE 242

Budget—Budget Subcommittee
on Education
Van Gilst, Chairperson
Robinson
P. Hill
Hutchins
Nystrom

SENATE FILE 270

Budget—Budget Subcommittee
on Education
Van Gilst, Chairperson
Robinson
P. Hill
Hutchins
Nystrom

SENATE FILE 276

Transportation
Drake, Chairperson
Robinson
Coleman
Ashcraft
Hutchins

SENATE FILE 282

Commerce
Palmer, Chairperson
Curtis
Bisenius

SENATE FILE 290

State Government
Kelly, Chairperson
Carr
Slater

SENATE JOINT RESOLUTION 9

State Government
Glenn, Chairperson
Schwengels
Culver

SENATE FILE 257

Commerce
E. Hill, Chairperson
Palmer
Curtis

SENATE FILE 271

Agriculture
Scott, Chairperson
Tieden
Merritt

SENATE FILE 281

Commerce
E. Hill, Chairperson
Palmer
Curtis

SENATE FILE 287

State Government
Drake, Chairperson
Junkins
Ashcraft

SENATE FILE 293

Transportation
Drake, Chairperson
Ashcraft
Coleman
Hutchins
Robinson

SENATE FILE 295

Commerce
E. Hill, Chairperson
Palmer
Curtis

SENATE FILE 304

Judiciary
Rush, Chairperson
Scott
Shaw

SENATE FILE 306

Ways and Means
Rodgers, Chairperson
Kelly
Junkins

SENATE FILE 309

Ways and Means
Nolting, Chairperson
Craft
Junkins

SENATE FILE 313

State Government
Junkins, Chairperson
Nystrom
Coleman
Drake
Culver

SENATE CONCURRENT RESOLUTION 13

Transportation
Glenn, Chairperson
Robinson
Drake

HOUSE FILE 228

Agriculture
A. Miller, Chairperson
E. Miller
Merritt

HOUSE FILE 411

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

SENATE FILE 303

Judiciary
Rush, Chairperson
Scott
Shaw

SENATE FILE 305

Ways and Means
Curtis, Chairperson
Rodgers
Nolting

SENATE FILE 308

State Government
Drake, Chairperson
Glenn
Junkins

SENATE FILE 311

Natural Resources
Slater, Chairperson
Junkins
Bergman

SENATE FILE 315

State Government
Kelly, Chairperson
Shaff
Culver

SENATE CONCURRENT RESOLUTION 14

Budget—Budget Subcommittee
on Human Resources
Nolting, Chairperson
A. Miller
Readinger
Calhoon
Craft

HOUSE FILE 380

Natural Resources
Tieden, Chairperson
E. Miller
Culver

HOUSE FILE 412

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

HOUSE FILE 445

Natural Resources

Burroughs, Chairperson
Culver
Calhoon

HOUSE FILE 464

Budget—Budget Subcommittee
on Social Services

Priebe, Chairperson
Culver
Murray
Bergman
Rush

HOUSE CONCURRENT RESOLUTION 21

Agriculture
Scott, Chairperson
Tieden
Merritt

S.S.B. 206

State Government
Culver
Drake
(added to the present subcommittee)

S.S.B. 220

State Government
Drake
Culver
(added to the present subcommittee)

S.S.B. 257

Labor and Industrial Relations
Nolting, Chairperson
Robinson
Nystrom

S.S.B. 258

County Government
Redmond, Chairperson
C. Miller
P. Hill

AMENDMENTS FILED

S—3313	S.F. 214	C. W. Hutchins John Scott
S—3314	H.F. 464	John S. Murray
S—3315	S.F. 308	Richard F. Drake

PRESENTATION OF VISITORS

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

Twenty-seven students from the Central Webster Community School District, Burnside, Iowa, accompanied by Jim Ainslie. Senator Coleman.

Pursuant to Senate Concurrent Resolution 7, as amended and adopted, the Senate adjourned at 11:40 a.m., until 12:00 noon, Tuesday, April 12, 1977.

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY—SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 12, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend John Swenson, pastor of the Bethlehem Lutheran Church, Red Oak, Iowa.

The Journal of Thursday, April 7, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan Robb, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Junkins for the day on request of Senator Kinley.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

April 7, 1977

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 Richard E. Sisco, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Barber Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Karen Ann Voecks, West 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 the unexpired portion of a term ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

April 11, 1977

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Herbert W. Randels, Des Moines, Polk County, Iowa, for appointment as a member of the Occupational Safety and Health Review Commission pursuant to Section 88.10, 1975 Code of Iowa, for the unexpired portion of a term ending June 30, 1980.

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. Beamer, Des Moines, Polk County, Iowa, for appointment as a member and Chairman of the Public Employment Relations Board pursuant to Section 20.5, 1975 Code of Iowa, for the unexpired portion of a 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 Kathleen Dollar Johnson, Des Moines, Polk County, Iowa for

reappointment to the Transportation Regulation Board, a division of the Department of Transportation, pursuant to Section 307.16, 1975 Code of Iowa, for the regular six-year term beginning July 1, 1977, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

SENATE FILE 345, by Senator Taylor, a bill for an act to establish a parental rights act in the area of education which will assure access to instructional material and programs for parents, guardians and school district patrons, regulate the content of pupil records, regulate testing procedures, provide a method to correct errors in pupil records, provide that such records shall be confidential, and provide a penalty.

Read first time and PASSED ON FILE.

SENATE FILE 346, by Senator Hultman, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

Read first time and PASSED ON FILE.

SENATE FILE 347, by Committee on Agriculture, a bill for an act relating to the licensing and practicing of veterinarians.

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 300.

Senate File 300

On motion of Senator Willits, Senate File 300, a bill for an Act relating to the procedures prescribed for school reorganization, was taken up for consideration.

President pro tempore Coleman took the chair at 12:17 p.m.

President Neu took the chair at 1:25 p.m.

Senator Taylor moved that Senate File 300 be rereferred to the committee on education.

A record roll call was requested.

On the question "Shall the motion to rerefer be adopted?" (S.F. 300) the vote was:

Rule 23 was invoked.

Ayes, 22:

Bergman	Bisenius	Briles	Burroughs
Coleman	Craft	Curtis	Hill, E.M.
Hulse	Hultman	Hutchins	Merritt
Miller, E.R.	Nystrom	Priebe	Ramsey
Schwengels	Scott	Shaff	Taylor
Tieden	Van Gilst		

Nays, 24:

Ashcraft	Calhoon	Carr	Culver
DeKoster	Doderer	Glenn	Hansen
Hill, P.B.	Kelly	Miller, A.V.	Miller, C.P.
Murray	Nolting	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Shaw	Slater	Willits

Absent or not voting, 4:

Drake	Gallagher	Junkins	Kinley
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The motion lost.

Senator Bergman withdrew amendment S-3290 filed by him on April 5, 1977, to pages 1 and 2 of the bill.

Senator Bergman offered amendment S-3317 to pages 1 and 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3317 be adopted?" (S.F. 300) the vote was:

Rule 23 was invoked.

Ayes, 24:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
Curtis	Gallagher	Hulse	Hultman
Kelly	Merritt	Miller, C.P.	Miller, E.R.
Nystrom	Priebe	Ramsey	Schwengels
Shaff	Taylor	Tieden	Van Gilst

Nays, 22:

Calhoon	Carr	DeKoster	Doderer
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hutchins	Miller, A.V.	Murray	Nolting
Orr	Palmer	Readinger	Redmond
Rodgers	Rush	Scott	Shaw
Slater	Willits		

Absent or not voting, 4:

Drake	Junkins	Kinley	Robinson
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Amendment S-3317 was adopted.

Senator Nystrom offered amendment S-3321 to pages 1 and 2 of the bill and called for a division of the amendment, lines 2, 3, 42 and 43 to be considered as division S-3321A of the amendment; lines 9 through 41 to be considered as division S-3321B of the amendment.

Senator Nystrom withdrew division S-3321A of the amendment.

Senator Coleman called for a further division of the amendment, lines 44 and 45 to be considered as division S-3321C of the amendment.

Senator Nystrom called for a further division of the amendment, lines 7 and 8 to be considered as division S-3321D of the amendment; lines 4, 5 and 6 to be considered as division S-3321E of the amendment.

President pro tempore Coleman took the chair at 2:33 p.m.

Senator Glenn took the chair at 2:35 p.m.

Senator Nystrom moved the adoption of division S-3321B of the amendment and requested a record roll call.

On the question "Shall division S-3321B of the amendment be adopted?" (S.F. 300) the vote was:

Ayes, 29:

Bergman	Bisenius	Briles	Burroughs
Coleman	Craft	Culver	Curtis
DeKoster	Gallagher	Hulse	Hultman
Hutchins	Kelly	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Priebe
Ramsey	Robinson	Rush	Schwengels
Scott	Shaff	Taylor	Tieden
Van Gilst			

Nays, 19:

Ashcraft	Calhoon	Carr	Doderer
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Kinley	Murray	Nolting	Orr
Palmer	Readinger	Redmond	Rodgers
Shaw	Slater	Willits	

Absent or not voting, 2:

Drake Junkins

Division S-3321B of the amendment was adopted.

Senator Nystrom moved the adoption of division S-3321C of the amendment.

Division S-3321C of the amendment lost.

Senator Nystrom withdrew division S-3321D of the amendment.

Senator Nystrom withdrew division S-3321E of the amendment.

-Senator Orr offered amendment S-3316 to page 1 of the bill and moved its adoption.

Amendment S—3316 was adopted.

Senator Shaff offered amendment S—3327 to page 2 of the bill.

Senator Willits raised the point of order that amendment S—3327 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3327 in order.

Senator Willits raised the point of order that amendment S—3327 was incorrectly drafted.

The Chair ruled the point well taken and amendment S—3327 was ruled out of order.

Senator Taylor offered amendment S—3318 to page 8 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 26.

Amendment S—3318 lost.

Senator Taylor offered amendment S—3319 to page 8 of the bill.

Senator Willits raised the point of order that amendment S—3319 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3319 in order.

Senator Taylor moved the adoption of amendment S—3319.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 24, nays 23.

Amendment S—3319 was adopted.

Senator Shaff offered amendment S—3328 to page 2 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3328 be adopted?” (S.F. 300) the vote was:

Rule 23 was invoked.

Ayes, 25:

Bergman	Bisenius	Briles	Burroughs
Coleman	Craft	Culver	Curtis
DeKoster	Gallagher	Hulse	Hultman
Hutchins	Kelly	Merritt	Miller, E.R.
Nystrom	Priebe	Ramsey	Schwengels
Scott	Shaff	Taylor	Tieden
Van Gilst			

Nays, 21:

Ashcraft	Carr	Doderer	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nolting
Orr	Palmer	Readinger	Robinson
Rodgers	Rush	Shaw	Slater
Willits			

Absent or not voting, 4:

Calhoon	Drake	Junkins	Redmond
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Amendment S—3328 was adopted.

Senator Scott called up the following motion to reconsider:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3328 passed the Senate on April 12, 1977.

JOHN R. SCOTT

President Neu took the chair at 4:00 p.m.

Senator Scott moved to reconsider the vote by which amendment S-3328 was adopted by the Senate.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-3328 be adopted?" (S.F. 300) the vote was:

Ayes, 27:

Ashcraft	Calhoon	Carr	Coleman
Doderer	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Orr	Palmer	Readinger
Robinson	Rodgers	Rush	Scott
Shaw	Slater	Willits	

Nays, 19:

Bergman	Bisenius	Briles	Burroughs
Craft	Culver	Curtis	DeKoster
Hulse	Hultman	Miller, E.R.	Nystrom
Priebe	Ramsey	Schwengels	Shaff
Taylor	Tieden	Van Gilst	

Absent or not voting, 4:

Drake	Gallagher	Junkins	Redmond
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The motion prevailed and amendment S-3328 was brought up for reconsideration.

Senator Shaff moved the adoption of amendment S-3328.

A record roll call was requested.

On the question "Shall amendment S-3328 be adopted?" (S.F. 300) the vote was:

Rule 23 was invoked.

Ayes, 23:

Bergman	Bisenius	Briles	Burroughs
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Coleman	Craft	Culver	Curtis
DeKoster	Gallagher	Hulse	Hultman
Merritt	Miller, E.R.	Nystrom	Priebe
Ramsey	Schwengels	Scott	Shaff
Taylor	Tieden	Van Gilst	

Nays, 25:

Ashcraft	Calhoon	Carr	Doderer
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hutchins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Murray	Nolting	Orr
Palmer	Readinger	Redmond	Robinson
Rodgers	Rush	Shaw	Slater
Willits			

Absent or not voting, 2:

Drake Junkins

Amendment S—3328 lost.

Senator Taylor offered amendment S—3320 to page 8 of the bill.

Senator Taylor offered amendment S—3326 to amendment S—3320 and moved its adoption.

Amendment S—3326 to amendment S—3320 was adopted.

Action on amendment S—3320 as amended was temporarily deferred.

Senator Hultman offered amendment S—3324 to page 8 of the bill.

Senator Willits raised the point of order that amendment S—3324 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3324 out of order.

Senator Ramsey offered amendment S—3330 to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3330 be adopted?" (S.F. 300) the vote was:

Ayes, 27:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
Curtis	DeKoster	Gallagher	Glenn
Hulse	Hultman	Hutchins	Kelly
Merritt	Miller, E.R.	Nystrom	Priebe
Ramsey	Rodgers	Schwengels	Scott
Taylor	Tieden	Van Gilst	

Nays, 20:

Calhoon	Carr	Doderer	Hansen
Hill, E.M.	Hill, P.B.	Kinley	Miller, A.V.
Miller, C.P.	Murray	Nolting	Orr
Palmer	Readinger	Redmond	Robinson
Rush	Shaw	Slater	Willits

Absent or not voting, 3:

Drake	Junkins	Shaff
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Amendment S—3330 was adopted.

The Senate resumed consideration of amendment S—3320 as amended.

Senator Taylor withdrew amendment S—3320.

Senator Taylor offered amendment S—3331 to page 8 of the bill and moved its adoption.

Amendment S—3331 was adopted.

Senator Hultman raised the point of order that Senate File 300 be referred to the committee on Ways and Means under Senate Rule 36.

The Chair ruled the point well taken and SENATE FILE 300 was REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 42.

Senate File 42

On motion of Senator Doderer, Senate File 42, a bill for an Act relating to county health centers, 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. 42) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Drake	Junkins	Scott	Shaw
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 Senate File 218.

Senate File 218

On motion of Senator Hansen, Senate File 218, a bill for an Act relating to the purchase of coal by the state board of regents, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Coleman took the chair at 5:05 p.m.

Senator Hansen moved that the bill 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. 218) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Drake	Junkins	Palmer	Priebe
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 Senate File 308.

Senate File 308

On motion of Senator Willits, Senate File 308, a bill for an Act

to allow the governor to accept offers made by the United States of America to retrocede property to the state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted:

Senator Willits offered amendment S—3315 filed by Senator Drake on April 7, 1977, to page 1 of the bill and moved its adoption.

Amendment S—3315 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. 308) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Drake	Gallagher	Junkins	Nystrom
Palmer	Priebe	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 74.

House File 74

On motion of Senator Hutchins, House File 74, a bill for an Act

to provide recreational program activities for residents of county care facilities, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hutchins moved that the bill 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. 74) the vote was:

Ayes, 28:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Hansen	Hulse	Hultman	Hutchins
Kinley	Merritt	Miller, A. V.	Miller, C.P.
Nolting	Nystrom	Orr	Ramsey
Readinger	Redmond	Rodgers	Schwengels
Scott	Taylor	Tieden	Van Gilst

Nays, 16:

Ashcraft	Curtis	DeKoster	Doderer
Glenn	Hill, E.M.	Hill, P.B.	Kelly
Murray	Priebe	Robinson	Rush
Shaff	Shaw	Slater	Willits

Absent or not voting, 6:

Culver	Drake	Gallagher	Junkins
Miller, E.R.	Palmer		

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 6, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 235, a bill for an Act appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa department of job service for

administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and the Iowa comprehensive conference.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 348, by Senator Murray, a bill for an act to provide that persons employed to coach public school programs involving noncontact interscholastic competition need not also be employed as teachers.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: April 6, 1977, 4:35 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Junkins; Kelly; Nolting; Priebe; Ramsey; Van Gilst and Willits.

Members Absent: none.

Final Action: AMEND AND DO PASS.

House File 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Adjourned: 5:00 p.m.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: April 6, 1977, 11:00 a.m.

Members Present: E. Hill, Chairperson; C. Miller, Vice Chairperson; Hulse and Scott.

Members Absent: none.

Members Excused: Curtis, Ranking Member.

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

S.S.B. 254, a study bill for an Act appropriating funds from the military service tax credit fund to the general fund.

The vote was: AYES, 5; E. Hill, C. Miller, Curtis, Hulse and Scott. NAYS, none.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

S.S.B. 255, a study bill for an Act making an appropriation to the moneys and credits replacement fund.

The vote was: AYES, 5; E. Hill, C. Miller, Curtis, Hulse and Scott. NAYS, none.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

S.S.B. 256, a study bill for an Act making appropriations to the municipal assistance fund and county government assistance fund.

The vote was: AYES, 5; E. Hill, C. Miller, Curtis, Hulse and Scott. NAYS, none.

Adjourned: 11:20 a.m.

COMMERCE

Convened: April 6, 1977, 2:45 p.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Final Action: DO PASS.

Senate File 282, a bill for an Act relating to the taking of estimates for repair of automobiles.

The vote was: AYES, 10; E. Hill, Priebe, Bergman, Bisenius, Curtis, Nolting, Palmer, Robinson and Rodgers. NAYS, none.

Also:

Final Action: FAILED TO PASS.

S.S.B. 23, a study bill for an Act reorganizing the state banking board as the financial institutions board, and providing for its composition, and for its duties with respect to the laws relating to banks, credit unions and persons licensed under chapter five hundred thirty-six (536) of the Code.

The vote was: AYES, 5; E. Hill, Priebe, Bergman, Curtis and Palmer. NAYS, 4; Bisenius, Burroughs, Nolting and Robinson. VOTING PRESENT, 1; Rodgers.

Adjourned: 3:30 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: April 6, 1977, 8:05 a.m.

Members Present: Nolting, Chairperson; Calhoon, Vice Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray and Robinson.

Members Absent: Palmer (arrived 8:44 a.m.) and Nystrom.

Final Action: DO PASS.

Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits.

The vote was: AYES, 8; Nolting, Calhoon, Hulse, Burroughs, Merritt, Murray, Palmer and Robinson. NAYS, none. ABSENT OR NOT VOTING, 1; Nystrom.

Adjourned: 9:00 a.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 335	Ways and Means
S.F. 336	Ways and Means
S.F. 338	County Government
S.F. 339	Transportation
H.F. 70	Judiciary
H.F. 408	Natural Resources

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 enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of April, 1977.

Senate Files 36 and 71.

STEVEN C. CROSS, Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Clarence A. Gordy, Oskaloosa, Mahaska County, Iowa, for reappointment as a member of the State Board of Watchmaking Examiners pursuant to Section 120.3, 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.

WILLIAM D. PALMER, Chairperson
JAMES E. BRILES
MERLIN D. HULSE
CLOYD E. ROBINSON
BASS VAN GILST

**ANNOUNCEMENT FOR 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 Barber Examiners:

RICHARD E. SISCO, Cedar Rapids, Linn County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Robinson, Chairperson
Senator Rush
Senator Shaff
Senator Shaw
Senator Slater

KAREN ANN VOECKS, West Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Willits, Chairperson
 Senator P. Hill
 Senator Orr
 Senator Schwengels
 Senator Redmond

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred Senate File 264, a bill for an Act abolishing the World War I, World War II and Korean veteran's bonus funds and the Korean veteran's bonus tax fund and providing for the transfer of funds, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3322; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Van Gilst submitted the following report:

MR. PRESIDENT: Your committee on Agriculture to which was referred House File 228, 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 BE AMENDED as provided in Amendment S-3293; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

BASS VAN GILST, Chairperson

SUPPLEMENTAL REPORT OF THE COMMITTEE ON MEMORIAL RESOLUTIONS

MR. PRESIDENT: The committee on memorial resolutions has ascertained the name of a former member of the Senate who has become deceased and appoints the following committee to prepare a suitable memorial resolution.

Foster, Harlan C., Mount Pleasant

Senator C. Miller, Chairperson
 Senator Junkins
 Senator Schwengels

LOUIS P. CULVER, Chairperson
WARREN E. CURTIS, Vice Chairperson
JOHN SCOTT
ELIZABETH SHAW

COMMUNICATION

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

STATE OF WYOMING

A copy of House Enrolled Joint Resolution No. 1, approved by the Forty-fourth Legislature of the State of Wyoming, requesting appropriate action by the Congress, on its own or by consent of two-thirds of both Houses or on the application of the legislatures of two-thirds of the several states, to propose an amendment to the United States Constitution to require that the total federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S-3321B to Senate File 300 was adopted by the Senate on April 12, 1977.

BOB RUSH

AMENDMENT FILED

S-3329 S.F. 333 John S. Murray
 Charles P. Miller

PRESENTATION OF VISITORS

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

Forty-five students from East Monona High School, Moorhead, Iowa, accompanied by Rex Wesack and Diane Marik. Senator Culver.

Thirty-four students from Paullina Junior High School, Paullina, Iowa, accompanied by Loren Carlson, Bruce Rainbow and Becky Waggoner. Senator Curtis.

Forty-five students from North High School, Sioux City, Iowa, accompanied by Larry Twait and Roger Morris. Senator Kelly.

One hundred students from the Audubon Community School District, Audubon, Iowa, accompanied by their instructors. Senator Hutchins.

Forty students from the Villisca Community School District, Villisca, Iowa, accompanied by Mrs. Simpson. Senators Hultman and Briles.

Miss Ligia Ricci, foreign exchange student from Guatemala, attending Dunlap High School, Dunlap, Iowa. Senator Culver.

PETITIONS

The following petitions were presented and placed on file:

By Senator Redmond from six hundred ninety-six residents of Linn, Marion, Iowa, Johnson, Jones, Buchanan, Delaware and Henry Counties opposing an appropriation for the acquisition of land to enlarge Lake McBride State Park.

By Senator Hill of Jasper from two thousand residents of Iowa urging rescission of the Equal Rights Amendment.

The following petitions favoring an appropriation for human resource programs were presented and placed on file by:

Senator Calhoon from twelve residents of Woodbury County.

Senator Readinger from fifty residents of Polk County.

Senator Robinson from thirty-nine residents of Linn County.

Senator Glenn from thirteen residents of Wapello County.

Senator Hulse from twenty-eight residents of Cedar, Jones and Linn Counties.

Senator Hill of Polk from twenty-nine residents of Polk County.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator DeKoster from fourteen residents of Plymouth County.
Senator Hill of Polk from forty-seven residents of Webster County.

Senator Shaff from thirty-three residents of Clinton County.

The following petitions opposing legislation that would reorganize school districts and determine school boundaries were presented and placed on file by:

Senator Bergman from three hundred seventy-three residents of Dickinson County.

Senator Scott from four hundred thirty residents of Sac County.

On motion of Senator Kinley, the Senate adjourned at 5:55 p.m., until 10:00 a.m., Wednesday, April 13, 1977.

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY—SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 13, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Robert L. Nelson, pastor of the St. John's Lutheran Church, Dunlap, Iowa.

The Journal of Tuesday, April 12, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. S.P. Leinbach, Belmond, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

April 12, 1977

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 W. Brown, Ames, Story County, Iowa, for reappointment to the State Board of Accountancy pursuant to Section 116.3, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

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

of Jerry J. Perpich, Des Moines, Polk County, Iowa, for appointment to the State Board of Accountancy pursuant to Section 116.3, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of N. Earl Ferris, Hampton, Franklin County, Iowa, for reappointment as a member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Milford A. Fjare, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Vennetta M. Fiedler, Spencer, Clay County, Iowa, for reappointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Angelo J. Palmer, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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 Denver, Oelwein, Fayette County, Iowa, for reappointment as a member of the State Board of Watchmaking examiners pursuant to Section 120.3, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

SPECIAL GUEST

President Neu presented the Honorable Oliver Ocasek, President pro tempore and Senate Majority Floor Leader from the Ohio General Assembly; and Chairman of the Midwestern Conference of the Council of State Governments, who addressed the Senate briefly. He was accompanied by Mr. Jim Bowhay, Director of the Midwest Council offices in Chicago, Illinois.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 464.

House File 464

On motion of Senator Priebe, House File 464, a bill for an Act making an appropriation to the department of social services to

fund current programs under the jurisdiction of the department of social services, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe offered amendment S-3310 filed by the Budget Subcommittee on Social Services on April 6, 1977, to strike everything after the enacting clause of the bill.

Senator Murray offered amendment S-3314 filed by him on April 7, 1977, to amendment S-3310 and called for a division of the amendment, lines 4 through 6 to be considered as division S-3314A of the amendment; lines 7 through 9 and line 15 to be considered as division S-3314B of the amendment; lines 10 through 12 to be considered as division S-3314C of the amendment; lines 13 and 14 to be considered as division S-3314D of the amendment; and lines 1 through 3 and lines 16 and 17 to be considered as division S-3314E of the amendment.

Senator Murray moved the adoption of division S-3314A of the amendment and requested a non record roll call.

The ayes were 19, nays 31.

Division S-3314A of the amendment lost.

Senator Willits called for a further division of the amendment, lines 7 through 9 to be considered as division S-3314F of the amendment.

Senator Murray moved the adoption of division S-3314B of the amendment and requested a record roll call.

On the question "Shall division S-3314B of the amendment be adopted?" (H.F. 464) the vote was:

Rule 23 was invoked.

Ayes, 28:

- | | | | |
|------------|------------|---------|--------------|
| Ashcraft | Bisenius | Briles | Calhoon |
| Carr | Coleman | Craft | Curtis |
| DeKoster | Doderer | Glenn | Hansen |
| Hill, E.M. | Hill, P.B. | Junkins | Miller, C.P. |

Murray	Orr	Palmer	Readinger
Redmond	Robinson	Rush	Scott
Shaff	Shaw	Slater	Willits

Nays, 18:

Bergman	Burroughs	Culver	Hulse
Hultman	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Nolting	Nystrom
Priebe	Ramsey	Rodgers	Schwengels
Tieden	Van Gilst		

Absent or not voting, 4:

Drake	Gallagher	Miller, E.R.	Taylor
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Division S-3314B of the amendment was adopted.

Action on division S-3314C, division S-3314D and division S-3314E of the amendment was temporarily deferred.

Senator Murray moved the adoption of division S-3314F of the amendment and requested a record roll call.

On the question "Shall division S-3314F of the amendment be adopted?" (H.F. 464) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	DeKoster
Hansen	Hill, E.M.	Hill, P.B.	Kelly
Murray	Orr	Ramsey	Readinger
Redmond	Robinson	Rush	Scott
Shaw	Slater		

Nays, 24:

Bergman	Burroughs	Culver	Curtis
Glenn	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Nolting	Nystrom	Palmer
Priebe	Rodgers	Schwengels	Shaff
Taylor	Tieden	Van Gilst	Willits

Absent or not voting, 4:

Doderer

Drake

Gallagher

Miller, C.P.

Division S-3314F of the amendment lost.

(House File 464 pending on recess).

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 April 7, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 52, a bill for an Act relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

Also: That the House has on April 7, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 109, a bill for an Act to update Iowa specifications and standards for cheese and cheese products.

Also: That the House has on April 7, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 110, a bill for an Act relating to testing dairy products for manufacturing purposes.

Also: That the House has on April 7, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 68, 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 7, 1977, passed the following bill in

which the concurrence of the Senate is asked:

House File 174, a bill for an Act to provide public recognition for innovative methods of energy conservation.

Also: That the House has on April 7, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 421, a bill for an Act relating to the weighing of bulk commodities by hopper scale or belt conveyor.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 68, 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.

HOUSE FILE 174, a bill for an Act to provide public recognition for innovative methods of energy conservation.

Read first time and PASSED ON FILE.

HOUSE FILE 421, a bill for an Act relating to the weighing of bulk commodities by hopper scale or belt conveyor.

Read first time and PASSED ON FILE.

BUSINESS PENDING

House File 464

The Senate resumed consideration of House File 464 and division S-3314C of the Murray amendment previously deferred.

Senator Curtis took the chair at 1:50 p.m.

Senator Murray moved the adoption of division S-3314C of the amendment.

A record roll call was requested.

On the question "Shall division S-3314C of the amendment be adopted?" (H.F. 464) the vote was:

Ayes, 20:

Bisenius	Briles	Burroughs	Carr
Coleman	DeKoster	Drake	Gallagher
Glenn	Hansen	Hill, P.B.	Miller, E.R.
Murray	Nystrom	Ramsey	Robinson
Schwengels	Shaff	Shaw	Slater

Nays, 24:

Bergman	Calhoon	Craft	Culver
Curtis	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Nolting	Orr	Palmer	Priebe
Readinger	Redmond	Rodgers	Rush
Taylor	Tieden	Van Gilst	Willits

Absent or not voting, 6:

Ashcraft	Doderer	Hill, E.M.	Kelly
Miller, C.P.	Scott		

Division S-3314C of the amendment lost.

Senator Murray withdrew division S-3314D of the amendment.

On motion of Senator Murray, division S-3314E of the amendment was adopted.

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

The Senate resumed session, President Neu presiding.

Senator Doderer offered amendment S-3340 by Senators Doderer, et al., to amendment S-3310.

Senator Shaw took the chair at 2:45 p.m.

Senator Ramsey raised the point of order that amendment S-3340 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3340 in order.

Senator Doderer moved the adoption of amendment S-3340.

A record roll call was requested.

On the question "Shall amendment S-3340 be adopted?" (H.F. 464) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, 2:

Ramsey	Taylor
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Absent or not voting, 5:

Coleman	Curtis	Miller, C.P.	Robinson
Rodgers			

Amendment S-3340 to amendment S-3310 was adopted.

Senator Rush offered amendment S-3338 by Senators Murray and Rush to amendment S-3310 and moved its adoption.

Amendment S-3338 to amendment S-3310 was adopted.

Senator Priebe offered amendment S-3341 to amendment S-3310.

Senator Nystrom took the chair at 3:20 p.m.

Senator Priebe moved the adoption of amendment S-3341 to amendment S-3310.

Amendment S-3341 to amendment S-3310 was adopted.

Senator Murray offered amendment S-3337 by Senators Murray and Rush to amendment S-3310 and moved its adoption.

Amendment S-3337 to amendment S-3310 was adopted.

Senator Robinson offered amendment S-3333 to amendment S-3310.

President Neu took the chair at 3:40 p.m.

Senator Robinson moved the adoption of amendment S-3333 to amendment S-3310.

A non record roll call was requested.

The ayes were 37, nays 11.

Amendment S-3333 to amendment S-3310 was adopted.

Senator Kelly offered amendment S-3335 to amendment S-3310, moved its adoption and requested a non record roll call.

The ayes were 44, nays 3.

Amendment S-3335 to amendment S-3310 was adopted.

Senator Kelly offered amendment S-3336 to amendment S-3310.

Senator Hill of Polk took the chair at 4:20 p.m.

Senator Kelly moved the adoption of amendment S-3336 to amendment S-3310.

A record roll call was requested.

On the question "Shall amendment S-3336 be adopted?" (H.F. 464) the vote was:

Ayes, 18:

Bisenius	Burroughs	Craft	DeKoster
Drake	Hansen	Hultman	Kelly
Merritt	Miller, E.R.	Nystrom	Orr
Palmer	Readinger	Schwengels	Shaw
Taylor	Van Gilst		

Nays, 28:

Ashcraft	Bergman	Briles	Calhoon
Carr	Coleman	Curtis	Doderer
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Junkins	Kinley	Miller, A.V.
Murray	Nolting	Priebe	Ramsey
Redmond	Robinson	Rodgers	Rush
Scott	Slater	Tieden	Willits

Absent or not voting, 4:

Culver	Hutchins	Miller, C.P.	Shaff
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Amendment S-3336 to amendment S-3310 lost.

Senator DeKoster offered amendment S-3342 to amendment S-3310 and moved its adoption.

Amendment S-3342 to amendment S-3310 was adopted.

Senator Murray offered amendment S-3346 to amendment S-3310 and moved its adoption.

Amendment S-3346 to amendment S-3310 was adopted.

Senator Rush offered amendment S-3334 by the Budget Subcommittee on Social Services to amendment S-3310.

Action on House File 464 and amendment S-3334 to amendment S-3310 was temporarily deferred.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 340.

Senate File 340

On motion of Senator Hill of Jasper, Senate File 340, a bill for an Act appropriating funds from the military service tax credit fund to the general fund, was taken up for 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?" (S.F. 340) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Culver	Miller, C.P.
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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 341.

Senate File 341

On motion of Senator Hill of Jasper, Senate File 341, a bill for an Act making an appropriation to the moneys and credits replacement fund was taken up for 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?" (S.F. 341) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Culver	Miller, C.P.
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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 343.

Senate File 343

On motion of Senator Junkins, Senate File 343, a bill for an Act appropriating funds to the sewage works construction fund, 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. 343) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Culver Miller, C.P.

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 344.

Senate File 344

On motion of Senator Junkins, Senate File 344, a bill for an Act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment, 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. 344) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Curtis	Doderer	Drake	Glenn
Hansen	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 3:

DeKoster	Gallagher	Ramsey
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Absent or not voting, 4:

Briles	Culver	Hill, E.M.	Mfller, C.P.
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 464

The Senate resumed consideration of House File 464 and amendment S-3334 by the Budget Subcommittee on Social Services to amendment S-3310.

Senator Priebe asked and received unanimous consent to withdraw amendment S-3334 to amendment S-3310.

Senator Rush offered amendment S-3349 by Senator Priebe to amendment S-3310 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3349 be adopted?" (H.F. 464) the vote was:

Ayes, 33:

Bergman	Bisenius	Calhoon	Carr
Coleman	Craft	Doderer	Gallagher
Glenn	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A. V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Scott	Shaff	Slater	Van Gilst
Willits			

Nays, 11:

Ashcraft	Burroughs	DeKoster	Drake
Hansen	Hultman	Nolting	Ramsey
Schwengels	Shaw	Tieden	

Absent or not voting, 6:

Briles	Culver	Curtis	Hill, E.M.
Miller, C.P.	Taylor		

Amendment S-3349 to amendment S-3310 was adopted.

Senator Priebe moved the adoption of amendment S-3310 as amended.

Amendment S-3310 as amended was adopted.

With the adoption of amendment S-3310, the following amendments were ruled out of order.

Amendment S-3268 filed by Senator Doderer on March 31, 1977, to page 2 of the bill.

Amendment S-3276 filed by Senator Kelly on April 1, 1977, to page 8 of the bill.

Amendment S-3275 filed by Senator Kelly on April 1, 1977, to page 8 of the bill.

Amendment S-3295 filed by Senator Murray on April 5, 1977, to pages 1, 5, 7 and 8 of the bill.

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. 464) the vote was:

Ayes, 42:

Bergman	Bisenius	Burroughs	Calhoon
Carr	Coleman	Craft	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Tieden
Van Gilst	Willits		

Nays, 2:

Ashcraft	Gallagher
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Absent or not voting, 6:

Briles	Culver	Curtis	Hill, E.M.
Miller, C.P.	Taylor		

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

WITHDRAWN

Senator Priebe asked and received unanimous consent that Senate File 284 be withdrawn from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that the following bills be immediately messaged to the House: SENATE FILES 340, 341, 343, 344 and HOUSE FILE 464.

REREFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that

SENATE FILE 347 be REREFERRED to the committee on AGRICULTURE.

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, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 179, a bill for an Act relating to health care provider malpractice.

Also: That the House has on April 13, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 251, a bill for an Act relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

Also: That the House has on April 13, 1977, concurred in Senate amendment to, and passed the following resolution in which the concurrence of the House was asked:

House Concurrent Resolution 11 relating to temperature control in all state buildings.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 179, a bill for an Act relating to health care provider malpractice, and providing methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, arbitration as a method of resolving disputes arising from the delivery of health care services and for the practices and procedures to be used therein, and the entering of judgments for installment payments rather than lump sum awards at the discretion of the court in certain malpractice actions, and providing correlating and corrective amendments to the Code and providing penalties.

Read first time and PASSED ON FILE.

INTRODUCTION OF BILL

SENATE FILE 349, by Committee on Judiciary, a bill for an act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision.

Read first time and PLACED ON CALENDAR.

REPORT OF COMMITTEE MEETING

BUDGET

Convened: April 7, 1977, 10:45 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; Hultman; Junkins; Nolting; Priebe and Willits.

Members Absent: DeKoster (arrived 10:50 a.m.), Kelly (arrived 10:50 a.m.), Van Gilst (arrived 10:50 a.m.) and Ramsey (arrived 10:55 a.m.).

Final Action: AMEND AND DO PASS.

Senate File 264, a bill for an Act abolishing the World War I, World War II and Korean veteran's bonus funds and the Korean veteran's bonus tax fund and providing for the transfer of funds.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 340, a bill for an Act appropriating funds from the military service tax credit fund to the general fund.

The vote was: AYES, 9; Palmer, E. Hill, Shaw, Carr, Hultman, Junkins, Nolting, Priebe and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 341, a bill for an Act making an appropriation to the moneys and credits replacement fund.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Ramsey.

Also:

Final Action: APPROVED.

Senate File 342, a bill for an Act making appropriations to the municipal assistance fund and county government assistance fund.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Ramsey.

Also:

Final Action: APPROVED.

Senate File 343, a bill for an Act appropriating funds to the sewage works construction fund.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 344, a bill for an Act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Adjourned: 11:15 a.m.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of W. David Frevert, West Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Architectural Examiners under the provisions of Section 118.1, Code 1975, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
 JAMES V. GALLAGHER
 PHILIP B. HILL
 FRED W. NOLTING
 ROGER J. SHAFF

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Judith E. Glasgow of Coralville, Johnson 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 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.

NORMAN G. RODGERS, Chairperson
 MINNETTE F. DODERER
 ELIZABETH R. MILLER
 JOHN R. SCOTT
 DALE L. TIEDEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bernice S. Heath, Crescent, Pottawattamie 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 unexpired portion of a term beginning July 1, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
 MINNETTE F. DODERER
 RICHARD F. DRAKE
 MERLIN D. HULSE
 TOM SLATER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Max W. Eggleston, Waverly, Bremer County, Iowa, for reappointment as a member of the State Board of Pharmacy 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.

LOWELL L. JUNKINS, Chairperson
 CLIFF BURROUGHS
 JAMES M. REDMOND
 JOHN R. SCOTT
 DALE L. TIEDEN

REPORTS OF COMMITTEES

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on Education to which was referred Senate File 145, a bill for an Act relating to teaching of the free enterprise economic system in high schools, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3273; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

JOAN ORR, Chairperson

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 280, a bill for an Act relating to the disposition of a decedent's property, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3332; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 251, a bill for an Act amending the Criminal Code revision to allow museums to possess offensive weapons solely as relics, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 74 passed the Senate on Tuesday, April 12, 1977.

JOAN ORR

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 74

passed the Senate on April 12, 1977.

JAMES M. REDMOND

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 218 passed the Senate on April 12, 1977.

JAMES M. REDMOND

BILLS ASSIGNED TO COMMITTEE

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

S.F. 345	Education
S.F. 346	Commerce
S.F. 348	Education

AMENDMENTS FILED

S-3345	S.F. 329	Richard R. Ramsey
S-3347	H.F. 74	James M. Redmond
S-3348	S.F. 218	Cliff Burroughs
		James M. Redmond
		Willard R. Hansen

PRESENTATION OF VISITORS

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

Ninety students from Johnston High School, Johnston, Iowa, accompanied by David Pitz and Jack Finley. Senator Readinger.

Forty-two students from Creston Elementary School, Creston, Iowa, accompanied by Joan Snyder and Cindy Downing. Senators Briles and Ramsey.

Sixty students from Rockwell-Swaledale High School, Rockwell, Iowa, accompanied by Jim Fredrickson. Senator Miller of Cerro Gordo.

Forty students from the Area V Community College, Webster City, Iowa. Senator Nystrom.

Seventy-five students from Clarion High School, Clarion, Iowa, accompanied by Mr. Shager and Verna Sharp. Senator Taylor.

Nineteen students from Charles City Community High School, Charles City, Iowa, accompanied by Mr. Redenius. Senator Merritt.

Forty-five students from Bennett Community School, Bennett, Iowa. Senator Hulse.

On motion of Senator Kinley, the Senate adjourned at 5:40 p.m., until 10:00 a.m., Thursday, April 14, 1977.

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY—SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 14, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Howard Palmer, pastor of the Ventura Methodist Church, Ventura, Iowa.

The Journal of Wednesday, April 13, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

April 12, 1977

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 Mrs. Elsie Grant, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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 W. Menne, Cambridge, Story County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILL

SENATE FILE 350, by Senator Priebe, a bill for an act relating to certain modifications of the law with respect to civil actions predicated upon products liability.

Read first time and PASSED ON FILE.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the Department of Environmental Quality Board of Certification for Waterworks Operators, Harris F. Seidel, Ph.D., filed April 5, 1977, and found on page 934 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Sidney S. Vander Woude, filed April 5, 1977, and found on page 934 of the Senate Journal.

As a member of the State Board of Funeral Director and Embalmer Examiners, Richard A. Martin, filed April 6, 1977, and found on page 945 of the Senate Journal.

As a member of the State Board of Physical Therapy Examiners, Grace Rasmussen, filed April 6, 1977, and found on page 945 of the Senate Journal.

As a member of the State Board of Watchmaking Examiners, Clarence A. Gordy, filed April 12, 1977, and found on page 981 of the Senate Journal.

As a member of the State Board of Architectural Examiners, W. David Frevert, filed April 13, 1977, and found on pages 1005-1006 of the Senate Journal.

As a member of the State Board of Dental Examiners, Judith E. Glasgow, filed April 13, 1977, and found on page 1006 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Bernice S. Heath, filed April 13, 1977, and found on page 1006 of the Senate Journal.

As a member of the State Board of Pharmacy Examiners, Max W. Eggleston, filed April 13, 1977, and found on page 1006 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

HARRIS F. SEIDEL, Ph.D.

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff

Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Harris F. Seidel, Ph.D., as a member of the Department of Environmental Quality Board of Certification for Waterworks Operators confirmed for the regular three-year term ending June 30, 1979.

SIDNEY S. VANDER WOUDE

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Sidney S. Vander Woude as a member of the State Board of Examiners for Nursing Home Administrators confirmed for the unexpired portion of the term ending June 30, 1978.

RICHARD A. MARTIN

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
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Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Richard A. Martin as a member of the State Board of Funeral Director and Embalmer, Examiners confirmed for the regular three-year term ending June 30, 1979.

GRACE RASMUSSEN

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Grace Rasmussen as

a member of the State Board of Physical Therapy Examiners confirmed for the regular three-year term ending June 30, 1979.

CLARENCE A. GORDY

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Clarence A. Gordy as a member of the State Board of Watchmaking Examiners confirmed for the regular three-year term ending June 30, 1979.

W. DAVID FREVERT

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of W. David Frevert as a member of the State Board of Architectural Examiners confirmed for the regular three-year term ending June 30, 1980.

JUDITH E. GLASGOW

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Judith E. Glasgow as a member of the State Board of Dental Examiners confirmed for the regular three-year term ending June 30, 1979.

BERNICE S. HEATH

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom

Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Bernice S. Heath as a member of the State Board of Examiners for Nursing Home Administrators confirmed for the unexpired portion of the term ending June 30, 1979.

MAX W. EGGLESTON

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Briles	Coleman	Miller, A.V.	Miller, C.P.
Orr	Ramsey	Readinger	Rodgers

President Neu declared the appointment of Max W. Eggleston as a member of the State Board of Pharmacy Examiners confirmed for the regular three-year term ending June 30, 1979.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up

out of order Senate File 264.

Senate File 264

On motion of Senator Drake, Senate File 264, a bill for an Act abolishing the World War I, World War II and Korean veteran's bonus funds and the Korean veteran's bonus tax fund and providing for the transfer of funds, with report of the committee on Budget recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Drake asked and received unanimous consent to withdraw amendment S-3272, filed by Senators Drake, et al., on April 1, 1977, to page 1 of the bill.

Senator Drake asked and received unanimous consent to withdraw amendment S-3307 to amendment S-3372 filed by Senators Drake, et al., on April 6, 1977.

Senator Drake offered amendment S-3322 filed by the committee on Budget on April 12, 1977, to page 1 of the bill.

Senator Murray raised the point of order that amendment S-3322 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3322 in order.

Senator Murray called for a division of the amendment, page 1, lines 2 through 13 to be considered as division S-3322A of the amendment; the remainder of the amendment to be considered as division S-3322B of the amendment.

Senator Drake moved the adoption of division S-3322A of the amendment.

Division S-3322A of the amendment was adopted.

Senator Hill of Polk raised the point of order that division S-3322B of the amendment was not germane to the bill.

The Chair ruled the point not well taken and division S-3322B of the amendment in order.

Senator Willits offered amendment S-3351 to division S-3322B of the amendment and moved its adoption.

Amendment S-3351 to division S-3322B of the amendment was adopted.

Senator Drake moved the adoption of division S-3322B of the amendment as amended and requested a record roll call.

On the question "Shall division S-3322B of the amendment as amended be adopted?" (S.F. 264) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Hansen	Hill, E.M.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 4:

Gallagher	Glenn	Hill, P.B.	Murray
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Absent or not voting, 4:

Briles	Coleman	Miller, C.P.	Readerger
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Division S-3322B of the amendment as amended was adopted.

Senator Drake moved that the bill 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. 264) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Glenn	Hansen	Hill, E.M.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 2:

Gallagher Hill, P.B.

Absent or not voting, 4:

Briles Coleman Miller, C.P. Readinger

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 Miller of Des Moines for the day on request of Senator Kinley.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 321.

Senate File 321

On motion of Senator Bergman, Senate File 321, a bill for an Act relating to bonded agricultural warehouses, was taken up for consideration.

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?" (S.F. 321) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Briles	Coleman	Miller, C.P.	Readerger
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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 328.

Senate File 328

On motion of Senator Murray, Senate File 328, a bill for an Act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act, was taken up for consideration.

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. 328) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.

Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Coleman	Doderer	Miller, C.P.
Readinger			

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 329.

Senate File 329

On motion of Senator DeKoster, Senate File 329, a bill for an Act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code, was taken up for consideration.

Senator DeKoster offered amendment S-3304 filed by him on April 6, 1977, to pages 1 and 9 of the bill and moved its adoption.

Amendment S-3304 was adopted.

Senator Ramsey offered amendment S-3345 filed by him on April 13, 1977, to page 10 of the bill.

Senator Ramsey offered amendment S-3350 to amendment S-3345 and moved its adoption.

Amendment S-3350 to amendment S-3345 was adopted.

Senator Ramsey moved the adoption of amendment S-3345 as amended.

Amendment S-3345 as amended was adopted.

Senator DeKoster offered amendment S—3305 filed by him on April 6, 1977, to page 17 of the bill and moved its adoption.

Amendment S—3305 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. 329) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Doderer	Miller, A.V.	Miller, C.P.
Readinger			

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 334.

Senate File 334

On motion of Senator Drake, Senate File 334, a bill for an Act relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars,

eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a five or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes, was taken up for consideration.

Senator Drake moved that the bill 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. 334) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 1:

Gallagher

Absent or not voting, 6:

Briles	Doderer	Hultman	Miller, A.V.
Miller, C.P.	Readinger		

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 333.

Senate File 333

On motion of Senator Murray, Senate File 333, a bill for an Act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, was taken up for consideration.

Senator Redmond took the chair at 11:58 a.m.

Senator Murray offered amendment S-3352 to page 4 of the bill and moved its adoption.

Amendment S-3352 was adopted.

Senator Murray offered amendment S-3329 filed by him on April 12, 1977, to page 9 of the bill and moved its adoption.

Amendment S-3329 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. 333) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Redmond	Robinson	Rodgers	Rush
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Briles	Hultman	Miller, C.P.	Priebe
Readinger	Schwengels		

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 1:20 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

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 13, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

PIONEER LAWMAKERS (House Chamber—1:30 p.m.)

In accordance with House Concurrent Resolution 13, 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 Kinley moved that a committee of four be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee: Senator Priebe of Kossuth, Senator Bergman of Osceola, Representative Middleswart of Warren and Representative Crabb of Crawford.

The Committee escorted the Pioneer Lawmakers to seats in the House chamber.

President Neu presented Senator C. Joseph Coleman, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate as follows:

Mr. President, Members of the House and Senate, Pioneer Lawmakers, Honored Guests, Ladies and Gentlemen.

It is indeed a rare privilege today for me to welcome the members of the Pioneer Lawmakers Association. What makes it a unique occasion is because in extending a welcome to the Pioneer Lawmakers they in return extend a welcome to me. In a research of past programs I could find no precedent for such a reciprocal welcome.

In the past twenty years I have seen many changes. Today we have much concern about pollution, the latest being noise pollution. I was initiated into my first session by an airplane buzzing the capitol for four hours but having no contest with the lobbyists sitting on the floor behind the senators. All this amidst the efforts of the senators to be heard without a sound system.

We have progressed from triangular pieces of oleo to multiangular pieces of olio representation.

Twenty years ago we confirmed gubernatorial appointments in executive session. Ten years later in 1967 we did this in open session. Today in 1977 we act with "En Bloc" confirmations.

We have progressed from Buster the "Papa Bear" to, in seeing the youth here today, the "Barely Papas".

Almost twenty years ago Judge McManus was the first Lieutenant Governor to claim his wings were clipped before he learned to fly. Lieutenant Governor Neu has also complained his plumes were plucked or is the word "plums".

It has been a delightful and eventful twenty years almost like the expression of one former legislator — "It's been the longest convention I ever attended".

So in the manner of the Senate — I say to you — it is a pleasure to welcome you today and hope that your visit will be both educational and enjoyable and invite you to come back again.

President Neu presented the Honorable Carl V. Nielsen, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House of Representatives as follows:

Mr. President, Mr. Speaker, Members of the Pioneer Lawmakers Association

of Iowa, fellow members of the Sixty-seventh General Assembly, Ladies and Gentlemen:

I have been asked on behalf of the members of the House of Representatives to welcome back the Pioneer Lawmakers and believe me — you are very, very welcome, and I am honored to express that welcome to you.

In your days here in these chambers and in the Senate, you were a part of making laws, adding to customs and traditions that have been passed down to us. When I was asked to talk to you for a few moments today, I looked back over the years via the journals endeavoring to gain guidance as to what others who have addressed you have spoken about.

As in years past, we are today faced with demands that we must do something about; taxes, we must do something about our roads which are deteriorating, our bridges, also our health care costs which are soaring, our prisons are overcrowded, etc., etc. These issues are not new, nor is the degree of difficulty in solving them, and just as you did, we will endeavor to do our best to provide solutions, and will probably go home — not totally satisfied with our efforts.

Others may disagree, but after considering all which has gone on before, it is my opinion that the single greatest legacy which those who served here before have passed on is the unquestioned integrity of the membership of this body. That unquestioned integrity cannot be legislated, it cannot be bought, it does not come about because of news releases, but rather it is earned.

You earned that reputation as our predecessors, and I thank you for it and think we are unanimous in that thanks. It is one of the things we inherit that makes this job tolerable. It is certainly one of the things which must be closely guarded so that others may be elected to a body which has such a high standing. We thank you for the work which you did which gave us a base to work from. We thank you for your continued interest in us and the legislative process which you exhibit by your presence today, and we invite you to return again.

Again, welcome to the House.

President Neu presented the Honorable Wendell Pendleton who responded to the welcome and addressed the joint convention as follows:

Lieutenant Governor, Mr. Speaker, Honorable Senators and Representatives and ladies and gentlemen:

On behalf of my Pioneer Colleagues let me say for all of us that it is a most pleasant occasion to be with you in this great chamber where history is made.

We warm to your welcome and are thankful that the present and future of our great state is in such good hands.

Senator Coleman, while still a relatively young man, is an esteemed member of our association, and we acknowledge additional pleasure because of his words of welcome as well as those of Representative Nielsen.

Every elected official of the State of Iowa automatically becomes a member in our association on the twentieth anniversary of the commencement of his or her service to the State of Iowa. We have a biennial meeting such as this every two years and it affords the legislators of bygone years an opportunity to get together, to reminisce and to enjoy the fellowship of those of you who are the present day stewards of the law making arm of our government.

As members of the Pioneer Lawmakers Association, we look forward to this meeting with anticipation and appreciate your hospitality in affording us the opportunity to share a day with you.

The experience of being a legislator, which seems so frustrating at times, will be looked back upon by you, as it is by all of us who have served in other years, as one of the most rewarding that life can offer. It is a rare opportunity to serve your fellow citizens and to help shape the future progress of your state and the destiny of its people. I remember coming down here for the first time in 1951, four years out of law school and five and a half years out of the Marine Corps. The holdover Senators were paid \$1,000.00 for the session, the rest of us \$2,000.00. Many of the lawmakers were guilty of nepotism by employing their wives as their clerks. I was guilty. It was the only way I could afford to serve and my beautiful wife, Pheraby, proved to be my greatest asset.

This great chamber brings back the nostalgic memories of bills passed and bills lost. Hearing the Speaker recognize the Gentleman from Buena Vista was a source of great pride and challenge to me. We all look back on the good old days and the opportunity of service.

It is customary for the President of the Pioneers to make a short address with the principal address to follow. Two years ago, our colleague, Andrew Frommelt of Dubuque, addressed the general assembly on the desirability of preserving the citizen oriented legislature rather than a professional organization. If you will indulge me, I hope to make a few observations in a general way concerning our great American heritage and the inherent dangers of inroads to our way of life.

From an economic standpoint, we can take great pride in the strength of our country built on free enterprise. We must cherish this accomplishment and not seek extreme changes which endanger our free society. We must reward those who labor and we must not hold out premiums to able-bodied freeloaders.

Our government spending must be carried forward with wisdom and concern for the taxpayers. We must strive for efficiency and productivity from our civil employees. Taxes must be structured to fall fairly on the people without destroying incentives and the attractiveness of Iowa for new industries. The test of a good legislative body is not necessarily the number of bills it passes, but rather it is the manner in which the body responds to the needs of the people. Someone once suggested that for every new law we put on the books, we should take two old ones off. This observation was frivolous I am sure, but the old saying that "they who govern less, govern best" has some merit to it.

In the arena of criminal law, we should cherish our system which holds a person to be innocent until proven guilty beyond a reasonable doubt. Surely we are not ready for the English system which shifts the burden of proof to the accused and holds that a person is guilty until that person proves his or her innocence. The constitutional guarantees of individual rights protects us from a police state. We must not condemn our courts for upholding these cherished American rights because the alternative would be abuse of individual liberties and would pave the way to tyranny. Many constitutional safeguards provide a shield for the guilty, but we can't disregard our constitution without sacrificing the rights of the innocent as well. The Miranda type decisions are blown up out of proportion. A convicted felon gets a new trial and the hue and cry goes out that the courts are turning loose another rapist or a murderer. The media plays up the gory details of the crime but does not fairly follow the ultimate disposition of the great majority of these cases which result in conviction within the rules of competent evidence on retrial.

Many attacks have been made upon the adversary system which prevails in our courts on civil matters. Many of the critics are members of self-serving pressure groups of one kind or another. The common law, the decisions of the courts, has evolved out of human experience and gains its wisdom from a variety of fountains. One is precedent, another is need, and yet another is common sense. As the needs of people become greater and the complexities of modern civilization increase, the common law must change. It has done so but at a moderate and well-reasoned pace. The ambit of liability has continued to grow in the arena of adversary proceedings. The islands of immunity from responsibility have been largely eliminated and wrongdoers are held to answer in damages or are made to redress others for their wrongs. Doctors, lawyers, accountants, architects, engineers and all professional persons selling services are held to a standard of reasonable care free of negligence as well as hospitals, restaurants, manufacturers or others and a failure to observe the standard of due care exposes one to liability to the injured victim. In automobile crash cases, we heard much about "no fault" and great pressure was brought to bear by the media and the insurance industry. An attempt was made to sell it on the premise that it would cut insurance costs. This has proved to be a false premise and you lawmakers are to be congratulated for saving Iowans from this ill-conceived invasion of their rights for reparations from those who negligently maim them or kill their loved ones.

Our system is working and the recent reforms in our judicial process is paying off. Good salaries attract good judges and good judges provide justice for all the citizens of Iowa.

With regard to products liability, we have seen the emergence of the doctrine of "strict liability". This doctrine in capsule form is that when a manufacturer puts a defective product in the stream of commerce, the manufacturer assumes responsibility for damages caused by the defective product which are reasonably foreseeable. Is this so bad? Critics of the law complain of the high cost of insurance to respond in damages. What can be said on the other side in support of the consumer? First, manufacturers are becoming more responsible and careful of the products they sell and distribute. Faulty designs that are dangerous are corrected. Quality of products is monitored and controlled. Secondly, the crisis is not real. In a forty-eight page memo to the White House, Product Safety Letter reported, the Commerce Department-sponsored task force said there is a lack of facts to assess the nature and degree of the problem. "Our study does suggest that there is no nationwide multi-industry product liability 'crisis'." The study did recognize that a number of smaller businesses are having a difficult choice as to whether to go without product liability insurance or to purchase it at a sharply increased premium. The task force called for avoiding specific legislative recommendations until additional studies are completed and all information is carefully evaluated. Consumer advocate Ralph Nader told a Senate committee that he believes the insurance industry is inflating estimates of products liability because it is "trying to stampepe state legislatures into a vast curtailment of product liability rights" of consumers. I trust you will not let this happen in Iowa and that new legislation in this modern field of the law will be approached with caution and care and with regard for the public interest and at the same time recognizing that a just solution must be found for the makers of products.

Please accept my remarks as those of a lawyer and a pioneer lawmaker who still believes in the public interest and the solid future of our great state. Iowa must and will rise to the challenge of helping to feed a hungry world and to keep a favorable balance of trade for the United States of America.

The Honorable Wendell Pendleton then presented honorary memberships of the Pioneer Lawmakers Association to Lillian Leffert, who served fifty-five years in the House of Representatives, starting as secretary to the Judicial Committee in 1919 and retiring as Legal Counsel in 1974; and to Edna Gillespie who served in the Senate for thirty-eight years, retiring as Journal Clerk and Assistant Secretary of the Senate in 1967.

President Neu then presented the Honorable Edward J. McManus who addressed the joint convention as follows:

THE LAW BUSINESS AND A FAVOR

Members of the Sixty-seventh General Assembly, fellow Pioneer Lawmakers and friends:

Some time ago when Wendell asked me to say a few words, I immediately accepted with pleasure for a number of reasons.

1. Hopefully it would be my first opportunity in some time to hear a lawyer say something nice about a judge.

2. A chance to escape briefly from my judicial white tower and mingle with old friends and real people.

3. Finally, for the honor and joy of returning after almost 20 years to these hallowed chambers and visiting with the Iowa legislature that I so dearly revere, admire and love.

Rest assured my affection for this body is not a summer romance — both my grandfather and great grandfather also served in these halls.

Forgive me for staring — after my experience here in the 50's, my old eyes didn't believe they'd ever have the pleasure of seeing what a Democratic majority looked like.

Every session seems to pick up a nickname — we've had the colored oleo session, the mourning dove session — from what I've read recently in the Register and Gazette the Sixty-seventh will be known as the "Fun with Dick and Art" session. Your good humor has been refreshing.

I'd like to leave a thought or two with you this p.m. about this business we're all in together. The law business. You the legislators are in manufacturing, you make the law. The practicing lawyers are in sales — selling their particular versions of the law. My colleagues and I in the judiciary are in purchasing, we buy that version of the law that seems most consonant with a fair and just interpretation of what you intended the law to be.

There is one aspect of our law business perhaps worthy of comment and for which I have no answer. It is the flood of new laws and court decisions with which all citizens must cope.

You have heard the old expression: "We are a government of laws not of men". You had better believe it. Our ships of state float on a sea of laws. And we citizens are all swimming (and hopefully not drowning) in that sea of laws.

I don't like statistics any better than most people but a few illustrate the problem. Iowa Code 1958, 2602 pages, 1975, 3583 pages; Federal Supplement 1932, Vol. 1, 1962, 200 pages, 1962, Vol. 200, 1977, 425 pages; Federal 2d 1925, Vol. 1, 1962, 300 pages, 1962, Vol. 300, 1977, 550 pages.

There used to be a little pamphlet around the legislature that was given to freshmen legislators and school children called "How a Bill Becomes a Law". When we contemplate the impact of all these laws on our people and their purses, perhaps a second edition might be in order entitled "How a Law Becomes a Bill".

Recently Chief Justice Burger of the Supreme Court in a little different context called on Congress to adopt a "Judicial Impact Statement" prior to passage of legislation to determine its impact on the judiciary as an added workload. Maybe a "Public Impact Statement" might be adopted by all legislative bodies prior to legislating to determine the impact of new laws on the public. Perhaps fewer and shorter sessions — computers — I have no answer to this problem of our law business, but let's not lose sight of it.

While I have you as a captive audience I thought I'd exercise my right of petition and ask you for a small favor for the federal courts in Iowa. We are confronted with a recurring problem of having to decide novel questions of Iowa law that have not been settled by the Iowa Supreme Court. Federal judges have no special expertise in this area and in truth engage in refined guesswork often at the delay, expense and confusion of the litigants. Since 1961, thirteen states have adopted a procedure called certification of questions of law which helps solve this problem. This procedure enables the federal courts to ask the state supreme courts for final answers to these uncertain questions of state law. In fact in a 1974 case, the U. S. Supreme Court in a unanimous opinion by Justice Douglas (which is quite a feat in itself) warmly endorsed this procedure by saying: "It does, of course, in the long run save time, energy and resources and helps build a cooperative judicial federalism".

If you get the time, we'd greatly appreciate it.

Finally, I want to pass on to you a law that should be invoked more frequently by all of us in the executive, legislative and judicial branches of government and especially by after luncheon speakers. I came across it in a headline in a newspaper in Greece last year while my wife and I were there on a visit. The news article was a dispatch from the United Nations giving an account of the remarks of the presiding officer at the opening of the 3rd International Conference on the Law of the Sea. He called for an end to long-winded speeches and dreary monologues and to get on with negotiations. The headline in the Athens paper was: "First Sea Law: Cut Out the B--S--".

In deference to this profound legal principle I say thank you and 'til we meet again.

Fitzgerald of Webster moved that the joint convention be dissolved.

The motion prevailed.

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 101.

House File 101

On motion of Senator Merritt, House File 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Coleman took the chair at 2:25 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?" (H.F. 101) the vote was:

Ayes, 34:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	Curtis	DeKoster	Doderer
Gallagher	Glenn	Hansen	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Palmer	Priebe	Readinger
Rodgers	Schwengels	Scott	Slater
Van Gilst	Willits		

Nays, 6:

Craft	Hulse	Hultman	Rush
Shaff	Tieden		

Absent or not voting, 10:

Drake	Hill, E.M.	Hill, P.B.	Miller, C.P.
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Orr
Shaw

Ramsey
Taylor

Redmond

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 101 passed the Senate on April 14, 1977.

GEORGE R. KINLEY

WITHDRAWN

Senator Carr asked and received unanimous consent that SENATE FILE 134 be WITHDRAWN from further consideration of the Senate.

Senator Kinley asked and received unanimous consent to take up out of order House File 229.

House File 229

On motion of Senator Slater, House File 229, a bill for an Act relating to the registration certificates of vessels, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Slater moved that the bill 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. 229) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Drake	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Orr
Priebe	Readinger	Redmond	Rodgers

Rush	Schwengels	Scott	Shaff
Shaw	Slater	Tieden	Van Gilst
Willits			

Nays, 3:

Hansen	Kelly	Nystrom
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Absent or not voting, 6:

Doderer	Miller, C.P.	Palmer	Ramsey
Robinson	Taylor		

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 197.

House File 197

On motion of Senator Drake, House File 197, a bill for an Act relating to certain bikeway and walkway construction projects, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Drake moved that the bill 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. 197) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoun	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Tieden	Van Gilst
Willits			

Nays, 1:

Hill, E.M.

Absent or not voting, 4:

Doderer

Miller, C.P.

Palmer

Taylor

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 277.

House File 277

On motion of Senator Slater, House File 277, a bill for an Act relating to the authority of the Iowa natural resources council, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey took the chair at 3:00 p.m.

Senator Carr took the chair at 3:10 p.m.

Senator Slater moved that the bill 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. 277) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Tieden	Van Gilst
Willits			

Nays, 2:

Hulse Rodgers

Absent or not voting, 3:

Hultman Miller, C.P. Taylor

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 281.

House File 281

On motion of Senator Shaw, House File 281, a bill for an Act to clarify jurisdiction and venue provisions in cases of dissolution of marriage, 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. 281) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Coleman	Hultman	Miller, C.P.	Slater
Taylor			

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

MOTION TO RECONSIDER ADOPTED

Senator Redmond called up the motion to reconsider Senate File 218, a bill for an Act relating to the purchase of coal by the state board of regents, filed by him on April 13, 1977, found on page 1008 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 218) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Calhoun	Miller, C.P.	Taylor
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The motion prevailed.

Senator Redmond moved to reconsider the vote by which Senate File 218 went to its last reading, which motion prevailed.

Senate File 218

On motion of Senator Hansen, Senate File 218, a bill for an Act relating to the purchase of coal by the state board of regents, was brought up for reconsideration.

President Neu took the chair at 3:40 p.m.

Senator Burroughs asked and received unanimous consent that action on SENATE FILE 218 be DEFERRED and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

UNFINISHED BUSINESS**Senate File 310**

On motion of Senator Culver, Senate File 310, a bill for an Act relating to the applicability of provisions of the state building code relating to smoke and fire detection systems, was taken up for further consideration.

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. 310) the vote was:

Ayes, 39:

Ashcraft	Bergman	Briles	Calhoon
Carr	Coleman	Culver	Curtis
Doderer	Drake	Gallagher	Glenn
Hansen	Hulse	Hultman	Hutchins
Kelly	Kinley	Merritt	Miller, A. V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Schwengels
Scott	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, 5:

Burroughs	Craft	DeKoster	Ramsey
Rush			

Voting present, 3:

Bisenius Hill, P.B. Junkins

Absent or not voting, 3:

Hill, E.M. Miller, C.P. Taylor

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 310 passed the Senate on April 14, 1977.

CALVIN O. HULTMAN

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration, Senate Resolution 10.

SENATE RESOLUTION 10

By: Kinley and Hultman

- 1 *Whereas*, Senator C. Joseph Coleman and Senator James E. Briles
- 2 will be completing twenty years of service to the state of Iowa
- 3 as members of the General Assembly; and
- 4 *Whereas*, Senators Coleman and Briles have served honorably as
- 5 individual members of the General Assembly and as officers of the
- 6 General Assembly; and
- 7 *Whereas*, Senators Coleman and Briles have unselfishly given
- 8 their time and efforts to further the interests of the state of
- 9 Iowa and to provide beneficial programs for the citizens of Iowa;
- 10 and
- 11 *Whereas*, it is proper that Senators Coleman and Briles be
- 12 honored for their many years of service to the state of Iowa;
- 13 *Now Therefore*,
- 14 *Be It Resolved by the Senate*, That the Senate pay tribute to
- 15 Senator C. Joseph Coleman and to Senator James E. Briles and
- 16 express its gratitude for the services rendered by these men;
- 17 and
- 18 *Be It Further Resolved*, That the Senate present to Senators
- 19 Coleman and Briles their senate chairs in appreciation for their
- 20 services.
- 21
- 22
- 23

24

EXPLANATION

25

26 To pay tribute to Senators Coleman and Briles for their service
27 to the Iowa Senate.

Senator Kinley moved the adoption of Senate Resolution 10.

The motion prevailed and Senate Resolution 10 was adopted.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 135.

Senate File 135

On motion of Senator Slater, Senate File 135, by Senators Slater, Calhoon, Scott, Ashcraft, Carr, Culver, Craft, Willits, Merritt, Hill of Polk, Bisenius and Bergman, a bill for an Act relating to tuition rates set by the state board of regents, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer took the chair at 4:15 p.m.

Senator Slater moved that the bill 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. 135) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Craft	Culver
Doderer	Hill, P.B.	Hultman	Kelly
Merritt	Miller, A.V.	Murray	Orr
Priebe	Redmond	Robinson	Scott
Slater	Willits		

Nays, 25:

Burroughs	Coleman	Curtis	Drake
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Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hutchins	Jenkins	Kinley
Miller, E.R.	Nolting	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Shaff	Shaw	Taylor	Tieden
Van Gilst			

Absent or not voting, 3:

DeKoster	Miller, C.P.	Nystrom
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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 April 12, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 243, a bill for an Act relating to the qualifications required of the director of the division of mental health resources of the department of social services.

Also: That the House has on April 14, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 254, a bill for an Act to require inclusion of achievements of women, minorities, and others in total school program and to require English-language arts.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 243

S-3353

- 1 Amend Senate File 243 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking all of line 9.

REPORTS OF COMMITTEE MEETINGS

ENERGY

Convened: April 13, 1977, 9:30 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver and Glenn.

Members Absent: Rodgers and Ramsey (arrived 9:33 a.m.).

Other Business: Assignment of House File 75 and discussion of questionnaire distributed by Senator Gallagher concerning matters still before the committee.

Adjourned: 9:45 a.m.

HUMAN RESOURCES

Convened: April 13, 1977, 9:10 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Slater and Taylor.

Members Absent: Murray, Ranking Member and Rush (arrived 9:45 a.m.).

Final Action: AMEND AND DO PASS.

Senate File 86, 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.

The vote was: AYES, 10; C. Miller, Carr, Calhoon, Craft, E. Hill, P. Hill, A. Miller, E. Miller, Slater and Taylor. NAYS, none. ABSENT OR NOT VOTING, 2; Murray and Rush.

Also:

Other Business: Discussed certificate of need for hospitals and health care facilities.

Adjourned: 10:00 a.m.

JUDICIARY

Convened: April 13, 1977, 8:10 a.m.

Members Present: Glenn, Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Scott; Shaw and Willits.

Members Absent: Rush, Vice Chairperson; Doderer; Ramsey and Redmond (arrived 8:15 a.m.).

Final Action: DO PASS.

Senate File 251, a bill for an Act amending the criminal code revision to allow museums to possess offensive weapons solely as relics.

The vote was: AYES, 8; Glenn, DeKoster, Ashcraft, Coleman, P. Hill, Scott, Shaw and Willits. NAYS, none. ABSENT OR NOT VOTING, 4; Rush, Doderer, Ramsey and Redmond.

Also:

Final Action: AMEND AND DO PASS.

Senate File 280, a bill for an Act relating to the disposition of a decedent's property.

The vote was: AYES, 9; Glenn, DeKoster, Ashcraft, Coleman, P. Hill, Scott, Shaw, Redmond and Willits. NAYS, none. ABSENT OR NOT VOTING, 3; Doderer, Ramsey and Rush.

Other Business: Discussed legislation relating to minority shareholder rights—No final action.

Adjourned: 9:05 a.m.

STUDY BILLS RECEIVED

S.S.B. 261 Ways and Means

Importation, distribution and sale of wine and providing for a tax.

S.S.B. 262 Agriculture

Establishes livestock health advisory council.

S.S.B. 263 State Government

Reorganization of the department of environmental quality.

BILLS ASSIGNED TO COMMITTEE

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

H.F. 68	Ways and Means
H.F. 174	Energy
H.F. 179	Commerce
H.F. 421	Agriculture

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy G. McHugh, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Architectural Examiners under the provisions of Section 118.1, Code 1975, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

BASS VAN GILST, Chairperson
 JAMES M. REDMOND
 BOB RUSH
 FORREST V. SCHWENGELS
 ROGER J. SHAFF

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Cyrus L. Beye, M.D., Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Medical 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.

GEORGE R. KINLEY, Chairperson
 IRVIN L. BERGMAN
 JAMES CALHOON
 E. KEVIN KELLY
 MILO MERRITT

**ANNOUNCEMENT OF INVESTIGATING COMMITTEES
 FOR GOVERNOR'S APPOINTMENTS**

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

HERBERT W. RANDELS, Des Moines, Polk County, Iowa, as a member of the Occupational Safety and Health Review Commission for the unexpired portion of a term ending June 30, 1980.

Senator Priebe, Chairperson
 Senator Palmer
 Senator Ramsey
 Senator Rodgers
 Senator Schwengels

As members of the State Board of Accountancy:

DONALD W. BROWN, Ames, Story County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Merritt, Chairperson
Senator C. Miller
Senator Murray
Senator Ramsey
Senator Scott

JERRY J. PERPICH, Des Moines, Polk County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator C. Miller, Chairperson
Senator Burroughs
Senator Craft
Senator Glenn
Senator Kinley

As members of the State Board of Landscape Architectural Examiners:

N. EARL FERRIS, Hampton, Franklin County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Doderer, Chairperson
Senator E. Hill
Senator Nystrom
Senator Rush
Senator Taylor

MILFORD A. FJARE, Council Bluffs, Pottawattamie County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Scott, Chairperson
Senator Nystrom
Senator Readinger
Senator Slater
Senator Van Gilst

As members of the State Board of Pharmacy Examiners:

VENNETTA M. FIEDLER, Spencer, Clay County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Calhoun, Chairperson
Senator Bergman
Senator Carr
Senator Schwengels
Senator Van Gilst

ANGELO J. PALMER, Des Moines, Polk County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator A. Miller, Chairperson
Senator Ashcraft
Senator Briles
Senator Kinley
Senator Merritt

As members of the State Board of Psychology Examiners:

JOHN W. MENNE, Cambridge, Story County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Hutchins, Chairperson
Senator Hulse
Senator Murray
Senator Kinley
Senator Orr

ELSIE GRANT, Des Moines, Polk County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Merritt, Chairperson
Senator Palmer
Senator C. Miller
Senator E. Miller
Senator Schwengels

JAMES R. VAN DENOVER, Oelwein, Fayette County, Iowa, as a member of the State Board of Watchmaking Examiners for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Culver, Chairperson
Senator Craft
Senator Curtis
Senator Gallagher
Senator Nolting

KATHLEEN DOLLAR JOHNSON, Des Moines, Polk County, Iowa, as a member of the Transportation Regulation Board, a division of the Department of Transportation, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Rush, Chairperson
Senator P. Hill
Senator Kelly
Senator Rodgers
Senator Scott

JOHN E. BEAMER, Des Moines, Polk County, Iowa, as a member and Chairman of the Public Employment Relations Board for the unexpired portion of a term ending June 30, 1978.

Senator Slater, Chairperson
Senator Readinger
Senator Shaw
Senator Van Gilst
Senator Willits

REPORT OF COMMITTEE

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on Education to which was referred House File 209, a bill for an Act to make technical amendments to the statutes relating to school districts by permitting the school board secretary to designate an alternate person to receive nomination papers relating to school elections, by permitting any school board to compensate a school treasurer, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) of the Code authorizing the appointment of a secretary of the school board and a treasurer of the school district, and two hundred ninety-eight point twenty-two (298.22) of the Code, authorizing the school board secretary to register bonds, by legalizing all acts of a treasurer of the school district appointed in compliance with section two hundred seventy-nine point three (279.3) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JOAN ORR, Chairperson

PRESENTATION OF VISITORS

President Neu welcomed the Honorable W.R. Rabedeaux, former member of the Senate from Muscatine County, who was present in the Senate chamber.

President Neu welcomed the Honorable Steve Sovern, former member of the Senate from Linn County, who was present in the Senate chamber.

The Chair welcomed the following visitors who were present in

the Senate gallery:

Seventy-five students from the Algona Community School District, Algona, Iowa, accompanied by Steve King, Ade Knoblach, Ray Johnson and Liz Rosonke. Senator Priebe.

Sixty-five students from St. Joseph's Grade School, Bode, Iowa, accompanied by Mrs. Pospischil, Mr. Friederes, Sister Therese and Father Hogan. Senator Priebe.

Twenty-two students from Nesco Junior-Senior High School, Zearing, Iowa, accompanied by Jack Robert. Senators Nystrom and Miller of Marshall.

Forty students from the Dow City-Arion Community School District, Dow City, Iowa. Senator Culver.

Forty-five students from Washington Junior High School, Washington, Iowa, accompanied by Gerry Schmidt, Gene Zeck, Rita Davis and Leo Beauchamp. Senator Schwengels.

Fifty-five students from Stratford Middle and High School, Stratford, Iowa. Senator Nystrom.

Ninety students from the Rudd-Rockford-Marble Rock Community School District, Rockford, Iowa, accompanied by Denny Haller. Senator Merritt.

On motion of Senator Kinley, the Senate adjourned at 4:55 p.m., until 10:00 a.m., Friday, April 15, 1977.

JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY—SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 15, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Alvin V. Miller, member of the Senate from Ventura, Cerro Gordo County, Iowa.

The Journal of Thursday, April 14, 1977, as corrected was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Sr., Pocahontas, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Miller of Des Moines and Slater for the day on request of Senator Kinley.

UNFINISHED BUSINESS

Senate File 185

On motion of Senator Willits, Senate File 185, a bill for an Act making appropriations to the department of justice, was taken up for further consideration.

Senator Priebe asked and received unanimous consent to withdraw amendment S-3162 filed by him to page 1 of the bill on March 15, 1977.

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. 185) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Drake	Gallagher	Glenn	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaw	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Doderer	Hansen	Hill, E.M.	Kelly
Miller, C.P.	Nystrom	Shaff	Slater

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 342

On motion of Senator Hill of Jasper, Senate File 342, a bill for an Act making appropriations to the municipal assistance fund and county government assistance fund, was taken up for 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?" (S.F. 342) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster

Drake	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaw	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Doderer	Hansen	Miller, C.P.	Nystrom
Readinger	Shaff	Slater	

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 251.

Senate File 251

On motion of Senator Schwengels, Senate File 251, a bill for an Act amending the criminal code revision to allow museums to possess offensive weapons solely as relics, 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?" (S.F. 251) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoun	Carr	Coleman
Craft	Culver	DeKoster	Drake
Gallagher	Glenn	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond

Robinson
Scott
Van Gilst

Rodgers
Shaw
Willits

Rush
Taylor

Schwengels
Tieden

Nays, none.

Absent or not voting, 8:

Curtis
Miller, C.P.

Doderer
Nystrom

Hansen
Shaff

Hill, E.M.
Slater

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 280.

Senate File 280

On motion of Senator Kelly, Senate File 280, a bill for an Act relating to the disposition of a decedent's property, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Coleman took the chair at 10:23 a.m.

Senator Glenn offered amendment S-3332 filed by the committee on Judiciary on April 13, 1977, to page 2 of the bill and moved its adoption.

Amendment S-3332 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?" (S.F. 280) the vote was:

Ayes, 41:

Ashcraft
Burroughs
Craft

Bergman
Calhoon
Culver

Bisenius
Carr
DeKoster

Briles
Coleman
Doderer

Drake	Gallagher	Glenn	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Nolting	Orr	Palmer
Priebe	Ramsey	Readering	Redmond
Rodgers	Rush	Schwengels	Scott
Shaw	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Curtis	Hansen	Hill, E.M.	Miller, C.P.
Murray	Nystrom	Robinson	Shaff
Slater			

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 282.

Senate File 282

On motion of Senator Gallagher, Senate File 282, a bill for an Act relating to the taking of estimates for repair of automobiles, with report of committee recommending passage, was taken up, considered, and the report of the committee 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?" (S.F. 282) the vote was:

Ayes, 15:

Bergman	Briles	Carr	Coleman
Culver	Curtis	Doderer	Gallagher
Hutchins	Nolting	Priebe	Ramsey
Redmond	Rodgers	Scott	

Nays, 30:

Ashcraft	Bisenius	Burroughs	Calhoon
Craft	DeKoster	Drake	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Orr
Palmer	Readinger	Robinson	Rush
Schwengels	Shaw	Taylor	Tieden
Van Gilst	Willits		

Absent or not voting, 5:

Hansen	Miller, C.P.	Nystrom	Shaff
Slater			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

MOTION TO RECONSIDER ADOPTED

Senator Kinley called up the motion to reconsider House File 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated, filed by him on April 14, 1977, found on page 1034 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 101) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaw	Taylor
Tieden	Van Gilst		

Nays, none.

Absent or not voting, 8:

Gallagher
Orr

Hansen
Shaff

Miller, C.P.
Slater

Nystrom
Willits

The motion prevailed.

Senator Kinley moved to reconsider the vote by which House File 101 went to its last reading, which motion prevailed.

House File 101

On motion of Senator Merritt, House File 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated, was taken up for reconsideration.

Senator Hill of Polk offered amendment S-3355 to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S-3355 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. 101) the vote was:

Ayes, 38:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	Curtis	DeKoster	Doderer
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Schwengels	Shaw	Taylor
Van Gilst	Willits		

Nays, 6:

Craft	Hultman	Ramsey	Rush
Scott	Tieden		

Absent or not voting, 6:

Drake	Hansen	Miller, C.P.	Nystrom
Shaff	Slater		

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

MOTION TO RECONSIDER ADOPTED

Senator Redmond called up the motion to reconsider House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities, filed by him on April 13, 1977, found on pages 1007-1008 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 74) the vote was:

Ayes, 34:

Ashcraft	Bergman	Calhoon	Carr
Coleman	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, P.B.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Van Gilst		

Nays, 9:

Briles	Burroughs	Craft	Hill, E.M.
Hulse	Hultman	Priebe	Taylor
Tieden			

Absent or not voting, 7:

Bisenius	Hansen	Miller, C.P.	Nystrom
Shaff	Slater	Willits	

The motion prevailed.

Senator Redmond moved to reconsider the vote by which House File 74 went to its last reading, which motion prevailed.

House File 74

On motion of Senator Redmond, House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities, was taken up for reconsideration.

Senator Redmond offered amendment S-3356 by Senators Redmond, Orr and Hutchins to page 1 of the bill, moved its adoption and requested a non record roll call.

Rule 23 was invoked.

The ayes were 25, nays 20.

Amendment S-3356 was adopted.

Senator Redmond withdrew amendment S-3347 filed by him on April 13, 1977, to page 1 of the bill.

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. 74) the vote was:

Ayes, 30:

Ashcraft	Calhoon	Carr	Coleman
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Murray	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Van Gilst	Willits		

Nays, 15:

Bergman	Bisenius	Briles	Burroughs
Craft	Culver	Hulse	Hultman
Merritt	Miller, E.R.	Nolting	Priebe
Ramsey	Taylor	Tieden	

Absent or not voting, 5:

Hansen	Miller, C.P.	Nystrom	Shaff
Slater			

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 April 13, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 98, a bill for an Act providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

Also: That the House has on April 13, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 268, a bill for an Act repealing the statutory standing appropriation funding the state employees' disability plan.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 351, by Committee on Agriculture, a bill for an act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 14, 1977, 8:08 a.m.

Members Present: Van Gilst, Chairperson; Tieden, Ranking Member; Calhoon; Hulse; E. Miller and Scott.

Members Absent: Merritt, Vice Chairperson (arrived 8:10 a.m.); Hutchins (arrived 8:09 a.m.); A. Miller (arrived 8:09 a.m.) and Readinger.

Final Action: DO PASS.

House Concurrent Resolution 21, a resolution relating to the environmental protection agency.

The vote was: AYES, 8; Van Gilst, Merritt, Tieden, Calhoon, Hulse, Hutchins, A. Miller and Scott. NAYS, 1; E. Miller. ABSENT OR NOT VOTING, 1; Readinger.

Also:

Final Action: APPROVED.

S.S.B. 262, a study bill for an Act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease.

The vote was: AYES, 9; Van Gilst, Merritt, Tieden, Calhoon, Hulse, Hutchins, A. Miller, E. Miller and Scott. NAYS, none. ABSENT OR NOT VOTING, 1; Readinger.

Adjourned: 8:47 a.m.

COMMERCE

Convened: April 14, 1977, 8:00 a.m.

Members Present: E. Hill, Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Robinson and Rodgers.

Members Absent: Priebe, Vice Chairperson and Palmer.

Other Business: Discussion of Senate File 22, and adoption of amendment; discussion of amendment to S.S.B. 184; presentation regarding Senate File 295 — Skip Laitner, Iowa PIRG; John Lewis, Iowa Utility Association; Donald C. Uthes, Commerce Counsel.

Adjourned: 9:00 a.m.

COUNTY GOVERNMENT

Convened: April 6, 1977, 2:40 p.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles,

Ranking Member; P. Hill; Merritt; C. Miller; Van Gilst and Murray.

Members Absent: none.

Members Excused: Taylor and Orr.

Final Action: DO PASS.

House File 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

The vote was: AYES, 6; Redmond, Hutchins, Briles, Merritt, C. Miller and Van Gilst. NAYS, 2; P. Hill and Murray. ABSENT OR NOT VOTING, 2; Taylor and Orr.

Also:

Other Business: Discussion of S.S.B. 258, the uniform accounting bill; assignment of bills and study bills.

Adjourned: 3:27 p.m.

EDUCATION

Convened: April 14, 1977, 9:10 a.m.

Members Present: Orr, Chairperson; DeKoster; Merritt; Scott; Shaw and Taylor.

Members Absent: Willits, Vice Chairperson (arrived 9:30 a.m.); Hansen, Ranking Member; and Carr (arrived 9:25 a.m.).

Members Excused: Slater.

Final Action: DO PASS.

House File 209, a bill for an Act relating to technical amendments to the statutes relating to school districts.

The vote was: AYES, 7; Orr, Carr, DeKoster, Merritt, Scott, Shaw and Taylor. NAYS, none. ABSENT OR NOT VOTING, 3; Willits, Hansen and Slater.

Other Business: Discussed Senate File 252 and heard information from Dr. Kaufman, Director, University of Iowa Testing Services.

Adjourned: 10:20 a.m.

JUDICIARY

Convened: April 13, 1977, 8:10 a.m.

Members Present: Glenn, Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Scott; Shaw and Willits.

Members Absent: Redmond (arrived 8:15 a.m.); Ramsey; Doderer and Rush, Vice Chairperson.

Final Action: APPROVED.

Senate File 349, a bill for an Act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision.

The vote was: AYES, 7; Glenn, DeKoster, Ashcraft, Coleman, Scott, Shaw and Willits. NAYS, 1; P. Hill. VOTING PRESENT, 1; Redmond. ABSENT OR NOT VOTING, 3; Doderer, Ramsey and Rush.

Adjourned: 9:05 a.m.

JUDICIARY

Convened: April 15, 1977, 8:10 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; Doderer; Ramsey; Redmond; Scott; Shaw and Willits.

Members Absent: P. Hill (arrived 8:16 a.m.).

Other Business: Tentative approval of the deadly force amendment to the criminal code and to the rules of appellate procedure.

Adjourned: 9:15 a.m.

STATE GOVERNMENT

Convened: April 14, 1977, 8:15 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Ashcraft; Culver; Drake; Glenn; Junkins and Rush.

Members Absent: Nystrom, Ranking Member; Carr, Kelly (arrived 8:25 a.m.); Schwengels (arrived 8:25 a.m.) and Shaff (arrived at 8:35 a.m.).

Members Excused: Slater.

Final Action: FAILED TO PASS.

Senate File 79, a bill for an Act relating to the extent to which the state, a county and other political subdivisions of the state must abide by city's comprehensive zoning ordinance.

The vote was: AYES, 5; Doderer, Coleman, Ashcraft, Culver and Shaff. NAYS, 4; Drake, Glenn, Junkins and Schwengels. VOTING PRESENT, 2; Rush and Kelly. ABSENT OR NOT VOTING, 2; Nystrom and Carr.

Also:

Other Business: Assigned bills to subcommittees.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: April 14, 1977, 9:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; Hultman; Junkins; Kelly; Priebe; Shaff and Van Gilst.

Members Absent: E. Hill (arrived 9:15 a.m.); Palmer (arrived 9:40 a.m.); Readinger and Redmond (arrived 9:35 a.m.).

Other Business: Discussion of property tax proposal.

Adjourned: 10:05 a.m.

INTRODUCTION OF BILL

SENATE FILE 352, by Senator Ramsey, a bill for an act to prohibit the use by persons engaged in the sale of food for profit of drawings and other games for the distribution of cash or other merchandise to specially selected customers, and providing a penalty.

Read first time under Senate Rule 28 and PASSED ON FILE.

BILL ASSIGNED TO COMMITTEE

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

S.F. 350

Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Norman L. Pawlewski, Des Moines, Polk County, Iowa, for reappointment as Commissioner of Public Health under the provisions of Section 135.2, Code 1975, for the regular four-year term beginning July 1, 1977, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
JAMES CALHOON
PHILIP B. HILL
ALVIN V. MILLER
JOHN S. MURRAY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Vernon C. Cook, Des Moines, Polk County, Iowa, for reappointment as a member of the Public Employment Relations Board under the provisions of Section 20.5, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES V. GALLAGHER, Chairperson
JAMES CALHOON
LUCAS J. DE KOSTER
PHILIP B. HILL
CLOYD E. ROBINSON

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John R. Loihl, Des Moines, Polk County, Iowa, for reappointment as a member of the Public Employment Relations Board under the provisions of Section 20.5, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
IRVIN L. BERGMAN
PHILIP B. HILL
JOAN ORR
JAMES M. REDMOND

REPORTS OF COMMITTEES

Senator Van Gilst submitted the following report:

MR. PRESIDENT: Your committee on Agriculture to which was referred House Concurrent Resolution 21, a resolution relating to the Environmental Protection Agency, begs leave to report it has had the same under consideration and recommends the same BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

BASS VAN GILST, Chairperson

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on Human Resources to which was referred Senate File 86, 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, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3354; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CHARLES P. MILLER, Chairperson

EXPLANATION OF VOTE

MR. PRESIDENT: On April 14, 1977, I was necessarily absent from the afternoon session because I was attending a meeting with the Alcohol Commission.

Had I been present, I would have voted "aye" on Senate File 310 and House Files 101, 197, 229 and 281.

RAY TAYLOR

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 300

Ways and Means
Nolting, Chairperson
Redmond
Shaff

SENATE FILE 316

State Government
Slater, Chairperson
Culver
Shaff
Coleman
Doderer

SENATE FILE 320

Ways and Means
Junkins, Chairperson
Palmer
Craft

SENATE FILE 322

Budget—Budget Subcommittee
on Natural Resources
Junkins, Chairperson
Orr
Bisenius
Redmond
Schwengels

SENATE FILE 323

Commerce
Palmer, Chairperson
E. Hill
Nolting

SENATE FILE 324

State Government
Doderer, Chairperson
Schwengels
Carr
Slater
Nystrom

SENATE FILE 325

Commerce
Rodgers, Chairperson
Curtis
Burroughs

SENATE FILE 327

Ways and Means
Curtis, Chairperson
Rodgers
Nolting

SENATE FILE 331

Commerce
Rodgers, Chairperson
E. Hill
Nolting

SENATE FILE 332

Commerce
Palmer, Chairperson
Burroughs
Priebe

SENATE FILE 335

Ways and Means
Rodgers, Chairperson
Nolting
Curtis
Van Gilst
Kelly

SENATE FILE 336

Ways and Means
Palmer, Chairperson
Nolting
Kelly

SENATE FILE 338

County Government
Taylor, Chairperson
Merritt
Orr

SENATE FILE 339

Transportation
Glenn, Chairperson
Robinson
Drake

SENATE CONCURRENT RESOLUTION 15

State Government
Rush, Chairperson
Coleman
Ashcraft

HOUSE FILE 39

Rules and Administration
Willits, Chairperson
Coleman
Ramsey

HOUSE FILE 75

Energy
Ramsey, Chairperson
Rodgers
Briles

HOUSE FILE 224

Transportation
Tieden, Chairperson
Ashcraft
Robinson

HOUSE FILE 415

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

HOUSE FILE 439

Natural Resources
Tieden, Chairperson
Culver
E. Miller

S.S.B. 261

Ways and Means
Nolting, Chairperson
Palmer
Shaff

S.S.B. 263

State Government
Slater, Chairperson
Culver
Shaff
Coleman
Doderer

AMENDMENT FILED

S-3357

S.F. 337

Calvin O. Hultman

PRESENTATION OF VISITORS

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

Thirty-two students from Franklin Elementary School, Ottumwa, Iowa, accompanied by Annette Smith and Willis Ahrens. Senator Glenn.

Forty students from Bunger Junior High School, Waterloo, Iowa, accompanied by Robert White. Senator Gallagher.

Seventy students from East Elementary School, Ankeny, Iowa, accompanied by Anna Nelson. Senator Willits.

On motion of Senator Kinley, the Senate adjourned at 11:45 a.m., until 1:30 p.m., Monday, April 18, 1977.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY—SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 18, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Willard Cunningham, pastor of the First United Methodist Church, Mason City, Iowa.

The Journal of Friday, April 15, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, Lake City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ashcraft and Drake for the day on request of Senator Hultman; Senators Junkins, Miller of Des Moines, Rodgers, Willits and Calhoon for the day on request of Senator Kinley.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 15, 1977

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 Bennett Gordon, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Beer and Liquor Control Council pursuant to Section 123.6, 1975 Code of Iowa, for the regular five-year term commencing July 1, 1977, and ending June 30, 1982.

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 12, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 163, 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 April 14, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 437, 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.

Also: That the House has on April 12, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 449, a bill for an Act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council.

Also: That the House has on April 5, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality.

Also: That the House has on April 12, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 495, a bill for an Act relating to partition fences.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 163, 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 437, 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 PASSED ON FILE.

HOUSE FILE 449, a bill for an Act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council.

Read first time and PASSED ON FILE.

HOUSE FILE 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty.

Read first time and PASSED ON FILE.

HOUSE FILE 495, a bill for an Act relating to partition fences.

Read first time and PASSED ON FILE.

INTRODUCTION OF BILL

SENATE FILE 353, by Senator Scott, a bill for an act relating to the purchase of energy efficient motor vehicles by state agencies.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 16

By: Gallagher

- 1 *Whereas*, Iowa and the nation are facing a serious
- 2 national energy shortage because of the growing demand
- 3 for energy and the increasing technological, economic
- 4 and environmental problems involved in meeting energy
- 5 needs; and

6 *Whereas*, significant levels of energy conservation
7 and reclamation of valuable resources are possible
8 through the recycling of waste; and
9 *Whereas*, processes have been developed and have
10 been proven successful which convert waste into many
11 useful products including refuse derived fuel which
12 may be used as a supplementary fuel source in coal
13 fired boilers and road building materials; and
14 *Whereas*, resource recovery is proving to be an
15 increasing attractive alternative to sanitary
16 landfills because of the shortage of land and environ-
17 mental concerns; *Now Therefore*,
18 *Be It Resolved by the Senate, the House Concurring*,
19 That the legislative council create a study committee
20 composed of members of both houses of the general
21 assembly to study the need for and feasibility of
22 resource recovery systems in Iowa. The study shall
23 include consideration of the social, political,
24 economic, and energy aspects of resource recovery as
25 an answer to solid waste disposal problems and shall
26 specifically address the questions of how resource
27 recovery systems in the state would be funded, the
28 marketability of recovered materials and where resource
29 recovery systems could be located in the state to
30 insure the volume of waste necessary to make the system

Page 2

1 functional; and
2 *Be It Further Resolved*, That a report of the study
3 committee's recommendations including any necessary bill
4 drafts be submitted to the legislative council and
5 members of the second session of the Sixty-seventh
6 General Assembly meeting in 1978.

Read first time and PASSED ON FILE.

MOTION TO RECONSIDER WITHDRAWN

Senator Slater withdrew the motion to reconsider Senate File 222, a bill for an Act relating to the selection and appointment of the directors of the state fair board, filed by him on March 28, 1977, and found on page 814 of the Senate Journal.

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 310

Senator Hultman called up the motion to reconsider Senate File 310, a bill for an Act relating to the applicability of provisions of the state building code relating to smoke and fire detection systems, filed by him on April 14, 1977, found on pages 1040-1041 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 310) the vote was:

Ayes, 33:

Bergman	Bisenius	Briles	Carr
Coleman	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hill, E.M.
Hulse	Hultman	Hutchins	Kelly
Kinley	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Priebe
Ramsey	Readinger	Redmond	Rush
Schwengels	Scott	Shaff	Slater
Van Gilst			

Nays, 1:

Merritt

Voting present, 1:

Hill, P.B.

Absent or not voting, 15:

Ashcraft	Burroughs	Calhoun	Craft
Drake	Hansen	Junkins	Miller, C.P.
Palmer	Robinson	Rodgers	Shaw
Taylor	Tieden	Willits	

The motion prevailed.

Senator Hultman moved to reconsider the vote by which Senate

File 310 went to its last reading, which motion prevailed.

On motion of Senator Hultman, Senate File 310, a bill for an Act relating to the applicability of provisions of the state building code relating to smoke and fire detection systems, was brought up for reconsideration.

Senator Ramsey offered amendment S—3358 to page 1 of the bill.

President pro tempore Coleman took the chair at 1:55 p.m.

Senator Ramsey moved the adoption of amendment S—3358 and requested a record roll call.

On the question “Shall amendment S—3358 be adopted?” (S.F. 310) the vote was:

Ayes, 26:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Curtis	DeKoster
Gallagher	Hill, E.M.	Hulse	Hultman
Hutchins	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nystrom	Priebe
Ramsey	Rush	Schwengels	Scott
Shaff	Van Gilst		

Nays, 9:

Culver	Glenn	Kelly	Nolting
Orr	Palmer	Readinger	Redmond
Slater			

Voting present, 1:

Hill, P.B.

Absent or not voting, 14:

Ashcraft	Calhoon	Craft	Doderer
Drake	Hansen	Junkins	Miller, C.P.
Robinson	Rodgers	Shaw	Taylor
Tieden	Willits		

Amendment S-3358 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. 310) the vote was:

Ayes, 33:

Bergman	Briles	Burroughs	Carr
Coleman	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hill, E.M.
Hulse	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Readinger	Redmond
Schwengels	Scott	Shaff	Slater
Van Gilst			

Nays, 2:

Ramsey	Rush
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Voting present, 2:

Bisenius	Hill, P.B.
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Absent or not voting, 13:

Ashcraft	Calhoon	Craft	Drake
Hansen	Junkins	Miller, C.P.	Robinson
Rodgers	Shaw	Taylor	Tieden
Willits			

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

CONSIDERATION OF BILL

Senator Kinley asked and received unanimous consent to take up out of order House File 209.

House File 209

On motion of Senator Merritt, House File 209, a bill for an Act to make technical amendments to the statutes relating to school

districts by permitting the school board secretary to designate an alternate person to receive nomination papers relating to school elections, by permitting any school board to compensate a school treasurer, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) of the Code authorizing the appointment of a secretary of the school board and a treasurer of the school district, and two hundred ninety-eight point twenty-two (298.22) of the Code, authorizing the school board secretary to register bonds, by legalizing all acts of a treasurer of the school district appointed in compliance with section two hundred seventy-nine point three (279.3) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code, with report of committee recommending passage, was taken up, considered, and the report of the committee 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. 209) the vote was:

Ayes, 37:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Culver	Curtis
DeKoster	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Van Gilst			

Nays, none.

Absent or not voting, 13:

Ashcraft	Calhoon	Craft	Doderer
Drake	Hansen	Junkins	Miller, C.P.
Robinson	Rodgers	Taylor	Tieden
Willits			

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 354, by Senators Hutchins and Miller of Cerro Gordo, a bill for an act requiring that certified copies of financing statements, termination statements, statements of assignment and statements of release, filed under article nine (9) of chapter five hundred fifty-four (554) of the Code, shall be delivered to and filed with county recorders.

Read first time under Senate Rule 28 and PASSED ON FILE.

SENATE FILE 355, by Committee on Judiciary, a bill for an act changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

STUDY BILL RECEIVED

S.S.B. 264 Cities

Provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of twelve or more dwelling units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons.

BILL ASSIGNED TO COMMITTEE

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

S.F. 352 Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character

and qualifications of Jack W. Peters, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Iowa Civil Rights Commission under the provisions of Section 601A.3, Code 1975, for the unexpired portion of a term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
RICHARD F. DRAKE
EUGENE M. HILL
CALVIN O. HULTMAN
TOM SLATER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Doris Ellwood, Radcliffe, Hardin County, Iowa, for appointment as a member of the State Board of Cosmetology 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.

FRED W. NOLTING, Chairperson
MILO MERRITT
ALVIN V. MILLER
ELIZABETH R. MILLER
JOHN N. NYSTROM

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Wilfred M. Spector, D.P.M., Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Podiatry Examiners, under the provisions of Section 147.19, Code 1975, for the unexpired portion of a term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
STEPHEN W. BIENIUS
MINNETTE F. DODERER
WILLARD R. HANSEN
WILLIAM D. PALMER

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 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 April, 1977:

Senate Files 52, 109, 110, 235, 262 and 266.

STEVEN C. CROSS, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 15, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 36—Correcting an erroneous correlating amendment contained in Chapter Twelve Hundred Forty-one (1241) of the Acts of the Sixty-sixth General Assembly.

S.F. 71—To abolish the State Board of Eugenics.

H.F. 231—Relating to the authority of the Director of Revenue to sell cigarette stamps through banks.

H.F. 331—Relating to meetings of the Board of Parole and the grant or denial of parole.

H.F. 414—Making appropriations to the Iowa Civil Rights Commission and the State Department of Health.

REPORTS OF COMMITTEES

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 239, a bill for an Act relating to nonprofit corporations, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 274, a bill for an Act relating to uniform child-custody jurisdiction, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3362; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

Senator Priebe submitted the following report:

MR. PRESIDENT: Your committee on Natural Resources to which was referred House File 445, a bill for an Act relating to emission standards as they relate to coal produced and purchased under contract for use in this state, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Friday, April 8, 1977.

Had I been present, I would have invoked Senate Rule 23 on Senate File 282, voted "aye" on House File 101, Senate Files 185, 251, 280 and 342; and "nay" on House File 74.

I was also necessarily absent from the Senate chamber on Monday, April 18, 1977.

Had I been present, I would have voted "aye" on Senate File 310, amendment S-3358 and House File 209.

WILLARD R. HANSEN

AMENDMENTS FILED

S-3359	S.F. 349	Richard R. Ramsey
S-3360	S.F. 337	Fred W. Nolting
S-3361	S.F. 351	Dale L. Tieden
S-3363	S.F. 337	Calvin O. Hultman
		Merlin D. Hulse
		Dale L. Tieden
S-3364	S.F. 292	Willard R. Hansen
		Lowell L. Junkins
		Cliff Burroughs
		Irvin L. Bergman
		Rolf V. Craft
		Cloyd E. Robinson
		Merlin D. Hulse
		Fred W. Nolting
		Stephen W. Bisenius
		C.W. Hutchins

Milo Merritt
 Berl E. Priebe
 Alvin V. Miller
 Forrest V. Schwengels
 John N. Nystrom
 Richard F. Drake
 James V. Gallagher
 Tom Slater
 Warren E. Curtis
 Calvin O. Hultman
 Forrest F. Ashcraft
 Earl M. Willits
 Dale L. Tieden
 James Calhoon
 James E. Briles
 Ray Taylor
 Louis P. Culver
 Fred W. Nolting

S-3365

S.F. 337

PRESENTATION OF VISITORS

President Neu welcomed Ms. Anita Grimm, finalist in the Miss Teenage Iowa Pageant from Woodbine, Iowa.

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

Fifty-six students from Holy Trinity School, Des Moines, Iowa, accompanied by Mrs. Paul Whitmore and Ms. Sandy Rouse. Senator Readinger.

Twenty-one students from Thompson Community School, Thompson, Iowa, accompanied by Mike Hall. Senator Priebe.

Forty students from Portsmouth Elementary School, Portsmouth, Iowa, accompanied by Sister Mary Grosdidier. Senator Culver.

PETITIONS

The following petitions were presented and placed on file:

By Senator Miller of Marshall from three hundred sixty residents of Marshall County opposing Senate File 201, that prohibits persons not involved in a particular labor dispute from picketing or aiding persons who are involved in such dispute.

By Senator Tieden from eighty-two residents of Clayton and Delaware Counties requesting an investigation relating to the availability of funds originally appropriated for the Volga Lake project for use in improvements in Backbone State Park.

By Senator Priebe from thirty-five residents of Kossuth County opposing pari-mutuel betting.

By Senator Doderer from three hundred four residents of Polk, Story, Linn and Johnson Counties favoring an increase in IPERS benefits for employees retiring under the system prior to January 1, 1976.

By Senator Doderer from eight residents of Johnson County favoring an appropriation for human resource programs.

By Senator Nolting from seventy-five residents of Black Hawk County favoring legislation to create a separate state agency to regulate credit unions.

By Senator Kinley from four hundred eighty-one residents of Boone, Hamilton, Webster, Marion, Story and Polk Counties urging repeal of regulations making it illegal to use trout lines and throw lines for fishing in rivers and streams north of U.S. Highway 30.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Craft from eighteen residents of Fayette County.

Senator Doderer from one hundred twenty residents of Story County.

Senator Briles from twenty residents of Union County.

Senator Doderer from thirteen residents of Johnson County.

Senator Doderer from two thousand twenty three residents of Polk and Story Counties.

On motion of Senator Kinley, the Senate adjourned at 2:10 p.m., until 10:00 a.m., Tuesday, April 19, 1977.

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY—SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 19, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Sylvan Williams, pastor of the First Presbyterian Church, Oskaloosa, Iowa.

The Journal of Monday, April 18, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. S.M. Haugland, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Willits and Carr for the day on request of Senator Kinley.

HOUSE AMENDMENTS CONSIDERED

Senate File 233

Senator Nolting called up for consideration Senate File 233, a bill for an Act making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking people's commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards, amended by the House, and moved that the Senate concur in House amendment S-3281, filed April 4, 1977, and found on pages 898-899 of the Senate Journal.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S-3281?" (S.F. 233) the vote was:

Ayes, 12:

Briles	Coleman	Craft	Kinley
Merritt	Miller, A.V.	Nolting	Palmer
Priebe	Ramsey	Rodgers	Scott

Nays, 34:

Bergman	Bisenius	Burroughs	Calhoon
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Readinger	Redmond	Rush	Schwengels
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst		

Absent or not voting, 4:

Ashcraft	Carr	Robinson	Willits
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The motion lost and the Senate REFUSED TO CONCUR in House amendment S-3281 to Senate File 233.

Senate File 243

Senator Slater called up for consideration Senate File 243, a bill for an Act relating to the qualifications required of the director of the division of mental health resources of the department of social services, amended by the House, and moved that the Senate concur in House amendment S-3353, filed April 14, 1977, and found on page 1043 of the Senate Journal.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S-3353?" (S.F. 243) the vote was:

Ayes, 45:

Bergman	Bisenius	Burroughs	Calhoon
Coleman	Craft	Culver	Curtis

DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, 1:

Hill, P.B.

Absent or not voting, 4:

Ashcraft	Briles	Carr	Willits
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The motion prevailed and the Senate concurred in House amendment S-3353 to Senate File 243.

Senator Slater moved that the bill 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. 243) the vote was:

Ayes, 45:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, 1:

Hill, P.B.

Absent or not voting, 4:

Ashcraft

Carr

Palmer

Willits

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

MOTION TO RECONSIDER ADOPTED

Senate File 292

Senator Shaff called up the motion to reconsider Senate File 292, a bill for and Act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act, filed by him on April 4, 1977, found on page 908 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 292) the vote was:

Ayes, 43:

Bergman	Bisenius	Burroughs	Calhoon
Coleman	Craft	Culver	Curtis
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	

Nays, 4:

Briles	DeKoster	Junkins	Ramsey
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Absent or not voting, 3:

Ashcraft

Carr

Willits

The motion prevailed.

Senator Shaff moved to reconsider the vote by which Senate File 292 went to its last reading, which motion prevailed.

On motion of Senator Shaff, Senate File 292, a bill for an Act providing for the actual sales price in real estate transfers and providing penalties for violations of this Act, was brought up for reconsideration.

Senator Shaff moved that Section 457.2 of Mason's Manual of Legislative Procedure be suspended to permit a second reconsideration of the vote by which amendment S-3285 by Senator Ramsey was adopted by the Senate on April 4, 1977.

On the question "Shall Section 457.2 of Mason's Manual of Legislative Procedure be suspended?" (S.F. 292) the vote was:

Ayes, 38:

Bergman	Bisenius	Burroughs	Calhoun
Coleman	Craft	Culver	Curtis
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Palmer	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Van Gilst		

Nays, 6:

Briles	DeKoster	Junkins	Miller, E.R.
Ramsey	Tieden		

Absent or not voting, 6:

Ashcraft	Carr	Doderer	Gallagher
Priebe	Willits		

The motion prevailed.

Senator Orr moved to reconsider the vote by which amendment S-3285 was adopted by the Senate on April 4, 1977.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-3285 be adopted?" (S.F. 292) the vote was:

Ayes, 37:

Bergman	Bisenius	Burroughs	Calhoon
Coleman	Craft	Curtis	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Van Gilst			

Nays, 10:

Briles	Culver	DeKoster	Junkins
Merritt	Miller, E.R.	Palmer	Priebe
Ramsey	Tieden		

Absent or not voting, 3:

Ashcraft	Carr	Willits
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The motion prevailed.

Senator Hill of Polk moved that action on amendment S-3285 be temporarily deferred.

A non record roll call was requested.

The ayes were 38, nays 9.

The motion prevailed and action on amendment S-3285 was temporarily deferred.

Senator Hansen offered amendment S-3364 filed by Senators Hansen, et al., on April 18, 1977, to pages 1 and 2 of the bill.

Senator Rush called for a division of the amendment, lines 1 through 38 and 40 through 42 to be considered as division S-3364A of the amendment; line 39 to be considered as division S-3364B of the amendment.

Senator Redmond called for a further division of the

amendment, lines 4 through 6 to be considered as division S—3364C of the amendment; lines 7 through 9 to be considered as division S—3364D of the amendment.

Senator Hansen moved the adoption of division S—3364A of the amendment and requested a record roll call.

On the question “Shall division S—3364A of the amendment be adopted?” (S.F. 292) the vote was:

Ayes, 20:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Craft	Curtis	Doderer
Hansen	Hill, E.M.	Hulse	Nolting
Nystrom	Orr	Redmond	Rush
Schwengels	Scott	Slater	Tieden

Nays, 23:

Coleman	Culver	DeKoster	Drake
Glenn	Hill, P.B.	Hultman	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Shaff	Shaw	Van Gilst	

Absent or not voting, 7:

Ashcraft	Carr	Gallagher	Hutchins
Miller, C.P.	Taylor	Willits	

Division S—3364A of the amendment lost.

Senator Hansen moved the adoption of division S—3364B of the amendment and requested a record roll call.

On the question “Shall division S—3364B of the amendment be adopted?” (S.F. 292) the vote was:

Ayes, 16:

Bisenius	Briles	Burroughs	Calhoon
Drake	Hansen	Hulse	Hultman
Hutchins	Kelly	Murray	Nolting
Nystrom	Ramsey	Schwengels	Tieden

Nays, 30:

Bergman	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Orr	Palmer	Priebe
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaff	Shaw
Slater	Van Gilst		

Absent or not voting, 4:

Ashcraft	Carr	Taylor	Willits
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Division S-3364B of the amendment lost.

Senator Hansen asked and received unanimous consent to withdraw division S-3364C of the amendment and division S-3364D of the amendment.

The Senate resumed consideration of amendment S-3285 previously deferred.

Senator Hill of Polk offered amendment S-3370 to amendment S-3285 and moved its adoption.

Amendment S-3370 was adopted.

Senator Ramsey moved the adoption of amendment S-3285 as amended and requested a record roll call.

On the question "Shall amendment S-3285 as amended be adopted?" (S.F. 292) the vote was:

Ayes, 12:

Bisenius	Briles	Craft	DeKoster
Hulse	Junkins	Miller, C.P.	Miller, E.R.
Ramsey	Schwengels	Taylor	Tieden

Nays, 34:

Bergman	Burroughs	Calhoon	Coleman
Culver	Curtis	Doderer	Drake

Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A.V.	Murray
Nolting	Orr	Palmer	Priebe
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaff	Shaw
Slater	Van Gilst		

Absent or not voting, 4:

Ashcraft	Carr	Nystrom	Willits
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Amendment S—3285 as amended lost.

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. 292) the vote was:

Ayes, 33:

Bergman	Bisenius	Burroughs	Calhoon
Culver	Curtis	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Kelly
Kinley	Miller, A.V.	Miller, C.P.	Murray
Orr	Priebe	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Shaff	Shaw	Slater	Taylor
Van Gilst			

Nays, 13:

Briles	Coleman	Craft	DeKoster
Hansen	Junkins	Merritt	Miller, E.R.
Nolting	Palmer	Ramsey	Schwengels
Tieden			

Absent or not voting, 4:

Ashcraft	Carr	Nystrom	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.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

QUORUM CALL

Senator Junkins requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

ADOPTION OF RESOLUTION

Senator Junkins asked and received unanimous consent to take up out of order House Concurrent Resolution 21.

House Concurrent Resolution 21

On motion of Senator Scott, House Concurrent Resolution 21, a resolution regarding new standards proposed by the Environmental Protection Agency, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Scott moved the adoption of House Concurrent Resolution 21.

The motion prevailed and House Concurrent Resolution 21 was adopted.

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

The Senate resumed session, President Neu presiding.

CONSIDERATION OF BILL

Senator Junkins asked and received unanimous consent to take up out of order House File 228.

House File 228

On motion of Senator Miller of Cerro Gordo, House File 228, a

bill for an Act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Cerro Gordo offered amendment S-3293 filed by the committee on Agriculture on April 12, 1977, to pages 1 and 3 of the bill.

Action on amendment S-3293 was temporarily deferred.

Senator Priebe offered amendment S-3375 to pages 1, 2 and 3 of the bill and moved its adoption.

Amendment S-3375 was adopted.

The Senate resumed consideration of amendment S-3293 previously deferred.

Senator DeKoster offered amendment S-3382 to amendment S-3293 and moved its adoption.

Amendment S-3382 to amendment S-3293 was adopted.

Senator Miller of Cerro Gordo moved the adoption of amendment S-3293 as amended.

Amendment S-3293 as amended was adopted.

DEFERRED

Senator Kinley asked and received unanimous consent that action on HOUSE FILE 228 be DEFERRED and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

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

The Senate resumed session, Senator 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 13, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 198, a bill for an Act appropriating funds to the Iowa beer and liquor control department for capital improvements.

Also: That the House has on April 15, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 327, a bill for an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 356, by Committee on Cities, a bill for an act relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves territory in more than one county, clarifying the publication requirements for notice of election results, and allowing chapter three hundred sixty-eight (368) of the Code to prevail over chapter seventeen A (17A) of the Code in certain instances.

Read first time and PLACED ON CALENDAR.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO HOUSE FILE 327

S-3376

- 1 Amend Senate amendment H-3339 to House File 327
- 2 as amended and passed by the House as follows:
- 3 1. By striking lines 3 and 4 and inserting in
- 4 lieu thereof the following:
- 5 Page 8, line 20, by inserting after the word
- 6 "projects" the following: "except that the
- 7 construction of one demonstration motorcycle park
- 8 may be completed from administrative funds".

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: April 18, 1977, 2:20 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Doderer, P. Hill; Ramsey; Redmond; Scott and Shaw.

Members Absent: Coleman (arrived 2:30 p.m.).

Members Excused: Ashcraft and Willits.

Final Action: DO PASS.

Senate File 239, a bill for an Act relating to nonprofit corporations.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Doderer, P. Hill, Coleman, Redmond, Shaw, Scott and Ramsey. NAYS, none. ABSENT OR NOT VOTING, 2; Ashcraft and Willits.

Also:

Final Action: AMEND AND DO PASS.

Senate File 274, a bill for an Act relating to uniform child-custody jurisdiction.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Doderer, P. Hill, Coleman, Redmond, Shaw, Scott and Ramsey. NAYS, none. ABSENT OR NOT VOTING, 2; Ashcraft and Willits.

Also:

Final Action: APPROVED.

Senate File 355, a bill for an Act changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit.

The vote was: AYES, 8; Glenn, Rush, DeKoster, Doderer, P. Hill, Redmond, Shaw and Coleman. NAYS, 1; Ramsey. ABSENT OR NOT VOTING, 3; Ashcraft, Scott and Willits.

Also:

Other Business: Discussed House File 85 and S.S.B. 222 — No final action.

Adjourned: 4:05 p.m.

NATURAL RESOURCES

Convened: April 15, 1977, 9:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins and Tieden.

Members Absent: Slater.

Final Action: DO PASS.

House File 445, a bill for an Act relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

The vote was: AYES, 8; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoon, Junkins and Tieden. NAYS, none. ABSENT OR NOT VOTING, 1; Slater.

Also:

Other Business: Fred Priewart, Stan Kuhn and John Stokes from the State Conservation Commission presented study bills for their department; assigned bills.

Adjourned: 10:00 a.m.

STUDY BILLS RECEIVED

S.S.B. 265 Judiciary

Legalize proceedings taken by the board of supervisors of Wayne County relating to the sale of certain properties.

S.S.B. 266 Human Resources

Area hospitals.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 353	Energy
S.F. 354	Commerce
S.C.R. 16	Energy
H.F. 163	Human Resources
H.F. 437	Transportation

H.F. 449 State Government
H.F. 490 Natural Resources
H.F. 495 Agriculture

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 209 passed the Senate on Monday, April 18, 1977.

WILLIAM D. PALMER

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. SECRETARY: Pursuant to Senate Rule 58, I hereby request that the name of Cyrus L. Beye, M.D., be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

LOUIS P. CULVER

REPORTS OF COMMITTEES

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on Energy to which was referred Senate File 261, a bill for an Act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

JAMES V. GALLAGHER, Chairperson

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on Human Resources to which was referred House File 163, 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, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3380; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CHARLES P. MILLER, Chairperson

AMENDMENTS FILED

S-3366	H.F. 209	Willard R. Hansen
S-3367	S.F. 213	Gene W. Glenn
S-3368	S.F. 336	David M. Readinger
S-3369	S.F. 337	John S. Murray
		Merlin D. Hulse
		Calvin O. Hultman
		John N. Nystrom
S-3371	S.F. 143	John S. Murray
S-3372	S.F. 269	John S. Murray
S-3373	S.F. 290	James Calhoon
S-3374	S.F. 337	John S. Murray
S-3377	S.F. 337	Calvin O. Hultman
		Fred W. Nolting
S-3379	H.F. 163	Minnette F. Doderer
S-3383	S.F. 137	Eugene M. Hill
S-3384	S.F. 337	Warren E. Curtis
		John S. Murray

PRESENTATION OF VISITORS

President Neu welcomed the Honorable Barton L. Schwieger, former member of the Senate and House of Representatives from Black Hawk County, who was present in the Senate chamber.

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

Twenty-eight students from Sully Christian School, Sully, Iowa. Senator Hill of Jasper.

Thirty-one students from Storm Lake Senior High School, Storm Lake, Iowa, accompanied by Jan Flohr, Carol Lodven, Chris Samuelson, Quentin Weidner, Mary Hudek and Kim Vest. Senator Curtis.

Thirty-four students from Bradgate Elementary School, Bradgate, Iowa, accompanied by Marilyn Hinners. Senators Priebe, Scott and Coleman.

On motion of Senator Kinley, the Senate adjourned at 4:50 p.m., until 10:00 a.m., Wednesday, April 20, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY—SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 20, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Larry Laskie, pastor of the United Church of Christ, Garner, Iowa.

The Journal of Tuesday, April 19, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Zoutendam, Sheldon, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Carr for the day on request of Senator Kinley.

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, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 231, a bill for an Act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter 172C of the Code.

Also: That the House has on April 18, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 328, a bill for an Act to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure act.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 231

S-3385

- 1 Amend Senate File 231 as follows:
- 2 1. Page 2, line 26, by striking the word
- 3 "three" and inserting in lieu thereof the words "[three]
- 4 *five*".

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the State Board of Architectural Examiners, Nancy G. McHugh, filed April 14, 1977, and found on page 1046 of the Senate Journal.

As Commissioner of Public Health, Norman L. Pawlewski, filed April 15, 1977, and found on page 1065 of the Senate Journal.

As a member of the Public Employment Relations Board, Vernon C. Cook, filed April 15, 1977, and found on page 1065 of the Senate Journal.

As a member of the Public Employment Relations Board, John R. Loihl, filed April 15, 1977, and found on page 1065 of the Senate Journal.

As a member of the Iowa Civil Rights Commission, Jack W. Peters, filed April 18, 1977, and found on pages 1077-1078 of the Senate Journal.

As a member of the State Board of Cosmetology Examiners, Doris Ellwood, filed April 18, 1977, and found on page 1078 of the Senate Journal.

As a member of the State Board of Podiatry Examiners, Wilfred M. Spector, D.P.M., filed April 18, 1977, and found on page 1078 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating

Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

NANCY G. MC HUGH

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr	Doderer	Nystrom	Shaff
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President Neu declared the appointment of Nancy G. McHugh as a member of the State Board of Architectural Examiners confirmed for the regular three-year term ending June 30, 1980.

NORMAN L. PAWLEWSKI

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake

Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr	Doderer	Nystrom	Shaff
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President Neu declared the appointment of Norman L. Pawlewski as Commissioner of Public Health confirmed for the regular four-year term ending June 30, 1981.

VERNON C. COOK

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr	Doderer	Nystrom	Shaff
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President Neu declared the appointment of Vernon C. Cook as a member of the Public Employment Relations Board confirmed for the regular four-year term ending June 30, 1980.

JOHN R. LOIHL

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr	Doderer	Nystrom	Shaff
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President Neu declared the appointment of John R. Loihl as a member of the Public Employment Relations Board confirmed for the regular four-year term ending June 30, 1980.

JACK W. PETERS

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr	Doderer	Nystrom	Shaff
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President Neu declared the appointment of Jack W. Peters as a member of the Iowa Civil Rights Commission confirmed for the unexpired portion of the term ending June 30, 1979.

DORIS ELLWOOD

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr	Doderer	Nystrom	Shaff
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President Neu declared the appointment of Doris Ellwood as a member of the State Board of Cosmetology Examiners confirmed for the regular three-year term ending June 30, 1979.

WILFRED M. SPECTOR, D.P.M.

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr

Doderer

Nystrom

Shaff

President Neu declared the appointment of Wilfred M. Spector, D.P.M., as a member of the State Board of Podiatry Examiners confirmed for the unexpired portion of the term ending June 30, 1979.

UNFINISHED BUSINESS

House File 228

On motion of Senator Priebe, House File 228, a bill for an Act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law, was taken up for further consideration.

President pro tempore Coleman took the chair at 10:13 a.m.

Senator Priebe called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3375 to House File 228 was adopted by the Senate on April 19, 1977.

BERL E. PRIEBE

The motion prevailed and amendment S-3375 was brought up for reconsideration.

Senator Priebe withdrew amendment S-3375.

Senator Priebe offered amendment S-3386 to pages 1, 2 and 3 of the bill and moved its adoption.

Senator Van Gilst asked and received unanimous consent that

action on House File 228 and amendment S—3386 be temporarily deferred.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 445.

House File 445

On motion of Senator Burroughs, House File 445, a bill for an Act relating to emission standards as they relate to coal produced and purchased under contract for use in this state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Burroughs moved that the bill 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. 445) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Carr	Doderer	Nystrom	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.

WITHDRAWN

Senator Ramsey asked and received unanimous consent that SENATE FILE 218 be WITHDRAWN from further consideration of the Senate.

MOTION TO RECONSIDER ADOPTED

House File 209

Senator Palmer called up the motion to reconsider House File 209, a bill for an Act making technical amendments to the statutes relating to school districts, filed by him on April 19, 1977, found on page 1098 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 209) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Carr	Nystrom	Shaw
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The motion prevailed.

Senator Palmer moved to reconsider the vote by which House File 209 went to its last reading, which motion prevailed.

On motion of Senator Palmer, House File 209, a bill for an Act

making technical amendments to the statutes relating to school districts, was brought up for reconsideration.

Senator Hansen offered amendment S—3366 filed by him on April 19, 1977, to page 2 of the bill and moved its adoption.

Amendment S—3366 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. 209) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Carr Nystrom

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 274.

Senate File 274

On motion of Senator Murray, Senate File 274, a bill for an Act relating to uniform child-custody jurisdiction, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Glenn offered amendment S-3362 filed by the committee on Judiciary to page 11 of the bill and moved its adoption.

Amendment S-3362 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. 274) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Coleman	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Burroughs	Carr	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.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILL

SENATE FILE 357, by Senator Tieden, a bill for an act permitting supervising physicians to authorize physicians' assistants to write prescriptions for certain items.

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

Senate File 137

On motion of Senator Robinson, Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Jasper offered amendment S-3383 filed by Senators Hill of Jasper and Curtis on April 19, 1977, to strike everything after the enacting clause of the bill.

Senator Ramsey offered amendment S-3392 to amendment S-3383, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3392 be adopted?" (S.F. 137) the vote was:

Ayes, 21:

Bisenius
Hill, E.M.
Murray

Craft
Junkins
Nolting

DeKoster
Kelly
Orr

Glenn
Kinley
Palmer

Ramsey
Schwengels
Willits

Robinson
Shaw

Rodgers
Tieden

Rush
Van Gilst

Nays, 25:

Ashcraft
Calhoon
Drake
Hulse
Miller, A.V.
Redmond
Taylor

Bergman
Culver
Gallagher
Hultman
Miller, C.P.
Scott

Briles
Curtis
Hansen
Hutchins
Miller, E.R.
Shaff

Burroughs
Doderer
Hill, P.B.
Merritt
Readinger
Slater

Absent or not voting, 4:

Carr

Coleman

Nystrom

Priebe

Amendment S—3392 to amendment S—3383 lost.

Senator Kinley offered amendment S—3394 to amendment S—3383 and moved its adoption.

A non record roll call was requested.

The ayes were 38, nays 7.

Amendment S—3394 to amendment S—3383 was adopted.

Senator Orr asked and received unanimous consent that action on Senate File 137 and amendment S—3383 be temporarily deferred.

Senator Redmond took the chair at 3:17 p.m.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 239.

Senate File 239

On motion of Senator Kelly, Senate File 239, a bill for an Act relating to nonprofit corporations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk offered amendment S—3390 to page 2 of the bill and moved its adoption.

Amendment S—3390 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?" (S.F. 239) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Carr	Coleman	Hultman	Miller, C.P.
Nystrom			

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 Redmond 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 137

The Senate resumed consideration of Senate File 137 and amendment S-3383 as amended.

Senator Ramsey offered amendment S-3398 to amendment S-3383 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3398 be adopted?" (S.F. 137) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, 3:

Briles	Coleman	Hulse
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Absent or not voting, 6:

Carr	Gallagher	Miller, E.R.	Nystrom
Priebe	Van Gilst		

Amendment S-3398 to amendment S-3383 was adopted.

Senator Hill of Jasper moved the adoption of amendment S-3383 as amended and requested a record roll call.

On the question "Shall amendment S-3383 be adopted?" (S.F. 137) the vote was:

Ayes, 15:

Bisenius	Craft	Curtis	DeKoster
Drake	Hill, E.M.	Hill, P.B.	Hultman
Kelly	Kinley	Orr	Palmer
Ramsey	Shaff	Tieden	

Nays, 28:

Ashcraft	Bergman	Briles	Burroughs
Calhoon	Culver	Gallagher	Glenn
Hansen	Hulse	Junkins	Merritt
Miller, A.V.	Miller, C.P.	Murray	Nolting
Priebe	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	Willits

Voting present, 2:

Coleman	Rodgers
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Absent or not voting, 5:

Carr	Doderer	Hutchins	Miller, E.R.
Nystrom			

Amendment S—3383 as amended lost.

Senator Robinson offered amendment S—3387 by Senators Robinson and Murray to page 1 of the bill and moved its adoption.

Amendment S—3387 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. 137) the vote was:

Ayes, 34:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nolting	Orr	Palmer

Priebe	Readerger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 10:

Briles	Craft	Curtis	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Kelly
Merritt	Ramsey		

Voting present, 2:

Coleman	Rodgers
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Absent or not voting, 4:

Carr	Hutchins	Miller, E.R.	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.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 137 passed the Senate on April 20, 1977.

LUCAS J. DE KOSTER

BUSINESS PENDING

House File 228

The Senate resumed consideration of House File 228 and amendment S-3386 by Senator Priebe.

Senator Priebe moved the adoption of amendment S-3386.

Amendment S-3386 was adopted.

Senator Priebe offered amendment S-3402 to page 3 of the bill and moved its adoption.

Amendment S-3402 was adopted.

Senator Miller of Cerro Gordo moved that the bill 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. 228) the vote was:

Ayes, 38:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Coleman	Culver	Curtis
DeKoster	Drake	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Orr
Palmer	Priebe	Readinger	Redmond
Robinson	Rodgers	Schwengels	Scott
Shaff	Shaw	Slater	Tieden
Van Gilst	Willits		

Nays, 7:

Briles	Craft	Hansen	Kelly
Ramsey	Rush	Taylor	

Absent or not voting, 5:

Carr	Doderer	Gallagher	Miller, E.R.
Nystrom			

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 18, 1977

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

Dear Governor Neu:

On January 10, 1977, I submitted to the Senate for their consideration the

name of Clarence C. Wyse, D.D.S., Wayland, Henry County, Iowa, for appointment as a member of the State Board of Dental Examiners.

I have now been advised by Dr. Wyse that he will be unable to accept this appointment due to the condition of his health.

I am, therefore, accepting his resignation and wish to withdraw his name from consideration.

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 15, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 161, a bill for an Act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 358, by Committee on Agriculture, a bill for an act relating to the licensing and practicing of veterinarians.

Read first time and PLACED ON CALENDAR.

SENATE FILE 359, by Senator Taylor, a bill for an act relating to the requirements of filing reversionary interests and use restrictions.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 161

S-3393

- 1 Amend Senate File 161 as follows:
- 2 1. Page 4, by inserting after line 18 the
- 3 following:

4 "4. The state conservation commission shall
 5 establish a priority list of watersheds above state-
 6 owned lakes and areas within those watersheds which
 7 are of highest importance based on soil loss to be
 8 used for the allocation of funds set aside in
 9 subsection six (6) of section four (4) of this Act
 10 for permanent soil conservation practices on watersheds
 11 above state-owned lakes."

12 2. Page 6, lines 5 and 6, by striking the words
 13 "on watersheds above state-owned lakes" and inserting
 14 in lieu thereof the words "on owner-operated and
 15 family-operated farms".

16 3. Page 6, by striking line 14 and inserting in
 17 lieu thereof the words:

18 "eight (467A.48) of the Code and
 19 not less than five percent of
 20 the amount appropriated by this
 21 subsection shall be used for
 22 cost-sharing not to exceed fifty
 23 percent of the approved cost of
 24 permanent soil conservation prac-
 25 tices under chapter four hundred
 26 sixty-seven A (467A) of the Code
 27 on watersheds above publicly owned
 28 lakes to be allocated in accor-
 29 dance with the priority list
 30 established by the state con-
 31 servation commission as required
 32 in subsection four (4) of sec-
 33 tion three (3) of this Act.....\$4,230,000"

34 4. Page 7, line 22, by inserting before the word
 35 "For" the letter "a."

36 5. Page 7, line 26, by inserting after the word
 37 "purposes" the following: "including thirteen full-
 38 time positions which are federally-funded and which
 39 will be discontinued if federal funds are terminated".

40 6. Page 7, by inserting after line 26 the
 41 following:

42 "b. For payments to the governing
 43 bodies responsible for publicly-owned
 44 sewage treatment facilities which are
 45 eligible for seventy-five percent
 46 grants under the federal Water Pollu-
 47 tion Act amendments of 1972, eighty-
 48 six (86) Stat. eight hundred sixteen
 49 (816), in an amount equal to five
 50 percent of the amount approved as

Page 2

- 1 the eligible cost of the project by
- 2 the Iowa water pollution control
- 3 commission \$2,000,000"
- 4 7. Page 8, line 5, by striking the figure "430,977"
- 5 and inserting in lieu thereof the figure "450,977".
- 6 8. Page 8, by inserting after line 5 the following:
- 7 "Notwithstanding the provisions of section four
- 8 hundred fifty-five A point seventeen (455A.17) of
- 9 the Code, the Iowa natural resources council may
- 10 perform its statutory duties relating to uses and
- 11 developments of water sources of the state without
- 12 meeting the provisions of a comprehensive statewide
- 13 plan for the control, utilization, and protection
- 14 of the water resources of the state until such time
- 15 as the plan is prepared and completed."
- 16 9. Renumber sections or subsections as may be
- 17 required by this amendment.

REPORTS OF COMMITTEE MEETINGS

CITIES

Convened: April 19, 1977, 8:12 a.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Briles; Gallagher, C. Miller; Orr and Readinger.

Members Absent: Hansen.

Final Action: APPROVED.

Senate File 356, a bill for an Act relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves territory in more than one county, clarifying the publication requirements for notice of election results, and allowing chapter three hundred sixty-eight (368) of the Code to prevail over chapter seventeen A (17A) of the Code in certain instances.

The vote was: AYES, 8; A. Miller, Slater, Schwengels, Briles, Gallagher, C. Miller, Orr and Readinger. NAYS, none. ABSENT OR NOT VOTING, 1; Hansen.

Also:

Other Business: Assigned bills.

Adjourned: 8:34 a.m.

ENERGY

Convened: April 19, 1977, 9:00 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver and Rodgers.

Members Absent: Glenn (arrived 9:05 a.m.) and Ramsey (arrived 9:10 a.m.).

Final Action: DO PASS.

Senate File 261, a bill for an Act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects.

The vote was: AYES, 9; Gallagher, Scott, Burroughs, Bisenius, Briles, Culver, Glenn, Ramsey and Rodgers. NAYS, none.

Also:

Other Business: Subcommittee report and discussion of S.S.B. 251—No final action; assignment of House File 174 subcommittee; Mr. Charles Denniger, the Chief Electrical Engineer of Hansen and Meyer in Iowa City and member of ASHRA 90-75 Panel 9 (Lighting) spoke to the committee in regard to the Building Code and energy efficiency in lighting.

Adjourned: 9:45 a.m.

HUMAN RESOURCES

Convened: April 19, 1977, 9:08 a.m.

Members Present: C. Miller, Chairperson; Murray, Ranking member; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: Calhoon.

Members Excused: Carr, Vice Chairperson.

Final Action: AMEND AND DO PASS.

House File 163, 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.

The vote was: AYES, 10; C. Miller, Murray, Craft, E. Hill, P. Hill, A. Miller, E. Miller, Rush, Slater and Taylor. NAYS, none. ABSENT OR NOT VOTING, 2; Carr and Calhoon.

Also:

Other Business: Assigned subcommittee for study bill relating to definition of an area hospital.

Adjourned: 9:50 a.m.

JUDICIARY

Convened: April 19, 1977, 8:10 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Doderer; P. Hill; Ramsey; Redmond and Shaw.

Members Absent: Ashcraft, Coleman (arrived 8:35 a.m.), Scott and Willits.

Other Business: Discussed legislation relating to correction of adoption law.

Adjourned: 9:10 a.m.

STUDY BILLS RECEIVED

S.S.B. 94 State Government

Rule-making authority of the state conservation commission.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William J. Brandenburg, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Merit Employment Commission pursuant to Section 19A.6, Code 1975, for the unexpired portion of a term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

EARL M. WILLITS, Chairperson
LUCAS J. DE KOSTER
PHILIP B. HILL
BERL E. PRIEBE
NORMAN G. RODGERS

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate Amendment S-3366 as a Senate Amendment to House File 209, the language on line 12 has been corrected to insert before the word "the", the word "[his]". The inserted word conforms the section of the Code

amended to its present actual wording.

STEVEN C. CROSS, Secretary of the Senate

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Wednesday afternoon, April 13, 1977.

Had I been present, I would have voted "aye" on Senate amendments 3340 and 3349 to House File 464 and have voted "aye" on the final passage. I would also have voted "aye" on Senate Files 340, 341, 343 and 344.

Had I been present on Thursday, April 14th, I would have voted "aye" on Senate Files 264, 321, 328, 329, 334 and 333 and House Files 101, 229, 197, 277, 281 and on the motion to reconsider Senate File 218; and "nay" on Senate File 135.

As I was still absent on Friday, April 15th and Monday, April 18th, I would have voted had I been present, "aye" on Senate Files 185, 342, 251, 280, 282, and on the motion to reconsider Senate File 310 and its final passage; and on House File 209 and on the reconsideration of House Files 74 and 101 and their final passage.

CHARLES P. MILLER

REPORTS OF COMMITTEE

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 336, a bill for an Act imposing a state tax on the renting of hotel and motel rooms and providing for the revenue to be returned to the cities and counties, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3400; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3389; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

NORMAN G. RODGERS, Chairperson

House File 332 REFERRED to the committee on BUDGET under Senate Rule 36.

AMENDMENTS FILED

S-3388	S.F. 337	Fred W. Nolting
S-3395	S.F. 337	Dale L. Tieden
S-3396	S.F. 337	Lucas J. DeKoster
S-3399	S.F. 337	Lucas J. DeKoster Berl E. Priebe

PRESENTATION OF VISITORS

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

Twenty-two students from Hoak Elementary School, Des Moines, Iowa, accompanied by Mrs. Linn. Senator Kinley.

Forty-five students from Logan Junior High School, Waterloo, Iowa, accompanied by Mr. Miller, Mr. Sheely and Mrs. Kuhn. Senator Hansen.

Nineteen students from the Steamboat Rock Community School District, Steamboat Rock, Iowa, accompanied by Kay Roelfsema. Senator Taylor.

Twenty students, members of the Youth Club of the Plymouth Congregational Church, Des Moines, Iowa, accompanied by the Reverend Warren Jensen. Senator Hill of Polk.

On motion of Senator Kinley, the Senate adjourned at 5:10 p.m., until 10:00 a.m., Thursday, April 21, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY—SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 21, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend David R. Stevenson, pastor of the Evangelical Free Church, Meriden, Iowa.

The Journal of Wednesday, April 20, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Zoutendam, Sheldon, Iowa.

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 14, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 354, a bill for an Act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 360, by Senator Hutchins, a bill for an act relating to property taxes and property tax credits by providing additional property tax credits for certain property owners, providing for the valuation of agricultural property on productivity, providing for the adjustment of the state school foundation base, making appropriations, and making certain provisions of the Act retroactive.

Read first time and PASSED ON FILE.

SENATE FILE 361, by Committee on Judiciary, a bill for an act relating to rules of appellate procedure in the courts.

Read first time and PLACED ON CALENDAR.

SENATE FILE 362, by Committee on Judiciary, a bill for an act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties.

Read first time and PLACED ON CALENDAR.

SENATE FILE 363, by Committee on Judiciary, a bill for an act to make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the general assembly, to provide that consents to adoption obtained prior to January 1, 1977, shall be unaffected by the termination requirements which became effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 354, a bill for an Act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which

certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senate File 337

On motion of Senator Nolting, Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits, was taken up for consideration.

Senator Nolting asked and received unanimous consent that David R. Beard, Actuary for the Iowa Department of Job Service, be allowed in the Senate chamber during discussion of the bill.

Senator Nolting offered amendment S-3365 filed by him on April 18, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3365 was adopted.

Senator Hultman offered amendment S-3363 filed by Senators Hultman, Hulse and Tieden on April 18, 1977, to pages 2, 3 and 4 of the bill.

Senator Hultman offered amendment S-3395 to amendment S-3363 filed by Senator Tieden on April 20, 1977, and moved its adoption.

Amendment S-3395 to amendment S-3363 was adopted.

Senator Hultman moved the adoption of amendment S-3363 as amended and requested a record roll call.

On the question "Shall amendment S-3363 be adopted?" (S.F. 337) the vote was:

Ayes, 20:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	Drake
Hill, P.B.	Hulse	Hultman	Kelly
Miller, E.R.	Nystrom	Ramsey	Schwengels
Shaff	Shaw	Taylor	Tieden

Nays, 27:

Calhoon	Carr	Culver	DeKoster
Doderer	Gallagher	Glenn	Hill, E.M.
Hutchins	Junkins	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Murray	Nolting
Orr	Palmer	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Slater	Van Gilst	Willits	

Absent or not voting, 3:

Coleman	Hansen	Priebe
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Amendment S-3363 as amended lost.

Senator Nolting offered amendment S-3360 filed by him on April 18, 1977, to pages 4 and 5 of the bill and moved its adoption.

Amendment S-3360 was adopted.

Senator Murray offered amendment S-3374 filed by him on April 19, 1977, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3374 be adopted?" (S.F. 337) the vote was:

Rule 23 was invoked.

Ayes, 19:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	Hill, P.B.
Hulse	Hultman	Miller, E.R.	Murray
Nystrom	Ramsey	Rush	Shaff
Taylor	Tieden	Willits	

Nays, 28:

Calhoon	Carr	Culver	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Nolting	Orr	Palmer	Readinger
Redmond	Robinson	Rodgers	Schwengels
Scott	Shaw	Slater	Van Gilst

Absent or not voting, 3:

Coleman	Hansen	Priebe
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Amendment S-3374 lost.

Senator DeKoster offered amendment S-3399 filed by Senators DeKoster and Priebe on April 20, 1977, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3399 be adopted?" (S.F. 337) the vote was:

Rule 23 was invoked.

Ayes, 30:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	DeKoster
Drake	Glenn	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Robinson	Rush	Schwengels
Scott	Shaff	Shaw	Taylor
Tieden	Willits		

Nays, 16:

Calhoon	Carr	Coleman	Culver
Doderer	Hill, E.M.	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Nolting	Orr
Palmer	Redmond	Rodgers	Slater

Absent or not voting, 4:

Gallagher	Hansen	Priebe	Van Gilst
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Amendment S-3399 was adopted.

Senator Murray offered amendment S-3384 filed by him on April 19, 1977, to page 5 of the bill and moved its adoption.

Amendment S-3384 was adopted.

(Senate File 337 pending on recess.)

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.

BUSINESS PENDING

Senate File 337

The Senate resumed consideration of Senate File 337.

Senator Hultman offered amendment S-3377 filed by Senators Hultman and Nolting on April 19, 1977, to page 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 35, nays 8.

Amendment S-3377 was adopted.

Senator DeKoster offered amendment S-3396 filed by him on April 20, 1977, to page 5 of the bill.

Action on amendment S-3396 was temporarily deferred.

Senator Murray offered amendment S-3369 filed by Senators Murray, et al., on April 19, 1977, to page 7 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3369 be adopted?" (S.F. 337) the vote was:

Ayes, 19:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	Hill, P.B.
Hulse	Hultman	Miller, E.R.	Murray
Nystrom	Ramsey	Schwengels	Shaff
Shaw	Taylor	Tieden	

Nays, 30:

Calhoon	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Van Gilst	Willits		

Absent or not voting, 1:

Hansen

Amendment S-3369 lost.

The Senate resumed consideration of amendment S-3396 previously deferred.

Senator DeKoster moved the adoption of amendment S-3396 and requested a record roll call.

On the question "Shall amendment S-3396 be adopted?" (S.F. 337) the vote was:

Ayes, 38:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	DeKoster
Drake	Glenn	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 10:

Calhoon	Carr	Coleman	Culver
Doderer	Gallagher	Hill, E.M.	Merritt
Miller, A.V.	Nolting		

Absent or not voting, 2:

Hansen	Redmond
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Amendment S-3396 was adopted.

Senator Hultman offered amendment S-3357 filed by him on April 15, 1977, to page 6 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3357 be adopted?" (S.F. 337) the vote was:

Ayes, 21:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	Hill, P.B.
Hulse	Hultman	Kelly	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Schwengels	Shaff	Shaw	Taylor
Tieden			

Nays, 28:

Calhoon	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.

Nolting	Orr	Palmer	Readerger
Redmond	Robinson	Rodgers	Rush
Scott	Slater	Van Gilst	Willits

Absent or not voting, 1:

Hansen

Amendment S—3357 lost.

Senator Nolting offered amendment S—3388 filed by him on April 20, 1977, to page 7 of the bill and moved its adoption.

Amendment S—3388 was adopted.

Senator Priebe offered amendment S—3403 to page 1 of the bill.

Senator Nolting raised the point of order that amendment S—3403 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3403 out of order.

Senator Hultman offered amendment S—3407 to page 6 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3407 be adopted?" (S.F. 337) the vote was:

Ayes, 19:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	Drake
Hill, P.B.	Hulse	Hultman	Miller, E.R.
Nystrom	Ramsey	Schwengels	Shaff
Shaw	Taylor	Tieden	

Nays, 30:

Calhoon	Carr	Coleman	Culver
DeKoster	Doderer	Gallagher	Glenn
Hill, E.M.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Orr	Palmer
Priebe	Readerger	Redmond	Robinson

Rodgers
Van Gilst

Rush
Willits

Scott

Slater

Absent or not voting, 1:

Hansen

Amendment S-3407 lost.

Senator Drake offered amendment S-3409 by Senators Drake and Nolting to page 6 of the bill and moved its adoption.

Amendment S-3409 was adopted.

Senator Hultman raised the point of order that Senate File 337 be referred to the committee on Ways and Means under Senate Rule 36.

The Chair ruled the point well taken and Senate File 337 was REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

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

The Senate resumed session, President Neu presiding.

REPORT OF COMMITTEE

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

NORMAN G. RODGERS, Chairperson

CONSIDERATION OF BILL

Senate File 337

On motion of Senator Nolting, Senate File 337, a bill for an Act

to provide a funding system for unemployment compensation benefits, with report of committee on Ways and Means 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?" (S.F. 337) the vote was:

Rule 23 was invoked.

Ayes, 31:

Bergman	Calhoon	Carr	DeKoster
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Slater	Van Gilst	Willits	

Nays, 16:

Ashcraft	Bisenius	Briles	Burroughs
Craft	Curtis	Hansen	Hulse
Hultman	Nystrom	Priebe	Schwengels
Shaff	Shaw	Taylor	Tieden

Absent or not voting, 3:

Coleman	Culver	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 ADOPTED

Senate File 213

Senator Willits called up the motion to reconsider Senate File 213, a bill for an Act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of

the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates, filed by him on March 23, 1977, found on page 755 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 213) the vote was:

Ayes, 36:

Briles	Burroughs	Calhoon	Carr
Coleman	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Scott	Slater	Van Gilst	Willits

Nays, 13:

Ashcraft	Bergman	Bisenius	Craft
Hultman	Merritt	Nystrom	Ramsey
Schwengels	Shaff	Shaw	Taylor
Tieden			

Absent or not voting, 1:

Culver

The motion prevailed.

With the adoption of the motion to reconsider by Senator Willits, the motion to reconsider the vote by which Senate File 213 failed to pass the Senate filed by Senator Doderer on March 24, 1977, was ruled out of order.

Senator Murray moved to reconsider the vote by which Senate File 213 went to its last reading.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?"
(S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 24:

Ashcraft	Bergman	Bisenius	Briles
Craft	Culver	Curtis	DeKoster
Glenn	Hansen	Hill, P.B.	Hulse
Hultman	Hutchins	Merritt	Miller, E.R.
Murray	Ramsey	Readinger	Schwengels
Shaff	Shaw	Taylor	Tieden

Nays, 26:

Burroughs	Calhoon	Carr	Coleman
Doderer	Drake	Gallagher	Hill, E.M.
Junkins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Nolting	Nystrom	Orr
Palmer	Priebe	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Van Gilst	Willits		

The motion lost.

On the question "Shall the bill pass?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 25:

Burroughs	Calhoon	Carr	Coleman
DeKoster	Doderer	Drake	Gallagher
Hansen	Hill, E.M.	Junkins	Kelly
Kinley	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Redmond	Robinson
Rush	Scott	Slater	Van Gilst
Willits			

Nays, 25:

Ashcraft	Bergman	Bisenius	Briles
Craft	Culver	Curtis	Glenn
Hill, P.B.	Hulse	Hultman	Hutchins
Merritt	Miller, E.R.	Murray	Nystrom

Priebe
Schwengels
Tieden

Ramsey
Shaff

Readinger
Shaw

Rodgers
Taylor

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

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

The Senate resumed session, Senator Glenn presiding.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

April 21, 1977

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 Neal Lepird, D.P.M., Estherville, Emmet County, Iowa, for reappointment to the State Board of Podiatry Examiners pursuant to Section 147.12, 1977 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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 A. Graham, Jr., D.V.M., Milo, Warren County, Iowa, for reappointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1977 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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 14, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 252, a bill for an Act relating to the experience requirement for licensing of, and prohibiting certain restrictions upon, nursing home administrators.

Also: That the House has on April 18, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 287, a bill for an Act relating to child custody in dissolution of marriage cases.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 252, a bill for an Act relating to the experience requirement for licensing of, and prohibiting certain restrictions upon, nursing home administrators.

Read first time and PASSED ON FILE.

HOUSE FILE 287, a bill for an Act relating to child custody in dissolution of marriage cases.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 20, 1977, 8:08 a.m.

Members Present: Van Gilst, Chairperson; Merritt, Vice Chairperson; Tieden, Ranking Member; Hulse; Hutchins and A. Miller.

Members Absent: Readinger (arrived 8:14 a.m.) and Scott (arrived 8:26 a.m.).

Members Excused: Calhoon and E. Miller.

Final Action: AMEND AND DO PASS.

Senate File 121, a bill for an Act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

The vote was: AYES, 8; Van Gilst, Merritt, Tieden, Hulse, Hutchins, A. Miller, Readinger and Scott. NAYS, none. ABSENT OR NOT VOTING, 2; Calhoun and E. Miller.

Adjourned: 9:00 a.m.

COMMERCE

Convened: April 20, 1977, 8:00 a.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting; Palmer; Robinson and Rodgers.

Members Absent: none.

Other Business: Discussion of Senate File 22 with Julian Garrett and Hugh Perry from the Consumer Protection Division of the Attorney General's Office.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: April 19, 1977, 4:20 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Kelly; Palmer; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Junkins (arrived 4:30 p.m.).

Final Action: AMEND AND DO PASS.

House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive.

The vote was: AYES, 11; Rodgers, Nolting, Curtis, E. Hill, Junkins, Kelly, Palmer, Priebe, Readinger, Redmond and Van Gilst. NAYS, 3; Craft, Hultman and Shaff.

Adjourned: 6:00 p.m.

WAYS AND MEANS

Convened: April 20, 1977, 9:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Junkins; Palmer; Priebe; Readinger; Shaff and Van Gilst.

Members Absent: Hultman (arrived 9:20 a.m.), Kelly (arrived 9:25 a.m.) and Redmond.

Final Action: AMEND AND DO PASS.

Senate File 336, a bill for an Act imposing a state tax on the renting of hotel and motel rooms and providing for the revenue to be returned to the cities and counties.

The vote was: AYES, 8; Rodgers, Nolting, Craft, Junkins, Kelly, Palmer, Readinger and Shaff. NAYS, 3; Curtis, E. Hill and Priebe. ABSENT OR NOT VOTING, 3; Hultman, Redmond and Van Gilst.

Adjourned: 9:50 a.m.

STUDY BILL RECEIVED

S.S.B. 267 Budget

Per diem and expenses of members of the governor's task force on local government.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 357	Human Resources
S.F. 359	Transportation

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Milford A. Fjare, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the State Board of Landscape Architectural Examiners under the provisions of Section 118A.3, Code 1975, for the regular three-year term beginning July 1, 1977, and ending June 30,

1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN R. SCOTT, Chairperson
JOHN N. NYSTROM
DAVID M. READINGER
TOM SLATER
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herbert W. Randels, Des Moines, Polk County, Iowa, for appointment as a member of the Occupational Safety and Health Review Commission under the provisions of Section 88.10, Code 1975, for the unexpired portion of a term ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
WILLIAM D. PALMER
RICHARD R. RAMSEY
FORREST V. SCHWENGELS
NORMAN G. RODGERS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kenneth R. Carrell, D.O., Columbus Junction, Louisa County, Iowa, for reappointment as a member of the State Board of Medical Examiners pursuant to 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.

WILLIAM D. PALMER, Chairperson
WARREN E. CURTIS
RICHARD F. DRAKE
FRED W. NOLTING
BOB RUSH

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 reappointment as a member of the State Board of Watchmaking examiners under the provisions of Section 120.3, Code 1975, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be

confirmed.

LOUIS P. CULVER, Chairperson
ROLF V. CRAFT
WARREN E. CURTIS
JAMES V. GALLAGHER
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 bills have been 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 April, 1977:

Senate Files 98, 198 and 268.

STEVEN C. CROSS, Secretary of the Senate

PROOF OF PUBLICATION

Published copy of Senate File 362 and verified proof of publication of said bill in The Seymour Herald, a newspaper published in Seymour, Iowa, on April 7, 1977, 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

REPORTS OF COMMITTEES

Senator Van Gilst submitted the following report:

MR. PRESIDENT: Your committee on Agriculture to which was referred Senate File 121, a bill for an Act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3405; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BASS VAN GILST, Chairperson

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3410; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on Transportation, to which was referred House File 224, a bill for an Act relating to mobile home tiedowns and providing a penalty, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3404; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CLOYD E. ROBINSON, Chairperson

EXPLANATION OF VOTE

MR. PRESIDENT: I was called out of the Senate chamber on legislative business when the vote was taken on Senate File 337.

Had I been present, I would have voted "nay" on final passage.

RICHARD R. RAMSEY

AMENDMENT FILED

S-3406

S.F. 336

David M. Readinger

William D. Palmer

Tom Slater

PRESENTATION OF VISITORS

President Neu welcomed Peg Armstrong, State President, and Rick Lowers, Phil Core and Mike Earll, State Vice Presidents of the Future Farmers of America, who were present in the Senate gallery as the guests of Senator Craft.

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

Thirty students from the Centerville Community School District, Centerville, Iowa, accompanied by Iola McMorrow. Senator Ramsey.

Eight students, members of Western Dubuque F.F.A. Chapter, Western Dubuque County Community High School, Farley, Iowa, accompanied by Mr. Carlson. Senator Bisenius.

Forty-six students from Pella Christian Grade School, Pella, Iowa, accompanied by Ivan Grothuis and Elroy Vanderley. Senator Hill of Jasper.

Sixty students from Woodside Junior High School, Des Moines, Iowa, accompanied by Mrs. Pittman and Mr. Neagle. Senator Willits.

Eight students from the University of Dubuque, Dubuque, Iowa. Senator Carr.

Forty-seven students from Gehlen Catholic High School, Le Mars, Iowa, accompanied by Mr. Dick Seivert and Father Tom Geelan. Senator DeKoster.

Forty students from the Boone Community School District, Boone, Iowa. Senator Nystrom.

Twenty-seven students from the New Market Community School District, New Market, Iowa, accompanied by Mrs. Laverty and Mr. Healy. Senator Briles.

Forty students from Dunlap Junior-Senior High School, Dunlap, Iowa, accompanied by Bob Dougherty and Becky Panzi. Senator Culver.

One hundred fifty students from the Red Oak Community School District, Red Oak, Iowa. Senator Hultman.

On motion of Senator Kinley, the Senate adjourned at 4:30 p.m., until 10:00 a.m., Friday, April 22, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED THIRD CALENDAR DAY—SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 22, 1977

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

Prayer was offered by the Reverend Louis Kolasch, pastor of the Sacred Heart Catholic Church, Fort Dodge, Iowa.

The Journal of Thursday, April 21, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Cook, Iowa City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Shaff, Kelly, Nystrom and Tieden for the day on request of Senator Hultman.

INTRODUCTION OF BILL

SENATE FILE 364, by Committee on Budget (Subcommittee on Human Resources), a bill for an act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system.

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 Coleman presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 231

Senator Hutchins called up for consideration Senate File 231, a bill for an Act providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code, amended by the House, and moved that the Senate concur in House amendment S-3385, filed April 20, 1977, and found on page 1102 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Hutchins 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. 231) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Schwengels	Scott	Slater
Taylor	Van Gilst	Willits	

Nays, 3:

Merritt	Rush	Shaw
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Absent or not voting, 4:

Kelly	Nystrom	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.

CONSIDERATION OF BILL

Senator Kinley asked and received unanimous consent to take up out of order Senate File 355.

Senate File 355

On motion of Senator Glenn, Senate File 355, a bill for an Act changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit, 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. 355) the vote was:

Ayes, 36:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Craft	Culver
Curtis	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, P.B.	Hulse
Hutchins	Junkins	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Murray	Orr
Palmer	Priebe	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaw	Slater	Van Gilst	Willits

Nays, 10:

Briles	Burroughs	DeKoster	Hill, E.M.
Hultman	Miller, E.R.	Nolting	Ramsey
Scott	Taylor		

Absent or not voting, 4:

Kelly	Nystrom	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.

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

The Senate resumed session, President pro tempore Coleman presiding.

INTRODUCTION OF BILL

SENATE FILE 365, by Committee on State Government, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: April 20, 1977, 9:10 a.m.

Members Present: Orr, Chairperson; DeKoster; Merritt; Scott and Shaw.

Members Absent: Willits, Vice Chairperson (arrived 9:20 a.m.), Hansen, Ranking Member (arrived 9:20 a.m.), Slater (arrived 9:17 a.m.) and Taylor (arrived 9:15 a.m.).

Members Excused: Carr

Other Business: Dr. Robert Benton, Superintendent, Department of Public Instruction, discussed the proposed contract between Eastern Iowa Community College and Marycrest College, both of Davenport, Iowa.

Adjourned: 10:00 a.m.

JUDICIARY

Convened: April 21, 1977, 9:10 a.m.

Members Present: Glenn, Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; Doderer; P. Hill; Ramsey; Redmond; Scott and Shaw.

Members Absent: Rush, Vice Chairperson (arrived 9:15 a.m.) and Willits (arrived 9:20 a.m.).

Final Action: APPROVED.

Senate File 361, a bill for an Act relating to rules of appellate procedure in

the courts.

The vote was: AYES, 10; Glenn, DeKoster, Ashcraft, Coleman, Doderer, P. Hill, Ramsey, Redmond, Scott and Shaw. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 362, a bill for an Act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Ashcraft, Coleman, Ramsey, Redmond, Scott, Shaw and Willits. VOTING PRESENT, 1; P. Hill. ABSENT OR NOT VOTING, 1; Doderer.

Also:

Final Action: APPROVED.

Senate File 363, a bill for an Act to make technical corrections and to clarify language in the adoption laws.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Ashcraft, Ramsey, Redmond, Scott, Shaw, Doderer and P. Hill. VOTING PRESENT, 1; Coleman. ABSENT OR NOT VOTING, 1; Willits.

Also:

Other Business: Discussed legislation relating to minority shareholder rights—no final action.

Adjourned: 10:15 a.m.

NATURAL RESOURCES

Convened: April 21, 1977, 9:05 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Other Business: House File 210 (Land Use) was discussed. Jim Webb, a representative from the Iowa Natural Resources Council, gave a report on the progress of the water plan.

Adjourned: 9:45 a.m.

STATE GOVERNMENT

Convened: April 20, 1977, 3:30 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Ashcraft; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: Nystrom, Ranking Member and Carr.

Other Business: Discussed S.S.B. 14, relating to food service establishments, food establishments, food and beverage vending machines and hotels, and providing penalties.

Adjourned: 4:30 p.m.

TRANSPORTATION

Convened: April 21, 1977, 8:10 a.m.

Members Present: Robinson, Chairperson; Drake, Ranking Member; Gallagher; Tieden; Ashcraft and Hutchins.

Members Absent: Glenn, Vice Chairperson (arrived 8:11 a.m.), Coleman (arrived 8:11 a.m.) and Doderer.

Final Action: AMEND AND DO PASS.

House File 224, a bill for an Act relating to mobile home tiedowns and providing a penalty.

The vote was: AYES, 6; Robinson, Drake, Ashcraft, Hutchins, Shaff and Tieden. NAYS, 2; Glenn and Coleman. VOTING PRESENT, 1; Gallagher. ABSENT OR NOT VOTING, 1; Doderer.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: April 21, 1977, 3:10 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Palmer; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: none.

Final Action: DO PASS.

Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits.

The vote was: AYES, 13; Rodgers, Nolting, Curtis, Craft, E. Hill, Junkins, Kelly, Palmer, Priebe, Readinger, Redmond, Shaff and Van Gilst. NAYS, 1; Hultman.

Adjourned: 3:15 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 360	Ways and Means
H.F. 252	State Government
H.F. 287	Judiciary
H.F. 354	Human Resources

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 52—Relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

S.F. 109—To update Iowa specifications and standards for cheese and cheese products.

S.F. 110—Relating to testing dairy products for manufacturing purposes.

S.F. 235—Appropriating funds from the motor vehicle fuel tax fund to the Department of Revenue.

S.F. 262—Making an appropriation to the Board of Watchmaking Examiners.

S.F. 266—Making an appropriation from the general fund of the state to the Board of Accountancy.

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Kenneth R. Carrell be removed from the "En Bloc Confirmation

Calendar" and placed on the "Individual Confirmation Calendar".

LOUIS P. CULVER

REPORTS OF COMMITTEES

Senator Gallagher submitted the following reports:

MR. PRESIDENT: Your committee on Energy to which was referred House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

MR. PRESIDENT: Your committee on Energy to which was referred House File 174, a bill for an Act to provide public recognition for innovative methods of energy conservation, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES V. GALLAGHER, Chairperson

Senator Priebe submitted the following report:

MR. PRESIDENT: Your committee on Natural Resources to which was referred House File 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 93, a bill for an Act to permit pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse races and racing meets; imposing taxes and fees and providing for their

use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

NORMAN G. RODGERS, Chairperson

Senate File 93 REFERRED to the committee on STATE GOVERNMENT under Senate Rule 36.

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 237

Natural Resources
Tieden, Chairperson
Culver
E. Miller

SENATE FILE 291

Natural Resources
Calhoun, Chairperson
Burroughs
Culver

SENATE FILE 330

Education
Willits, Chairperson
Taylor
Orr

SENATE FILE 346

Commerce
Palmer, Chairperson
Curtis
Bisenius

SENATE FILE 350

Judiciary
Shaw, Chairperson
Rush
Scott

SENATE FILE 353

Energy
Scott, Chairperson
Gallagher
Burroughs

SENATE FILE 285

Natural Resources
Calhoun, Chairperson
Burroughs
Culver

SENATE FILE 326

Judiciary
P. Hill, Chairperson
Redmond
Ramsey

SENATE FILE 345

Education
Scott, Chairperson
DeKoster
Hansen

SENATE FILE 348

Education
Hansen, Chairperson
Carr
Merritt

SENATE FILE 352

Judiciary
Redmond, Chairperson
Scott
Shaw

SENATE FILE 354

Commerce
Rodgers, Chairperson
Burroughs
Bergman

HOUSE FILE 70

Judiciary
P. Hill, Chairperson
Redmond
Shaw

HOUSE FILE 179

Commerce
Palmer, Chairperson
Curtis
Bisenius

HOUSE FILE 421

Agriculture
Calhoon, Chairperson
Hulse
Hutchins

HOUSE FILE 449

State Government
Drake, Chairperson
Glenn
Carr

S.S.B. 88

Natural Resources
Bergman, Chairperson
Slater
Junkins

S.S.B. 94

State Government
Kelly, Chairperson
Drake
Culver

S.S.B. 264

Cities
A. Miller, Chairperson
Readinger
Gallagher

S.S.B. 266

Human Resources
Murray, Chairperson
A. Miller
Rush

HOUSE FILE 174

Energy
Briles, Chairperson
Gallagher
Culver

HOUSE FILE 408

Natural Resources
Burroughs, Chairperson
Calhoon
Culver

HOUSE FILE 444

Agriculture
Tieden, Chairperson
A. Miller
Readinger

HOUSE FILE 490

Natural Resources
Bergman, Chairperson
Junkins
Slater

S.S.B. 89

Natural Resources
Burroughs, Chairperson
Calhoon
Culver

S.S.B. 97

Natural Resources
Culver, Chairperson
Tieden
E. Miller

S.S.B. 265

Judiciary
DeKoster, Chairperson
Ashcraft
Coleman

AMENDMENT FILED

S-3411

S.F. 358

Elizabeth R. Miller

Dale L. Tieden

Alvin V. Miller

Bass Van Gilst

PRESENTATION OF VISITORS

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

Thirty-three students, members of the 4-H Club from Dubuque and Jackson Counties, accompanied by Banks Doggett, Mrs. Kruse and Mrs. Laban. Senators Tieden, Carr and Bisenius.

On motion of Senator Kinley, the Senate adjourned at 11:26 a.m., until 10:00 a.m., Monday, April 25, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY—SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 25, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Calvin Schumacher, pastor of the United Church of Christ, Clarence, Iowa.

The Journal of Friday, April 22, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Bailey, Anamosa, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shaff for the day on request of Senator 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 House has on April 22, 1977, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities.

Also: That the House has on April 22, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 101, a bill for an Act relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

Also: That the House has on April 22, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 209, a bill for an Act making technical amendments to the statutes relating to school districts.

DAVID L. WRAY, Chief Clerk

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the Iowa Merit Employment Commission, William J. Brandenburg, filed April 20, 1977, and found on page 1123 of the Senate Journal.

As a member of the State Board of Landscape Architectural Examiners, Milford A. Fjare, filed April 21, 1977, and found on pages 1142-1143 of the Senate Journal.

As a member of the Occupational Safety and Health Review Commission, Herbert W. Randels, filed April 21, 1977, and found on page 1143 of the Senate Journal.

As a member of the State Board of Watchmaking Examiners, James R. Van Denver, filed April 21, 1977, and found on pages 1143-1144 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

WILLIAM J. BRANDENBURG

Ayes, 36:

Ashcraft	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	Willits

Nays, none.

Absent or not voting, 14:

Bergman	Calhoon	Doderer	Drake
Hulse	Miller, A.V.	Murray	Orr
Palmer	Ramsey	Readinger	Rodgers
Shaff	Tieden		

President Neu declared the appointment of William J. Brandenburg as a member of the Iowa Merit Employment Commission confirmed for the unexpired portion of the term ending June 30, 1981.

MILFORD A. FJARE

Ayes, 36:

Ashcraft	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	Willits

Nays, none.

Absent or not voting, 14:

Bergman	Calhoon	Doderer	Drake
Hulse	Miller, A.V.	Murray	Orr
Palmer	Ramsey	Readinger	Rodgers
Shaff	Tieden		

President Neu declared the appointment of Milford A. Fjare as a member of the State Board of Landscape Architectural Examiners confirmed for the regular three-year term ending June 30, 1980.

HERBERT W. RANDELS

Ayes, 36:

Ashcraft	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	Willits

Nays, none.

Absent or not voting, 14:

Bergman	Calhoon	Doderer	Drake
Hulse	Miller, A.V.	Murray	Orr
Palmer	Ramsey	Readinger	Rodgers
Shaff	Tieden		

President Neu declared the appointment of Herbert W. Randels as a member of the Occupational Safety and Health Review Commission confirmed for the unexpired portion of the term ending June 30, 1980.

JAMES R. VAN DENOVER

Ayes, 36:

Ashcraft	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	DeKoster	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Priebe	Redmond	Robinson
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	Willits

Nays, none.

Absent or not voting, 14:

Bergman	Calhoon	Doderer	Drake
Hulse	Miller, A. V.	Murray	Orr
Palmer	Ramsey	Readinger	Rodgers
Shaff	Tieden		

President Neu declared the appointment of James R. Van Denover as a member of the State Board of Watchmaking Examiners confirmed for the regular three-year term ending June 30, 1980.

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

The Senate resumed session, President Neu presiding.

PRESENTATION OF PELLA TULIP QUEEN

Senator Hill of Jasper appeared on the rostrum and presented Kathy Thies, Queen of the Forty-second Annual Tulip Time Festival from Pella, Iowa, who in turn introduced the members of her court; Cindy DeJong, Laureen Roak, Carol Kanis and Jeffy Hoekstra. The girls were accompanied by Ray De Haan.

The Queen greeted President Neu with a kiss and presented him with a package of the famous Pella cookies and invited the Senate to attend the Tulip Time Festival in Pella on May 12-13-14, 1977.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 362.

Senate File 362

On motion of Senator DeKoster, Senate File 362, a bill for an Act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties, 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. 362) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Drake	Hultman	Kelly	Rodgers
Shaff			

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 Thomas H. Huston, Des Moines, Polk County, Iowa, for reappointment as Superintendent of Banking for the State of Iowa, under the provisions of Section 524.201, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1977, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
STEPHEN W. BIENIUS
PHILIP B. HILL
FRED W. NOLTING
BERL E. PRIEBE

The motion prevailed the the report was adopted.

Senator Junkins moved the appointment of Thomas H. Huston as Superintendent of Banking be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 23 was invoked.

Ayes, 40:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	Curtis	DeKoster	Doderer
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Schwengels	Scott	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 6:

Carr	Gallagher	Merritt	Orr
Redmond	Rush		

Absent or not voting, 4:

Drake	Kelly	Rodgers	Shaff
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President Neu declared the appointment of Thomas H. Huston as Superintendent of Banking confirmed for the regular four-year term ending June 30, 1981.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman presiding.

QUORUM CALL

Senator Kinley 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 20, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 464

S-3417

- 1 Amend Senate amendment H-3589 to House File 464,
- 2 as follows:
- 3 1. Page 1, by inserting after line 16 the follow-
- 4 ing:
- 5 "The provisions of subsection nine (9) of section
- 6 nineteen A point nine (19A.9) of the Code which
- 7 restricts employment of intermittent employees to
- 8 not more than a specified number of calendar days
- 9 in any twelve-month period without examination, shall
- 10 not apply during the period beginning on July 1, 1977
- 11 and ending June 30, 1978 for forty intermittent
- 12 employees who are employed in field offices by the
- 13 department of social services. It is the intent of
- 14 the general assembly to authorize the continued
- 15 employment during the 1977-1978 fiscal year of persons
- 16 employed to assist in meeting the current high demand
- 17 for income maintenance and related services and to
- 18 permit the department to avoid the cost of training
- 19 new employees. Any such employee of the department
- 20 of social services who has been employed and classified

21 as an intermittent employee after August 1, 1975 for
 22 twelve consecutive months or more shall be eligible
 23 to receive the same fringe benefits for fiscal year
 24 1977-1978 as any other person employed under the
 25 provisions of chapter nineteen A (19A) of the Code.”

26 2. Page 1, line 19, by striking the figure
 27 “4,375,000” and inserting in lieu thereof the figure
 28 “4,389,000”.

29 3. Page 1, by inserting after line 19 the follow-
 30 ing:

31 “Included in this appropriation for state
 32 administration is twenty-five thousand (25,000) dollars
 33 for one additional prosecutor for the fraud unit.
 34 The position of medical consultant to the commissioner
 35 is not funded in this appropriation for state
 36 administration.”

37 4. Page 1, by striking lines 22 and 23 and insert-
 38 ing the following:

39 “For development and implementa-
 40 tion of medicaid management in-
 41 formation system..... \$140,000”

42 5. Page 1, by inserting after line 42 the follow-
 43 ing:

44 “The department shall consult with the advisory
 45 commission on corrections and prepare and submit to
 46 the house and senate budget subcommittees on social
 47 services recommendations concerning the three juvenile
 48 institutions at Eldora, Mitchellville and Toledo with
 49 a long term recommendation on the care and treatment
 50 of juveniles at not more than two institutions. These

Page 2

1 recommendations shall be submitted on or before
 2 December 15, 1977. Members of the budget subcommittees
 3 on social services shall visit the three institutions
 4 during the 1977 interim.”

5 6. Page 2, line 23, by striking the figure
 6 “6,401,582” and inserting in lieu thereof the figure
 7 “6,500,000”.

8 7. Page 2, line 31, by striking the figure
 9 “725,000” and inserting in lieu thereof the figure
 10 “735,000”.

11 8. Page 2, line 33, by striking the figure
 12 “2,275,000” and inserting in lieu thereof the figure
 13 “2,290,000”.

14 9. Page 2, line 37, by striking the figure
 15 “1,500,000” and inserting in lieu thereof the figure
 16 “1,524,000”.

17 10. Page 3, line 33, by striking the words "this
18 section" and inserting in lieu thereof the words
19 "section six (6) of this Act".

20 11. Page 4, line 36, by striking the figure
21 "420,000" and inserting in lieu thereof the figure
22 "480,000".

23 12. Page 4, by striking line 45 and inserting
24 in lieu thereof the following:
25 "centers for nonprofit centers only..... \$250,000

26 Real property shall not be purchased with funds
27 appropriated by this subsection.

28 16. State supplementation to
29 Title XX..... \$750,000

30 The funds appropriated by this subsection shall
31 be used only for purchase of services to continue
32 current programs.

33 17. Notwithstanding the provisions of section
34 eight point thirty-three (8.33) of the Code,
35 unencumbered or unobligated funds appropriated by
36 Acts of the Sixty-sixth General Assembly, 1976 Session,
37 chapter one thousand one hundred thirty-two (1132),
38 section five (5), subsection two (2), remaining on
39 June 30, 1977 shall be available for expenditure
40 during the fiscal year beginning July 1, 1977 and
41 the unencumbered or unobligated funds remaining on
42 June 30, 1978 shall revert to the general fund on
43 September 30, 1978."

44 13. Page 5, by striking lines 8 through 14.

45 14. Page 5, line 40, by inserting after the period
46 the words "However, the physical structure and fixtures
47 of the riverview release center shall not be altered
48 except for normal repair and maintenance until such
49 time as the general assembly shall otherwise provide."

50 15. Page 6, by inserting after line 9 the follow-

Page 3

1 ing:

2 "Sec. 16. It is the intent that the department
3 of social services shall increase the maximum
4 reimbursement for intermediate care facility services
5 under medicaid from nineteen dollars to nineteen
6 dollars and fifty cents and that the department shall
7 increase the fee paid to pharmacists under medicaid
8 from two dollars and fifteen cents to two dollars
9 and fifty-five cents.

10 Sec. 17. It is the intent of the general assembly
11 that the department of social services, by July 1,
12 1977, shall review every state staffing requirement

13 contained in the conditions of participation for
14 intermediate care facilities participating in the
15 medicaid program that exceeds federal government re-
16 quirements and that any such conditions of
17 participation be submitted to the administrative rules
18 review committee.

19 Sec. 18. The department of health shall delay
20 implementation of the department of health licensure
21 rules for intermediate care facilities as published
22 in the Iowa Administrative Code 'Health (470) chapter
23 58'. The department, upon consultation with the
24 health facilities advisory committee, shall review
25 these rules which exceed the federal Title XIX
26 guidelines for intermediate care facilities. All
27 such modified rules approved by the department of
28 health shall be resubmitted to the administrative
29 rules review committee. The department of health
30 may promulgate rules in areas not addressed by federal
31 regulations.

32 Sec. 19. It is the intent that the department
33 of social services shall resist the implementation
34 of the federal government spouse income regulation
35 which would allow spouse income under certain
36 circumstances to be excluded from the determination
37 of income for intermediate care facility medicaid
38 eligibility purposes.

39 Sec. 20. It is the intent of the general assembly
40 that funds appropriated for medical assistance shall
41 not be used to pay for radiology services provided
42 by a computerized axial tomographic scanner placed
43 in operation in the state of Iowa subsequent to the
44 effective date of this Act unless said computerized
45 axial tomographic scanner has been approved by the
46 health facilities construction review committee of
47 the state department of health.

48 Sec. 21. Section two hundred twenty-two point
49 eighty-six (222.86), Code 1977, is amended to read
50 as follows:

Page 4

1 222.86 PAYMENT FOR CARE FROM FUND. Whenever the
2 amount in the account of any patient in the patients'
3 personal deposit fund exceeds the sum of two hundred
4 dollars, the business manager of the hospital-school
5 or special unit may apply any amount of the excess
6 to reimburse the county of legal settlement for
7 liability incurred by such county for the payment
8 of care, support, and maintenance of the patient when

9 billed therefor by the county of legal settlement.
 10 [Money earned by a patient for work performed in or
 11 for a hospital school or special unit shall not be
 12 subject to this section or to attachment.]

13 Sec. 22.

14 1. The department of social services shall
 15 implement a pilot program in community services
 16 districts ten and two requiring mandatory second
 17 opinions on elective surgery for medicaid clients.
 18 The department shall reimburse board certified surgical
 19 specialists to give their opinion on elective surgery
 20 prescribed by the client's own physician. If there
 21 is a difference in the opinion of the two physicians,
 22 the client shall make the final determination. In
 23 cases where the client is geographically distant from
 24 the specialist, the department shall pay transportation
 25 and child care expenses incurred in obtaining the
 26 second opinion. The department shall maintain
 27 statistical information on this program in community
 28 service districts ten and two and on similar groups
 29 in community service districts eight and eleven in
 30 order to evaluate the impact of this program on the
 31 costs of the medicaid program.

32 2. There is appropriated from the general fund
 33 of the state to the department of social services
 34 for the fiscal year beginning July 1, 1977 the sum
 35 of fifty thousand (50,000) dollars, or so much thereof
 36 as may be necessary, for the administration of the
 37 pilot program mandated by this section, and for the
 38 payment of evaluation costs, consultant fees and
 39 client expenses incurred in connection therewith."

40 16. Page 6, by striking lines 23 through 26 and
 41 inserting in lieu thereof the words "schools revolving
 42 fund. Unobligated or unencumbered funds appropriated
 43 by this section shall not revert to the general fund
 44 of the state until the attainment of the object or
 45 the completion of the work for which such appropriation
 46 is made."

47 17. Page 6, by striking lines 45, 46 and 47 and
 48 inserting the following: "advisory commission on
 49 corrections relief submitted to the general assembly
 50 subsequent to April 1, 1977. Funds appropriated by

Page 5

1 this subsection may be used to match federal funds
 2 including federal funds received from the law
 3 enforcement assistance administration if such funds
 4 become available to the state. The construction of

5 the capital improvements shall not commence prior
6 to March 1, 1978 except as provided in section thirty
7 (30) of this Act."

8 18. Page 7, by striking lines 49 through 50.

9 19. Page 8, by striking lines 1 through 17 and
10 inserting in lieu thereof the following:

11 "Sec. 30. Unobligated or unencumbered funds
12 remaining on June 30, 1981 from funds appropriated
13 by sections twenty-five (25) through twenty-eight
14 (28) of this Act shall revert to the general fund
15 of the state on September 30, 1981. If federal funds
16 do not become available to match the funds appropriated
17 by subsection one (1) of section twenty-eight (28)
18 of this Act, the funds, except seventy-five thousand
19 dollars, shall be used for planning the projects
20 provided for in this Act including the employment
21 of architects. In no event shall such funds, except
22 the seventy-five thousand dollars provided for in
23 this section, be used for construction or alteration
24 of physical structures prior to March 1, 1978. The
25 seventy-five thousand dollars excepted from the
26 planning shall be used to complete the work in
27 progress, make further necessary repairs, and install
28 a horizontal partition in cellhouse twenty at Fort
29 Madison as provided in subsection one (1) of section
30 twenty-nine (29) of this Act."

31 20. Page 8, by inserting after line 17 the follow-
32 ing new sections:

33 "Sec. 31. Effective March 31, 1978, building
34 twenty at the mental health institute at Mount Pleasant
35 shall revert to and become a part of the mental health
36 institute, and the director of the division of mental
37 health resources of the department of social services
38 shall thereafter have primary authority and
39 responsibility for its operation and control.

40 Sec. 32. Chapter two hundred twenty-six (226),
41 Code 1977, is amended by adding the following new
42 section:

43 **NEW SECTION. SPECIAL TREATMENT UNIT FOR CORRECTIONS**
44 **INMATES.**

45 1. Beginning April 1, 1978, there shall be
46 maintained at the Mount Pleasant mental health
47 institute, as a part of that institute, a secure
48 facility for the treatment of inmates of adult
49 corrections institutions who exhibit treatable
50 personality disorders, with or without accompanying

2 apply for and upon their application may be selected
3 for treatment by the staff of the mental health
4 institute at Mount Pleasant in accordance with section
5 two hundred eighteen point ninety (218.90) of the
6 Code.

7 2. The division of mental health of the department
8 of social services shall coordinate with the state
9 psychiatric hospital at Iowa City in the creation,
10 staffing, and operation of a research and treatment
11 program directed at the class of disorders described
12 in subsection one (1) of this section which program
13 shall be that operated at the mental health institute
14 at Mount Pleasant.

15 3. The final decision regarding admission and
16 discharge of patients shall rest with the
17 superintendent of the mental health institute not
18 withstanding section two hundred eighteen point ninety
19 (218.90) of the Code. Upon discharge patients shall
20 be returned to the direction of the division of adult
21 corrections.

22 Sec. 33. Section two hundred twenty-three point
23 eight (223.8), Code 1977, is amended by striking the
24 section and inserting in lieu thereof the following:
25 223.8 COSTS AND CHARGES. Chapter two hundred
26 thirty (230), Code 1977, shall govern the determination
27 of costs and charges for the care and treatment of
28 mentally ill patients admitted to the Iowa security
29 medical facility, except that charges for the care
30 and treatment of any person transferred to the security
31 medical facility from an adult correctional institution
32 or from a state training school shall be paid entirely
33 from state funds. Charges for all other patients
34 at the security medical facility shall be billed to
35 the respective counties at the same ratio as for
36 patients at state hospitals for the mentally ill,
37 under section two hundred thirty point twenty (230.20)
38 of the Code.

39 Sec. 34. The department of social services shall
40 report to the budget social services subcommittees
41 of the committees on budget of the house and senate
42 by February 1, 1978 the cost and description of the
43 construction necessary to make building twenty at
44 Mount Pleasant mental health institute an internally
45 secure structure, including but not limited to
46 providing escape-proof doors and windows, air
47 conditioning, and electronic surveillance and security
48 equipment which will exceed the standards in the
49 existing plans.

50 Sec. 35. There is hereby appropriated from the

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1 general fund of the state to the legislative council
2 the sum of twenty thousand (20,000) dollars, or so
3 much thereof as may be necessary, which shall be used
4 by the joint senate-house budget subcommittees on
5 social services to conduct a study of the requirements
6 for and restrictions upon use of federal funds
7 allocated to Iowa under Title twenty (XX) of the
8 United States social security Act, the manner in which
9 the state and persons representing political
10 subdivisions of the state and other local interests
11 and organizations have planned for and acted in use
12 of these funds, the effect upon these efforts and
13 subsequent decisions by the department of social
14 services affecting the allocation and use of Title
15 twenty (XX) funds, the effect of any joint funding
16 of programs with both money appropriated by or
17 allocated to the state for the medical assistance
18 program maintained pursuant to Title nineteen (XIX)
19 of the United States social security Act and Title
20 twenty (XX) money and the necessity for the district
21 offices of the department of social services. The
22 subcommittees shall make the necessary arrangements
23 for the conduct and supervision of the study, including
24 the hiring of any necessary staff, and for formulation
25 of recommendations based upon the findings of the
26 study. The report of the study and the recommendations
27 based thereon shall be submitted to the Sixty-seventh
28 General Assembly on or before the date it convenes
29 for its regular session in the year 1978. The
30 secretary of the senate and the chief clerk of the
31 house, in consultation with the legislative council,
32 shall provide administrative services for the
33 administration of funds appropriated by this section.”
34 21. By renumbering sections of and correcting
35 internal references in the amendment in accordance
36 with the foregoing amendments.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 163.

House File 163

On motion of Senator Doderer, House File 163, 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, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

President Neu took the chair at 1:45 p.m.

Senator Taylor offered amendment S-3380 filed by the committee on Human Resources on April 19, 1977, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3380 be adopted?" (H.F. 163) the vote was:

Ayes, 12:

Coleman	Craft	Culver	Junkins
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Ramsey	Taylor	Tieden

Nays, 35:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Curtis
DeKoster	Doderer	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Kelly	Kinley
Murray	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaw
Slater	Van Gilst	Willits	

Absent or not voting, 3:

Drake	Schwengels	Shaff
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Amendment S-3380 lost.

Senator Doderer offered amendment S-3414 by Senators Doderer and Orr to pages 1 and 2 of the bill and moved its adoption.

Amendment S-3414 was adopted.

Senator Doderer offered amendment S-3416 by Senators Doderer and Orr to page 2 of the bill.

Senator Taylor called for a division of the amendment, lines 3 and 4 to be considered as division S-3416A of the amendment; lines 5, 6 and 7 to be considered as division S-3416B of the amendment.

Senator Doderer moved the adoption of division S-3416A of the amendment.

Division S-3416A of the amendment was adopted.

Senator Taylor raised the point of order that division S-3416B of the amendment was not germane to the bill.

The Chair ruled the point not well taken and division S-3416B of the amendment in order.

Senator Doderer moved the adoption of division S-3416B of the amendment.

Division S-3416B of the amendment was adopted.

Senator Doderer withdrew amendment S-3379 filed by her on April 19, 1977, to page 2 of the bill.

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. 163) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels

Scott
Tieden

Shaw
Van Gilst

Slater
Willits

Taylor

Nays, none.

Voting present, 1:

Miller, C.P.

Absent or not voting, 2:

Drake

Shaff

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

WITHDRAWN

Senator Doderer asked and received unanimous consent that SENATE FILE 86 be WITHDRAWN from further consideration of the Senate.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 261.

Senate File 261

On motion of Senator Scott, Senate File 261, a bill for an Act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis offered amendment S-3422 to page 1 of the bill.

Senator Calhoon took the chair at 3:25 p.m.

Senator Curtis moved the adoption of amendment S-3422.

Amendment S-3422 was adopted.

Senator Scott offered amendment S-3413 to pages 1 and 2 of the bill and moved its adoption.

Amendment S-3413 was adopted.

Senator Scott offered amendment S-3415 to page 2 of the bill and moved its adoption.

Amendment S-3415 was adopted.

Senator Scott offered amendment S-3412 to page 2 of the bill and moved its adoption.

Amendment S-3412 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. 261) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Drake	Robinson	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.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 361.

Senate File 361

On motion of Senator Ramsey, Senate File 361, a bill for an Act relating to rules of appellate procedure in the courts, was taken up for consideration.

Senator Ramsey offered amendment S—3424 to pages 1 and 2 of the bill and moved its adoption.

Amendment S—3424 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. 361) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaw
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Doderer	Drake	Murray	Robinson
Shaff	Slater		

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 224.

House File 224

On motion of Senator Tieden, House File 224, a bill for an Act relating to mobile home tiedowns and providing a penalty, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Glenn offered amendment S-3404 filed by the committee on Transportation on April 21, 1977, to page 2 of the bill and moved its adoption.

Amendment S-3404 was adopted.

Senator Tieden offered amendment S-3425 to page 2 of the bill and moved its adoption.

Amendment S-3425 was adopted.

Senator Coleman moved that action on House File 224 be deferred.

A non record roll call was requested.

The ayes were 41, nays 5.

The motion prevailed and action on House File 224 was deferred.

MOTION TO RECONSIDER ADOPTED

Senator Ramsey called up the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 362 passed the Senate on April 25, 1977.

RICHARD R. RAMSEY

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 362) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Rodgers	Rush
Schwengels	Shaw	Slater	Taylor
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Curtis	Drake	Hultman	Murray
Robinson	Scott	Shaff	Tieden

The motion prevailed.

Senator Ramsey moved to reconsider the vote by which Senate File 362 went to its last reading, which motion prevailed.

On motion of Senator DeKoster, Senate File 362, a bill for an Act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties, was taken up for reconsideration.

Senator Ramsey offered amendment S-3418 to page 1 of the bill and moved its adoption.

Amendment S-3418 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. 362) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman

Craft	Culver	Curtis	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Drake	Murray	Robinson	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 224

The Senate resumed consideration of House File 224, previously deferred.

Senator Coleman offered amendment S-3430 to page 1 of the bill.

Senator Hill of Polk called for a division of the amendment, lines 3 and 4 to be considered as division S-3430A of the amendment; lines 5 and 6 to be considered as division S-3430B of the amendment.

Senator Coleman moved the adoption of division S-3430A of the amendment.

A non record roll call was requested.

The ayes were 13, nays 31.

Division S-3430A of the amendment lost.

Senator Coleman moved the adoption of division S-3430B of the amendment.

Division S-3430B of the amendment was adopted.

Senator Priebe offered amendment S-3431 by Senators Priebe and Tieden to pages 1 and 2 of the bill.

Senator Hill of Polk called for a division of the amendment, lines 3, 4 and 5 to be considered as division S-3431A of the amendment; lines 6, 7 and 8 to be considered as division S-3431B of the amendment.

Senator Priebe moved the adoption of division S-3431A of the amendment.

Division 3431A of the amendment was adopted.

Senator Priebe moved the adoption of division S-3431B of the amendment.

A non record roll call was requested.

The ayes were 29, nays 17.

Division S-3431B of the amendment was adopted.

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. 224) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Culver
Curtis	DeKoster	Doderer	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 3:

Coleman	Craft	Ramsey
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Absent or not voting, 4:

Drake

Murray

Robinson

Shaff

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 the following bills be immediately messaged to the House: SENATE FILES 261, 361 and 362 and HOUSE FILES 163 and 224.

MOTION TO RECONSIDER WITHDRAWN

Senate File 137

Senator DeKoster withdrew the motion to reconsider Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, filed by him on April 20, 1977, and found on page 1117 of the Senate Journal.

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, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 197, a bill for an Act relating to and appropriating funds to various regulatory and finance agencies and departments.

Also: That the House has on April 21, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 314, a bill for an Act relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 366, by Committee on Natural Resources, a bill for an act relating to vessel equipment requirements.

Read first time and PLACED ON CALENDAR.

SENATE FILE 367, by Senators Priebe, Tieden and Merritt, 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.

HOUSE AMENDMENT TO SENATE FILE 197

S-3423

- 1 Amend Senate File 197 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following new sentence: "The monies appropriated
- 4 in this paragraph shall be contingent upon the
- 5 extension of the hours of operation of the
- 6 highest volume store in counties or metropolitan
- 7 areas with a population in excess of forty
- 8 thousand (40,000) people, until ten (10) p.m. on
- 9 all days the liquor stores are in operation."

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: April 21, 1977, 4:15 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Junkins; Nolting; Priebe; Ramsey; Van Gilst and Willits.

Members Absent: Kelly.

Final Action: APPROVED.

Senate File 364, a bill for an Act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: AMEND AND DO PASS.

House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and agricultural land tax credit, making appropriations, and making the Act retroactive.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Adjourned: 4:25 p.m.

COMMERCE

Convened: April 22, 1977, 9:10 a.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting and Robinson.

Members Absent: Palmer.

Members Excused: Rodgers.

Other Business: Assigned bills.

Adjourned: 9:20 a.m.

EDUCATION

Convened: April 22, 1977, 8:30 a.m.

Members Present: Orr, Chairperson; Carr; Merritt; Shaw and Taylor.

Members Absent: Hansen, Ranking Member (arrived 8:50 a.m.), Scott (arrived 8:50 a.m.), Willits, Vice Chairperson and DeKoster.

Members Excused: Slater.

Other Business: Assignment of bills and discussion of Senate File 252.

Adjourned: 9:10 a.m.

ENERGY

Convened: April 22, 1977, 11:00 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver; Glenn; Ramsey and Rodgers.

Members Absent: none.

Final Action: DO PASS.

House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

The vote was: AYES, 9; Gallagher, Scott, Burroughs, Bisenius, Briles, Culver, Glenn, Ramsey and Rodgers. NAYS, none.

Also:

Final Action: DO PASS.

House File 174, a bill for an Act to provide public recognition for innovative methods of energy conservation.

The vote was: AYES, 9; Gallagher, Scott, Burroughs, Bisenius, Briles, Culver, Glenn, Ramsey and Rodgers. NAYS, none.

Also:

Other Business: Assigned Senate File 353 to subcommittee.

Adjourned: 11:40 a.m.

HUMAN RESOURCES

Convened: April 21, 1977, 8:10 a.m.

Members Present: C. Miller, Chairperson; Murray, Ranking Member; Craft; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: Carr, Vice Chairperson, Calhoon (arrived 8:20 a.m.) and E. Hill (arrived 8:13 a.m.).

Other Business: Discussed legislation relating to certificate of need.

Adjourned: 9:00 a.m.

NATURAL RESOURCES

Convened: April 22, 1977, 10:30 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Junkins and Slater.

Members Absent: Calhoon.

Members Excused: Tieden.

Final Action: DO PASS.

House File 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty.

The vote was: AYES, 7; Priebe, Culver, E. Miller, Bergman, Burroughs, Junkins and Slater. NAYS, none. ABSENT OR NOT VOTING, 2; Calhoon and Tieden.

Adjourned: 10:32 a.m.

STUDY BILLS RECEIVED

S.S.B. 268 Transportation and Law Enforcement Budget Subcommittee

Appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

S.S.B. 269 Energy

Making the director of the energy and mineral resources research institute an ex officio nonvoting member of the energy policy council.

S.S.B. 270 Energy

Appropriation to the office for planning and programming for a winterization assistance program.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald W. Brown, Ames, Story County, Iowa, for reappointment to the State Board of Accountancy pursuant to Section 116.3, 1975 Code of Iowa, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made the investigation and recommends the appointment be confirmed.

MILO MERRITT, Chairperson
CHARLES P. MILLER
JOHN S. MURRAY
RICHARD R. RAMSEY
JOHN R. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mrs. Elsie Grant, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.12, 1975 Code of Iowa, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made the investigation and recommends the appointment be confirmed.

MILO MERRITT, Chairperson
WILLIAM D. PALMER
CHARLES P. MILLER
ELIZABETH R. MILLER
FORREST V. SCHWENGELS

ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS

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

BENNETT GORDON, Des Moines, Polk County, Iowa, as a member of the Iowa Beer and Liquor Control Council for the regular five-year term commencing July 1, 1977, and ending June 30, 1982.

Senator Redmond, Chairperson
Senator Kinley
Senator Taylor
Senator Tieden
Senator Van Gilst

RICHARD NEAL LEPIRD, Estherville, Emmett County, Iowa, as a member of the State Board of Podiatry Examiners for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Coleman, Chairperson
Senator Ashcraft
Senator Bergman
Senator Doderer
Senator Gallagher

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 22, 1977, the Governor approved and transmitted to the Secretary of State the following bill:

H.F. 367—Making appropriations to various state departments.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Thursday, April 21, 1977.

Had I been present I would have voted "aye" on amendments S-3357, S-3363, S-3369, S-3374, S-3377, S-3395, S-3396, S-3399 to Senate File 337.

WILLARD R. HANSEN

AMENDMENTS FILED

S-3419	S.F. 358	Dale L. Tieden
S-3420	S.F. 93	Eugene M. Hill
S-3421	S.F. 93	Eugene M. Hill
S-3426	S.F. 93	Elizabeth R. Miller
S-3427	S.F. 93	John N. Nystrom
S-3428	S.F. 93	Lucas J. DeKoster
S-3429	S.F. 93	Lucas J. DeKoster

PRESENTATION OF VISITORS

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

Twenty-one students from the Fonda Community School District, Fonda, Iowa. Senator Scott.

Twenty-three students from the Dallas Community School District, Dallas Center, Iowa, accompanied by Bill Wineland. Senator Rodgers.

Thirty students from McCombs Junior High School, Des Moines, Iowa. Senator Kinley.

Fifty students from Paton-Churdan Junior-Senior High School, Churdan, Iowa. Senators Nystrom and Scott.

Five students from Plymouth County. Senator DeKoster.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hansen from seven hundred fifty residents of Black Hawk County favoring legislation to create a separate state agency to regulate credit unions.

By Senator Kinley from forty residents of Polk County favoring House File 437, to permit local authorities to issue special permits for limited movement of vehicles on highways.

By Senator Junkins from one hundred ninety-eight residents of Lee County favoring reinstatement of capital punishment.

By Senator Nolting from three hundred fifty residents of Black Hawk County favoring legislation to create a separate state agency to regulate credit unions.

The following petitions favoring an appropriation for human resource programs were presented and placed on file by:

Senator Junkins from twenty-three residents of Lee and Polk Counties.

Senator Willits from seventeen residents of Polk County.

Senator Hill of Polk from one hundred fifty-five residents of Polk County.

Senator Hulse from thirteen residents of Cedar County.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Glenn from twenty-five residents of Wapello County.

Senator Hutchins from twenty-six residents of Iowa.

Senator Hutchins from twenty-one residents of Iowa.

On motion of Senator Kinley, the Senate adjourned at 5:25 p.m., until 10:00 a.m., Tuesday, April 26, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY—SEVENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 26, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend LeRoy Christoffels, pastor of the Bethel Christian Reformed Church, Oskaloosa, Iowa.

The Journal of Monday, April 25, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Paul Knouf, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

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

The Senate resumed session, President pro tempore Coleman 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 20, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 246, a bill for an Act creating a performance audit bureau.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 246, a bill for an Act creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties, and providing a penalty.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senator Junkins asked and received unanimous consent to take up out of order Senate File 364.

Senate File 364

On the motion of Senator Priebe, Senatè File 364, a bill for an Act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system, 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. 364) the vote was:

Ayes, 36:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Curtis
Doderer	Drake	Hansen	Hill, E.M.
Hulse	Hultman	Junkins	Kelly
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Rodgers	Rush	Scott	Shaff
Slater	Taylor	Tieden	Willits

Nays, none.

Absent or not voting, 14:

Briles	Coleman	Culver	DeKoster
Gallagher	Glenn	Hill, P.B.	Hutchins
Kinley	Miller, E.R.	Robinson	Schwengels
Shaw	Van Gilst		

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

Senate File 145

On motion of Senator Hansen, Senate File 145, a bill for an Act relating to teaching of the free enterprise economic system in high

schools, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hansen offered amendment S-3273 filed by the committee on Education to page 1 of the bill and moved its adoption.

Amendment S-3273 was adopted.

Senator Hansen moved that the bill 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. 145) the vote was:

Rule 23 was invoked.

Ayes, 28:

Bergman	Bisenius	Burroughs	Calhoon
Carr	Curtis	DeKoster	Doderer
Drake	Hansen	Hulse	Hultman
Junkins	Kelly	Merritt	Miller, A.V.
Murray	Nolting	Nystrom	Orr
Ramsey	Readinger	Rush	Scott
Shaff	Slater	Taylor	Tieden

Nays, 9:

Ashcraft	Coleman	Hill, E.M.	Kinley
Miller, C.P.	Priebe	Redmond	Rodgers
Willits			

Voting present, 1:

Craft

Absent or not voting, 12:

Briles	Culver	Gallagher	Glenn
Hill, P.B.	Hutchins	Miller, E.R.	Palmer
Robinson	Schwengels	Shaw	Van Gilst

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

OFFICIAL DELEGATION

The following official delegation was appointed to represent the Senate at the funeral services of Representative Mattie Harper, to be held at 2:00 p.m., Tuesday, April 26, 1977, at the Priester Funeral Home, Bloomfield, Iowa: Senators Gene W. Glenn, Forrest V. Schwengels and Bass Van Gilst.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Glenn, Schwengels, Van Gilst, Culver, Miller of Marshall and Rodgers 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 Senate File 356.

Senate File 356

On motion of Senator Slater, Senate File 356, a bill for an Act

relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves territory in more than one county, clarifying the publication requirements for notice of election results, and allowing chapter three hundred sixty-eight (368) of the Code to prevail over chapter seventeen A (17A) of the Code in certain instances, was taken up for consideration.

Senator Slater moved that the bill 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, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Curtis	DeKoster	Doderer
Drake	Gallagher	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Nystrom	Orr	Priebe
Ramsey	Readinger	Rush	Scott
Shaff	Slater	Taylor	Tieden
Willits			

Nays, 1:

Kelly

Absent or not voting, 12:

Culver	Glenn	Hansen	Hutchins
Miller, E.R.	Palmer	Redmond	Robinson
Rodgers	Schwengels	Shaw	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 174.

House File 174

On motion of Senator Briles, House File 174, a bill for an Act to provide public recognition for innovative methods of energy conservation, 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. 174) the vote was:

Ayes, 38:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Curtis	DeKoster	Doderer	Drake
Gallagher	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rush
Scott	Shaff	Slater	Taylor
Tieden	Willits		

Nays, none.

Absent or not voting, 12:

Calhoon	Culver	Glenn	Hansen
Hutchins	Miller, E.R.	Redmond	Robinson
Rodgers	Schwengels	Shaw	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 75.

House File 75

On motion of Senator Ramsey, House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code,

with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey offered amendment S-3433 to page 2 of the bill.

Senator Merritt took the chair at 2:25 p.m.

Senator Ramsey moved the adoption of amendment S-3433.

Amendment S-3433 was adopted.

Senator Ramsey offered amendment S-3432 to page 2 of the bill and moved its adoption.

Amendment S-3432 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. 75) the vote was:

Ayes, 33:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Curtis	Doderer	Gallagher	Hansen
Hill, E.M.	Hill, P.B.	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rush	Scott	Slater	Taylor
Willits			

Nays, 7:

Coleman	DeKoster	Drake	Hulse
Hultman	Shaff	Tieden	

Absent or not voting, 10:

Culver	Glenn	Hutchins	Miller, E.R.
Redmond	Robinson	Rodgers	Schwengels
Shaw	Van Gilst		

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 Hutchins for the afternoon session on request of Senator Kinley.

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

The Senate resumed session, President pro tempore Coleman presiding.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 363.

Senate File 363

On motion of Senator Shaw, Senate File 363, a bill for an Act to make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the general assembly, to provide that consents to adoption obtained prior to January 1, 1977, shall be unaffected by the termination requirements which became effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights, was taken up for consideration.

Senator Shaw offered amendment S-3435 to page 1 of the bill and moved its adoption.

Amendment S-3435 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. 363) the vote was:

Ayes, 39:

Ashcraft	Bergman	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Curtis	DeKoster	Doderer	Drake
Gallagher	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rush
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 11:

Bisenius	Culver	Glenn	Hultman
Hutchins	Miller, E.R.	Nystrom	Robinson
Rodgers	Schwengels	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 490.

House File 490

On motion of Senator Bergman, House File 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Cerro Gordo offered amendment S—3436 by Senator Miller of Cerro Gordo, et al., to page 5 of the bill and moved its adoption.

Amendment S—3436 was 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. 490) the vote was:

Ayes, 37:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Curtis	DeKoster	Doderer
Drake	Gallagher	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, 1:

Hansen

Absent or not voting, 12:

Culver	Glenn	Hutchins	Miller, E.R.
Nystrom	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Van Gilst

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 the following bills be immediately messaged to the House: SENATE FILES 145, 356 and 363 and HOUSE FILES 75 and 490.

INTRODUCTION OF BILL

SENATE FILE 368, by Senator Murray, a bill for an act authorizing eligible electors to request a general obligation bond issue.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 17

By: Redmond

1 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
2 REPRESENTATIVES CONCURRING, That unnumbered
3 paragraph one (1) of Rule Seven (7) of the Joint
4 Rules of the Senate and House of Representatives
5 be amended to read as follows:
6 Whenever any bill has been substantially amended
7 upon its initial passage [by either] in the house
8 originating the bill, either the secretary of the
9 senate or the chief clerk of the house of
10 representatives shall order the bill reprinted
11 on paper of a different color. All adopted amend-
12 ments shall be distinguishable.

EXPLANATION

14
15 The amendment to the Joint Rules requires the
16 reprinting of amended bills upon the order of the
17 chief administrative officer of either the Senate
18 or House. Formerly, only the chief administrative
19 officer of the house of origin ordered a bill to be
20 reprinted.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: April 22, 1977, 11:10 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray; Ranking Member; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Other Business: Continued discussion on legislation relating to certificate of need; assigned House File 354 to subcommittee.

Adjourned: 12:10 p.m.

HUMAN RESOURCES

Convened: April 25, 1977, 10:25 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: Murray, Ranking Member (arrived 10:50 a.m.) and Calhoon (arrived 11:00 a.m.).

Other Business: Continued discussion of House File 354, relating to certificate of need.

Adjourned: 11:15 a.m.

BILL ASSIGNED TO COMMITTEE

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

S.F. 367 Ways and Means

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:

DR. JOSEPH A. GRAHAM, JR., Milo, Warren County, Iowa, as a member of the State Board of Veterinary Medical Examiners for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator E. Hill, Chairperson
Senator DeKoster
Senator Junkins
Senator Tieden
Senator Van Gilst

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 25, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 98—Providing that the director of the Division of Corrections of the Department of Social Services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

S.F. 198—Appropriating funds to the Iowa Beer and Liquor Control Department for capital improvements.

S.F. 268—Repealing the statutory standing appropriation funding the state employees' disability plan.

H.F. 229—Relating to the registration certificates of vessels.

H.F. 281—To clarify jurisdiction and venue provisions in cases of dissolution of marriage.

REPORTS OF COMMITTEES

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on Energy to which was referred Senate File 353, a bill for an Act relating to the purchase of energy efficient motor vehicles by state agencies, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JAMES V. GALLAGHER, Chairperson

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on Human Resources to which was referred House File 354, a bill for an Act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3438; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

CHARLES P. MILLER, Chairperson

House File 354 REFERRED to the committee on STATE GOVERNMENT under Senate Rule 36.

Senator Priebe submitted the following report:

MR. PRESIDENT: Your committee on Natural Resources to which was referred House File 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3437; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

House File 210 REFERRED to the committee on STATE GOVERNMENT under Senate Rule 36.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday, April 26, 1977.

Had I been present, I would have voted "aye" on Senate File 356 and House File 174.

WILLARD R. HANSEN

AMENDMENT FILED

S-3434	S.F. 365	C. Joseph Coleman Calvin O. Hultman
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PRESENTATION OF VISITORS

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

Forty-two students from St. Thomas Aquinas School, Webster City, Iowa. Senator Nystrom.

One hundred ten students from Osage Community School, Osage, Iowa. Senator Merritt.

Fourteen students from Creston Catholic School, Creston, Iowa, accompanied by Mrs. Leonard. Senators Ramsey and Briles.

On motion of Senator Kinley, the Senate adjourned at 3:38 p.m., until 10:00 a.m., Wednesday, April 27, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SEVENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 27, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Daniel Ogata, pastor of the First United Presbyterian Church, Grinnell, Iowa.

The Journal of Tuesday, April 26, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. B. H. Osten, Northwood, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Scott for the day on request of Senator Kinley.

INTRODUCTION OF BILL

SENATE FILE 369, by Senator Rush, a bill for an act relating to agency meetings in closed session.

Read first time and PASSED ON FILE.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the State Board of Accountancy, Donald W. Brown, filed April 25, 1977, and found on page 1187 of the Senate Journal.

As a member of the State Board of Psychology Examiners, Elsie Grant, filed April 25, 1977, and found on page 1188 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

DONALD W. BROWN

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Readinger	Robinson	Rodgers
Rush	Schwengels	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Hill, P.B.	Priebe	Ramsey	Redmond
Scott			

President Neu declared the appointment of Donald W. Brown as a member of the State Board of Accountancy confirmed for the regular three-year term ending June 30, 1980.

ELSIE GRANT

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
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Burroughs	Calhoun	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Readinger	Robinson	Rodgers
Rush	Schwengels	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Hill, P.B.	Priebe	Ramsey	Redmond
Scott			

President Neu declared the appointment of Elsie Grant as a member of the State Board of Psychology Examiners confirmed for the regular three-year term ending June 30, 1980.

CONSIDERATION OF BILL

Senate File 349

On motion of Senator Glenn, Senate File 349, a bill for an Act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision, was taken up for consideration.

Senator Doderer offered amendment S-3439 by Senators Doderer, De Koster and Willits to pages 1 and 2 of the bill.

Senator Shaff took the chair at 10:35 a.m.

President Neu took the chair at 10:45 a.m.

Senator Willits called for a division of the amendment, lines 2 through 11 to be considered as division S-3439A of the amendment; lines 12 through 26 to be considered as division S-3439B of the amendment.

Senator Doderer moved the adoption of division S-3439A of the amendment.

A record roll call was requested.

On the question "Shall division S-3439A of the amendment be adopted?" (S.F. 349) the vote was:

Rule 23 was invoked.

Ayes, 19:

Ashcraft	Briles	Burroughs	DeKoster
Doderer	Drake	Hansen	Hill, P.B.
Hultman	Miller, E.R.	Murray	Orr
Readinger	Redmond	Rush	Shaff
Shaw	Slater	Willits	

Nays, 28:

Bergman	Bisenius	Calhoon	Carr
Coleman	Craft	Culver	Curtis
Gallagher	Glenn	Hill, E.M.	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Nolting	Nystrom
Palmer	Ramsey	Robinson	Rodgers
Schwengels	Taylor	Tieden	Van Gilst

Absent or not voting, 3:

Hulse	Priebe	Scott
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Division S-3439A of the amendment lost.

Senator Doderer asked and received unanimous consent to withdraw division S-3439B of the amendment.

Senator Ramsey offered amendment S-3359 filed by him on April 18, 1977, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3359 be adopted?" (S.F. 349) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft	Bisenius	Briles	Burroughs
Craft	Doderer	Drake	Hansen
Hill, E.M.	Hulse	Hultman	Miller, E.R.
Nystrom	Palmer	Ramsey	Readinger
Redmond	Schwengels	Shaw	Taylor
Tieden	Van Gilst		

Nays, 25:

Calhoon	Carr	Coleman	Culver
Curtis	DeKoster	Gallagher	Glenn
Hill, P.B.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Orr	Robinson
Rodgers	Rush	Shaff	Slater
Willits			

Absent or not voting, 3:

Bergman	Priebe	Scott
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Amendment S—3359 lost.

Senator Doderer moved that action on Senate File 349 be deferred.

(Senate File 349 pending on recess.)

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.

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

The Senate resumed session, President pro tempore Coleman presiding.

BUSINESS PENDING

Senate File 349

The Senate resumed consideration of Senate File 349 and the motion to defer by Senator Doderer.

Senator Doderer withdrew the motion to defer action on Senate File 349.

Senator Miller of Marshall offered amendment S-3443 by Senators Miller of Marshall and DeKoster to page 1 of the bill.

President Neu took the chair at 4:00 p.m.

Senator Miller of Marshall moved the adoption of amendment S-3443 and requested a record roll call.

On the question "Shall amendment S-3443 be adopted?" (S.F. 349) the vote was:

Ayes, 36:

Ashcraft	Bergman	Briles	Burroughs
Calhoon	Craft	Culver	Curtis
DeKoster	Doderer	Gallagher	Hansen
Hill, P.B.	Hulse	Hultman	Junkins
Kelly	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Rodgers	Rush	Schwengels	Shaff
Shaw	Slater	Tieden	Willits

Nays, 11:

Bisenius	Carr	Coleman	Glenn
Hill, E.M.	Hutchins	Kinley	Miller, C.P.
Robinson	Taylor	Van Gilst	

Absent or not voting, 3:

Drake	Priebe	Scott
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Amendment S-3443 was adopted.

Senator Hill of Polk called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3359 to Senate File 349 failed to be adopted by the Senate on April 27, 1977.

PHILIP B. HILL

A non record roll call was requested.

The ayes were 37, nays 7.

The motion prevailed and amendment S-3359 was brought up for reconsideration.

Senator Ramsey moved the adoption of amendment S-3359.

Amendment S-3359 was 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. 349) the vote was:

Rule 23 was invoked.

Ayes, 40:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Gallagher	Glenn	Hansen	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 6:

Doderer
Orr

Hill, E.M.
Redmond

Hill, P.B.

Miller, C.P.

Absent or not voting, 4:

Drake

Priebe

Robinson

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 that Senate File 349 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 April 25, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 28, a bill for an Act to commemorate the birthday of Dr. Martin Luther King, Jr.

Also: That the House has on April 25, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 119, a bill for an Act relating to the regulation of savings and loan associations.

Also: That the House has on April 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 90, a bill for an Act providing for the payment of interest on escrow accounts relating to real property.

Also: That the House has on April 27, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 224, a bill for an Act relating to mobile home tiedowns and providing a penalty.

Also: That the House has on April 27, 1977, concurred in Senate

amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 228, 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 25, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 232, a bill for an Act prohibiting the Iowa commerce commission from approving certain charges by telephone companies for telephone directory assistance.

Also: That the House has on April 25, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 558, a bill for an Act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 90, a bill for an Act providing for the payment of interest on escrow accounts relating to real property.

Read first time and PASSED ON FILE.

HOUSE FILE 232, a bill for an Act prohibiting the Iowa commerce commission from approving certain charges by telephone companies for telephone directory assistance.

Read first time and PASSED ON FILE.

HOUSE FILE 558, a bill for an Act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members.

Read first time and PASSED ON FILE.

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

The Senate resumed session, Senator Glenn presiding.

REPORTS OF COMMITTEE MEETINGS

ENERGY

Convened: April 26, 1977, 9:00 a.m.

Members Present: Gallagher, Chairperson; Scott, Vice Chairperson; Burroughs, Ranking Member; Bisenius; Briles; Culver and Ramsey.

Members Absent: Rodgers (arrived 9:20 a.m.) and Glenn.

Final Action: DO PASS.

Senate File 353, a bill for an Act relating to the purchase of energy efficient motor vehicles by state agencies.

The vote was: AYES, 7; Gallagher, Scott, Burroughs, Bisenius, Briles, Culver and Ramsey. NAYS, none. Voting present, 1; Rodgers. ABSENT OR NOT VOTING, 1; Glenn.

Also:

Other Business: Assignment of S.S.B. 269 and S.S.B. 270 to subcommittees.

Adjourned: 9:50 a.m.

HUMAN RESOURCES

Convened: April 26, 1977, 9:05 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Calhoun; Craft; E. Hill; P. Hill; E. Miller; Rush and Taylor.

Members Absent: A. Miller (arrived 9:15 a.m.) and Slater (arrived 9:40 a.m.).

Final Action: AMEND AND DO PASS.

House File 354, a bill for an Act relating to certificate of need.

The vote was: AYES, 10; C. Miller, Carr, Murray, Calhoun, Craft, E. Hill, A. Miller, E. Miller, Rush and Slater. NAYS, 2; P. Hill and Taylor.

Also:

Other Business: Discussed merger between the Commission on Alcoholism and the Iowa Drug Abuse Authority.

Adjourned: 10:00 a.m.

JUDICIARY

Convened: April 26, 1977, 8:10 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; P. Hill; Ramsey; Redmond; Scott and Willits.

Members Absent: Doderer (arrived 8:25 a.m.) and Shaw.

Other Business: Discussed legislation relating to minority shareholders.

Adjourned: 9:00 a.m.

NATURAL RESOURCES

Convened: April 26, 1977, 10:15 a.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Calhoon; Junkins; Slater and Tieden.

Members Absent: Burroughs.

Final Action: FAILED TO PASS.

Senate File 40, a bill for an Act to provide for a state land use policy, to create a state land use policy commission and to specify its powers and duties, to provide for the regulation of the use of land, and to make an appropriation.

The vote was: AYES, 1; Tieden. NAYS, 5; Priebe, Bergman, Calhoon, Junkins and Slater. ABSENT OR NOT VOTING, 3; Burroughs, Culver and E. Miller.

Also:

Final Action: FAILED TO PASS.

Senate File 87, a bill for an Act relating to the preparation and adoption of a state comprehensive land use policy and policy guidelines and to the powers and duties of the state conservation commission.

The vote was: AYES, 1; Tieden. NAYS, 5; Priebe, Bergman, Calhoon, Junkins and Slater. ABSENT OR NOT VOTING, 3; Burroughs, Culver and E. Miller.

Adjourned: 11:30 a.m.

Also:

Reconvened: April 26, 1977, 2:40 p.m.

Members Present: Priebe, -Chairperson; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Members Excused: Culver, Vice Chairperson and E. Miller, Ranking Member.

Final Action: AMEND AND DO PASS.

House File 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies.

The vote was: AYES, 6; Priebe, Bergman, Burroughs, Calhoon, Junkins and Slater. NAYS, 1; Tieden. ABSENT OR NOT VOTING, 2; Culver and E. Miller.

Adjourned: 2:42 p.m.

STUDY BILLS RECEIVED

S.S.B. 271 State Government

Employment of inmates within state correctional institutions.

S.S.B. 272 Transportation

Development of air carrier service in the state.

S.S.B. 273 Transportation

Width and length of buses which may be operated on highways of the state.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 368	Cities
S.C.R. 17	Rules and Administration
H.F. 246	State Government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of George Osborne, Alta, Buena Vista County, Iowa, for appointment as a member of the Air Quality Commission of the Department

of Environmental Quality under the provisions of Section 455B.4, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLOYD E. ROBINSON, Chairperson
WARREN E. CURTIS
FRED W. NOLTING
JOAN ORR
RAY TAYLOR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harriette Lindberg, Des Moines, Polk County, Iowa, for reappointment as a member of the Energy Policy Council under the provisions of Chapter 1088, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLOYD E. ROBINSON, Chairperson
FRED W. NOLTING
DAVID M. READINGER
ELIZABETH SHAW
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John E. Beamer, Des Moines, Polk County, Iowa, for appointment as a member of the Public Employment Relations Board under the provisions of Section 20.5, Code 1975, for the unexpired portion of a term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

TOM SLATER, Chairperson
DAVID M. READINGER
ELIZABETH SHAW
BASS VAN GILST
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard E. Sisco, Cedar Rapids, Linn 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, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLOYD E. ROBINSON, Chairperson
BOB RUSH
ROGER J. SHAFF
TOM SLATER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herman W. Thompson, Cedar Rapids, Linn 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 the 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.

ALVIN V. MILLER, Chairperson
FORREST F. ASHCRAFT
CLIFF BURROUGHS
JAMES M. REDMOND
BOB RUSH

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Angelo J. Palmer, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Pharmacy Examiners under the provisions of Section 147.12, Code 1975, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

ALVIN V. MILLER, Chairperson
FORREST F. ASHCRAFT
JAMES E. BRILES
GEORGE R. KINLEY
MILO MERRITT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John W. Menne, Cambridge, Story County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.12, Code 1975, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

C.W. HUTCHINS, Chairperson
MERLIN D. HULSE
JOHN S. MURRAY
GEORGE R. KINLEY
JOAN ORR

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 **reappointment** to the State Board of Veterinary Medical Examiners under the **provisions** of Section 169.15, Code 1977, for the **regular** three-year term beginning **July 1, 1977**, and ending June 30, 1980, **begs leave** to report it has made investigation and recommends the appointment be confirmed.

EUGENE M. HILL, Chairperson
LUCAS J. DE KOSTER
LOWELL L. JUNKINS
DALE L. TIEDEN
BASS VAN GILST

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in enrolling the Senate Amendment to House File 75, the word "for" on line 12 of Amendment S-3433 was stricken and the word "from" inserted in lieu thereof.

Also:

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing the Senate Amendment to House File 490, three changes were made in Amendment S-3436:

1. Line 8, "206" was stricken and "two hundred six (206)" inserted in lieu thereof.
2. Lines 12 and 13, "excerised" was stricken and "exercised" inserted in lieu thereof.
3. Line 14, "200" was stricken and "two hundred (200)" inserted in lieu thereof.

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 OF UTAH

An engrossed copy of House Joint Resolution No. 28 of the Forty-second Legislature of the State of Utah applying to the Congress of the United States to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States to guarantee the preservation of **human** life.

EXPLANATION OF VOTE

I was necessarily absent from the Senate chamber during part of the day on April 26, 1977.

Had I been present, I would have voted "aye" on Senate Files 145, 356, 363 and 364 and on House Files 75, 174 and 490.

C. W. HUTCHINS

REPORTS OF COMMITTEES

Senator Van Gilst submitted the following reports:

MR. PRESIDENT: Your committee on Agriculture to which was referred Senate File 118, a bill for an Act declaring the multiflora rose to be a noxious weed, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Agriculture to which was referred House File 444, a bill for an Act authorizing the department of Agriculture to establish an aujeszky's disease control program and providing penalties, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3446; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BASS VAN GILST, Chairperson

Senator Doderer submitted the following reports:

MR. PRESIDENT: Your committee on State Government to which was referred Senate File 93, a bill for an Act relating to permitting pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse races and racing meets; imposing taxes and fees and providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3449; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred Senate File 290, a bill for an Act relating to the sale of beer on Sunday, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

Senate File 290 REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

MR. PRESIDENT: Your committee on State Government to which was referred House File 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 354, a bill for an Act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 449, a bill for an Act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 75, a bill for an Act relating to the private sale, control, distribution and taxation of wine containing not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties therefor, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

NORMAN G. RODGERS, Chairperson

AMENDMENTS FILED

S-3440	S.F. 75	Eugene M. Hill Roger J. Shaff
S-3442	H.F. 210	Eugene M. Hill
S-3444	S.F. 365	Bob Rush
S-3445	S.F. 365	Bob Rush
S-3447	S.F. 365	Bob Rush
S-3448	S.F. 75	Fred W. Nolting

PRESENTATION OF VISITORS

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

Twenty-three students from the Dallas Community School District, Dallas Center, Iowa, accompanied by Bill Wineland. Senator Rodgers.

Forty students from Fairfield High School, Fairfield, Iowa, accompanied by Mary Pettit. Senator Schwengels.

Thirty-seven students from South Elementary School, Webster City, Iowa, accompanied by Denny Webb. Senator Nystrom.

Forty students from Franklin Elementary School, Muscatine, Iowa. Senator Drake.

Fifty students from the East Greene Community School District, Grand Junction, Iowa, accompanied by Miss Roberts, Shirley Retz

and Karen Rush. Senator Nystrom.

Forty-six students from Madrid Elementary School, Madrid, Iowa, accompanied by Besse Wolf. Senator Nystrom.

On motion of Senator Kinley, the Senate adjourned at 4:55 p.m., until 10:00 a.m., Thursday, April 28, 1977.

JOINT MEMORIAL SERVICE

House Chamber

7:30 p.m.

ETERNAL ADVENTURE

By Representative Betty Jean (Beje) Clark, Rockwell

We remember
Those who have possessed the faith
That dared the great adventure
Of service to their state;
Urged on by an inexplicable instinct
To dream of unreachable horizons
Yet doggedly explore paths by which they might be reached.

In our remembering it is not difficult
To envision them in some perfected state
Joyously.....expectantly
Venturing still throughout eternity!

Prelude Representative Julia Gentleman, Des Moines

No. 4 E Minor—Chopin

Invocation Senator Alvin V. Miller, Ventura

“Our God is a Rock” Katherine K. Davis

Legislative Chorus: Representative Reid W. Crawford, Ames, Director

Representative Nancy Shimanek, Monticello, Accompanist

MEMORIALS—SENATE

Reading: Senator Warren E. Curtis, Cherokee

“Ave Maria” Bach-Gounod

Senator Joan Orr, Soprano, Grinnell
Senator Earl Willits, Des Moines, Accompanist

MEMORIALS—SENATE

Reading: Senator John Scott, Pocahontas

“Once to Every Man and Nation” Thomas John Williams
Legislative Chorus

MEMORIALS—SENATE

Reading: Senator Louis P. Culver, Dunlap

Selections From Old Italian Masters Scarlatti and Corelli

Senator Earl Willits, Des Moines

MEMORIALS—HOUSE OF REPRESENTATIVES

Reading: Representative Opal Miller, Rockwell City

“The Lord’s Prayer” Albert Hay Malotte

David L. Wray, Tenor, Chief Clerk

Senator Earl Willits, Des Moines, Accompanist

MEMORIALS—HOUSE OF REPRESENTATIVES

Reading: Representative John Brunow, Centerville

“The New Twenty-third” Ralph Carmichael

Senate Pages—Rebecca Askew, Thurman; Carol Cox, Fort Dodge
House Pages—Chris Bishop, Boone; Kim Kolenbrander, Pella

MEMORIALS—HOUSE OF REPRESENTATIVES

Reading: Representative William H. Harbor, Henderson

“Battle Hymn of the Republic” William Steffe

Legislative Chorus

Benediction Representative Horace Daggett, Kent

“The Lord Bless You and Keep You” Peter C. Lutkin

Legislative Chorus

IN MEMORIAM

Served in the Senate and House of Representatives

Honorable Harlan C. Foster (Henry County) House—47th, 48th and 49th. (Henry and Washington Counties) Senate—50th, 50 Ex., 51st, 52nd, 52 Ex., and 53rd.

Honorable John W. Graham (Ida County) House—59th, 60th and 60 Ex. (Ida and Sac Counties) House—61st, 62nd and 63rd. (Ida, Cherokee, Sac and Calhoun Counties) Senate—64th.

Honorable Homer H. Hush (Montgomery County) House—43rd and 44th. (Mills and Montgomery Counties) Senate—45th.

Honorable Hugh W. Lundy (Monroe and Marion Counties) Senate—47th, 48th, 49th, 50th and 50 Ex. (Monroe County) House—52nd and 52 Ex.

Honorable Karl Nolin (Carroll) House—62nd. (Carroll, Audubon, Cass, Crawford, Greene, Guthrie and Shelby Counties) Senate—65th.

Honorable Rudy Van Drie (Story County) House—62nd and 63rd. Assistant Majority Leader in House 63rd. (Story and Jasper Counties) Senate—64th.

Served in the Senate

Honorable A. Earl Augustine (Mahaska County) 46 Ex., 47th, 48th, 49th, 50th, 50 Ex., 51st, 52nd, 52 Ex., 53rd and 54th. Minority Floor Leader in Senate 54th.

Honorable Elmer K. Bekman (Wapello County) 48th, 49th, 50th, 50 Ex., 51st, 52nd, 52 Ex., 53rd, 54th and 55th.

Honorable Andrew B. Bell (Crawford, Monona and Harrison Counties) 46th, 46 Ex. and 47th.

Honorable Frank M. Hoxie (Fremont and Page Counties) 56th, 57th, 58th and 59th.

Honorable Garritt E. Roelofs (Lyon, O'Brien, Osceola and Sioux Counties) 45th and 45 Ex.

Served in the House of Representatives

Honorable W. Dean Aubrey (Wapello County) 51st, 53rd, 54th and 58th.

Honorable Carroll Brown (Mahaska County) 52nd, 52 Ex., 53rd, 54th and 55th.

Honorable Charles Burtch (Mitchell County) 55th, 56th, 57th and 58th.

Honorable James Caffrey (Polk County) 61st, 62nd, 63rd, 65th and 66th.

Honorable Bert Fullerton (Woodbury County) 62nd, 65th and 66th.

Honorable Fred B. Hanson (Mitchell County) 59th, 60th, 60 Ex., 62nd and 63rd.

Honorable Mattie Harper (Appanoose, Davis and Wapello Counties) 65th, 66th and 67th.

Honorable Raymond Harrington (Buchanan County) 58th and 61st.

Honorable Fred Jarvis (Buena Vista County) 56th, 57th, 58th and 59th.

Honorable Charles G. Johnson (Buena Vista County) 46th, 46 Ex. and 47th.

Honorable Harvey Johnson (Shelby County) 56th, 58th, 60th, 60 Ex., 62nd and 63rd.

Honorable John C. Mendenhall (Allamakee County) 63rd, 64th and 65th.

Honorable Edward J. Morrissey (Jasper County) 48th, 49th, 50th, 51st and 52nd.

Honorable Albert G. Olson (Mitchell County) 51st, 52nd, 53rd and 54th.

Honorable Conrad Ossian (Montgomery County) 57th, 58th, 59th, 60th, 60 Ex., 61st, 62nd and 63rd.

Honorable Richard Radl (Linn County) 61st, 62nd, 63rd and 64th.

Honorable Roy J. Smith (Dickinson County) 53rd, 54th, 55th, 56th, 59th and 60th.

Honorable John Speidel (Washington County) 45th and 45 Ex.

CANDLELIGHTERS

Senator Elizabeth Miller, Marshalltown

Senator Cliff Burroughs, Greene

Representative Nancy J. Shimanek, Monticello

Representative James D. Wells, Cedar Rapids

HOSTING

Senator Minnette Doderer, Iowa City
 Senator David M. Readinger, Des Moines
 Representative Patricia L. Thompson, West Des Moines
 Representative Don W. Spencer, Ruthven

* * * * *

LEGISLATIVE CHORUS

SENATE: Senators C. Joseph Coleman, Joan Orr and Ray Taylor; Norman Bliquez, Vivian Haag, Bonnie King, Grace Rehnblom and Mary Wilcox.

HOUSE: Representatives Beje Clark, Walter Conlon, Sonja Egenes, Julia Gentleman, Arlo Hullinger, Arnold Lindeen, Opal Miller, Mary O'Halloran, Art Small, Douglas Smalley, Linda Svoboda and Tom Tauke; Fran Andrews, Ann Bausserman, Debra Foglesong, Virginia Garretson, Barb Harrison, Elizabeth Isaacson, Cathy Kelly, Joyce Lewis, Maxine Mann, Gerry Rydell, Anita Sand, Jeanne Schmidt, Mary Ann Scott, Mike Triggs, Bettie Wentz and David Wray.

Representative Reid W. Crawford, Director

Representative Nancy Shimanek, Accompanist

* * * * *

SENATE MEMORIAL COMMITTEE

Honorable Louis P. Culver, Dunlap, Chair
 Honorable Warren E. Curtis, Cherokee
 Honorable John Scott, Pocahontas
 Honorable Elizabeth Shaw, Davenport

HOUSE MEMORIAL COMMITTEE

Honorable Rollin K. Howell, Rockford, Chair
 Honorable Horace Daggett, Kent
 Honorable Julia B. Gentleman, Des Moines
 Honorable Opal L. Miller, Rockwell City

JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SEVENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 28, 1977

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

Prayer was offered by the Reverend A.B. Neuenschwander, pastor of the Bethel Baptist Church, Harlan, Iowa.

The Journal of Wednesday, April 27, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John C. Barker, Davenport, Iowa.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 27, 1977

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 Silas S. Ewing, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Board of Parole pursuant to Section 247.1 and 247.2, 1975 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

SENATE RESOLUTION 11
By: Kinley and Hultman

1 WHEREAS, the Iowa Senate authorized the prepara-

2 tion of a booklet in 1969 to call attention to the
3 beauty of the capitol building and to the incidents
4 relative to its construction and history, and

5 WHEREAS, *The Golden Dome* was first published in
6 March of 1970, and was edited and revised in
7 January of 1974, and further edited and revised in
8 March of 1976; and

9 WHEREAS, the 1976 edition will shortly be out of
10 print; NOW THEREFORE,

11 BE IT RESOLVED BY THE SENATE, That the Secretary
12 of the Senate is hereby authorized to have printed
13 additional copies of the 1976 edition of *Under The*
14 *Golden Dome*. The Secretary is authorized to revise
15 the edition as may be necessary.

16

17

18

EXPLANATION

19 The resolution authorizes reprinting of *Under*
20 *The Golden Dome* and allows the Secretary to make
21 any necessary revisions before printing.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senate File 336

On motion of Senator Readinger, Senate File 336, a bill for an Act imposing a state tax on the renting of hotel and motel rooms and providing for the revenue to be returned to the cities and counties, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Readinger offered amendment S-3400 filed by the committee on Ways and Means on April 20, 1977, to page 1 of the bill.

Senator Readinger offered amendment S-3406 to amendment S-3400 filed by Senators Readinger, Palmer and Slater on April 21, 1977.

Senator Willits took the chair at 11:00 a.m.

Senator Readinger moved the adoption of amendment S-3406

to amendment S-3400.

Amendment S-3406 to amendment S-3400 was adopted.

Senator Shaw offered amendment S-3455 to amendment S-3400.

President Neu took the chair at 11:05 a.m.

Senator Shaw moved the adoption of amendment S-3455 to amendment S-3400.

A record roll call was requested.

On the question "Shall amendment S-3455 be adopted?" (S.F. 336) the vote was:

Ayes, 16:

Ashcraft	Briles	Craft	Drake
Gallagher	Hill, E.M.	Hulse	Hultman
Miller, E.R.	Nystrom	Ramsey	Redmond
Schwengels	Shaw	Taylor	Tieden

Nays, 31:

Bergman	Bisenius	Calhoon	Carr
Coleman	Culver	Curtis	DeKoster
Doderer	Glenn	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Rush	Scott	Shaff
Slater	Van Gilst	Willits	

Absent or not voting, 3:

Burroughs	Hansen	Hill, P.B.
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Amendment S-3455 to amendment S-3400 lost.

Senator Readinger moved the adoption of amendment S-3400 as amended.

A record roll call was requested.

On the question "Shall amendment S-3400 as amended be adopted?" (S.F. 336) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Glenn	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 2:

Hill, E.M. Nolting

Absent or not voting, 5:

Burroughs	Doderer	Gallagher	Hansen
Hill, P.B.			

Amendment S-3400 as amended was adopted.

Senator Readinger withdrew amendment S-3368 filed by him on April 19, 1977, to page 1 of the bill.

Senator Nolting offered amendment S-3450 to pages 1, 2 and 3 of the bill and called for a division of the amendment, page 1, lines 2 through 27 to be considered as division S-3450A of the amendment; page 1, lines 28 through 50, and page 2, lines 1 through 25 to be considered as division S-3450B of the amendment.

Senator Nolting withdrew division S-3450A of the amendment.

Senator Nolting offered amendment S-3451 to division S-3450B of the amendment and moved its adoption.

Amendment S-3451 to division S-3450B of the amendment was adopted.

Senator Nolting offered amendment S-3454 to division S-3450B of the amendment and moved its adoption.

Amendment S-3454 to division S-3450B of the amendment was adopted.

Senator Nolting moved the adoption of division S-3450B of the amendment.

A record roll call was requested.

On the question "Shall division S-3450B of the amendment be adopted?" (S.F. 336) the vote was:

Ayes, 15:

Ashcraft	Bergman	Culver	Gallagher
Hutchins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Priebe	Ramsey
Schwengels	Scott	Shaw	

Nays, 31:

Bisenius	Briles	Burroughs	Calhoon
Carr	Craft	Curtis	DeKoster
Doderer	Drake	Glenn	Hill, E.M.
Hulse	Hultman	Junkins	Kelly
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Readinger	Robinson	Rodgers
Rush	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Absent or not voting, 4:

Coleman	Hansen	Hill, P.B.	Redmond
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Division S-3450B of the amendment as amended lost.

Senator Readinger moved that the bill 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:

Rule 23 was invoked.

Ayes, 35:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Glenn
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A. V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Shaff	Shaw	Slater
Tieden	Van Gilst	Willits	

Nays, 12:

Burroughs	Drake	Gallagher	Hill, E.M.
Hultman	Nolting	Nystrom	Priebe
Ramsey	Schwengels	Scott	Taylor

Voting present, 1:

Hill, P.B.

Absent or not voting, 2:

Coleman Hansen

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 to take up out of order Senate File 366.

Senate File 366

On motion of Senator Burroughs, Senate File 366, a bill for an Act relating to vessel equipment requirements, was taken up for consideration.

Senator Burroughs moved that the bill 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. 366) the vote was:

Ayes, 45:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Craft	Curtis
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 1:

DeKoster

Absent or not voting, 4:

Ashcraft	Coleman	Culver	Hansen
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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 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.

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

The Senate resumed session, President Neu presiding.

CONSIDERATION OF BILLS

Senate File 358

On motion of Senator Miller of Marshall, Senate File 358, a bill for an Act relating to the licensing and practicing of veterinarians, was taken up for consideration.

President pro tempore Coleman took the chair at 2:17 p.m.

Senator Miller of Marshall offered amendment S-3411 filed by Senators Miller of Marshall, et al., on April 22, 1977, to page 3 of the bill and moved its adoption.

Amendment S-3411 was adopted.

Senator Tieden offered amendment S-3419 filed by him on April 25, 1977, to pages 8 and 14 of the bill.

Senator Orr took the chair at 2:55 p.m.

Senator Tieden moved the adoption of amendment S-3419 and requested a record roll call.

On the question "Shall amendment S-3419 be adopted?" (S.F. 358) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Redmond	Rodgers	Rush	Schwengels
Scott	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 3:

Burroughs	Drake	Readinger
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Absent or not voting, 4:

Doderer Hill, E.M. Robinson Shaff

Amendment S-3419 was adopted.

Senator Willits offered amendment S-3460 to page 5 of the bill and moved its adoption.

Amendment S-3460 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?" (S.F. 358) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nolting	Nystrom	Orr
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Murray Palmer Priebe 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 Senate File 358

passed the Senate on April 28, 1977.

PHILIP B. HILL

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 444.

House File 444

On motion of Senator Tieden, House File 444, a bill for an Act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Tieden offered amendment S-3446 filed by the committee on Agriculture to page 2 of the bill and moved its adoption.

Amendment S-3446 was adopted.

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. 444) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Priebe Readinger

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 449.

House File 449

On motion of Senator Drake, House File 449, a bill for an Act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Drake moved that the bill 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. 449) the vote was:

Ayes, 49:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

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.

President pro tempore Coleman took the chair at 3:35 p.m.

SENATE INSISTS

House File 74

Senator Redmond called up for consideration House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities, amended by the Senate and moved that the Senate insist on its amendment to House File 74.

The motion prevailed and the Senate INSISTED on its amendment to HOUSE FILE 74.

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, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 312, a bill for an Act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal.

Also: That the House has on April 26, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 317, a bill for an Act amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code.

Also: That the House has on April 26, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 288, a bill for an Act relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

Also: That the House has on April 21, 1977, passed the following bill in

which the concurrence of the Senate is asked:

House File 57, a bill for an Act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding procedures for purchase of goods from Iowa state industries.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 370, by Budget Transportation and Law Enforcement Subcommittee, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

Read first time and PLACED ON CALENDAR.

SENATE FILE 371, by Committee on Budget, a bill for an act extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor.

Read first time and PLACED ON CALENDAR.

SENATE FILE 372, by Committee on Budget, a bill for an act making appropriations to the department of general services and the executive council for capital improvements.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 57, a bill for an Act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding procedures for purchase of goods from Iowa state industries.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 312

S-3462

1 Amend Senate File 312, as passed by the Senate
2 as follows:

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

5 "3. A person licensed to practice an occupation
6 or profession in this state shall be deemed to have
7 complied with the continuing education requirements
8 of this state during periods that the person serves
9 honorably on active duty in the military services,
10 or for periods that the person is a resident of another
11 state or district having a continuing education re-
12 quirement for the occupation or profession and meets
13 all requirements of that state or district for practice
14 therein, or for periods that the person is a govern-
15 ment employee working in his or her licensed spec-
16 ialty and assigned to duty outside of the United
17 States, or for other periods of active practice and
18 absence from the state approved by the appropriate
19 board of examiners."

20 2. Page 4, by inserting after line 21 the follow-
21 ing new lettered paragraph:

22 "b. Administer and enforce administrative rules
23 providing for partial re-examination of the profession-
24 al licensing examinations given by each licensing
25 board."

26 3. Page 5, line 10, by striking the word "an-
27 nual".

28 4. Page 13, line 9, by inserting after the word
29 "reimbursed" the words "subject to the rules of the
30 state comptroller".

31 5. Page 13, line 10, by striking the words "actual
32 and necessary" and inserting in lieu thereof the word
33 "their".

34 6. Page 15, by inserting after line 8, the follow-
35 ing:

36 "Sec. ____ . Section one hundred fourteen point
37 eighteen (114.18), Code 1977, is amended to read as
38 follows:

39 114.18 EXPIRATIONS AND RENEWALS. Certificates
40 of registration shall expire [annually] as determined
41 by the board. It shall be the duty of the secretary
42 of the board to notify every person registered under
43 this chapter, of the date of expiration of [his] *the*
44 certificate and the amount of the fee that shall be
45 required for its renewal [for one year]; such notice
46 shall be mailed at least one month in advance of the
47 date of the expiration of [said] *the* certificate.

48 Renewal may be effected by the payment of a fee the
49 amount of which shall be determined by the board.
50 The failure on the part of any registrant to renew

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1 [his] a certificate [annually] in the month of expiration
2 as required above shall not deprive such a person
3 of the right of renewal. A person who fails to renew
4 [his] a certificate by the expiration date shall be
5 allowed to do so within thirty days following its
6 expiration, but the board may assess a reasonable
7 penalty. [For the duration of any war in which the
8 United States is engaged the board may, in its dis-
9 cretion, defer the collection of renewal fees without
10 penalty, which have or may become due from registered
11 professional engineers who are employed in the war
12 effort, and residing outside the state, or who are
13 members of the armed forces of the United States,
14 and may renew the engineering certificates of said
15 registered professional engineers.]”

16 7. Page 16, by inserting after line 23, the follow-
17 ing:

18 “Sec. ____ . Section one hundred sixteen point
19 twelve (116.12), Code 1977, is amended to read as
20 follows:

21 116.12 RENEWALS. Licenses as accounting
22 practitioners shall expire [annually] as determined
23 by the board. The board shall notify every person
24 licensed under this chapter of the date of expiration
25 of [his] the license and the amount of the fee required
26 for its renewal [for one year]. The notice shall be
27 mailed at least one month in advance of the expiration
28 date. A person who fails to renew [his] a license to
29 practice as an accounting practitioner by the ex-
30 piration date shall be allowed to do so within thirty
31 days following its expiration, but the board may
32 assess a reasonable penalty.

33 Sec. ____ . Section one hundred sixteen point
34 twenty (116.20), subsection one (1), Code 1977, is
35 amended to read as follows:

36 1. The certificate of certified public accountant
37 granted by the board under section 116.5 and the
38 registration with the board as a public accountant
39 under section 116.6, and the license to practice as
40 an accounting practitioner under section 116.7 or
41 116.8 shall be renewed [annually] as determined by the
42 board. There shall be [an annual] a renewal fee, in

43 the amount to be determined from time to time by the
44 board, not to exceed fifty dollars.

45 Sec. ____ . Section one hundred sixteen point
46 twenty (116.20), subsection six (6), Code 1977, is
47 amended by striking the subsection.

48 Sec. ____ . Section one hundred seventeen point
49 twenty-seven (117.27), Code 1977, is amended to read
50 as follows:

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1 117.27 FEES. The commission shall set annual
2 fees, *except renewal fees which need not be annual*,
3 for examination and licensing of real estate brokers
4 and real estate salesmen. The commission shall
5 determine the annual cost of administering the
6 examination and shall set the examination fee accord-
7 ingly. The commission shall set the fees for the
8 real estate broker's licenses and for real estate
9 salesmen's licenses based upon the administrative
10 costs of sustaining the commission. The fees shall
11 include, but shall not be limited to, the costs for:

12 1. Per diem, expenses, and travel for commission
13 members.

14 2. Office facilities, supplies, and equipment.

15 3. Director, assistants, and clerical assistance.

16 Sec. ____ . Section one hundred seventeen point
17 twenty-eight (117.28), Code 1977, is amended to read
18 as follows:

19 117.28 EXPIRATION OF LICENSE. Every license shall
20 expire [annually] as determined by the commission.

21 A person who fails to renew [his] a license by the
22 expiration date shall be allowed to do so within
23 thirty days following its expiration, but the
24 commission may assess a reasonable penalty. The
25 commission shall upon the written request of the
26 applicant on forms prescribed by the commission, and
27 payment of the [annual] fee [therefor] as herein required,
28 issue a new license for each ensuing year in the
29 absence of any reason or condition which might war-
30 rant the revocation of a license after a hearing as
31 provided in sections 117.34 and 117.35."

32 8. Page 17, by inserting after line 22, the follow-
33 ing:

34 "Sec. ____ . Section one hundred eighteen point
35 ten (118.10), Code 1977, is amended to read as follows:

36 118.10 RENEWALS. Certificates of registration
37 shall expire [annually] as determined by the board.
38 Registered architects shall renew their certificates

39 of registration and pay a renewal fee in the manner
40 prescribed by the board. A person who fails to renew
41 [his] a certificate of registration by the expiration
42 date shall be allowed to do so within thirty days,
43 following its expiration, but the board may assess
44 a reasonable penalty."

45 9. Page 18, by inserting after line 26, the follow-
46 ing:

47 "Sec. ____ . Section one hundred eighteen A point
48 thirteen (118A.13), Code 1977, is amended to read
49 as follows:

50 118A.13 RENEWALS. Certificates of registration

Page 4

1 shall expire [annually] as determined by the board.
2 Registered landscape architects shall renew their
3 certificates of registration and pay a renewal fee
4 in the manner and amount prescribed by the board.
5 A person who fails to renew [his] a certificate by the
6 expiration date shall be allowed to do so within
7 thirty days following its expiration, but the board
8 may assess a reasonable penalty."

9 10. Page 19, by inserting after line 17, the
10 following:

11 "Sec. ____ . Section one hundred twenty point eight
12 (120.8), subsection four (4), Code 1977, is amended
13 to read as follows:

14 4. Every certificate of registration shall expire
15 [annually,] and [shall] be renewed [annually] as determined
16 by the board upon application by the holder thereof,
17 without examination. Application for such renewal
18 shall be made in writing to the department, accompanied
19 by a renewal fee in an amount determined by the board
20 based upon the cost of renewing the certificate, at
21 least thirty days prior to the expiration of such
22 certificate. Every renewal shall be displayed in
23 connection with the original certificate. The board
24 shall notify each certificate holder by mail of the
25 expiration of his certificate. A person who fails
26 to renew [his] a certificate by the expiration date
27 shall be allowed to do so within thirty days following
28 its expiration, but the board may assess a reasonable
29 penalty.

30 Sec. ____ . Section one hundred twenty point nine
31 (120.9), Code 1977, is amended to read as follows:

32 120.9 APPRENTICE WATCHMAKERS. Any person sixteen
33 years of age or over, apprenticed to a registered
34 watchmaker, may pursue the trade of watchmaking upon

35 obtaining from the board a certificate of registration
 36 as an apprenticed watchmaker, which certificate shall
 37 be conspicuously displayed at all times in the place
 38 of employment of such apprentice. No apprentice
 39 certificate shall be renewed unless the application
 40 [therefor] shall be accompanied by a sworn statement
 41 of the employer or employers as to the length of time
 42 the applicant has been actually employed under [his]
 43 a certificate in the pursuit of the watchmaking trade.
 44 Apprentice watchmakers shall pay a fee in an amount
 45 determined by the board for the certificate which
 46 shall expire [annually] *as determined by the board* and
 47 shall pay a renewal fee [annually] in an amount
 48 determined by the board. A person who fails to renew
 49 [his] a certificate by the expiration date shall be
 50 allowed to do so within thirty days following its

Page 5

1 expiration, but the board may assess a reasonable
 2 penalty. Any applicant for a certificate of
 3 registration as a watchmaker who fails to pass the
 4 examination provided for herein may in the discretion
 5 of the board be issued a certificate as an appren-
 6 tice watchmaker."

7 11. Page 20, by inserting after line 29, the
 8 following:

9 "Sec.— . Section one hundred thirty-five E
 10 point five (135E.5), Code 1977, is amended to read
 11 as follows:

12 135E.5 LICENSE FEES. Each person licensed as
 13 a nursing home administrator shall be required to
 14 pay a license fee in an amount to be fixed by the
 15 board. [Said] *The* license shall expire [annually] and
 16 [shall] be renewable [annually and] *as determined by the*
 17 *board* upon payment of the license fee. A person who
 18 fails to renew [his] a license by the expiration date
 19 shall be allowed to do so within thirty days following
 20 its expiration, but the board may assess a reasonable
 21 penalty.

22 Sec.— . Section one hundred thirty-five E point
 23 ten (135E.10), Code 1977, is amended to read as
 24 follows:

25 135E.10 RENEWAL OF LICENSE. Every holder of a
 26 nursing home administrator's license shall renew it
 27 [annually by making application to] *as determined by*
 28 the board[, except that biennially the individual
 29 requesting renewal shall submit evidence satisfactory
 30 to the board of continued education in this field].

31 [Such] *License* renewals shall be granted as a matter
32 of course unless the board finds, after due notice
33 and hearing, that the applicant has acted or failed
34 to act in accordance with the rules or in such a
35 manner or under such circumstances as would constitute
36 grounds for suspension or revocation of a license.

37 Sec.—. Section one hundred forty-seven point
38 ten (147.10), Code 1977, is amended to read as follows:

39 147.10 RENEWAL. Every license to practice a
40 profession shall expire [annually as determined by
41 the board] and [shall] be renewed [annually] upon
42 application by the licensee, *as determined by the*
43 *board*, without examination. Application for [such]
44 renewal shall be made in writing to the department
45 accompanied by the required fee at least thirty days
46 prior to the expiration of [such] *the* license. Every
47 renewal shall be displayed in connection with the
48 original license. [Every year the] *The* department shall
49 notify each licensee by mail of the expiration of
50 [his] *a* license. Failure to renew the license within

Page 6

1 a reasonable time after the expiration shall not
2 invalidate the license, but a reasonable penalty may
3 be assessed by the board.

4 Sec.—. Section one hundred forty-seven point
5 eighty (147.80), unnumbered paragraph one (1), Code
6 1977, is amended to read as follows:

7 An examining board shall set the fees for the
8 examination of applicants, which fees shall be based
9 upon the annual cost of administering the examinations.
10 An examining board shall set the annual fees, *except*
11 *renewal fees which need not be annual*, required for
12 any of the following based upon the cost of sustaining
13 the board and the actual costs of licensing:

14 Sec.—. Section one hundred forty-seven point
15 one hundred (147.100), Code 1977, is amended to read
16 as follows:

17 147.100 EXPIRATIONS AND RENEWALS. Licenses shall
18 expire [annually] as determined by the examining board.
19 A person who fails to renew [his] *a* license by the
20 expiration date shall be allowed to do so within
21 thirty days following its expiration, but the examining
22 board may assess a reasonable penalty.

23 Sec.—. Section one hundred forty-eight point
24 five (148.5), Code 1977, is amended to read as follows:

25 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician,
26 who is a graduate of a medical school and is serving
27 only as a resident physician and who is not licensed

28 to practice medicine and surgery in this state, shall
 29 be required to obtain from the medical examiners a
 30 temporary or special license to practice as a resident
 31 physician. The license shall be designated "Resident
 32 Physician License" and shall authorize the licensee
 33 to serve as a resident physician only, under the
 34 supervision of a licensed practitioner of medicine
 35 and surgery, in an institution approved for this
 36 purpose by the medical examiners. Such license shall
 37 be valid for one year and may be [annually] renewed
 38 at the discretion of the medical examiners. The fee
 39 for this license shall be set by the board to cover
 40 the administrative costs of issuing the license, and
 41 if extended beyond one year, [an annual] a renewal fee
 42 as set by the board shall be required. The medical
 43 examiners shall determine in each instance those
 44 eligible for this license, whether or not examina-
 45 tions shall be given, and the type of examinations.
 46 No requirements of the law pertaining to regular
 47 permanent licensure shall be mandatory for this
 48 resident licensure except as specifically designated
 49 by the medical examiners. The granting of a resi-
 50 dent physician's license does not in any way indicate

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1 that the person so licensed is necessarily eligible
 2 for regular licensure, nor are the medical examiners
 3 in any way obligated to so license such individual.
 4 The medical examiners shall revoke the license at
 5 any time they shall determine either that the caliber
 6 of work done by a licensee or the type of supervision
 7 being given such licensee does not conform to reason-
 8 able standards established by the medical examiners.
 9 Sec. _____. Section one hundred forty-eight point
 10 ten (148.10), unnumbered paragraph two (2), Code 1977,
 11 is amended to read as follows:
 12 The temporary certificate shall be issued for one
 13 year and, at the discretion of the medical examiners
 14 may be renewed, but no person shall be entitled to
 15 practice medicine and surgery or osteopathic medicine
 16 and surgery in excess of three years while holding
 17 a temporary certificate. The fee for this license
 18 shall be set by the medical examiners and if extended
 19 beyond one year [an annual] a renewal fee per year shall
 20 be set by the medical examiners. The fees shall be
 21 based on the administrative costs of issuing and
 22 renewing the licenses. The medical examiners may
 23 cancel a temporary certificate at any time, without

24 a hearing, for reasons deemed sufficient to the medical
25 examiners.

26 Sec.— . Section one hundred fifty A point nine
27 (150A.9), Code 1977, is amended to read as follows:
28 150A.9 RESIDENT LICENSE. Any osteopathic physician
29 and surgeon who is a graduate of a college of
30 osteopathic medicine and surgery approved by the
31 medical examiners and is serving only as a resident
32 osteopathic physician and surgeon and who is not
33 licensed to practice osteopathic medicine and surgery
34 in this state, shall be required to obtain from the
35 medical examiners a temporary or special license to
36 practice as a resident osteopathic physician and
37 surgeon. The license shall be designated "Resident
38 Osteopathic Physician and Surgeon License", and shall
39 authorize the licensee to serve as a resident only,
40 under the supervision of a licensed practitioner of
41 osteopathic medicine and surgery, in an institution
42 approved for this purpose by the medical examiners.
43 Such license shall be valid for one year and may be
44 [annually] renewed at the discretion of the medical
45 examiners. The fee for this license shall be set
46 by the board and based on the cost of issuing the
47 license, and if extended beyond one year, [an annual]
48 a renewal fee shall be required. The medical examiners
49 shall determine in each instance those eligible for
50 this license, whether or not examinations shall be

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1 given, and the type of examinations. No requirements
2 of the law pertaining to regular permanent licensure
3 shall be mandatory for this resident licensure except
4 as specifically designated by the medical examiners.
5 The granting of a resident osteopathic physician and
6 surgeon's license does not in any way indicate that
7 the person so licensed is necessarily eligible for
8 regular licensure, nor are the medical examiners in
9 any way obligated to so license such individual.
10 The medical examiners shall revoke said license at
11 any time they shall determine either that the cali-
12 ber of work done by the licensee or the type of
13 supervision being given such licensee does not conform
14 to reasonable standards established by the medical
15 examiners."

16 12. Page 21, by inserting after line 18, the
17 following:

18 "Sec. —. Section one hundred fifty-three point
19 twenty-two (153.22), Code 1977, is amended to read

20 as follows:

21 153.22 **RESIDENT DENTIST LICENSE.** Any dentist,
 22 who is a **graduate** of an accredited dental school and
 23 is serving **only** as a resident, intern or graduate
 24 student dentist and who is not licensed to practice
 25 dentistry in this state, shall be required to obtain
 26 from the board of dentistry a temporary or special
 27 license to practice as a resident, intern or graduate
 28 dentist. The license shall be designated "Resident
 29 Dentist License" and shall authorize the licensee
 30 to serve as a resident, intern or graduate student
 31 only, under the supervision of a licensed practitioner
 32 of dentistry, in an institution approved for this
 33 purpose by the board. Such license shall be valid
 34 for one year and may be [annually] renewed at the
 35 discretion of the board [for a period not to exceed
 36 three additional years]. The fee for this license
 37 and the [annual] renewal fee shall be set by the board
 38 based upon the cost of issuance of the license. The
 39 board shall determine in each instance those eligible
 40 for this license, whether or not examinations shall
 41 be given, and the type of examination. No requirements
 42 of the law pertaining to regular permanent licensure
 43 shall be mandatory for this resident licensure except
 44 as specifically designated by the board. The granting
 45 of a resident dentist's license does not in any way
 46 indicate that the person so licensed is necessarily
 47 eligible for regular licensure, nor is the board in
 48 any way obligated to so license **such** individual.
 49 The board may revoke said license at any time it shall
 50 determine either that the caliber of work done by

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1 a licensee or the type of supervision being given
 2 such licensee does not conform to reasonable standards
 3 established by the board.

4 Sec. ____ . Section one hundred fifty-four point
 5 six (154.6), Code 1977, is amended to read as follows:
 6 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every
 7 license to practice optometry shall expire [annually]
 8 *as determined by the board.* Application for renewal
 9 of such license shall be made in writing to the
 10 department of health at least thirty days prior to
 11 the [annual] expiration date [,] *and be accompanied by*
 12 the required renewal fee [and the affidavit of the
 13 licensee or other proof satisfactory to the department
 14 and to the Iowa state board of optometry examiners,
 15 that said applicant has attended, since the issuance

16 of the last license to said applicant, an educational
17 program or clinic as conducted by the Iowa optometric
18 association, or its equivalent, for a period of at
19 least two days. The attendance requirement at said
20 educational program or clinic shall not be conditioned
21 upon membership in said Iowa optometric association.
22 Nonmembers shall be admitted to said annual educational
23 program or clinic upon payment of their pro rata share
24 of the cost. In lieu of attendance at the said annual
25 educational program or clinic, it shall be the duty
26 of the board of optometry examiners to recognize and
27 approve attendance at local optometric study group
28 meetings as shall, in the judgment of said board,
29 constitute an equivalent to attendance at the annual
30 educational program of said association].

31 Sec. — . Section one hundred fifty-four point
32 seven (154.7), Code 1977, is amended to read as
33 follows:

34 154.7 NOTICE OF EXPIRATION. Notice of expiration
35 of the [annual] license to practice optometry shall
36 be given by the state department of health to all
37 certificate holders by mailing said notice to the
38 last known address of such licensee at least seventy-
39 five days prior to the expiration date, and said
40 notice shall contain a statement of the [educational
41 program attendance requirement and the] amount of legal
42 fee required as a condition to the renewal of the
43 license [for the coming year]. Subject to the provisions
44 of this chapter, said license shall be renewed without
45 examination.

46 Sec. — . Section one hundred fifty-four A point
47 fifteen (154A.15), Code 1977, is amended to read as
48 follows:

49 154A.15 LICENSE RENEWAL. Licenses shall be renewed
50 [annually] in a manner determined by the board. The

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1 renewal fee shall be determined by the board pursuant
2 to section 154A.17. The department shall notify every
3 person licensed under this chapter of the date of
4 expiration of his license and the amount of fee
5 required for its renewal [for one year]. The notice
6 shall be mailed at least one month in advance of the
7 expiration date. A person who fails to renew [his]
8 a license by the expiration date shall be allowed
9 to do so within thirty days following its expiration,
10 but the board may assess a reasonable penalty.

11 Sec. — . Section one hundred fifty-five point

12 twelve (155.12), unnumbered paragraph one (1), Code
13 1977, is amended to read as follows:

14 Licenses shall be obtained from the board for each
15 and every place of business. Applications shall be
16 upon such forms and shall contain such information
17 as the board may reasonably require. Each application
18 for license shall be made by the pharmacist-owner
19 to the secretary of the board, accompanied by the
20 license fee, which shall be paid over into the state
21 treasury and credited to the general fund if the
22 license is issued. The license fee for a pharmacy
23 license or a wholesale drug license shall be set by
24 the board and based upon the administrative costs
25 of issuing the licenses. [These licenses shall be
26 due annually on the first day of each January.] The
27 board shall issue a license upon receipt of an
28 application accompanied by the license fee and after
29 approval thereof by the board.

30 Sec. ____ . Section one hundred fifty-five point
31 thirteen (155.13), unnumbered paragraph one (1), Code
32 1977, is amended to read as follows:

33 Each license issued under this chapter unless
34 [sooner] suspended or revoked, shall be renewable
35 [annually] as determined by the board upon payment of
36 the [annual] license fee. The board shall have the
37 authority to deny, suspend or revoke a license in
38 any case where it finds that there has been a
39 substantial failure to comply with the provisions
40 of this chapter or the regulations promulgated
41 hereunder, or the violation thereof, and in addition
42 the board shall have the power to deny, suspend or
43 revoke a license, when the applicant or licensee,
44 or any employee, providing the offense is committed
45 on licensed premises or is in the conduct of the
46 business licensed, is guilty of any of the following
47 facts or offenses:

48 Sec. ____ . Section one hundred sixty-nine point
49 six (169.6), Code 1977, is amended to read as follows:
50 169.6 RENEWAL. Every license issued under this

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1 chapter shall expire [annually,] and [shall] be renewed
2 [annually] as determined by the board upon application
3 by the licensee. A person who fails to renew his
4 license by the expiration date shall be allowed to
5 do so within thirty days following its expiration,
6 but the board may assess a reasonable penalty.
7 Application for such renewal shall be made in writing

8 to the department of agriculture, accompanied by the
9 required fee, at least thirty days prior to the
10 expiration of such license. The department shall
11 notify each licensee by mail of the expiration of
12 his license. Every renewal shall be displayed in
13 connection with the original license. [A licensed
14 veterinarian of the state of Iowa who is called into
15 military duty for the United States government is
16 exempt from paying the renewal fee for such license
17 but said license must be renewed within one year from
18 date of discharge or the license shall be revoked.]”

19 13. Page 21, by inserting after line 18, the
20 following:

21 “Sec. ___ Section one hundred fifty-four B point
22 four (154.4), Code 1977, is amended to read as
23 follows:

24 154B.4 ACTS PROHIBITED. Commencing July 1, [1974]
25 1975, a person who is not [certified] *licensed* under
26 this chapter shall not represent himself *or herself*
27 as a [certified] *licensed* practicing psychologist, use
28 a title or description, including the term “psychology”
29 or any of its derivatives, such as “psychologist” [or],
30 “psychological”, “*psychotherapist*” or modifiers such
31 as “practicing” or “[certified] *licensed*” in a manner
32 which implies that he *or she* is certified under this
33 chapter, or offer to practice or practice psychology,
34 except as otherwise permitted in this chapter. The
35 use by a person who is not [certified] *licensed* under
36 this chapter of such terms is not prohibited by this
37 chapter, except when such terms are used in connection
38 with an offer to practice or the practice of
39 psychology.

40 Sec. ___ Section one hundred fifty-four B point
41 six (154B.6), Code 1977, is amended to read as follows:

42 154B.6 REQUIREMENTS FOR [CERTIFICATION] *LICENSURE*.

43 Except as provided in this section, an applicant for
44 [certification] *licensure* as a psychologist [or as an
45 associate-psychologist] shall meet the following
46 requirements in addition to those specified in chapter
47 147:

48 1. A [certified] *licensed* psychologist shall possess
49 a doctoral degree in psychology or its equivalent
50 from an institution approved by the board and shall

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- 1 have completed at least one year of supervised
- 2 professional experience *under the supervision of a*

3 *licensed psychologist or prior to July 1, 1976 any*
 4 *person holding a license as a psychologist from the*
 5 *board of examiners of the Iowa psychological*
 6 *association, following the granting of the doctoral*
 7 *degree, or predoctoral experience, as may be acceptable*
 8 *to the board; or shall possess a masters degree in*
 9 *psychology or its equivalent from an institution*
 10 *approved by the board and have completed at least*
 11 *five years of professional experience, at least two*
 12 *of which shall have been under the supervision of*
 13 *a licensed psychologist or prior to July 1, 1976 any*
 14 *person holding a license as a psychologist from the*
 15 *board of examiners of the Iowa psychologial*
 16 *association, as may be acceptable to the board.*

17 [2. A certified associate psychologist shall possess
 18 a masters degree in psychology or its equivalent from
 19 an institution approved by the board.]

20 [3] 2. Have passed an examination administered by
 21 the board to assure his or her professional competence.
 22 *The examination of any of its divisions may be given*
 23 *by the board at any time after the applicant has met*
 24 *the degree requirements of section one hundred fifty-*
 25 *four B point six (154B.6) of the Code.*

26 [4] 3. Have not failed the examination required
 27 in subsection 3 within the six months next preceding
 28 the date of the examination.

29 The examinations required in this section may,
 30 at the discretion of the board, be waived for holders
 31 by examination of licenses or certificates from states
 32 whose requirements are substantially equivalent to
 33 those of this chapter, and for holders by examination
 34 of specialty diplomas from the American board of
 35 professional psychology.

36 Any person who within one year after July 1, [1974]
 37 1975, meets the requirements specified in [subsections]
 38 subsection 1 [and 2] shall receive [certification]
 39 licensure without having passed the examination
 40 required in subsection 3 *if application for licensure*
 41 *is filed with the board of psychology examiners before*
 42 *July 1, 1977.* Any person holding a certificate from
 43 the board of examiners of the Iowa psychological
 44 association on July 1, [1974] 1975, who applies for
 45 certification before July 1, 1975, shall receive
 46 certification.

47 Sec. — . Section one hundred fifty-four B point
 48 seven (154B.7), Code 1977, is amended to read as
 49 follows:

50 **154B.7 VOLUNTARY SURRENDER OF [CERTIFICATION]**

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1 *LICENSE*. The commissioner of public health may accept
2 the voluntary surrender of [certification] license if
3 accompanied by a written statement of intention.
4 The voluntary surrender, when accepted, shall have
5 the same force and effect as an order of revocation.”

6 14. Page 21, by inserting after line 27, the
7 following:

8 “Sec. — . Section four hundred fifty-five B
9 point fifty-eight (455B.58), Code 1977, is amended
10 to read as follows:

11 455B.58 DURATION. Certificates shall continue
12 in effect for [one year from the date of issuance] a
13 period determined by the board unless sooner revoked
14 by the executive director, but such certificates shall
15 remain the property of the department and the
16 certificate shall so state. A person who fails to
17 renew [his] a certificate by the expiration date shall
18 be allowed to do so within thirty days following its
19 expiration, but the board may assess a reasonable
20 penalty.”

21 15. Page 22, by inserting after line 17, the
22 following:

23 “Sec.— . Section six hundred ten point forty-
24 five (610.45), Code 1977, is amended to read as
25 follows:

26 610.45 RENEWALS. The right to practice law in
27 this state shall be renewed [annually] by the supreme
28 court upon such conditions as the court shall deter-
29 mine. Any moneys received from those persons admitted
30 to practice law and which are designated for a client
31 security fund or similar fund created by the supreme
32 court shall be separately retained and administered
33 by said court in accordance with rules promulgated
34 by it.”

35 16. Page 23, by inserting after line 6, the follow-
36 ing:

37 “Sec. — . Sections one hundred fifty-four point
38 eight (154.8) and one hundred fifty-four A point
39 sixteen (154A.16), Code 1977, are repealed.”

40 17. Renumbering sections of the bill and cor-
41 recting internal references as necessary.

HOUSE AMENDMENT TO SENATE FILE 317

S-3461

1 Amend Senate File 317 as follows:

- 2 1. Page 2, by inserting after line 2 the following:
 3 "Sec. ____ Section eighteen point ninety-seven
 4 (18.97), subsection sixteen (16), Code 1977, is amended
 5 to read as follows:
 6 16. To the clerk of the district court *and each*
 7 *separate office of the clerk*, the county attorney,
 8 the county auditor, the county recorder, county and
 9 city assessor, the county treasurer, the sheriff *and*
 10 *each separate office of a sheriff, the public*
 11 *defender's office*, and the administrator of each area
 12 education agency in the state and also for use in
 13 each courtroom of the district court.....1
 14 copy".

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 27, 1977, 8:08 a.m.

Members Present: Van Gilst, Chairperson; Tieden, Ranking Member; Hulse; Hutchins; A. Miller; E. Miller and Readinger.

Members Absent: Merritt, Vice Chairperson (arrived 8:13 a.m.) and Calhoon (arrived 8:10 a.m.).

Members Excused: Scott.

Final Action: DO PASS.

Senate File 118, a bill for an Act declaring the multiflora rose to be a noxious weed.

The vote was: AYES, 9; Van Gilst, Merritt, Tieden, Calhoon, Hulse, Hutchins, A. Miller, E. Miller and Readinger, NAYS, none. ABSENT OR NOT VOTING, 1; Scott.

Also:

Final Action: AMEND AND DO PASS.

House File 444, a bill for an Act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties.

The vote was: AYES, 9; Van Gilst, Merritt, Tieden, Calhoon, Hulse, Hutchins, A. Miller, E. Miller and Readinger. NAYS, none. ABSENT OR NOT VOTING, 1; Scott.

Adjourned: 8:37 a.m.

COMMERCE

Convened: April 27, 1977, 8:10 a.m.

Members Present: E. Hill, Chairperson; Bergman, Ranking Member; Bisenius; Curtis; Nolting and Rodgers.

Members Absent: Priebe, Vice Chairperson; Burroughs; Palmer and Robinson.

Other Business: No final action on any bills.

Adjourned: 8:20 a.m.

STATE GOVERNMENT

Convened: April 27, 1977, 8:10 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Culver; Drake; Junkins; Kelly; Schwengels; Shaff and Ashcraft.

Members Absent: Carr (arrived 8:25 a.m.), Rush (arrived 8:55 a.m.), Slater (arrived 8:30 a.m.) and Glenn.

Final Action: DO PASS.

Senate File 290, a bill for an Act relating to the sale of beer on Sunday.

The vote was: AYES, 8; Coleman, Nystrom, Ashcraft, Carr, Culver, Junkins, Kelly and Slater. NAYS, 3; Drake, Schwengels and Shaff. VOTING PRESENT, 1; Doderer. ABSENT OR NOT VOTING, 2; Glenn and Rush.

Also:

Final Action: FAILED TO PASS.

House File 354, a bill for an Act relating to certificate of need.

The vote was: AYES, 5; Doderer, Carr, Junkins, Kelly and Slater. NAYS, 7; Coleman, Nystrom, Ashcraft, Culver, Drake, Schwengels and Shaff. ABSENT OR NOT VOTING, 2; Rush and Glenn.

Also:

Final Action: DO PASS.

House File 449, a bill for an Act relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal

committee, and grievances of employees subject to the policies of the legislative council.

The vote was: AYES, 10; Doderer, Coleman, Nystrom, Ashcraft, Culver, Drake, Junkins, Kelly, Schwengels and Shaff. NAYS, none. ABSENT OR NOT VOTING, 4; Carr, Glenn, Rush and Slater.

Adjourned: 9:00 a.m.

Also:

Reconvened: April 27, 1977, 1:45 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Drake; Glenn; Junkins; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: Culver (arrived 2:00 p.m.).

Final Action: AMEND AND DO PASS.

Senate File 93, a bill for an Act relating to permitting pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse races and racing meets; imposing taxes and fees and providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts.

The vote was: AYES, 8; Nystrom, Carr, Culver, Glenn, Junkins, Kelly, Rush and Slater. NAYS, 5; Doderer, Ashcraft, Drake, Schwengels and Shaff. ABSENT OR NOT VOTING, 1; Coleman.

Also:

Final Action: DO PASS.

House File 210, a bill for an Act to provide a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties.

The vote was: AYES, 12; Doderer, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels and Slater. NAYS, 2; Coleman and Shaff.

Also:

Final Action: DO PASS.

House File 354, a bill for an Act relating to certificate of need.

The vote was: AYES, 12; Doderer, Coleman, Ashcraft, Carr, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 2; Nystrom and Culver.

Adjourned: 3:00 p.m.

WAYS AND MEANS

Convened: April 27, 1977, 9:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Readinger and Shaff.

Members Absent: Redmond (arrived 9:45 a.m.).

Members Excused: Palmer (arrived 9:30 a.m.), Van Gilst (arrived 9:30 a.m.) and Priebe.

Final Action: DO PASS.

Senate File 75, a bill for an Act relating to the private sale, control, distribution and taxation of wine containing not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties therefor.

The vote was: AYES, 8; Rodgers, Nolting, Craft, Junkins, Kelly, Palmer, Readinger and Redmond. NAYS, 5; Curtis, E. Hill, Hultman, Shaff and Van Gilst. ABSENT OR NOT VOTING, 1; Priebe.

Adjourned: 10:10 a.m.

STUDY BILLS RECEIVED

S.S.B. 274 County Government

Expenditure of federal revenue-sharing funds by certain counties.

S.S.B. 275 County Government

Providing for the order of priority between holders of mechanics' liens.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the

following bills to committee:

S.F. 369	State Government
H.F. 90	Commerce
H.F. 232	Commerce
H.F. 558	Budget

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James E. Lindsay, Ida Grove, Ida County, Iowa, for reappointment as a member of the City Finance Committee for the State of Iowa under the provisions of Section 384.13, Code 1975, for the regular four-year term beginning July 1, 1976, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN R. SCOTT, Chairperson
LUCAS J. DE KOSTER
JAMES V. GALLAGHER
WILLIAM D. PALMER
MERLIN D. HULSE

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bennett Gordon, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Beer and Liquor Control Council, pursuant to Section 123.6, Code 1975, for the regular five-year term beginning July 1, 1977, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
GEORGE R. KINLEY
RAY TAYLOR
DALE L. TIEDEN
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Karen Ann Voecks, West Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Barber Examiners pursuant to Section 147.12, Code 1975, for the unexpired portion of a term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

EARL M. WILLITS, Chairperson
PHILIP B. HILL
JOAN ORR
FORREST V. SCHWENGELS
JAMES M. REDMOND

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dwight E. Fry, Greenfield, Adair County, Iowa, for reappointment 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 three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
IRVIN L. BERGMAN
JAMES E. BRILES
GENE W. GLENN
LOWELL L. JUNKINS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph A. McCaffrey, Ph.D., Davenport, Scott County, Iowa, for reappointment as a member of the State Board of Medical Examiners pursuant to Section 147.12, Code 1975, for the 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.

EARL M. WILLITS, Chairperson
FORREST F. ASHCRAFT
ELIZABETH SHAW
TOM SLATER
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Vennetta M. Fiedler, Spencer, Clay County, Iowa, for reappointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.12, Code 1975, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES CALHOON, Chairperson
 IRVIN L. BERGMAN
 BASS VAN GILST
 FORREST V. SCHWENGELS
 ROBERT M. CARR

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 reappointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, 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.

JOAN ORR, Chairperson
 ROLF V. CRAFT
 CALVIN O. HULTMAN
 NORMAN G. RODGERS
 EARL M. WILLITS

REPORT OF COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration hires Mr. Francis J. Burns as Senate Doorkeeper, to replace Richard J. Dunker, at pay grade 9, step 2, effective Thursday, April 28, 1977, and advancing to step 3 in approximately one and one-half months.

GEORGE R. KINLEY, Chairperson

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 enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of April, 1977:

Senate Files 243 and 328.

STEVEN C. CROSS, Secretary of the Senate

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Thursday, April 28, 1977.

Had I been present, I would have voted "aye" on Senate File 366, Senate File 336 and amendments S-3450B, S-3400, and "nay" on S-3455.

WILLARD R. HANSEN

MR. PRESIDENT: On April 26, 1977, I was absent from the Senate chamber because of Representative Mattie Harper's funeral.

Had I been present, I would have voted "aye" on Senate File 145.

FORREST V. SCHWENGELS

MR. PRESIDENT: I was momentarily absent from the Senate chamber when the final vote was taken on House File 444.

Had I been present, I would have voted "aye."

DAVID M. READINGER

REPORTS OF COMMITTEES

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on Judiciary to which was referred House File 70, a bill for an Act relating to repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

Senator Robinson submitted the following reports:

MR. PRESIDENT: Your committee on Transportation to which was referred Senate File 255, a bill for an Act relating to the use of ice grips and studs on motor vehicle tires upon payment of a fee, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Transportation to which was referred House File 437, 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, begs leave to report it has had the same under consideration and recommends

the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CLOYD E. ROBINSON, Chairperson

AMENDMENTS FILED

S-3452	S.F. 93	Bass Van Gilst
S-3453	S.F. 93	Bass Van Gilst
S-3456	S.F. 365	Bob Rush
S-3457	S.F. 365	James E. Briles
S-3458	S.F. 75	Norman G. Rodgers
		E. Kevin Kelly
S-3459	S.F. 365	C.W. Hutchins
		Irvin L. Bergman
		Stephen W. Bisenius
		James E. Briles
		Cliff Burroughs
		C. Joseph Coleman
		Louis P. Culver
		Merlin D. Hulse
		Milo Merritt
		John N. Nystrom
		Forrest V. Schwengels
		Ray Taylor
		Dale L. Tieden
		Bass Van Gilst
		Richard F. Drake
		Alvin V. Miller
S-3463	S.F. 358	Philip B. Hill
S-3464	S.F. 365	Cloyd E. Robinson
		Irvin L. Bergman
		Stephen W. Bisenius
		James E. Briles
		Cliff Burroughs
		C. Joseph Coleman
		Louis P. Culver
		Warren E. Curtis
		Merlin D. Hulse

C.W. Hutchins
Milo Merritt
John N. Nystrom
Forrest V. Schwengels
Ray Taylor
Dale L. Tieden
Bass Van Gilst
Rolf V. Craft
Richard F. Drake
Alvin V. Miller

PRESENTATION OF VISITORS

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

Twenty students from Walnut Ridge Baptist Academy, Waterloo, Iowa, accompanied by Gary Carman. Senators Hansen and Nolting.

Twenty-five students, members of Campfire Girls, from Cresco, Iowa. Senator Merritt.

Sixty-two students from Harris Lake Park Elementary School, Harris, Iowa, accompanied by Mrs. Schumacher, Mrs. Zahun, Miss Korte, Mr. and Mrs. Behle and Mr. Morgan. Senator Bergman.

One hundred students from the Jesup Community School District, Jesup, Iowa, accompanied by Dennis Ricklefs. Senator Gallagher.

Forty students from Armstrong High School, Armstrong, Iowa. Senator Priebe.

Forty-four students from the West Harrison Community School District, Pisgah, Iowa, accompanied by Darlene Hime, Ron Ullerich and Larry White. Senator Culver.

Thirty-five students from Farragut Elementary School, Farragut, Iowa, accompanied by Mrs. Henstorf and Mrs. Wing. Senator Hultman.

Sixteen students from the Diagonal Community School District, Diagonal, Iowa, accompanied by Louise Kessler. Senator Ramsey.

Thirty-five students from Fort Dodge High School, Fort Dodge, Iowa, accompanied by Ron Hageman. Senator Coleman.

Forty-five students from Pella Middle School, Pella, Iowa, accompanied by Mrs. Caldwell. Senator Hill of Jasper.

Thirty students from the Carroll Community School District, Carroll, Iowa. Senator Hutchins.

Forty-one students from Whiting Elementary School, Whiting, Iowa, accompanied by Doug Williams. Senators Calhoon and Culver.

Forty-six students from the Lohrville Community School District, Lohrville, Iowa, accompanied by Art Pixler and Mark Armstrong. Senator Scott.

Forty-five students from the Allamakee Community School District, Waukon, Iowa, accompanied by Shirley Meyer. Senator Tieden.

On motion of Senator Kinley, the Senate adjourned at 3:40 p.m., until 10:00 a.m., Friday, April 29, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED TENTH CALENDAR DAY
SEVENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 29, 1977

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

Prayer was offered by the Reverend Walter S. Wendt, chaplain of the Davenport Lutheran Home, Davenport, Iowa.

The Journal of Thursday, April 28, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Kalpaxis, Iowa City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shaff for the day on request of Senator Hultman; Senator Calhoun for the day on request of Senator Kinley.

SPECIAL PERFORMANCE

Senator Miller of Cerro Gordo appeared on the rostrum to present the members of the Legislative Chorus, directed by Representative Reid W. Crawford. The chorus sang arrangements of "The Lord Bless You and Keep You" and "The Battle Hymn of the Republic."

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the Air Quality Commission of the Department of Environmental Quality, George Osborne, filed April 27, 1977, and found on pages 1217-1218 of the Senate Journal.

As a member of the Energy Policy Council, Harriette Lindberg, filed April 27, 1977, and found on page 1218 of the Senate Journal.

As a member of the Public Employment Relations Board, John E. Beamer, filed April 27, 1977, and found on page 1218 of the Senate Journal.

As a member of the State Board of Barber Examiners, Richard E. Sisco, filed April 27, 1977, and found on page 1218 of the Senate Journal.

As a member of the State Board of Landscape Architectural Examiners, Herman W. Thompson, filed April 27, 1977, and found on page 1219 of the Senate Journal.

As a member of the State Board of Pharmacy Examiners, Angelo J. Palmer, filed April 27, 1977, and found on page 1219 of the Senate Journal.

As a member of the State Board of Psychology Examiners, John W. Menne, filed April 27, 1977, and found on page 1219 of the Senate Journal.

As a member of the State Board of Veterinary Medical Examiners, Joseph A. Graham, Jr., D.V.M., filed April 27, 1977, and found on pages 1219-1220 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

GEORGE OSBORNE

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President pro tempore Coleman declared the appointment of George Osborne as a member of the Air Quality Commission of the Department of Environmental Quality confirmed for the regular four-year term ending June 30, 1980.

HARRIETTE LINDBERG

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President pro tempore Coleman declared the appointment of Harriette Lindberg as a member of the Energy Policy Council confirmed.

JOHN E. BEAMER

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President pro tempore Coleman declared the appointment of John E. Beamer as a member of the Public Employment Relations Board confirmed for the unexpired portion of the term ending June 30, 1978.

RICHARD E. SISCO

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting

Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President pro tempore Coleman declared the appointment of Richard E. Sisco as a member of the State Board of Barber Examiners confirmed for the regular three-year term ending June 30, 1980.

HERMAN W. THOMPSON

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President pro tempore Coleman declared the appointment of Herman W. Thompson as a member of the State Board of Landscape Architectural Examiners confirmed for the regular three-year term ending June 30, 1979.

ANGELO J. PALMER

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President pro tempore Coleman declared the appointment of Angelo J. Palmer as a member of the State Board of Pharmacy Examiners confirmed for the regular three-year term ending June 30, 1980.

JOHN W. MENNE

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President pro tempore Coleman declared the appointment of

John W. Menne as a member of the State Board of Psychology Examiners confirmed for the regular three-year term ending June 30, 1980.

JOSEPH A. GRAHAM, JR., D.V.M.

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Doderer	Murray	Shaff
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President Pro tempore Coleman declared the appointment of Joseph A. Graham, Jr., D.V.M., as a member of the State Board of Veterinary Medical Examiners confirmed for the regular three-year term ending June 30, 1980.

REFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that SENATE FILE 255 be REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

RETURNED TO REGULAR CALENDAR

Senator Kinley asked and received unanimous consent that SENATE FILE 290 be returned to the regular calendar.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take

up out of order Senate File 365.

Senate File 365

On motion of Senator Rush, Senate File 365, a bill for an Act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties, was taken up for consideration.

Senator Glenn took the chair at 10:45 a.m.

Senator Robinson offered amendment S-3464, filed by Senators Robinson, et al., on April 28, 1977, to pages 1 through 24 of the bill.

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

Senator Robinson moved the adoption of amendment S-3464.

A record roll call was requested.

On the question "Shall amendment S-3464 be adopted?" (S.F. 365) the vote was:

Ayes, 29:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
Curtis	DeKoster	Drake	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Priebe	Readinger	Robinson
Rodgers	Schwengels	Taylor	Tieden
Van Gilst			

Nays, 17:

Carr	Doderer	Gallagher	Glenn
Hill, E.M.	Junkins	Kinley	Miller, C.P.
Nolting	Orr	Palmer	Redmond
Rush	Scott	Shaw	Slater
Willits			

Absent or not voting, 4:

Calhoon

Kelly

Ramsey

Shaff

Amendment S-3464 was adopted.

(Senate File 365 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 has on April 26, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 564, a bill for an Act to authorize registration of voters on election day and to otherwise revise Iowa's registration laws and certain related sections of the Code.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 10, by Senators Shaw, Hill of Polk, Ramsey, Drake and Readinger, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the composition of the general assembly, the basis for apportionment of members, and the time when reapportionment is required.

Read first time and PASSED ON FILE.

SENATE FILE 373, by Committee on State Government, a bill for an act relating to the licensing and regulation of social workers and master social workers, the deposit of license fees for the purpose of administration, and providing penalties for violations.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 564, a bill for an Act to authorize registration of voters on election day and to otherwise revise Iowa's registration

laws and certain related sections of the Code, and providing a penalty.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: April 28, 1977, 1:40 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Shaw, Ranking Member; Carr; DeKoster; Hultman; Junkins; Kelly; Priebe; Ramsey; Van Gilst and Willits.

Members Absent: Nolting.

Final Action: APPROVED.

Senate File 370, a bill for an Act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

The vote was: AYES, 9; Palmer, E. Hill, Carr, DeKoster, Junkins, Kelly, Priebe, Van Gilst and Willits. NAYS, 3; Shaw, Hultman and Ramsey. ABSENT OR NOT VOTING, 1; Nolting.

Also:

Final Action: APPROVED.

Senate File 372, a bill for an Act making appropriations to the department of general services and the executive council for capital improvements.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Nolting.

Adjourned: 2:05 p.m.

EDUCATION

Convened: April 27, 1977, 9:00 a.m.

Members Present: Orr, Chairperson; Carr; Merritt; Shaw; Slater and Taylor.

Members Absent: Hansen, Ranking Member.

Members Excused: Willits, Vice Chairperson, DeKoster and Scott.

Other Business: Viewed a film strip entitled "Basic Skills Test" and discussed Senate File 252.

Adjourned: 9:50 a.m.

HUMAN RESOURCES

Convened: April 28, 1977, 8:15 a.m.

Members Present: C. Miller, Chairperson; Murray, Ranking Member; Calhoon; Craft; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: Carr, Vice Chairperson.

Other Business: Continued discussion on merger of Commission on Alcoholism and Iowa Drug Abuse Authority; assigned subcommittee.

Adjourned: 8:45 a.m.

JUDICIARY

Convened: April 28, 1977, 9:05 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; Doderer; P. Hill; Ramsey; Redmond; Scott; Shaw and Willits.

Members Absent: none.

Final Action: DO PASS.

House File 70, a bill for an Act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

The vote was: AYES, 12; Glenn, Rush, DeKoster, Ashcraft, Coleman, Doderer, P. Hill, Ramsey, Redmond, Scott, Shaw and Willits. NAYS, none.

Also:

Other Business: S.S.B. 157-relating to minority shareholders brought out as Judiciary committee bill—no final approval until the bill is redrafted.

Adjourned: 10:05 a.m.

Also:

Reconvened: April 28, 1977, 4:00 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Doderer; P. Hill; Scott; Shaw; Redmond and Ramsey.

Members Absent: Coleman (arrived 4:06 p.m.) and Willits (arrived 4:05 p.m.).

Other Business: Tentative approval of legislation relating to discipline of judicial magistrates accomodation offense—no final action.

Adjourned: 5:15 p.m.

NATURAL RESOURCES

Convened: April 28, 1977, 9:07 a.m.

Members Present: Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Members Excused: Priebe, Chairperson.

Other Business: Discussed bills to be reported out of committee.

Adjourned: 9:40 a.m.

TRANSPORTATION

Convened: April 28, 1977, 8:10 a.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Tieden; Gallagher; Ashcraft; Hutchins and Coleman.

Members Absent: Shaff (arrived 8:25 a.m.) and Doderer.

Final Action: DO PASS.

Senate File 255, a bill for an Act relating to use of ice grips and studs on motor vehicle tires upon payment of a fee.

The vote was: AYES, 7; Glenn, Drake, Ashcraft, Coleman, Gallagher, Shaff and Tieden. NAYS, 2; Robinson and Hutchins. ABSENT OR NOT VOTING, 1; Doderer.

Other Business: Tentative approval of S.S.B. 272 as a Transportation committee bill.

Also:

Final Action: DO PASS.

House File 437, 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.

The vote was: AYES, 8; Robinson, Drake, Glenn, Tieden, Gallagher, Coleman, Shaff and Ashcraft. NAYS, none. ABSENT OR NOT VOTING, 2; Hutchins and Doderer.

Adjourned: 9:00 a.m.

STUDY BILL RECEIVED

S.S.B. 276 Judiciary

Legalizing act for Missouri Basin Municipal Electric Cooperative Association.

BILLS ASSIGNED TO COMMITTEE

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

S.R. 11	Rules and Administration
H.F. 57	State Government

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 29, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

H.F. 197—Relating to certain bikeway and walkway construction projects.

H.F. 277—Relating to the authority of the Iowa Natural Resources Council.

H.F. 445—Relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Glenn R. Bowles, Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Commission on the Aging pursuant to Chapter 1143, Section 1, Acts of the Sixty-sixth General Assembly, 1976 Regular Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE F. DODERER, Chairperson
ROLF V. CRAFT
GEORGE R. KINLEY
DAVID M. READINGER
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard Neal Lepird, D.P.M., Estherville, Emmet County, Iowa, for reappointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.12, Code 1977, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
FORREST F. ASHCRAFT
IRVIN L. BERGMAN
MINNETTE F. DODERER
JAMES V. GALLAGHER

REPORTS OF COMMITTEE

Senator Doderer submitted the following reports:

MR. PRESIDENT: Your committee on State Government to which was referred Senate File 229, a bill for an Act relating to checks, money orders, or other acceptable negotiable instruments used to make payments to public officers, and subjecting violators to removal from office, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 57, a bill for an Act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding

procedures for purchase of goods from Iowa state industries, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3472; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 351

Budget—Budget Subcommittee
on Education
Van Gilst, Chairperson
Robinson
P. Hill
Hutchins
Nystrom

SENATE FILE 360

Ways and Means
Rodgers, Chairperson
Nolting
Curtis
Van Gilst
Kelly

HOUSE FILE 354

Human Resources
Rush, Chairperson
Carr
Murray

S.S.B. 269

Energy
Glenn, Chairperson
Burroughs
Ramsey

S.S.B. 272

Transportation
Hutchins, Chairperson
Shaff
Gallagher

S.S.B. 274

County Government
Redmond, Chairperson
Briles
Hutchins

SENATE FILE 359

Transportation
Coleman, Chairperson
Robinson
Gallagher
Shaff
Drake

HOUSE FILE 287

Judiciary
Doderer, Chairperson
Redmond
Ashcraft

HOUSE FILE 437

Transportation
Drake, Chairperson
Ashcraft
Coleman
Hutchins
Robinson

S.S.B. 270

Energy
Rodgers, Chairperson
Bisenius
Glenn

S.S.B. 273

Transportation
Robinson, Chairperson
Hutchins
Shaff

S.S.B. 275

County Government
Murray, Chairperson
Taylor
Orr

S.S.B. 276

Judiciary
DeKoster, Chairperson
Willits
Ramsey

AMENDMENTS FILED

S-3465	S.F. 365	C. Joseph Coleman
S-3466	H.F. 332	Roger J. Shaff
S-3467	S.F. 365	Norman G. Rodgers
S-3468	S.F. 93	Ray Taylor
S-3469	S.F. 365	C. Joseph Coleman
S-3470	S.F. 93	Irvin L. Bergman
S-3471	S.F. 365	Bob Rush

PRESENTATION OF VISITORS

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

Forty students from the Muscatine Community School District, Muscatine, Iowa, accompanied by Phyllis Knoche. Senator Drake.

Thirty-four students from King Elementary School, Des Moines, Iowa, accompanied by Judy Lindquist. Senator Kinley.

Thirty-five students from the Wall Lake Community School District, Wall Lake, Iowa, accompanied by Lynn Vilhauer. Senator Scott.

Eighty students from St. Edwards School, Waterloo, Iowa. Senator Nolting.

Twenty-one students from the Woden-Crystal Lake Community School District, Crystal Lake, Iowa, accompanied by Marvin Hrubes. Senator Taylor.

Fifty-eight students from the North Polk Community School District, Alleman, Iowa. Senators Readinger and Murray.

On motion of Senator Kinley, the Senate adjourned at 12:20 p.m., until 10:00 a.m., Monday, May 2, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 2, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Donald P. Weiss, pastor of the Immanuel Lutheran Church, Waterloo, Iowa.

The Journal of Friday, April 29, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Rowe, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shaw for the day on request of Senator Shaff; Senator Slater for the morning 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 requests the return of House File 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, which was messaged to the Senate on April 25, 1977.

DAVID L. WRAY, Chief Clerk

BILL RETURNED TO THE HOUSE

Senator Kinley asked and received unanimous consent that HOUSE FILE 464 be RETURNED TO THE HOUSE for further consideration.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the City Finance Committee, James E. Lindsay, filed April 28, 1977, and found on page 1260 of the Senate Journal.

As a member of the Iowa Beer and Liquor Control Council, Bennett Gordon, filed April 28, 1977, and found on page 1260 of the Senate Journal.

As a member of the State Board of Barber Examiners, Karen Ann Voecks, filed April 28, 1977, and found on pages 1260-1261 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Dwight E. Fry, filed April 28, 1977, and found on page 1261 of the Senate Journal.

As a member of the State Board of Medical Examiners, Joseph A. McCaffrey, Ph.D., filed April 28, 1977, and found on page 1261 of the Senate Journal.

As a member of the State Board of Pharmacy Examiners, Vennetta M. Fiedler, filed April 28, 1977, and found on page 1261 of the Senate Journal.

As a member of the State Board of Watchmaking Examiners, Irvin H. Palm, filed April 28, 1977, and found on page 1262 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

JAMES E. LINDSAY

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Doderer	Drake	Hultman
Junkins	Readinger	Scott	Shaw
Slater			

President Neu declared the appointment of James E. Lindsay as a member of the City Finance Committee confirmed for the regular four-year term ending June 30, 1980.

BENNETT GORDON

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr

Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Doderer	Drake	Hultman
Junkins	Readinger	Scott	Shaw
Slater			

President Neu declared the appointment of Bennett Gordon as a member of the Iowa Beer and Liquor Control Council confirmed for the regular five-year term ending June 30, 1982.

KAREN ANN VOECKS

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Doderer	Drake	Hultman
Junkins	Readinger	Scott	Shaw
Slater			

President Neu declared the appointment of Karen Ann Voecks as a member of the State Board of Barber Examiners confirmed for the unexpired portion of the term ending June 30, 1979.

DWIGHT E. FRY

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Doderer	Drake	Hultman
Junkins	Readinger	Scott	Shaw
Slater			

President Neu declared the appointment of Dwight E. Fry as a member of the State Board of Examiners for Nursing Home Administrators confirmed for the regular three-year term ending June 30, 1980.

JOSEPH A. MC CAFFREY, Ph.D.

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Doderer	Drake	Hultman
Junkins	Readinger	Scott	Shaw
Slater			

President Neu declared the appointment of Joseph A. McCaffrey, Ph.D., as a member of the State Board of Medical Examiners confirmed for the regular three-year term ending June 30, 1979.

VENNETTA M. FIEDLER

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Ow
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Doderer	Drake	Hultman
Junkins	Readinger	Scott	Shaw
Slater			

President Neu declared the appointment of Vennetta M. Fiedler as a member of the State Board of Pharmacy Examiners confirmed for the regular three-year term ending June 30, 1980.

IRVIN H. PALM

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley

Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Shaff	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Doderer	Drake	Hultman
Junkins	Readinger	Scott	Shaw
Slater			

President Neu declared the appointment of Irvin H. Palm as a member of the State Board of Watchmaking Examiners confirmed for the regular three-year term ending June 30, 1979.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 370.

Senate File 370

On motion of Senator Carr, Senate File 370, a bill for an Act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation, was taken up for consideration.

Action on Senate File 370 was temporarily deferred.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 371.

Senate File 371

On motion of Senator Willits, Senate File 371, a bill for an Act extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor, 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. 371) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Curtis	DeKoster	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

Gallagher

Absent or not voting, 7:

Calhoun	Doderer	Hultman	Junkins
Readinger	Shaw	Slater	

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 Neu presiding.

BUSINESS PENDING

Senate File 370

The Senate resumed consideration of Senate File 370, previously deferred.

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. 370) the vote was:

Ayes, 46:

Ashcraft	Bergmah	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Taylor	Van Gilst		

Nays, none.

Absent or not voting, 4:

Shaw	Slater	Tieden	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.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 354.

House File 354

On motion of Senator Rush, House File 354, a bill for an Act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, with report of committee on State Government recommending passage, was taken up,

considered, and the report of the committee adopted.

Senator Rush offered amendment S-3438 filed by the committee on Human Resources on April 26, 1977, to pages 3 through 24 of the bill.

Senator Hill of Polk offered amendment S-3474 to amendment S-3438 and moved its adoption.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 23, nays 21.

Amendment S-3474 to amendment S-3438 was adopted.

Senator Rush offered amendment S-3475 to amendment S-3438 and moved its adoption.

Amendment S-3475 to amendment S-3438 was adopted.

Senator Scott took the chair at 12:07 p.m.

Senator Rush moved the adoption of amendment S-3438 as amended.

Amendment S-3438 as amended was adopted.

(House File 354 pending on recess.)

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.

BUSINESS PENDING

House File 354

The Senate resumed consideration of House File 354.

Senator Murray offered amendment S-3476 to pages 7, 8 and 14 of the bill.

Senator Rush called for a division of the amendment, lines 1 through 7 to be considered as division S-3476A of the amendment; lines 8 through 11 to be considered as division S-3476B of the amendment; and lines 12 through 16 to be considered as division S-3476C of the amendment.

Senator Murray moved the adoption of division S-3476A of the amendment.

Division S-3476A of the amendment was adopted.

Senator Murray moved the adoption of division S-3476B of the amendment.

A non record roll call was requested.

The ayes were 21, nays 26.

Division S-3476B of the amendment lost.

Senator Murray moved the adoption of division S-3476C of the amendment.

A non record roll call was requested.

The ayes were 27, nays 19.

Division S-3476C of the amendment was adopted.

Senator Rush offered amendment S—3477 by Senators Rush and Murray to page 24 of the bill and moved its adoption.

Amendment S—3477 was adopted.

Senator Hill of Polk offered amendment S—3481 to page 17 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 16.

Amendment S—3481 was adopted.

Senator Rush moved that the bill 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. 354) the vote was:

Ayes, 32:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Craft	DeKoster	Doderer
Drake	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Readinger
Redmond	Robinson	Rodgers	Rush
Scott	Shaff	Van Gilst	Willits

Nays, 15:

Briles	Burroughs	Coleman	Culver
Curtis	Hansen	Hulse	Hultman
Nolting	Nystrom	Priebe	Ramsey
Schwengels	Taylor	Tieden	

Absent or not voting, 3:

Palmer	Shaw	Slater
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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 210.

House File 210

On motion of Senator Junkins, House File 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, with report of committee on State Government recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Coleman took the chair at 2:47 p.m.

Senator Junkins offered amendment S-3437 filed by the committee on Natural Resources on April 26, 1977, to strike everything after the enacting clause of the bill.

Senator Hill of Jasper offered amendment S-3442 filed him on April 27, 1977, to amendment S-3437.

Senator Glenn took the chair at 3:20 p.m.

Senator Hill of Jasper moved the adoption of amendment S-3442 and requested a record roll call.

President Neu took the chair at 3:35 p.m.

On the question "Shall amendment S-3442 be adopted?" (H.F. 210) the vote was:

Ayes, 16:

Briles	Coleman	Gallagher	Hansen
Hill, E.M.	Hultman	Kelly	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Schwengels

Nays, 33:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Culver
Curtis	DeKoster	Doderer	Drake
Glenn	Hill, P.B.	Hulse	Hutchins
Junkins	Kinley	Merritt	Miller, A. V.
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaff
Slater	Taylor	Tieden	Van Gilst
Willits			

Absent or not voting, 1:

Shaw

Amendment S—3442 to amendment S—3437 lost.

Senator Hultman offered amendment S—3478 to amendment S—3437, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3478 be adopted?” (H.F. 210) the vote was:

Ayes, 15:

Ashcraft	Bisenius	Briles	Burroughs
Craft	Curtis	Hansen	Hulse
Hultman	Kelly	Miller, E.R.	Nystrom
Ramsey	Taylor	Tieden	

Nays, 31:

Bergman	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hutchins
Junkins	Kinley	Merritt	Miller, C.P.
Murray	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Slater	Van Gilst	Willits	

Absent or not voting, 4:

DeKoster	Miller, A.V.	Robinson	Shaw
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Amendment S—3478 to amendment S—3437 lost.

Senator Shaff offered amendment S-3480 to amendment S-3437, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3480 be adopted?" (H.F. 210) the vote was:

Ayes, 21:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Curtis	DeKoster	Gallagher
Hansen	Hulse	Hultman	Hutchins
Kelly	Miller, E.R.	Nystrom	Ramsey
Schwengels	Shaff	Taylor	Tieden
Van Gilst			

Nays, 28:

Briles	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Glenn
Hill, E.M.	Hill, P.B.	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Orr	Palmer	Priebe
Readering	Redmond	Robinson	Rodgers
Rush	Scott	Slater	Willits

Absent or not voting, 1:

Shaw

Amendment S-3480 to amendment S-3437 lost.

Senator Shaff offered amendment S-3479 to amendment S-3437, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3479 be adopted?" (H.F. 210) the vote was:

Ayes, 20:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	DeKoster
Drake	Gallagher	Hansen	Hulse
Hultman	Miller, E.R.	Nystrom	Ramsey
Schwengels	Shaff	Taylor	Van Gilst

Nays, 29:

Calhoon	Carr	Coleman	Culver
Doderer	Glenn	Hill, E.M.	Hill, P.B.
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Orr	Palmer	Priebe
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Slater	Tieden
Willits			

Absent or not voting, 1:

Shaw

Amendment S-3479 to amendment S-3437 lost.

Senator Taylor offered amendment S-3484 to amendment S-3437 and moved its adoption.

Amendment S-3484 to amendment S-3437 was adopted.

Senator Hultman raised the point of order that action on House File 210 should be deferred so that a fiscal note could be obtained on amendment S-3437 under Joint Rule 16.

The Chair ruled the point not well taken since a request for a fiscal note on an amendment does not delay action on a bill.

Senator Junkins moved the adoption of amendment S-3437 as amended.

A record roll call was requested.

On the question "Shall amendment S-3437 as amended be adopted?" (H.F. 210) the vote was:

Rule 23 was invoked.

Ayes, 30:

Bergman	Bisenius	Calhoon	Carr
Coleman	Culver	Curtis	Doderer
Drake	Glenn	Hutchins	Junkins

Kelly	Kinley	Miller, A.V.	Miller, C.P.
Nolting	Orr	Priebe	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 19:

Ashcraft	Briles	Burroughs	Craft
DeKoster	Gallagher	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Merritt
Miller, E.R.	Murray	Nystrom	Palmer
Ramsey	Readinger	Shaff	

Absent or not voting, 1:

Shaw

Amendment S-3437 as amended 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. 210) the vote was:

Ayes, 27:

Bergman	Calhoon	Carr	Culver
Curtis	Doderer	Drake	Gallagher
Glenn	Hutchins	Junkins	Kinley
Miller, A.V.	Murray	Nolting	Orr
Palmer	Priebe	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Willits	

Nays, 22:

Ashcraft	Bisenius	Briles	Burroughs
Coleman	Craft	DeKoster	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Kelly	Merritt	Miller, C.P.	Miller, E.R.
Nystrom	Ramsey	Readinger	Taylor
Tieden	Van Gilst		

Absent or not voting, 1:

Shaw

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

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that the following bills be immediately messaged to the House:

SENATE FILES 370, 371 and HOUSE FILES 210 and 354.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

May 2, 1977

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 Gordon E. Aistrope, Fairfield, Jefferson County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

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, for appointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

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 Section 220.2, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

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 18, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 381, a bill for an Act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 374, by Committee on Energy, a bill for an act making an appropriation to the office for planning and programming for a weatherization assistance program.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 381, a bill for an Act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services.

Read first time and PASSED ON FILE.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: April 20, 1977, 8:10 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Culver; Drake; Glenn; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: Nystrom, Ranking Member; Ashcraft; Carr and Junkins.

Final Action: APPROVED.

Senate File 373, a bill for an Act relating to the licensing and regulation of social workers and master social workers, the deposit of license fees for the purpose of administration, and providing penalties for violations.

The vote was: AYES, 8; Doderer, Coleman, Culver, Drake, Glenn, Rush, Schwengels and Slater. NAYS, 2; Kelly and Shaff. ABSENT OR NOT VOTING, 4; Nystrom, Ashcraft, Carr and Junkins.

Adjourned: 9:00 a.m.

STUDY BILL RECEIVED

S.S.B. 277 Cities

Authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 10	Judiciary
H.F. 564	State Government

ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS

President Neu, in accordance with Section 2.32, 1975 Code of Iowa, announced the appointment of the following senators to investigating committees:

SILAS S. EWING, Des Moines, Polk County, Iowa, as a member of the Iowa Board of Parole for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Redmond, Chairperson
Senator Palmer
Senator Ramsey
Senator Rush
Senator Shaw

As members of the Iowa Housing Finance Authority:

GORDON E. AISTROPE, Fairfield, Jefferson County, Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Calhoon, Chairperson
Senator Gallagher
Senator Schwengels
Senator Shaff
Senator Slater

FREDINE M. BRANSON, Iowa City, Johnson County, Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Glenn, Chairperson
Senator Briles
Senator Doderer
Senator Drake
Senator E. Hill

CONSTANCE C. FOSTER, Des Moines, Polk County, Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Hutchins, Chairperson
Senator Carr
Senator Doderer
Senator Readinger
Senator Shaw

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 29, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 243—Relating to the qualifications required of the director of the Division of Mental Health Resources of the Department of Social Services.

S.F. 328—Relating to the differences involving provisions of the workers' compensation law and the Iowa Administrative Procedure Act.

**COMMUNICATION FROM THE GOVERNOR
GOVERNOR'S TASK FORCE ON MENTAL HEALTH**

The following communication from the Governor was placed on file in the office of the Lieutenant Governor:

April 29, 1977

TO: The Honorable Arthur A. Neu
Lieutenant Governor

FROM: Robert D. Ray

SUBJECT: ESTABLISHMENT OF TASK FORCE ON MENTAL HEALTH

Pursuant to Chapter 1061 of the Acts of the Sixty-sixth General Assembly, 1976, I am transmitting official notice of the establishment and first meeting on April 20 of the Governor's Task Force on Mental Health.

Attached to this memo is an outline of the suggested scope of activities for that task force.

This memo is intended to represent the official notice required to the General Assembly under Chapter 1061 of the establishment by the Governor of any task force or study committee to be funded under that chapter.

**ACTIVITIES OUTLINE
Governor's Task Force on Mental Health**

1. To catalog and analyze state and federal legislation, administrative rules and regulations, and previous studies applicable to:
 - a. The delivery of mental health and related health services in the state of Iowa.
 - b. The interrelationship of mental health and comprehensive health planning functions.
2. To provide a description and inventory of mental health services available in the state, including:
 - a. An evaluation of the cost-effectiveness of existing services.
 - b. An identification of the gaps and duplications in existing services.
3. To assess the role of existing public and private agencies comprising the

mental health service network, including:

- a. The scope, extent, and resources of each provider and/or planning agency.
 - b. A description of the coordination activities and mechanisms existing among the agencies.
 - c. An identification of those agencies whose resources might be more fully utilized.
4. To articulate proposals and recommendations for legislative, administrative and organizational reforms.
 5. To direct, with the designated legislative body, the research conducted by an independent consultant, if such research is funded.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate File 336, the word "point" was inserted after the word "two" on page 1, line 28 of the original bill. The change now appears on page 2, line 12 of the bill as amended by the Senate.

STEVEN C. CROSS, Secretary of the Senate

REPORT OF COMMITTEE

Senator Redmond submitted the following report:

MR. PRESIDENT: Your committee on County Government to which was referred House File 267, a bill for an Act relating to the investment of certain funds in the custody of the clerk of the district court, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3482; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

JAMES M. REDMOND, Chairperson

AMENDMENT FILED

S-3483

S.F. 93

John S. Murray

PRESENTATION OF VISITORS

President Neu welcomed the Honorable Vincent S. Burke, former member of the Senate from Woodbury County, who was

present in the Senate chamber.

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

Fifty students from Immaculate Conception School, Sioux City, Iowa, accompanied by Sister Margaret Ann Stratman and Sister Suzanne. Senator Calhoun.

Twenty-five students from Roosevelt Elementary School, Ames, Iowa, accompanied by Nathan Tosten and Dorothy Seilert. Senator Murray.

Twenty-five students from St. John Elementary School, Independence, Iowa. Senator Gallagher.

Ten students, members of the 4-H Club, from Sioux City, Iowa. Senator Calhoun.

PETITIONS

The following petitions were presented and placed on file:

By Senator Craft from thirteen residents of Winneshiek and Fayette Counties favoring an appropriation for human resource programs.

By Senator Hulse from fifteen residents of Cedar County favoring House File 345, to provide an appropriation to the Department of Social Services for supplemental income to federal programs for the blind, aged and disabled and their dependents.

By Senator Doderer from five hundred residents of Mahaska County opposing pari-mutuel betting.

By Senator Shaff from twenty-four residents of Clinton County favoring the Equal Rights Amendment.

By Senator Bisenius from four residents of Dubuque opposing legislation relating to land use.

By Senator Willits from one hundred forty-two residents of Polk County favoring legislation to impose a state tax on the renting of hotel and motel rooms.

By Senator Doderer from thirty-two residents of Black Hawk, Johnson, Linn and Wayne Counties favoring the Equal Rights Amendment.

The following petitions opposing legislation to impose a state tax on the renting of hotel and motel rooms were presented and placed on file by:

Senator Nolting from twenty-three residents of Black Hawk County.

Senator Van Gilst from thirty residents of Lee County.

Senator Kinley from one thousand twenty-eight residents of Polk County.

Senator Ashcraft from fifty residents of Iowa.

Senator Doderer from eighty residents of Johnson, Cedar, Polk and Muscatine Counties.

Senator Doderer from seventy residents of Johnson, Linn and Polk Counties.

On motion of Senator Kinley, the Senate adjourned at 5:45 p.m., until 10:00 a.m., Tuesday, May 3, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 3, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Elwin A. Mack, pastor of the Christian Life Center, Decorah, Iowa.

The Journal of Monday, May 2, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Mulry, Council Bluffs, Iowa.

INTRODUCTION OF BILLS

SENATE FILE 375, by Committee on Judiciary, a bill for an act relating to the discipline of judicial magistrates.

Read first time and PLACED ON CALENDAR.

SENATE FILE 376, by Committee on Judiciary, a bill for an act relating to the protection of the rights of owners of enterprises, and providing penalties.

Read first time and PLACED ON CALENDAR.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 327

Senator Carr called up for consideration House File 327, a bill for an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense, amended by the Senate, further amended by the House, and moved that the Senate concur in

House amendment S-3376 to Senate amendment H-3339, filed April 19, 1977, and found on page 1095 of the Senate Journal.

The motion prevailed and the Senate concurred in House amendment S-3376 to Senate amendment H-3339 to House File 327.

Senator Carr 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. 327) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Gallagher	Hill, E.M.	Miller, A.V.	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.

HOUSE AMENDMENT CONSIDERED

Senate File 317

Senator Glenn called up for consideration Senate File 317, a bill for an Act amending the criminal code revision to provide for

publication of an interim supplement to the Code of 1977 which shall contain the criminal code, amended by the House, and moved that the Senate concur in House amendment S-3461, filed April 28, 1977, and found on pages 1255-1256 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

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. 317) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Gallagher	Hill, E.M.	Miller, A.V.	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

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As Executive Director of the Iowa Commission on the Aging, Glenn R. Bowles, filed April 29, 1977, and found on page 1280 of the Senate Journal.

As a member of the State Board of Podiatry Examiners, Richard Neal Lepird, D.P.M., filed April 29, 1977, and found on page 1280 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

GLENN R. BOWLES

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Wilnits		

Nays, none.

Absent or not voting, 4:

Gallagher	Hill, E.M.	Miller, A.V.	Robinson
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President Neu declared the appointment of Glenn R. Bowles as Executive Director of the Commission on the Aging confirmed.

RICHARD NEAL LEPIRD, D.P.M.

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Gallagher	Hill, E.M.	Miller, A.V.	Robinson
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President Neu declared the appointment of Richard Neal Lepird, D.P.M., as a member of the State Board of Podiatry Examiners confirmed for the regular three-year term ending June 30, 1980.

UNFINISHED BUSINESS

Senate File 365

On motion of Senator Rush, Senate File 365, a bill for an Act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties, was taken up for further consideration.

Senator Rush withdrew amendment S-3445 and amendment S-3447 filed by him on April 27, 1977, to page 2 of the bill.

Senator Rush offered amendment S-3456 filed by him on April 28, 1977, to page 2 of the bill.

Senator Briles offered amendment S-3457 filed by him on April 28, 1977, to amendment S-3456 and moved its adoption.

Amendment S-3457 to amendment S-3456 was adopted.

Senator Rush moved the adoption of amendment S-3456 as amended.

Amendment S-3456 as amended was adopted.

Senator Hutchins offered amendment S-3459, filed by Senators Hutchins, et al., on April 28, 1977, to pages 3, 4, 19 and 20 of the bill.

Senator Rush called for a division of the amendment, page 1, lines 1 through 36 and page 2, lines 6 and 7 to be considered as division S-3459A of the amendment; page 1, lines 37 through 50 and page 2, lines 1 through 5 to be considered as division S-3459B of the amendment.

Senator Hutchins moved the adoption of division S-3459A of the amendment.

Division S-3459A of the amendment was adopted.

Senator Shaw took the chair at 11:10 a.m.

Senator Hutchins moved the adoption of division S-3459B of the amendment.

Division S-3459B of the amendment was adopted.

Senator Rush offered amendment S-3444, filed by him on April 27, 1977, to pages 10, 18 and 24 of the bill and moved its adoption.

Amendment S-3444 was adopted.

Senator Coleman offered amendment S-3434, filed by

Senators Coleman and Hultman on April 26, 1977, to page 12 of the bill.

Senator Kinley raised the point of order that amendment S-3434 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3434 in order.

Senator Kinley called for a division of the amendment, page 1, lines 2 and 3, to be considered as division S-3434A of the amendment; page 1, line 1 and lines 4 through 50 and pages 2 and 3 to be considered as division S-3434B of the amendment.

Senator Coleman moved the adoption of division S-3434A of the amendment.

Division S-3434A of the amendment was adopted.

Senator Kinley raised the point of order that division S-3434B of the amendment was not germane to the bill.

Senator Coleman asked unanimous consent that the ruling of the Chair on the germaneness of division S-3434B of the amendment be deferred.

Objection was raised.

Senator Coleman asked and received unanimous consent to withdraw division S-3434B of the amendment.

Senator Rush withdrew amendment S-3471 filed by him on April 29, 1977, to division S-3434B of the amendment.

Senator Coleman withdrew amendment S-3469 filed by him on April 29, 1977, to division S-3434B of the amendment.

Senator Coleman offered amendment S-3465, filed by him on April 29, 1977, to page 13 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 21, nays 25.

Amendment S-3465 lost.

(Senate File 365 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 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.

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 29, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 155, a bill for an Act appropriating funds to the department of general services for a demonstration solar energy unit.

Also: That the House has on April 29, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 340, a bill for an Act appropriating funds from the military service tax credit fund to the general fund.

Also: That the House has on April 29, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 341, a bill for an Act making an appropriation to the moneys and credits replacement fund.

Also: That the House has on April 29, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 342, a bill for an Act making appropriations to the municipal assistance fund and county government assistance fund.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 377, by Committee on Transportation, a bill for an act relating to the development of air carrier service in the state by the state department of transportation.

Read first time and PLACED ON CALENDAR.

SENATE FILE 378, by Senator Redmond, a bill for an act providing for the appointment and compensation of the clerks of the district court and employees of the district court, providing for the administrative supervision and control of the office of clerk of the district court, and to abolish the court expense fund.

Read first time and PASSED ON FILE.

BUSINESS PENDING

Senate File 365

The Senate resumed consideration of Senate File 365.

Senator Hutchins offered amendment S-3490 to page 2 of the bill and moved its adoption.

Amendment S-3490 was adopted.

Senator Rodgers offered amendment S-3467 filed by him on April 29, 1977, to page 13 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 23, nays 22.

Amendment S-3467 was adopted.

Senator DeKoster called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3456 to Senate File 365 was adopted by the Senate on May 3, 1977.

LUCAS J. DE KOSTER

A non record roll call was requested.

The ayes were 43, nays 2.

The motion prevailed.

Senator DeKoster called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3457 to amendment S-3456 to Senate File 365 was adopted by the Senate on May 3, 1977.

LUCAS J. DE KOSTER

A non record roll call was requested.

The ayes were 44, nays none.

The motion prevailed.

Senator Briles asked and received unanimous consent to withdraw amendment S-3457.

Senator DeKoster offered amendment S-3489 by Senators DeKoster and Briles to amendment S-3456 and moved its adoption.

Amendment S-3489 was adopted.

Senator Rush moved the adoption of amendment S—3456 as amended.

Amendment S—3456 as amended was adopted.

Senator Priebe called up the following motion to reconsider:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3464 to Senate File 365 was adopted by the Senate on April 29, 1977.

BERL E. PRIEBE

QUORUM CALL

Senator Hultman requested a quorum call to determine that a quorum was present.

Roll call revealed a quorum present.

Senator Priebe moved to reconsider the vote by which amendment S—3464 was adopted by the Senate.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 365) the vote was:

Ayes, 25:

Calhoon	Carr	Coleman	Culver
Doderer	Drake	Gallagher	Glenn
Hill, E.M.	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Nolting	Orr
Palmer	Priebe	Redmond	Rodgers
Rush	Scott	Shaw	Slater
Willits			

Nays, 25:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Curtis	DeKoster
Hansen	Hill, P.B.	Hulse	Hultman

Merritt	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Robinson
Schwengels	Shaff	Taylor	Tieden
Van Gilst			

The motion lost.

Senator Hutchins called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S-3465 to Senate File 365 failed to be adopted by the Senate on May 3, 1977.

C. W. HUTCHINS

A non record roll call was requested.

The ayes were 19, nays 24.

The motion lost.

Senator Rush moved that the bill 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. 365) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	Curtis	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 4:

Gallagher

Hutchins

Orr

Priebe

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

MOTION TO SUSPEND RULES ADOPTED

Senate File 213

Senator Willits called up the following motion and moved its adoption:

MR. PRESIDENT: I move that Section 457, paragraph 2, of Mason's Manual and any other rules which prevent the action proposed, be suspended to permit both an additional reconsideration of the vote by which Senate File 213 lost on the vote on final passage and also to permit an additional reconsideration of the vote by which it was moved to its last reading.

EARL M. WILLITS

On the question "Shall the motion to suspend Section 457.2 and any other rules which prevent the action proposed be adopted?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 31:

Burroughs
Doderer
Hansen
Kelly
Nolting
Priebe
Rodgers
Slater

Calhoon
Drake
Hill, E.M.
Kinley
Nystrom
Readinger
Rush
Van Gilst

Carr
Gallagher
Hutchins
Miller, A.V.
Orr
Redmond
Scott
Willits

Coleman
Glenn
Junkins
Miller, C.P.
Palmer
Robinson
Shaw

Nays, 18:

Ashcraft
Culver
Hulse
Murray
Taylor

Bergman
Curtis
Hultman
Ramsey
Tieden

Bisenius
DeKoster
Merritt
Schwengels

Craft
Hill, P.B.
Miller, E.R.
Shaff

Absent or not voting, 1:

Briles

The motion prevailed.

Senator Hutchins called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 213 failed to pass the Senate on March 23, 1977, and April 21, 1977.

C.W. Hutchins

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 213) the vote was:

Ayes, 33:

Burroughs	Calhoon	Carr	Coleman
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Redmond	Robinson	Rodgers	Rush
Scott	Shaw	Slater	Van Gilst
Willits			

Nays, 17:

Ashcraft	Bergman	Bisenius	Briles
Craft	Curtis	Hill, P.B.	Hulse
Hultman	Merritt	Miller, E.R.	Ramsey
Readinger	Schwengels	Shaff	Taylor
Tieden			

The motion prevailed.

Senator Glenn called up the following motion to reconsider, moved its adoption, and requested a record roll call:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 213 went to its last reading on March 23, 1977.

GENE W. GLENN

On the question "Shall the motion to reconsider be adopted?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 23:

Ashcraft	Bergman	Bisenius	Craft
Culver	Curtis	DeKoster	Glenn
Hill, P.B.	Hulse	Hultman	Merritt
Miller, E.R.	Murray	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Shaff
Shaw	Taylor	Tieden	

Nays, 27:

Briles	Burroughs	Calhoun	Carr
Coleman	Doderer	Drake	Gallagher
Hansen	Hill, E.M.	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Nolting	Nystrom	Orr	Palmer
Redmond	Robinson	Rush	Scott
Slater	Van Gilst	Willits	

The motion lost.

The following amendments were ruled out of order:

Amendment S-3306 filed by Senator Hill of Polk on April 6, 1977, to strike everything after the enacting clause of the bill.

Amendment S-3367 filed by Senator Glenn on April 19, 1977, to pages 1, 2, 3 and 4 of the bill.

On the question "Shall the bill pass?" (S.F. 213) the vote was:

Rule 23 was invoked.

Ayes, 27:

Burroughs	Calhoon	Carr	Coleman
Culver	DeKoster	Doderer	Drake
Gallagher	Hansen	Hill, E.M.	Hutchins
Junkins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Redmond	Robinson	Rush	Scott
Slater	Van Gilst	Willits	

Nays, 23:

Ashcraft	Bergman	Bisenius	Briles
Craft	Curtis	Glenn	Hill, P.B.
Hulse	Hultman	Merritt	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Shaff
Shaw	Taylor	Tieden	

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 353.

Senate File 353

On motion of Senator Scott, Senate File 353, a bill for an Act relating to the purchase of energy efficient motor vehicles by state agencies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Coleman took the chair at 4:40 p.m.

Senator Scott offered amendment S-3486 by Senators Scott and Drake to pages 1 and 2 of the bill and moved its adoption.

Amendment S-3486 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. 353) the vote was:

Ayes, 30:

Bergman	Bisenius	Calhoon	Carr
Coleman	Craft	Culver	Curtis
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Hutchins	Kelly
Kinley	Merritt	Miller, A.V.	Murray
Orr	Priebe	Redmond	Rush
Scott	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 17:

Ashcraft	Burroughs	DeKoster	Doderer
Drake	Hulse	Junkins	Miller, C.P.
Nolting	Nystrom	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Shaff
Shaw			

Absent or not voting, 3:

Briles	Miller, E.R.	Palmer
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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 353 passed the Senate on May 3, 1977.

CALVIN O. HULTMAN

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

The Senate resumed session, Senator Miller of Cerro Gordo 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 3, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services. The House amendment to the Senate amendment adopted on May 3, 1977, replaces the House amendment to the Senate amendment S-3417, messaged to you on April 25, 1977.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 464

S-3494

- 1 Amend Senate amendment H-3589 to House File 464,
2 as follows:
3 1. Page 1, by inserting after line 16 the follow-
4 ing:
5 "The provisions of subsection nine (9) of section
6 nineteen A point nine (19A.9) of the Code which
7 restricts employment of intermittent employees to
8 not more than a specified number of calendar days
9 in any twelve-month period without examination, shall
10 not apply during the period beginning on July 1, 1977
11 and ending June 30, 1978 for forty intermittent
12 employees who are employed in field offices by the
13 department of social services. It is the intent of
14 the general assembly to authorize the continued
15 employment during the 1977-1978 fiscal year of persons
16 employed to assist in meeting the current high demand
17 for income maintenance and related services and to
18 permit the department to avoid the cost of training
19 new employees. Any such employee of the department
20 of social services who has been employed and classified
21 as an intermittent employee after August 1, 1975 for
22 twelve consecutive months or more shall be eligible
23 to receive the same fringe benefits for fiscal year
24 1977-1978 as any other person employed under the
25 provisions of chapter nineteen A (19A) of the Code."
26 2. Page 1, line 19, by striking the figure
27 "4,375,000" and inserting in lieu thereof the figure
28 "4,389,000".
29 3. Page 1, by inserting after line 19 the follow-
30 ing:
31 "Included in this appropriation for state

32 administration is twenty-five thousand (25,000) dollars
33 for one additional prosecutor for the fraud unit."

34 4. Page 1, by striking lines 22 and 23 and insert-
35 ing the following:

36 "For development and implementa-
37 tion of medicaid management in-
38 formation system.....\$140,000"

39 5. Page 1, by inserting after line 42 the follow-
40 ing:

41 "The department shall consult with the advisory
42 commission on corrections and prepare and submit to
43 the house and senate budget subcommittees on social
44 services recommendations concerning the three juvenile
45 institutions at Eldora, Mitchellville and Toledo with
46 a long term recommendation on the care and treatment
47 of juveniles at not more than two institutions. These
48 recommendations shall be submitted on or before
49 December 15, 1977. Members of the budget subcommittees
50 on social services shall visit the three institutions

Page 2

1 during the 1977 interim."

2 6. Page 2, line 23, by striking the figure
3 "6,401,582" and inserting in lieu thereof the figure
4 "6,500,000".

5 7. Page 2, line 31, by striking the figure
6 "725,000" and inserting in lieu thereof the figure
7 "735,000".

8 8. Page 2, line 33, by striking the figure
9 "2,275,000" and inserting in lieu thereof the figure
10 "2,290,000".

11 9. Page 2, line 37, by striking the figure
12 "1,500,000" and inserting in lieu thereof the figure
13 "1,524,000".

14 10. Page 3, line 33, by striking the words "this
15 section" and inserting in lieu thereof the words
16 "section six (6) of this Act".

17 11. Page 4, line 36, by striking the figure
18 "420,000" and inserting in lieu thereof the figure
19 "480,000".

20 12. Page 4, by striking line 45 and inserting
21 in lieu thereof the following:
22 "centers for nonprofit centers only.....\$250,000
23 Real property shall not be purchased with funds
24 appropriated by this subsection.

25 16. State supplementation to
26 Title XX..... \$750,000
27 The funds appropriated by this subsection shall

28 be used only for purchase of services to continue
29 current programs.

30 17. Notwithstanding the provisions of section
31 eight point thirty-three (8.33) of the Code,
32 unencumbered or unobligated funds appropriated by
33 Acts of the Sixty-sixth General Assembly, 1976 Session,
34 chapter one thousand one hundred thirty-two (1132),
35 section five (5), subsection two (2), remaining on
36 June 30, 1977 shall be available for expenditure
37 during the fiscal year beginning July 1, 1977 and
38 the unencumbered or unobligated funds remaining on
39 June 30, 1978 shall revert to the general fund on
40 September 30, 1978."

41 13. Page 5, by striking lines 8 through 14.

42 14. Page 5, line 40, by inserting after the period
43 the words "However, the physical structure and fixtures
44 of the riverview release center shall not be altered
45 except for normal repair and maintenance until such
46 time as the general assembly shall otherwise provide."

47 15. Page 5, line 46, by striking the word "under"
48 and inserting in lieu thereof the word "through".

49 16. Page 6, by inserting after line 9 the follow-
50 ing:

Page 3

1 "Sec. 16. It is the intent that the department
2 of social services shall increase the maximum
3 reimbursement for intermediate care facility services
4 under medicaid from nineteen dollars to nineteen
5 dollars and fifty cents and that the department shall
6 increase the fee paid to pharmacists under medicaid
7 from two dollars and fifteen cents to two dollars
8 and fifty-five cents.

9 Sec. 17. It is the intent of the general assembly
10 that the department of social services, by July 1,
11 1977, shall review every state staffing requirement
12 contained in the conditions of participation for
13 intermediate care facilities participating in the
14 medicaid program that exceeds federal government re-
15 quirements and that any such conditions of
16 participation be submitted to the administrative rules
17 review committee.

18 Sec. 18. The department of health shall delay
19 implementation of the department of health licensure
20 rules for intermediate care facilities as published
21 in the Iowa Administrative Code 'Health (470) chapter
22 58'. The department, upon consultation with the
23 health facilities advisory committee, shall review

24 these rules which exceed the federal Title XIX
 25 guidelines for intermediate care facilities. All
 26 such modified rules approved by the department of
 27 health shall be resubmitted to the administrative
 28 rules review committee. The department of health
 29 may promulgate rules in areas not addressed by federal
 30 regulations.

31 Sec. 19. It is the intent that the department
 32 of social services shall resist the implementation
 33 of the federal government spouse income regulation
 34 which would allow spouse income under certain
 35 circumstances to be excluded from the determination
 36 of income for intermediate care facility medicaid
 37 eligibility purposes.

38 Sec. 20. It is the intent of the general assembly
 39 that funds appropriated for medical assistance shall
 40 not be used to pay for radiology services provided
 41 by a computerized axial tomographic scanner placed
 42 in operation in the state of Iowa subsequent to the
 43 effective date of this Act unless said computerized
 44 axial tomographic scanner has been approved by the
 45 health facilities construction review committee of
 46 the state department of health.

47 Sec. 21. Section two hundred twenty-two point
 48 eighty-six (222.86), Code 1977, is amended to read
 49 as follows:

50 222.86 PAYMENT FOR CARE FROM FUND. Whenever the

Page 4

1 amount in the account of any patient in the patients'
 2 personal deposit fund exceeds the sum of two hundred
 3 dollars, the business manager of the hospital—school
 4 or special unit may apply any amount of the excess
 5 to reimburse the county of legal settlement for
 6 liability incurred by such county for the payment
 7 of care, support, and maintenance of the patient when
 8 billed therefor by the county of legal settlement.
 9 [Money earned by a patient for work performed in or
 10 for a hospital—school or special unit shall not be
 11 subject to this section or to attachment.]

12 Sec. 22.

13 1. The department of social services shall
 14 implement a pilot program in community services
 15 districts ten and two requiring mandatory second
 16 opinions on elective surgery for medicaid clients.
 17 The department shall reimburse board certified surgical
 18 specialists to give their opinion on elective surgery
 19 prescribed by the client's own physician. If there

20 is a difference in the opinion of the two physicians,
 21 the client shall make the final determination. In
 22 cases where the client is geographically distant from
 23 the specialist, the department shall pay transportation
 24 and child care expenses incurred in obtaining the
 25 second opinion. The department shall maintain
 26 statistical information on this program in community
 27 service districts ten and two and on similar groups
 28 in community service districts eight and eleven in
 29 order to evaluate the impact of this program on the
 30 costs of the medicaid program.

31 2. There is appropriated from the general fund
 32 of the state to the department of social services
 33 for the fiscal year beginning July 1, 1977 the sum
 34 of fifty thousand (50,000) dollars, or so much thereof
 35 as may be necessary, for the administration of the
 36 pilot program mandated by this section, and for the
 37 payment of evaluation costs, consultant fees and
 38 client expenses incurred in connection therewith."

39 17. Page 6, by striking lines 23 through 26 and
 40 inserting in lieu thereof the words "schools revolving
 41 fund. Unobligated or unencumbered funds appropriated
 42 by this section shall not revert to the general fund
 43 of the state until the attainment of the object or
 44 the completion of the work for which such appropriation
 45 is made."

46 18. Page 6, by striking lines 45, 46 and 47 and
 47 inserting the following: "advisory commission on
 48 corrections relief submitted to the general assembly
 49 subsequent to April 1, 1977. Funds appropriated by
 50 this subsection may be used to match federal funds

Page 5

1 including federal funds received from the law
 2 enforcement assistance administration if such funds
 3 become available to the state. The construction of
 4 the capital improvements shall not commence prior
 5 to March 1, 1978 except as provided in section thirty
 6 (30) of this Act."

7 19. Page 7, by striking lines 49 through 50.

8 20. Page 8, by striking lines 1 through 17 and
 9 inserting in lieu thereof the following:

10 "Sec. 30. Unobligated or unencumbered funds
 11 remaining on June 30, 1981 from funds appropriated
 12 by sections twenty-five (25) through twenty-eight
 13 (28) of this Act shall revert to the general fund
 14 of the state on September 30, 1981. If federal funds
 15 do not become available to match the funds appropriated

16 by subsection one (1) of section twenty-eight (28)
 17 of this Act, the funds, except seventy-five thousand
 18 dollars, shall be used for planning the projects
 19 provided for in this Act including the employment
 20 of architects. In no event shall such funds, except
 21 the seventy-five thousand dollars provided for in
 22 this section, be used for construction or alteration
 23 of physical structures prior to March 1, 1978. The
 24 seventy-five thousand dollars excepted from the
 25 planning shall be used to complete the work in
 26 progress, make further necessary repairs, and install
 27 a horizontal partition in cellhouse twenty at Fort
 28 Madison as provided in subsection one (1) of section
 29 twenty-nine (29) of this Act."

30 21. Page 8, by inserting after line 17 the follow-
 31 ing new sections:

32 "Sec. 31. Section two hundred forty-six point
 33 one (246.1), Code 1977, is amended to read as follows:

34 246.1 DEFINITIONS. For the purpose of this chapter
 35 'director' or 'state director' shall mean the director
 36 of the division of *adult* corrections of the department
 37 of social services, *or that director's designee.*'

38 'Sec. 32. Chapter two hundred forty-six (246)
 39 Code 1977, is amended by adding the following new
 40 section:

41 **NEW SECTION. SPECIAL TREATMENT UNIT FOR CORREC-**
 42 **TIONS INMATES.**

43 1. Beginning April 1, 1978, the medium security
 44 correctional facility at Mount Pleasant shall be util-
 45 ized as a secure facility for treatment of inmates
 46 of adult correctional institutions who exhibit
 47 treatable personality disorders, with or without
 48 accompanying history of drug or alcohol abuse. Such
 49 inmates may apply for and upon their application may
 50 be selected for treatment by the staff of the treatment

Page 6

1 facility at Mount Pleasant in accordance with section
 2 two hundred eighteen point ninety (218.90) of the
 3 Code.

4 2. The director shall coordinate with the division
 5 of mental health of the department of social services
 6 and the state psychiatric hospital at Iowa City in
 7 the creation, staffing and operation of a research
 8 and treatment program directed at the class of
 9 disorders described in subsection one (1) of this
 10 section, which program shall be operated at the medium
 11 security correctional facility at Mount Pleasant.

12 3. The final decision regarding admission and
13 discharge of patients of the treatment facility
14 operated under this section shall rest with the
15 director. Upon discharge, the patients of the
16 treatment facility shall be transferred or placed
17 as determined by the director."

18 Sec. 33. Section two hundred twenty-three point
19 eight (223.8), Code 1977, is amended by striking the
20 section and inserting in lieu thereof the following:

21 223.8 COSTS AND CHARGES. Chapter two hundred
22 thirty (230), Code 1977, shall govern the determination
23 of costs and charges for the care and treatment of
24 mentally ill patients admitted to the Iowa security
25 medical facility, except that charges for the care
26 and treatment of any person transferred to the security
27 medical facility from an adult correctional institution
28 or from a state training school shall be paid entirely
29 from state funds. Charges for all other patients
30 at the security medical facility shall be billed to
31 the respective counties at the same ratio as for
32 patients at state hospitals for the mentally ill,
33 under section two hundred thirty point twenty (230.20)
34 of the Code.

35 Sec. 34. The department of social services shall
36 report to the budget social services subcommittees
37 of the committees on budget of the house and senate
38 by February 1, 1978 the cost and description of the
39 construction necessary to make building twenty at
40 Mount Pleasant mental health institute an internally
41 secure structure, including but not limited to
42 providing escape-proof doors and windows, air
43 conditioning, and electronic surveillance and security
44 equipment which will exceed the standards in the
45 existing plans.

46 Sec. 35. There is hereby appropriated from the
47 general fund of the state to the legislative council
48 the sum of twenty thousand (20,000) dollars, or so
49 much thereof as may be necessary, which shall be used
50 by the joint senate-house budget subcommittees on

Page 7

1 social services to conduct a study of the requirements
2 for and restrictions upon use of federal funds
3 allocated to Iowa under Title twenty (XX) of the
4 United States social security Act, the manner in which
5 the state and persons representing political
6 subdivisions of the state and other local interests
7 and organizations have planned for and acted in use

8 of these funds, the effect upon these efforts and
 9 subsequent decisions by the department of social
 10 services affecting the allocation and use of Title
 11 twenty (XX) funds, the effect of any joint funding
 12 of programs with both money appropriated by or
 13 allocated to the state for the medical assistance
 14 program maintained pursuant to Title nineteen (XIX)
 15 of the United States social security Act and Title
 16 twenty (XX) money and the necessity for the district
 17 offices of the department of social services. The
 18 subcommittees shall make the necessary arrangements
 19 for the conduct and supervision of the study, including
 20 the hiring of any necessary staff, and for formulation
 21 of recommendations based upon the findings of the
 22 study. The report of the study and the recommendations
 23 based thereon shall be submitted to the Sixty-seventh
 24 General Assembly on or before the date it convenes
 25 for its regular session in the Year 1978. The
 26 secretary of the senate and the chief clerk of the
 27 house, in consultation with the legislative council,
 28 shall provide administrative services for the
 29 administration of funds appropriated by this section."

30 22. Page 9, by striking lines 33 and 34 and inserting
 31 in lieu thereof the following:

32 "2. Title page, lines 1 and 2, by striking the
 33 words 'making an appropriation to the department of
 34 social services to fund' and inserting in lieu thereof
 35 the words 'relating to the administration and financing
 36 of'.

37 3. Title page, line 3, by inserting after the
 38 word 'services' the words 'and to funding of capital'."

39 23. By renumbering sections of and correcting
 40 internal references in the amendment in accordance
 41 with the foregoing amendments.

REPORT OF COMMITTEE MEETING

BUDGET SUBCOMMITTEE ON EDUCATION

Convened: May 2, 1977, 1:05 p.m.

Members Present: Van Gilst, Chairperson; Robinson, Vice Chairperson; P. Hill, Ranking Member and Hutchins.

Members Absent: none.

Members Excused: Nystrom.

Final Action: AMEND AND DO PASS.

Senate File 351, a bill for an Act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease.

The vote was: AYES, 4; Van Gilst, Robinson, P. Hill and Hutchins. NAYS, none. ABSENT OR NOT VOTING, 1; Nystrom.

Also:

Final Action: BUDGET SUBCOMMITTEE APPROVED AND SUBMITTED THE STUDY BILL TO THE BUDGET COMMITTEE.

S.S.B. 278, a study bill for an Act relating to guaranteed aid for school districts.

The vote was: AYES, 3; Van Gilst, Robinson and Hutchins. NAYS, 1; P. Hill. ABSENT OR NOT VOTING, 1; Nystrom.

Adjourned: 1:45 p.m.

STUDY BILLS RECEIVED

S.S.B. 278 Education Budget Subcommittee

Appropriation to the department of public instruction moneys sufficient to pay guaranteed state aid.

S.S.B. 279 Budget

Appropriation to the department of general services for furniture and moving expenses for agencies to be located in the Wallace Building.

S.S.B. 280 Budget

Repeal standing appropriations for state appeals board and mental health research fund.

S.S.B. 281 Ways and Means

Barrel tax rebate.

BILL ASSIGNED TO COMMITTEE

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

H.F. 381 Human Resources

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu, in accordance with section 2.32, 1977 Code of Iowa, announced the appointment of Senator Doderer to replace Senator Rush, who has resigned, as chairperson of the investigative committee for KATHLEEN DOLLAR JOHNSON, Des Moines, Polk County, Iowa, the Governor's appointee to the Transportation Regulation Board.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday, May 3, 1977.

Had I been present I would have voted "aye" on S-3467 to Senate File 365.

WILLARD R. HANSEN

REPORTS OF COMMITTEE

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on Judiciary to which was referred Senate File 275, a bill for an Act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3493; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Judiciary to which was referred House File 279, a bill for an Act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

AMENDMENTS FILED

S-3485	S.F. 118	David M. Readinger Forrest V. Schwengels
S-3487	S.F. 93	George R. Kinley
S-3488	S.F. 93	George R. Kinley
S-3492	S.F. 75	Norman G. Rodgers

PRESENTATION OF VISITORS

President Neu welcomed Lena Malmberg, Marsta, Sweden, a member of the International Cultural Exchange, attending Roland-Story High School, Story City, Iowa, who was present in the Senate chamber as the guest of Senator Shaw.

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

Twenty-four students from the Havelock-Plover Community School District, Havelock, Iowa, accompanied by Anna Marie Olson. Senator Curtis.

Thirty students from the United Community School District, Boone, Iowa. Senator Nystrom.

Thirty students from the CAL Community School District, Latimer, Iowa, accompanied by Mick West. Senator Taylor.

Twenty-five students from Maxwell High School, Maxwell, Iowa, accompanied by Tom Lipovac and Rick Sullivan. Senator Murray.

Eighteen students from Trinity Lutheran School, Davenport, Iowa, accompanied by Mrs. Marolf and Mr. Walter Paul. Senator Shaw.

Fifty students from Wildwood Elementary School, Ottumwa, Iowa, accompanied by Maybelle Reid and Irene Milder. Senator

Glenn.

Thirty-five students from Wilson Junior High School, Cedar Rapids, Iowa, accompanied by Carl Means. Senator Robinson.

On motion of Senator Junkins, the Senate adjourned at 7:50 p.m., until 10:00 a.m., Wednesday, May 4, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SEVENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 4, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend James Campbell, pastor of the Nishna Valley United Methodist Church, Henderson, Iowa.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Veverka, Prairie City, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

May 3, 1977

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 Charles E. Chamberlain, Jr., Clear Lake, Cerro Gordo County, Iowa, for reappointment as a member of the State Board of Examiners for Hearing Aid Dealers pursuant to Sections 154A.2 and 154A.3, 1977 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

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

of Clifford Welcher, Greenfield, Adair County, Iowa, for reappointment as a member of the State Board of Examiners for Hearing Aid Dealers pursuant to Sections 154A.2 and 154A.3, 1977 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

SENATE CONCURRENT RESOLUTION 18

By: Nolting, Calhoun, Readinger, Craft,
and Miller of Cerro-Gordo

- 1 *Whereas*, it is the intent of the state of Iowa and
2 this general assembly to provide competent care and
3 services to the elderly as well as to abusers of alcohol
4 and drugs; and,
5 *Whereas*, it is further the intent of the general
6 assembly to do away with wasteful duplicate spending; and
7 *Whereas*, there are several sources of funding for
8 programs concerned with alcohol and drug abuse, as well
9 as for programs for the elderly; and
10 *Whereas*, the lack of complete information regarding the
11 funding of these programs hampers the state budgetary
12 process; *Now Therefore*,
13 *Be It Resolved by the Senate, the House Concurring*,
14 That a study of the funding of the commission on aging,
15 the drug abuse authority, the division of alcoholism
16 and of all of their related programs be undertaken during
17 the 1977 legislative interim by the human resources budget
18 subcommittees of the senate and house or by a joint
19 subcommittee of those subcommittees, and that a report
20 on the funding of these programs be submitted to the
21 members of the Sixty-seventh General Assembly on or
22 before the date the 1978 Session convenes.

Read first time and PASSED ON FILE.

WITHDRAWN

Senator Priebe asked and received unanimous consent that SENATE FILE 59 be withdrawn from further consideration of the Senate.

Senator Gallagher asked and received unanimous consent that SENATE FILE 258 be withdrawn from further consideration of the Senate.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 464

Senator Priebe called up for consideration House File 464, a bill for an Act making an appropriation to the department of social services to fund current programs under the jurisdiction of the department of social services, amended by the Senate and further amended by House amendment S-3494 filed May 3, 1977, and found on pages 1324-1332 of the Senate Journal.

Senator Craft took the chair at 10:28 a.m.

President Neu took the chair at 11:36 a.m.

House amendment S-3417, filed April 25, 1977, and found on pages 1166-1173 of the Senate Journal was ruled out of order.

Senator Priebe moved that the Senate concur in House amendment S-3494 to the Senate amendment to House File 464.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S-3494?" (H.F. 464) the vote was:

Ayes, 34:

Ashcraft	Bergman	Briles	Calhoon
Carr	Coleman	Culver	Curtis
Drake	Gallagher	Glenn	Hulse
Hultman	Hutchins	Jenkins	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Slater	Tieden
Van Gilst	Willits		

Nays, 16:

Bisenius	Burroughs	Craft	DeKoster
Doderer	Hansen	Hill, E.M.	Hill, P.B.
Kelly	Miller, C.P.	Nystrom	Orr
Schwengels	Shaff	Shaw	Taylor

The motion prevailed and the Senate concurred in House amendment S-3494 to the Senate amendment to House File 464.

Senator Priebe 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. 464) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	Curtis	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 4:

Craft	Hill, E.M.	Miller, C.P.	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 Senate File 75.

Senate File 75

On motion of Senator Kelly, Senate File 75, a bill for an Act relating to the private sale, control, distribution and taxation of wine containing not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and

prescribing penalties therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rodgers offered amendment S—3458 filed by Senators Rodgers and Kelly on April 28, 1977, to strike everything after the enacting clause of the bill.

Senator Hill of Jasper offered amendment S—3495 by Senators Hill of Jasper and Shaff to amendment S—3458 and moved its adoption.

Amendment S—3495 to amendment S—3458 lost.

(Senate File 75 pending on recess.)

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 2, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 170, a bill for an Act correcting certain erroneous amendments contained in Chapter 1210 of the Acts of the Sixty-sixth General Assembly relating to the Iowa insurance guaranty association.

Also: That the House has on May 2, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 296, a bill for an Act relating to the membership and duties of the state advisory council for vocational education and local advisory committees for vocational education.

Also: That the House has on May 2, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 305, a bill for an Act relating to legalizing the sale of real estate by school districts.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 305, a bill for an Act relating to legalizing the sale of real estate by school districts.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 19

By: Committee on Commerce

1 *Whereas*, the availability of liability insurance for
 2 manufacturers and sellers of products in this state is
 3 necessary to protect consumers and businesses; and
 4 *Whereas*, it appears that products liability insur-
 5 ance is either unavailable or is available only at
 6 excessive costs for certain products; and
 7 *Whereas*, the 1976 legislative Insurance Pool Study
 8 Committee apparently was unable to complete its inves-
 9 tigation of the products liability problem in Iowa in
 10 order to make recommendations; and
 11 *Whereas*, the general assembly should determine whether
 12 or not legislative action is necessary in the products
 13 liability insurance areas; *Now Therefore*,
 14 *Be It Resolved by the Senate, the House Concurring*,
 15 That the legislative council appoint a ten-member study
 16 committee which shall include members of the appropriate
 17 standing committees of the senate and house of represen-
 18 tatives representing both political parties, which com-
 19 mittee shall conduct during the 1977-78 legislative
 20 interim a study of the problems of products liability
 21 insurance. The committee should consider information
 22 presented to the 1976 interim study committee for the
 23 purpose of avoiding unnecessary duplication of time and
 24 effort.
 25 The study committee shall retain, if necessary, con-
 26 sultants and assistants to accomplish the study. Non-
 27 legislative consultants and assistants may be reimbursed
 28 for reasonable expenses and may receive a per diem for
 29 each day in actual attendance with the committee upon
 30 approval of the legislative council.

Page 2

1 The study committee shall prepare and submit a report

- 2 to the legislative council and to the general assembly
- 3 at the conclusion of the interim, which shall be accom-
- 4 panied by legislative bill drafts designed to carry out
- 5 any recommendations of the committee.

Read first time and PLACED ON CALENDAR.

BUSINESS PENDING

Senate File 75

The Senate resumed consideration of Senate File 75 and amendment S-3458 by Senators Rodgers and Kelly.

Senator Rodgers offered amendment S-3498 by Senators Rodgers and Kelly to amendment S-3458.

Senator Willits called for a division of the amendment, page 1, lines 1 through 19, lines 23 through 50 and pages 2 and 3 to be considered as division S-3498A of the amendment; page 1, lines 20 through 22, to be considered as division S-3498B of the amendment.

Senator Rodgers moved the adoption of division S-3498A of the amendment to amendment S-3458.

A record roll call was requested.

On the question "Shall division S-3498A of the amendment be adopted?" (S.F. 75) the vote was:

Ayes, 35:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Glenn	Hansen
Hill, P.B.	Hulse	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Murray
Nolting	Nystrom	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaw
Slater	Tieden	Willits	

Nays, 13:

Ashcraft	Bergman	Burroughs	Drake
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Hill, E.M.
Orr
Van Gilst

Merritt
Schwengels

Miller, C.P.
Shaff

Miller, E.R.
Taylor

Absent or not voting, 2:

Gallagher

Hultman

Division S-3498A of the amendment to amendment S-3458 was adopted.

Senator Rodgers moved the adoption of division S-3498B of the amendment to amendment S-3458.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 27, nays 22.

Division S-3498B of the amendment to amendment S-3458 was adopted.

Senator Drake offered amendment S-3500 to amendment S-3458.

Senator Kelly called for a division of the amendment, lines 3 through 22 to be considered as division S-3500A of the amendment; lines 23 through 28 to be considered as division S-3500B of the amendment.

Senator Drake moved the adoption of division S-3500A of the amendment to amendment S-3458.

Division S-3500A of the amendment to amendment S-3458 was adopted.

Senator Drake moved the adoption of division S-3500B of the amendment to amendment S-3458.

A record roll call was requested.

On the question "Shall division S-3500B of the amendment be adopted?" (S.F. 75) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Coleman	Craft	Culver	Curtis
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 7:

Calhoon	Carr	Kelly	Miller, C.P.
Nolting	Redmond	Rodgers	

Absent or not voting, 2:

Burroughs	Priebe
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Division S-3500B of the amendment to amendment S-3458 was adopted.

Senator Taylor offered amendment S-3497 to amendment S-3458.

Senator Taylor moved to suspend Section 402 of Mason's Manual of Legislative Procedure for the purpose of considering amendment S-3497 to amendment S-3458.

A record roll call was requested.

On the question "Shall the motion to suspend Sec. 402 of Mason's Manual of Legislative Procedure be adopted?" (S.F. 75) the vote was:

Ayes, 13:

Ashcraft	Bergman	Bisenius	Burroughs
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Coleman
Miller, E.R.
Taylor

Craft
Scott

Culver
Shaff

Hill, E.M.
Shaw

Nays, 35

Briles
DeKoster
Glenn
Hultman
Kinley
Nolting
Priebe
Robinson
Tieden

Calhoon
Doderer
Hansen
Hutchins
Merritt
Nystrom
Ramsey
Rodgers
Van Gilst

Carr
Drake
Hill, P.B.
Junkins
Miller, A. V.
Orr
Readinger
Rush
Willits

Curtis
Gallagher
Hulse
Kelly
Murray
Palmer
Redmond
Slater

Absent or not voting, 2:

Miller, C.P.

Schwengels

The motion lost.

Senator Hill of Polk raised the point of order that amendment S-3497 to amendment S-3458 was not germane.

The chair ruled the point well taken and amendment S-3497 to amendment S-3458 out of order.

Senator Rodgers offered amendment S-3492 filed by him on May 3, 1977, to amendment S-3458 and moved its adoption.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 32, nays 17.

Amendment S-3492 to amendment S-3458 was adopted.

Senator Hill of Polk offered amendment S-3504 to amendment S-3458.

President pro tempore Coleman took the chair at 3:05 p.m.

Senator Hill of Polk moved the adoption of amendment S-3504 to amendment S-3458.

Amendment S-3504 to amendment S-3458 was adopted.

President Neu took the chair at 3:50 p.m.

Senator Rodgers moved the adoption of amendment S-3458 as amended.

A record roll call was requested.

On the question "Shall amendment S-3458 be adopted?" (S.F. 75) the vote was:

Ayes, 31:

Bisenius	Briles	Calhoon	Carr
Coleman	Craft	Culver	Curtis
Doderer	Drake	Gallagher	Glenn
Hansen	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Miller, C.P.	Nolting
Palmer	Priebe	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Slater	Tieden	Willits	

Nays, 18:

Ashcraft	Bergman	Burroughs	DeKoster
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Merritt	Murray	Nystrom	Orr
Ramsey	Schwengels	Shaff	Shaw
Taylor	Van Gilst		

Absent or not voting, 1:

Miller, E.R.

Amendment S-3458 as amended was adopted.

With the adoption of amendment S-3458 as amended, amendment S-3440 filed by Senators Hill of Jasper and Shaff on April 27, 1977, to page 33 of the bill and amendment S-3448

filed by Senator Nolting on April 27, 1977, to page 7 of the bill were ruled out of order.

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. 75) the vote was:

Rule 23 was invoked.

Ayes, 24:

Bisenius	Calhoon	Carr	Coleman
Culver	Doderer	Gallagher	Glenn
Hansen	Hutchins	Kelly	Kinley
Miller, C.P.	Nolting	Palmer	Priebe
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Slater	Tieden

Nays, 25:

Ashcraft	Bergman	Briles	Burroughs
Craft	Curtis	DeKoster	Drake
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Junkins	Merritt	Miller, A.V.	Murray
Nystrom	Orr	Ramsey	Schwengels
Shaff	Shaw	Taylor	Van Gilst
Willits			

Absent or not voting, 1:

Miller, E.R.

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

INTRODUCTION OF BILLS

SENATE FILE 379, by Committee on County Government, a bill for an act relating to the platting of land.

Read first time and PLACED ON CALENDAR.

SENATE FILE 380, by Committee on County Government, a bill for an act relating to unified law enforcement, including clarification of the tax levy, election procedures, and administration of the district.

Read first time and REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

SENATE FILE 381, by Senator Rush, a bill for an act relating to the licensing of consultants and the approval of consulting contracts with state agencies, and providing a civil penalty.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

COUNTY GOVERNMENT

Convened: April 29, 1977, 9:10 a.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles, Ranking Member; Merritt; Murray; Van Gilst; P. Hill; Orr; C. Miller and Taylor.

Members Absent: none.

Final Action: AMEND AND DO PASS.

House File 267, a bill for an Act relating to the investment of certain funds in the custody of the clerk of the district court.

The vote was: AYES, 10; Redmond, Hutchins, Briles, Merritt, Murray, Van Gilst, P. Hill, Orr, C. Miller and Taylor. NAYS, none.

Also:

Other Business: Discussion of S.S.B. 227, 235 and 243; assignment of S.S.B. 274 and 275.

Adjourned: 10:00 a.m.

HUMAN RESOURCES

Convened: May 3, 1977, 9:10 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; E. Hill; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Excused: Craft (arrived 9:20 a.m.) and Calhoon.

Other Business: Discussed S.S.B. 266—To redefine Chapter 145A of the Code and continued discussion on S.S.B. 68—relating to the merger of the

Commission on Alcoholism and the Iowa Drug Abuse Authority.

Adjourned: 10:10 a.m.

JUDICIARY

Convened: May 3, 1977, 8:10 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; Doderer; P. Hill; Redmond; Scott and Willits.

Members Absent: Ramsey and Shaw.

Final Action: AMEND AND DO PASS.

Senate File 275, a bill for an Act relating to disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Ashcraft, Coleman, Doderer, P. Hill, Redmond, Scott and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Ramsey and Shaw.

Also:

Final Action: APPROVED.

Senate File 375, a bill for an Act relating to the discipline of judicial magistrates.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Ashcraft, Coleman, Doderer, P. Hill, Redmond, Scott and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Ramsey and Shaw.

Also:

Final Action: APPROVED.

Senate File 376, a bill for an Act relating to the protection of the rights of owners of enterprises, and providing penalties.

The vote was: AYES, 9; Glenn, Rush, DeKoster, Ashcraft, Coleman, Doderer, Redmond, Scott and Willits. NAYS, 1; P. Hill. ABSENT OR NOT VOTING, 2; Ramsey and Shaw.

Also:

Final Action: DO PASS.

House File 279, a bill for an Act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties.

The vote was: AYES, 9; Glenn, Rush, DeKoster, Ashcraft, Coleman, Doderer, Redmond, Scott and Willits. NAYS, 1; P. Hill. ABSENT OR NOT VOTING, 2; Ramsey and Shaw.

Adjourned: 9:00 a.m.

STUDY BILLS RECEIVED

S.S.B. 282 Ways and Means

Joint Resolution providing a temporary formula for the rates and allocation and apportionment of corporate income for state corporate income tax purposes.

S.S.B. 283 Education

Joint Resolution relating to the preparatory vocational education of high school students.

BILL ASSIGNED TO COMMITTEE

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

S.F. 378 Judiciary

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate File 231, the following changes have been made:

1. Page 4, line 21, by striking the word "sventy-two" and inserting in lieu thereof the word "seventy-two".

2. Page 5, line 8, by inserting after "(3)," the words "Code 1977,".

STEVEN C. CROSS, Secretary of the Senate

REPORTS OF COMMITTEES

Senator Priebe submitted the following reports:

MR. PRESIDENT: Your committee on Natural Resources to which was referred Senate File 311, a bill for an Act relating to the authority of the state conservation commission to provide fire protection for its property, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Natural Resources to which was referred House File 408, a bill for an Act relating to the improvement and maintenance plans of county conservation boards, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BERL E. PRIEBE, Chairperson

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on Education, to which was referred Senate File 252, a bill for an Act to require the establishment of minimum standards of proficiency in basic skills for students in grades seven through twelve, begs leave to report it has had the same under consideration and returns the bill WITHOUT RECOMMENDATION.

The committee determined that a fiscal note was required under Joint Rule 16.

JOAN ORR, Chairperson

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 385, a bill for an Act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

NORMAN RODGERS, Chairperson

AMENDMENTS FILED

S-3501

S.F. 93

Cloyd E. Robinson

S-3502

S.F. 93

Cloyd E. Robinson

S-3506	S.F. 377	Irvin L. Bergman Lucas J. DeKoster
S-3507	S.F. 93	Joan Orr

PRESENTATION OF VISITORS

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

Seventeen students from Valley High School, Des Moines, Iowa, accompanied by Barbara Colvig. Senators Readinger and Hill of Polk.

Fourteen students from Jefferson High School, Jefferson, Iowa. Senator Hutchins.

Forty-five students from Green Mountain School, Green Mountain, Iowa, accompanied by Mavis Gray and Debbie Feine. Senator Miller of Marshall.

Forty-nine students from the Logan-Magnolia School District, Logan, Iowa. Senator Culver.

Fifty students from Story City Elementary School, Story City, Iowa, accompanied by Estelle Washburn. Senator Nystrom.

Thirty students from Defiance-Westphalia School, Defiance, Iowa, accompanied by Sister Jeannine. Senator Hutchins.

Sixty students from the West Central Community School District, Maynard, Iowa, accompanied by Pat Grennan and Ron Miller. Senator Craft.

Forty-five students from Danville Junior-Senior High School, Danville, Iowa, accompanied by Robert Heffelfinger. Senator Junkins.

On motion of Senator Kinley, the Senate adjourned at 4:28 p.m., until 10:00 a.m., Thursday, May 5, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH CALENDAR DAY
SEVENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 5, 1977

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Reverend Monsignor Vincent Hoverman, pastor of the St. Patrick's Church, Winthrop, Iowa.

The Journals of Tuesday, May 3, 1977, and Wednesday May 4, 1977, were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rawland, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Coleman for the morning session and Senator Priebe for the day on request of Senator Kinley.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 118.

Senate File 118

On motion of Senator Readinger, Senate File 118, a bill for an Act declaring the multiflora rose to be a noxious weed, with report of committee recommending passage, was taken up considered, and the report of the committee adopted.

Senator Readinger offered amendment S-3485 filed by Senators Readinger and Schwengels on May 3, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3485 was adopted.

Senator Ashcraft took the chair at 10:40 a.m.

Senator Glenn took the chair at 10:45 a.m.

Senator Readinger moved that the bill 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. 118) the vote was:

Ayes, 36:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Craft	Culver	DeKoster
Doderer	Drake	Glenn	Hill, E.M.
Hulse	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 9:

Briles	Carr	Gallagher	Hill, P.B.
Hultman	Kelly	Miller, C.P.	Palmer
Rodgers			

Absent or not voting, 5:

Coleman	Curtis	Hansen	Priebe
Shaw			

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 353

Senator Hultman withdrew the motion to reconsider Senate File 353, a bill for an Act relating to the purchase of energy efficient motor vehicles by state agencies, filed by him on May 3,

1977, and found on page 1324 of the Senate Journal.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 290.

Senate File 290

On motion of Senator Calhoon, Senate File 290, a bill for an Act relating to the sale of beer on Sunday, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Calhoon offered amendment S-3373 filed by him on April 19, 1977, to page 2 of the bill and moved its adoption.

Amendment S-3373 was adopted.

Senator Calhoon moved that the bill 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. 290 the vote was:

Ayes, 27:

Ashcraft	Bisenius	Calhoon	Carr
Culver	Doderer	Drake	Gallagher
Glenn	Hill, P.B.	Hutchins	Kelly
Kinley	Miller, C.P.	Murray	Nolting
Orr	Palmer	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Slater	Tieden	Willits	

Nays, 18:

Bergman	Briles	Burroughs	Craft
DeKoster	Hill, E.M.	Hulse	Hultman
Junkins	Merritt	Miller, A.V.	Miller, E.R.
Nystrom	Ramsey	Schwengels	Shaff
Taylor	Van Gilst		

Absent or not voting, 5:

Coleman	Curtis	Hansen	Priebe
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 70.

House File 70

On motion of Senator Hill of Polk, House File 70, a bill for an Act repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years, 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. 70) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Coleman	Curtis	Hansen	Priebe
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 437.

House File 437

On motion of Senator Drake, House File 437, 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, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Drake moved that the bill 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. 437) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Drake	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Coleman	Curtis	Doderer	Hansen
Priebe	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.

AFTERNOON SESSION

The Senate resumed session, President pro tempore Coleman presiding.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 5, 1977

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 Robert William Tonn, Clinton, Clinton County, Iowa, for appointment as a member of the Department of Environmental Quality Board of Certification for Waterworks Operators pursuant to Section 455B.53, 1977 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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 May 4, 1977, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Also: That the House has on May 4, 1977, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 210, a bill for an Act to provide for a state land use policy and

create a department of soil conservation and land use and a land use policy commission.

Also: That the House has on May 4, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 444, a bill for an Act authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties.

DAVID L. WRAY, Chief Clerk

SPECIAL GUESTS

Senator Van Gilst rose on a point of personal privilege to introduce Beckie Stall and Jo Ann Curoe, Iowa Beef Princesses, who were present in the Senate chamber, to promote Iowa Beef Month.

MOTION TO RECONSIDER ADOPTED

Senate File 358

Senator Hill of Polk called up the motion to reconsider Senate File 358, a bill for an Act relating to the licensing and practicing of veterinarians, filed by him on April 29, 1977, found on pages 1227-1228 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 358) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Curtis	Drake	Hansen	Priebe
Robinson	Shaff	Shaw	

The motion prevailed.

Senator Hill of Polk moved to reconsider the vote by which Senate File 358 went to its last reading, which motion prevailed.

On motion of Senator Miller of Marshall, Senate File 358, a bill for an Act relating to the licensing and practicing of veterinarians, was taken up for reconsideration.

Senator Hill of Polk offered amendment S-3463, filed by him on April 28, 1977, to pages 10, 14 and 17 of the bill and moved its adoption.

Amendment S-3463 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?" (S.F. 358) the vote was:

Ayes, 43:

Bergman	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Ashcraft	Burroughs	Curtis	Hansen
Miller, C.P.	Priebe	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 out of order Senate File 229.

Senate File 229

On motion of Senator Readinger, Senate File 229, a bill for an Act relating to checks, money orders, or other acceptable negotiable instruments used to make payments to public officers, and subjecting violators to removal from office, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Readinger moved that the bill 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. 229) the vote was:

Ayes, 44:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Ashcraft	Curtis	Hansen	Palmer
Priebe	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 267.

House File 267

On motion of Senator Redmond, House File 267, a bill for an Act relating to the investment of certain funds in the custody of the clerk of the district court, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Redmond offered amendment S-3482 filed by the committee on County Government on May 2, 1977, to page 1 of the bill.

Senator Merritt took the chair at 2:15 p.m.

Senator Redmond moved the adoption of amendment S-3482.

Amendment S-3482 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. 267) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Voting present, 1:

Coleman

Absent or not voting, 4:

Curtis

Hansen

Priebe

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 for consideration Senate File 375.

Senate File 375

On motion of Senator DeKoster, Senate File 375, a bill for an Act relating to the discipline of judicial magistrates, 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. 375) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Curtis	Hansen	Palmer	Priebe
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 279.

House File 279

On motion of Senator Willits, House File 279, a bill for an Act relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties, 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. 279) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Drake
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Curtis	Doderer	Hansen	Priebe
Scott	Shaff	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, President Neu presiding.

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 for consideration Senate File 377.

Senate File 377

On motion of Senator Hutchins, Senate File 377, a bill for an Act relating to the development of air carrier service in the state by the state department of transportation, was taken up for consideration.

Senator Bergman offered amendment S-3506 filed by Senators Bergman and DeKoster to page 1 of the bill.

Senator Willits called for a division of the amendment, lines 2 and 3 to be considered as division S-3506A of the amendment; line 4 to be considered as division S-3506B of the amendment.

Senator Bergman moved the adoption of division S-3506A of the amendment and requested a record roll call.

On the question "Shall division S-3506A of the amendment be adopted?" (S.F. 377) the vote was:

Ayes, 34:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Culver
DeKoster	Doderer	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Ramsey	Readinger	Robinson
Schwengels	Scott	Shaff	Taylor
Tieden	Van Gilst		

Nays, 13:

Carr	Craft	Drake	Gallagher
Hill, E.M.	Junkins	Nolting	Palmer
Rodgers	Rush	Shaw	Slater
Willits			

Absent or not voting, 3:

Curtis	Priebe	Redmond
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Division S-3506A of the amendment was adopted.

Senator Bergman moved the adoption of division S-3506B of the amendment.

Division S-3506B of the amendment was adopted.

Senator Hutchins moved that the bill 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. 377) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer

Ramsey
Schwengels
Taylor

Readinger
Scott
Tieden

Robinson
Shaff
Van Gilst

Rodgers
Slater

Nays, 4:

Hill, E.M.

Rush

Shaw

Willits

Absent or not voting, 3:

Curtis

Priebe

Redmond

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following CONFERENCE COMMITTEE on HOUSE FILE 74 on the part of the Senate: Senators Hutchins, chairperson; Orr, Miller of Des Moines, Kelly and Bisenius.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 311.

Senate File 311

On motion of Senator Tieden, Senate File 311, a bill for an Act relating to the authority of the state conservation commission to provide fire protection for its property, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Coleman took the chair at 3:45 p.m.

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. 311) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Curtis	Priebe	Redmond	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.

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 28, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 187, a bill for an Act to regulate the sale and use of certain beverage containers and relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive antilitter program, imposing a tax levy on products, and providing penalties.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 382, by Committee on State Government, a bill for an act relating to annual and biennial reports of state officials and departments.

Read first time and PLACED ON CALENDAR.

SENATE FILE 383, by Committee on State Government, a bill for an act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive.

Read first time and PLACED ON CALENDAR.

SENATE FILE 384, by Committee on Cities, a bill for an act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of fifteen or more dwelling units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons.

Read first time and PLACED ON CALENDAR.

SENATE FILE 385, by Committee on Cities, a bill for an act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

Read first time and PLACED ON CALENDAR.

SENATE FILE 386, by Committee on Budget, a bill for an act relating to education funding providing for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts.

Read first time and PLACED ON CALENDAR.

SENATE FILE 387, by Committee on Budget, a bill for an act making an appropriation to the department of general services for furniture and moving expenses for agencies to be located in the Wallace building.

Read first time and PLACED ON CALENDAR.

SENATE FILE 388, by Committee on Budget, a bill for an act repealing certain standing appropriations and providing an effective date.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 187, a bill for an Act to regulate the sale and use of certain beverage containers and relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive antilitter program, imposing a tax levy on products, and providing penalties.

Read first time and PASSED ON FILE.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: May 4, 1977, 8:00 a.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting and Robinson.

Members Absent: Rodgers (arrived 8:15 a.m.).

Members Excused: Palmer.

Final Action: APPROVED.

Senate Concurrent Resolution 19, requesting appointment of an interim committee to study the problems of products liability insurance.

The vote was: AYES, 8; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Curtis, Nolting and Robinson. NAYS, none. ABSENT OR NOT VOTING, 2; Palmer and Rodgers.

Other Business: Continued discussion of Senate File 22 and other matters relating to prearranged funeral or burial plans.

Adjourned: 8:45 a.m.

EDUCATION

Convened: May 4, 1977, 9:05 a.m.

Members Present: Orr, Chairperson; Carr; DeKoster; Merritt; Scott; Slater and Taylor.

Members Absent: Willits, Vice Chairperson (arrived 9:30 a.m.), Hansen,

Ranking Member (arrived 9:40 a.m.) and Shaw (arrived 9:20 a.m.)

Final Action: WITHOUT RECOMMENDATION.

Senate File 252, a bill for an Act to require the establishment of minimum standards of proficiency in basic skills for students in grades seven through twelve.

The vote was: AYES, 8; Orr, Willits, Hansen, Merritt, Scott, Shaw, Slater and Taylor. NAYS, 2; Carr and DeKoster.

Also:

Other Business: Adopted a Senate Joint Resolution proposal, which relates to the preparatory vocational education of high school students and discussed House File 463.

Adjourned: 10:05 a.m.

NATURAL RESOURCES

Convened: May 4, 1977, 1:07 p.m.

Members Present: Priebe, Chairperson; Culver, Vice Chairperson; E. Miller, Ranking Member; Bergman; Burroughs; Calhoon; Junkins; Slater and Tieden.

Members Absent: none.

Final Action: DO PASS.

Senate File 311, a bill for an Act relating to the state conservation commission to provide fire protection for its property.

The vote was: AYES, 9; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoon, Junkins, Slater and Tieden. NAYS, none.

Also:

Final Action: DO PASS.

House File 408, a bill for an Act relating to the improvement and maintenance plans of county conservation boards.

The vote was: AYES, 9; Priebe, Culver, E. Miller, Bergman, Burroughs, Calhoon, Junkins, Slater and Tieden. NAYS, none.

Other Business: Discussed proposed committee bills.

Adjourned: 1:25 p.m.

WAYS AND MEANS

Convened: May 4, 1977, 9:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Kelly; Palmer; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Priebe.

Final Action: DO PASS.

House File 385, a bill for an Act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive.

The vote was: AYES, 9; Rodgers, Nolting, E. Hill, Junkins, Kelly, Palmer, Readinger and Van Gilst. NAYS, 4; Curtis, Craft, Hultman and Shaff. ABSENT OR NOT VOTING, 1; Priebe.

Also:

Other Business: Discussed Senate File 199.

Adjourned: 10:00 a.m.

INTRODUCTION OF BILL

SENATE FILE 389, by Committee on Commerce, a bill for an act relating to the bonding of grain dealers.

Read first time under Senate Rule 28 and PLACED ON CALENDAR.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 381	State Government
S.C.R. 18	Budget
H.F. 305	Education

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 75

failed to pass the Senate on May 4, 1977.

EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Silas S. Ewing, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Board of Parole, pursuant to Sections 247.1 and 247.2, Code 1975, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
WILLIAM D. PALMER
RICHARD R. RAMSEY
BOB RUSH
ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joan Jacob, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to 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.

MINNETTE F. DODERER, Chairperson
RICHARD F. DRAKE
JOHN S. MURRAY
JAMES M. REDMOND
BOB RUSH

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kathleen Dollar Johnson, Des Moines, Polk County, Iowa, for reappointment to the Transportation Regulation Board, a division of the Department of Transportation, pursuant to Section 307.16, Code 1975, for the regular six-year term beginning July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE F. DODERER, Chairperson
PHILIP B. HILL
E. KEVIN KELLY
NORMAN RODGERS
JOHN R. SCOTT

COMMUNICATION FROM THE SECRETARY OF STATE

May 4, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 150 was published in the Evening Democrat, Fort Madison, Iowa, on April 6, 1977, and in The Daily Gate City, Keokuk, Iowa, on April 7, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber for the morning session of Thursday, May 5, 1977.

Had I been present, I would have voted "aye" on Senate Files 118, 229, 290, 358, 375; House Files 70, 267, 279, 437 and the motion to reconsider Senate File 358.

WILLARD R. HANSEN

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred Senate File 351, a bill for an Act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology of veterinary medicine for research into livestock disease, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3511; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

AMENDMENTS FILED

S-3508

S.F. 214

Minnette F. Doderer

S-3509	H.F. 57	Bob Rush
S-3510	S.F. 373	Rolf V. Craft

PRESENTATION OF VISITORS

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

Seventy students from East Buchanan Junior High School, Winthrop, Iowa, accompanied by Ben Foster and Ken Cappel. Senator Gallagher.

One hundred students from the Maurice-Orange City Community School District, Orange City, Iowa, accompanied by Paul Koets, Phil Back and Wilma Leslie. Senator DeKoster.

Twenty students, members of the National Honor Society, from the Iowa City Community School District, Iowa City, Iowa, accompanied by Wayne Christensen and Ralph Wahl. Senator Taylor.

Seventy students from Garner Elementary School, Garner, Iowa, accompanied by Miss Sweers, Mrs. Nelson and Mrs. Stille. Senator Taylor.

On motion of Senator Kinley, the Senate adjourned at 3:55 p.m., until 9:00 a.m., Friday, May 6, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SEVENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 6, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Monsignor Joseph Tolan, pastor of the St. Joseph's Catholic Church, Wall Lake, Iowa.

The Journal of Thursday, March 5, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Carney, Grinnell, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Priebe and Nolting for the day on request of Senator Kinley; Senator Curtis for the day on request of Senator Hultman.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 379.

Senate File 379

On motion of Senator Hill of Polk, Senate File 379, a bill for an Act relating to the platting of land, was taken up for consideration.

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. 379) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 10:

Calhoon	Curtis	Gallagher	Hansen
Nolting	Orr	Priebe	Rodgers
Scott	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 to take up out of order House File 385.

House File 385

On motion of Senator Readinger, House File 385, a bill for an Act to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Readinger moved that the bill 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. 385) the vote was:

Ayes, 39:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	DeKoster	Doderer	Drake

Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Readinger	Redmond	Robinson	Rush
Schwengels	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 2:

Craft	Ramsey
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Absent or not voting, 9:

Curtis	Gallagher	Hansen	Nolting
Orr	Priebe	Rodgers	Scott
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 to take up out of order House File 408.

House File 408

On motion of Senator Burroughs, House File 408, a bill for an Act relating to the improvement and maintenance plans of county conservation boards, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Burroughs moved that the bill 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. 408) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins

Kelly	Kinley	Merritt	Miller, A. V.
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rush	Schwengels	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 9:

Curtis	Gallagher	Hansen	Murray
Nolting	Priebe	Rodgers	Scott
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 to take up for consideration Senate File 382.

Senate File 382

On motion of Senator Drake, Senate File 382, a bill for an Act relating to annual and biennial reports of state officials and departments was taken up for consideration.

Senator Drake moved that the bill 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. 382) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A. V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rush	Schwengels
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Curtis	Gallagher	Hansen	Nolting
Priebe	Rodgers	Scott	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 to take up for consideration Senate File 383.

Senate File 383

On motion of Senator Rush, Senate File 383, a bill for an Act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive, was taken up for consideration.

Senator Rush moved that the bill 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. 383) the vote was:

Ayes, 39:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Drake
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Redmond	Robinson
Rush	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 11:

Curtis	Doderer	Gallagher	Hansen
Miller, A.V.	Nolting	Priebe	Rodgers
Schwengels	Scott	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 to take up for consideration Senate File 385.

Senate File 385

On motion of Senator Slater, Senate File 385, a bill for an Act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing, was taken up for consideration.

Senator Slater moved that the bill 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. 385) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rush	Schwengels
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Curtis	Gallagher	Hansen	Nolting
Priebe	Rodgers	Scott	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 to take

up for consideration Senate File 351.

Senate File 351

On motion of Senator Van Gilst, Senate File 351, a bill for an Act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease, with report of committee on Budget recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Van Gilst offered amendment S-3511 filed by the committee on Budget on May 5, 1977, to page 2 of the bill and moved its adoption.

Amendment S-3511 was adopted.

Senator Tieden withdrew amendment S-3361 filed by him on April 18, 1977, to page 2 of the bill.

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. 351) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Schwengels	Scott	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 3:

Gallagher Miller, C.P. Rush

Absent or not voting, 6:

Curtis Doderer Nolting Priebe
Rodgers 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 to take up for consideration Senate File 388.

Senate File 388

On motion of Senator Willits, Senate File 388, a bill for an Act repealing certain standing appropriations and providing an effective date, 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. 388) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Ramsey
Redmond	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 8:

Curtis Doderer Nolting Priebe
Readinger Robinson Rodgers 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 to take up for consideration Senate File 376.

Senate File 376

On motion of Senator Redmond, Senate File 376, a bill for an Act relating to the protection of the rights of owners of enterprises, and providing penalties, was taken up for consideration.

Senator Redmond asked and received unanimous consent that Jamie Wade, Superintendent of Securities, Insurance Department of Iowa, be allowed in the Senate chamber during discussion of the bill.

President pro tempore Coleman took the chair at 10:15 a.m.

Senator Willits offered amendment S-3516 by Senators Willits and Redmond to page 3 of the bill.

Senator Hill of Polk raised the point of order that amendment S-3516 was not germane to the bill.

President Neu took the chair at 10:50 a.m.

The Chair ruled the point well taken and amendment S-3516 out of order.

Senator Hill of Polk offered amendment S-3513 to pages 3, 19 and 20 of the bill and requested a non record roll call.

The ayes were 17, nays 24.

Amendment S-3513 lost.

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

The Senate resumed session, President pro tempore Coleman presiding.

Senator Kelly offered amendment S—3520 to page 21 of the bill and moved its adoption.

Amendment S—3520 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. 376) the vote was:

Ayes, 39:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Redmond	Robinson	Rush	Scott
Slater	Van Gilst	Willits	

Nays, 1:

Shaw

Absent or not voting, 10:

Curtis	Merritt	Miller, E.R.	Nolting
Priebe	Rodgers	Schwengels	Shaff
Taylor	Tieden		

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 376 passed the Senate on May 6, 1977.

PHILIP B. HILL

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 29, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 289, a bill for an Act to propose changes in the rules of criminal procedure.

Also: That the House has on May 4, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 334, a bill for an Act relating to registration fees for motor vehicles and making technical changes.

Also: That the House has on May 2, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 338, a bill for an Act to provide that corporations organized under chapter 491 or chapter 496A of the Code may elect to become cooperative associations under chapter 499 of the Code.

Also: That the House has on May 4, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 536, a bill for an Act to change the title of the low-rent housing law chapter of the Code to the municipal housing law.

Also: That the House has on May 4, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 573, a bill for an Act appropriating funds to Iowa state university of science and technology for coal research.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 338, a bill for an Act to provide that corporations organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code.

Read first time and PASSED ON FILE.

HOUSE FILE 536, a bill for an Act to change the title of the low-rent housing law chapter of the Code to the municipal housing law.

Read first time and PASSED ON FILE.

HOUSE FILE 573, a bill for an Act appropriating funds to Iowa state university of science and technology for coal research.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 289

S-3515

1 Amend Senate File 289 as follows:

2 1. Page 1, by striking lines 4 and 5 and inserting
3 in lieu thereof the words "rules one (1) through
4 twenty-six (26) and rules twenty-nine (29) and thirty-
5 one (31) are amended by".

6 2. Page 1, line 6, by striking the words "three
7 (3) through seventy-nine (79)" and inserting in lieu
8 thereof the words "two (2) through eighty (80)".

9 3. Page 1, by inserting after line 12 the
10 following:

11 "Sec. ____ . Rule one (1), subsection two (2),
12 paragraph b is amended to read as follows:

13 b. 'Judicial officer' means justices of the supreme
14 court, *justices of the court of appeals*, and committing
15 magistrates."

16 4. Page 5, by inserting after line 6 the following
17 section:

18 "Sec. ____ . Rule five (5), subsection one (1) is
19 amended by striking that subsection and inserting
20 in lieu thereof the following:

21 1. PROSECUTION ON INFORMATION. All indictable
22 offenses may be prosecuted by a trial information.
23 An information charging a person with an indictable
24 offense may be filed with the clerk of the district
25 court at any time, whether or not the grand jury is
26 in session. The county attorney shall have the sole
27 authority to file such a trial information unless
28 that authority is specifically granted to other
29 prosecuting attorneys by statute."

30 5. Page 5, line 7, by striking the word "one
31 (1),".

32 6. Page 5, line 8, by striking the word and figure

- 33 "three (3)".
34 7. Page 5, by striking lines 9 through 14.
35 8. Page 5, by striking lines 18 through 27.
36 9. Page 6, line 21, by striking the words "[lesser]
37 necessarily" and inserting in lieu thereof the word
38 "lesser".
39 10. Page 6, line 27, by striking the words "[an]
40 a necessarily" and inserting in lieu thereof the word
41 "an".
42 11. Page 8, lines 28 and 29, by striking the words
43 "for good cause shown".
44 12. Page 8, line 30, by inserting after the word
45 "guilty" the word "plea".
46 13. Page 11, lines 11 and 12, by striking the
47 words "[on the ground that it was illegally obtained]"
48 and inserting in lieu thereof the words "on the ground
49 that it was illegally obtained *including, but not*
50 *limited to, motions on any ground listed in rule*

Page 2

- 1 *eleven (11) of the rules of criminal procedure".*
2 14. Page 13, by striking lines 16 through 18 and
3 inserting in lieu thereof the words "[procedure.] *The*".
4 15. Page 16, by striking line 22 and inserting
5 in lieu thereof the following:
6 "Sec. 35. Rule eleven (11), headnote, is amended
7 to read as follows:
8 Rule 11. SUPPRESSION OF EVIDENCE OBTAINED BY AN
9 UNLAWFUL SEARCH AND SEIZURE."
10 16. Page 16, by striking lines 34 and 35.
11 17. Page 17, by striking lines 1 through 11.
12 18. Page 17, line 21, by striking the word
13 "GOVERNMENT" and inserting in lieu thereof the words
14 "[GOVERNMENT] STATE".
15 19. Page 17, lines 26 and 27, by striking the
16 words "photograph[: Any] *and, in addition any*" and
17 inserting in lieu thereof the words "photograph: Any".
18 20. Page 19, by striking lines 3 through 5 and
19 inserting in lieu thereof the following:
20 "a. DOCUMENTS AND TANGIBLE OBJECTS. If the court
21 grants the relief sought by the defendant under
22 [subdivision] subsection two (2), paragraph b,
23 subparagraph one (1), of this rule, the court".
24 21. Page 19, by striking lines 13 through 15 and
25 inserting in lieu thereof the following:
26 "b. REPORTS OF EXAMINATIONS AND TESTS. If the
27 court grants relief sought by the defendant under
28 [subdivision] subsection two (2), paragraph b,

- 29 subparagraph one (1), of this rule, the court”.
- 30 22. Page 19, by striking lines 26 through 31 and
31 inserting in lieu thereof the following: “[subdivision
32 two (2)] *subsection three (3)* of this rule shall be
33 made, if at all, within five days after any order
34 granting similar relief to the defendant.”
- 35 23. Page 19, by striking lines 32 through 34 and
36 inserting in lieu thereof the following:
37 “4. FAILURE TO EMPLOY EVIDENCE. When evidence
38 intended for use and furnished under this rule is
39 not actually employed at the trial, that fact shall
40 not be commented upon at trial.”
- 41 24. Page 21, by striking line 6 and inserting
42 in lieu thereof the words:
43 “Sec. 43. Rule 15, subsection one (1):”.
- 44 25. Page 21, by striking lines 12 through 19.
- 45 26. Page 23, by striking line 3 and inserting
46 in lieu thereof the words “a, subparagraph one (1)”.
- 47 27. Page 23, by striking lines 8 through 13.
- 48 28. Page 24, line 35, by striking the letter “c.”.
- 49 29. Page 25, by striking lines 17 through 24.
- 50 30. Page 28, line 19, by striking the words “[rule

Page 3

- 1 ten (10)] *these rules*” and inserting in lieu thereof
2 the words “rule ten (10)”.
- 3 31. Page 28, line 31, by striking the words
4 “[asserted] *established*” and inserting in lieu thereof
5 the word “asserted”.
- 6 32. Page 30, line 28, by striking the word
7 “[considered]” and inserting in lieu thereof the word
8 “considered”.
- 9 33. Page 31, line 12, by striking the words “[rules
10 of the]” and inserting in lieu thereof the words “rules
11 of the”.
- 12 34. Page 33, by striking lines 32 through page
13 34, line 3.
- 14 35. Page 34, line 9, by striking the words “or
15 judge” and inserting in lieu thereof the words “[or
16 judge]”.
- 17 36. Page 35, by striking lines 2 through 4 and
18 inserting in lieu thereof the following: “rules
19 thirty-three (33), thirty-four (34), thirty-six (36),
20 thirty-nine (39), forty-two (42), forty-eight (48),
21 and fifty-three (53) through fifty-six (56) are amended
22 by sections eighty-two (82) through ninety-two (92)
23 of this Act as follows:”.
- 24 37. Page 35, line 13, by striking the word “all”
25 and inserting in lieu thereof the word “[all]”.

- 26 38. Page 36, by striking lines 26 through 35.
27 39. Page 37, by striking lines 1 through 16.
28 40. Renumbering and by correcting internal
29 references as necessary.

HOUSE AMENDMENT TO SENATE FILE 334

S-3514

- 1 Amend Senate File 334 as follows:
2 1. Page 1, by inserting before line 1 the follow-
3 ing new section:
4 "Sec. ____ . Section three hundred twenty-one point
5 one (321.1), subsection seventeen (17), Code 1977,
6 is amended to read as follows:
7 17. 'Special mobile equipment' means every vehicle
8 not designed or used primarily for the transportation
9 of persons or property and incidentally operated or
10 moved over the highways, including trailers and bulk
11 spreaders which are not self-propelled having a gross
12 weight of not more than [six] *twelve* tons used for the
13 transportation of fertilizers and chemicals used for
14 farm crop production, and other equipment used
15 primarily for the application of fertilizers and
16 chemicals in farm fields or for farm storage, but
17 not including trucks mounted with applicators of such
18 products, road construction or maintenance machinery
19 and ditch-digging apparatus. The foregoing enumeration
20 shall be deemed partial and shall not operate to
21 exclude other such vehicles which are within the
22 general terms of this subsection; provided that nothing
23 contained in this section shall be construed to include
24 portable mills or corn shellers mounted upon a motor
25 vehicle or semitrailer."
26 2. Page 2, line 28, by striking the word "*five*"
27 and inserting in lieu thereof the word "*four*".
28 3. Page 3, line 8, by striking the word "*six*"
29 and inserting in lieu thereof the words "[*six*] *twelve*".
30 4. Page 3, by striking lines 12 and 13 and
31 inserting in lieu thereof the following:
32 "Sec. ____ . The provision of this Act shall be
33 effective November 1, 1977 for fees payable on or
34 after November 1, 1977 for vehicle registration issued
35 for the calendar year 1978."
36 5. Renumber sections and correct internal
37 references as are necessary in accordance with this
38 amendment.
39 6. Amend the title page as follows:
40 Line 9 by striking the word "*five*" and inserting
41 in lieu thereof the word "*four*".

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: May 5, 1977, 2:40 p.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Carr; DeKoster; Hultman; Junkins; Kelly; Nolting; Ramsey, Van Gilst and Willits.

Members Absent: Shaw, Ranking Member.

Members Excused: Priebe.

Final Action: AMEND AND DO PASS.

Senate File 351, a bill for an Act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Priebe.

Also:

Final Action: APPROVED.

Senate File 386, a bill for an Act relating to education funding providing for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Priebe.

Also:

Final Action: APPROVED.

Senate File 387, a bill for an Act making an appropriation to the department of general services for furniture and moving expenses for agencies to be located in the Wallace building.

The vote was: AYES, 9; Palmer, E. Hill, Carr, Hultman, Junkins, Kelly, Nolting, Van Gilst and Willits. NAYS, 2; DeKoster and Ramsey. ABSENT OR NOT VOTING, 2; Shaw and Priebe.

Also:

Final Action: APPROVED.

Senate File 388, a bill for an Act repealing certain standing appropriations and providing an effective date.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Priebe.

Adjourned: 3:05 p.m.

CITIES

Convened: May 3, 1977, 8:15 a.m.

Members Present: A. Miller, Chairperson; Slater, Vice Chairperson; Schwengels, Ranking Member; Briles; Gallagher; C. Miller; Orr and Readinger.

Members Absent: Hansen.

Final Action: APPROVED.

Senate File 384, a bill for an Act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of fifteen or more dwelling units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons.

The vote was: AYES, 8; A. Miller, Slater, Schwengels, Briles, Gallagher, C. Miller, Orr and Readinger. NAYS, none. ABSENT OR NOT VOTING, 1; Hansen.

Also:

Other Business: Assigned bills.

Adjourned: 8:35 a.m.

COMMERCE

Convened: April 29, 1977, 9:00 a.m.

Members Present: E. Hill, Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Curtis; Nolting and Palmer.

Members Absent: Robinson (arrived 9:15 a.m.).

Members Excused: Priebe, Vice Chairperson and Rodgers (arrived 9:30 a.m.).

Final Action: APPROVED.

Senate File 389, a bill for an Act relating to the bonding of grain dealers.

The vote was: AYES, 9; E. Hill, Bergman, Bisenius, Burroughs, Curtis, Nolting, Palmer, Robinson and Rodgers. NAYS, none. ABSENT OR NOT VOTING, 1; Priebe.

Adjourned: 9:45 a.m.

STATE GOVERNMENT

Convened: April 29, 1977, 9:10 a.m.

Members Present: Doderer, Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Schwengels and Slater.

Members Absent: Coleman, Vice Chairperson (arrived at 9:25 a.m.), Kelly (arrived at 9:20 a.m.), Rush and Shaff.

Final Action: DO PASS.

Senate File 229, a bill for an Act relating to checks, money orders, or other acceptable negotiable instruments used to make payments to public officers, and subjecting violators to removal from office.

The vote was: AYES, 11; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Junkins, Kelly, Schwengels and Slater. NAYS, none. VOTING PRESENT, 1; Glenn. ABSENT OR NOT VOTING, 2; Rush and Shaff.

Also:

Final Action: AMEND AND DO PASS.

House File 57, a bill for an Act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding procedures for purchase of goods from Iowa state industries.

The vote was: AYES, 8; Doderer, Carr, Drake, Glenn, Junkins, Kelly, Schwengels and Slater. NAYS, 2; Ashcraft and Culver. VOTING PRESENT, 1; Nystrom. ABSENT OR NOT VOTING, 3; Coleman, Rush and Shaff.

Also:

Other Business: Discussed Senate File 259.

Adjourned: 10:00 a.m.

BILL ASSIGNED TO COMMITTEE

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

H.F. 187 Energy

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Elwyn H. Hemken, Blairsburg, Hamilton County, Iowa, for reappointment as a member of the Iowa Commission for the Blind under the provisions of Sections 601B.1 and 601B.2, 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.

ROBERT M. CARR, Chairperson
ROLF V. CRAFT
C.W. HUTCHINS
LOWELL L. JUNKINS
JOHN N. NYSTROM

ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS

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

ROBERT WILLIAM TONN, Clinton, Clinton County, Iowa, as a member of the Board of Certification for Waterworks Operators (DEQ), for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Calhoon, Chairperson
Senator Carr
Senator Doderer
Senator Shaff
Senator Tieden

As members of the State Board of Examiners for Hearing Aid Dealers:

CHARLES E. CHAMBERLAIN Jr., Clear Lake, Cerro Gordo County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Willits, Chairperson
Senator Culver
Senator Merritt
Senator Ramsey
Senator Shaw

CLIFFORD WELCHER, Greenfield, Adair County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator E. Hill, Chairperson
Senator Bisenius
Senator Briles
Senator Hutchins
Senator C. Miller

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Amendment S-3486 into Senate File 353, one correction was made. The language appearing in lines 30-33 of the amendment was underlined. In the engrossed bill, it appears on page 2 at lines 4-7.

STEVEN C. CROSS, Secretary of the Senate

REPORTS OF COMMITTEE

Senator Doderer submitted the following reports:

MR. PRESIDENT: Your committee on State Government to which was referred Senate File 164, a bill for an Act authorizing the deduction from a state officer's or employee's wages or salary an amount for contribution to a qualifying charitable organization of the officer's or employee's choice, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3518; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred Senate File 259, a bill for an Act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3512; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint

Rule 16.

MINNETTE F. DODERER, Chairperson

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 10

Judiciary
Willits, Chairperson
Rush
DeKoster

SENATE FILE 93

State Government
Carr, Chairperson
Shaff
Slater

SENATE FILE 255

Ways and Means
Kelly, Chairperson
Junkins
Van Gilst

SENATE FILE 367

Ways and Means
Nolting, Chairperson
Redmond
Craft

SENATE FILE 368

Cities
C. Miller, Chairperson
Briles
Orr

SENATE FILE 369

State Government
Coleman, Chairperson
Drake
Kelly

HOUSE FILE 68

Ways and Means
Van Gilst, Chairperson
Hultman
Junkins

HOUSE FILE 90

Commerce
Curtis, Chairperson
Burroughs
Nolting

HOUSE FILE 210

State Government
Slater, Chairperson
Shaff
Culver

HOUSE FILE 232

Commerce
Rodgers, Chairperson
Palmer
Curtis

HOUSE FILE 246

State Government
Kelly, Chairperson
Slater
Doderer

HOUSE FILE 354

State Government
Slater, Chairperson
Rush
Schwengels

HOUSE FILE 381

Human Resources
E. Hill, Chairperson
Carr
Murray

HOUSE FILE 495

Agriculture
Scott, Chairperson
Tieden
Merritt

HOUSE FILE 558

Budget—Budget Subcommittee on
Social Services
Priebe, Chairperson
Culver
Murray

HOUSE FILE 564

State Government
Junkins, Chairperson
Nystrom
Coleman

Bergman
Rush

S.S.B. 271

State Government
Carr, Chairperson
Doderer
Kelly

S.S.B. 281

Ways and Means
Palmer, Chairperson
Craft
Nolting

S.S.B. 277

Cities
Slater, Chairperson
A. Miller
Readinger

S.S.B. 282

Ways and Means
Redmond, Chairperson
E. Hill
Kelly

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Friday morning, May 6, 1977.

Had I been present, I would have voted "aye" on Senate Files 385, 383, 382, 379 and House Files 385 and 408.

WILLARD R. HANSEN

MR. PRESIDENT: I was momentarily out of the Senate chamber on Friday, May 6, 1977, when the final vote on Senate File 388 was taken.

Had I been present, I would have voted "aye" on final passage.

DAVID M. READINGER

AMENDMENTS FILED

S-3521	H.F. 57	Rolf V. Craft
S-3522	H.F. 57	Rolf V. Craft
S-3523	S.F. 93	Eugene M. Hill
S-3524	S.F. 93	Eugene M. Hill
S-3525	S.F. 384	Alvin V. Miller
		David M. Readinger

PRESENTATION OF VISITORS

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

Fifty students from the Lakeview-Auburn Community School District, Lakeview, Iowa, accompanied by Linda Cleveland, Senator Scott.

Twenty students from Creston Catholic School, Creston, Iowa, accompanied by Father McCann and Mrs. Ernster. Senators Ramsey and Briles.

On motion of Senator Kinley, the Senate adjourned at 11:45 a.m., until 10:00 a.m., Monday, May 9, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTIETH CALENDAR DAY
EIGHTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 9, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend William Wiebler, pastor of Our Lady of Lourdes Church, Bettendorf, Iowa.

The Journal of Friday, May 6, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Raymond Frech, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hulse for the day on request of Senator Hultman.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the State Board of Psychology Examiners, Joan Jacob, filed May 5, 1977, and found on page 1374 of the Senate Journal.

As a member of the Transportation Regulation Board, a division of the Department of Transportation, Kathleen Dollar Johnson, filed May 5, 1977, and found on page 1374 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of

Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

JOAN JACOB

Ayes, 40:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	Doderer	Gallagher	Glenn
Hill, P.B.	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Palmer	Priebe	Readinger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 10:

Ashcraft	Calhoon	DeKoster	Drake
Hansen	Hill, E.M.	Hulse	Orr
Ramsey	Robinson		

President Neu declared the appointment of Joan Jacob as a member of the State Board of Psychology Examiners confirmed for the regular three-year term ending June 30, 1979.

KATHLEEN DOLLAR JOHNSON

Ayes, 40:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	Doderer	Gallagher	Glenn
Hill, P.B.	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting

Nystrom	Palmer	Priebe	Readerger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willfts

Nays, none.

Absent or not voting, 10:

Ashcraft	Calhoon	DeKoster	Drake
Hansen	Hill, E.M.	Hulse	Orr
Ramsey	Robinson		

President Neu declared the appointment of Kathleen Dollar Johnson as a member of the Transportation Regulation Board, a division of the Department of Transportation, confirmed for the regular six-year term ending June 30, 1983.

SENATE INSISTS

House File 210

Senator Junkins called up for consideration, House File 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, 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. 210) the vote was:

Ayes, 36:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Curtis	Glenn	Hansen	Hultman
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 6:

Doderer	Gallagher	Hill, P.B.	Merritt
Readinger	Redmond		

Absent or not voting, 8:

Ashcraft	Calhoon	DeKoster	Drake
Hill, E.M.	Hulse	Miller, C.P.	Ramsey

The motion prevailed and the Senate insisted on its amendment to House File 210.

CONSIDERATION OF BILLS

Senate File 121

On motion of Senator Priebe, Senate File 121, a bill for an Act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Van Gilst offered amendment S-3405 filed by the committee on Agriculture on April 21, 1977, to page 1 of the bill.

Amendment S-3405 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. 121) the vote was:

Ayes, 33:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Culver	Curtis
Hansen	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Palmer	Priebe	Readinger	Redmond
Robinson	Rodgers	Schwengels	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, 10:

Craft	Doderer	Gallagher	Glenn
Hill, E.M.	Hill, P.B.	Miller, C.P.	Orr
Rush	Willits		

Absent or not voting, 7:

Ashcraft	Calhoon	DeKoster	Drake
Hulse	Ramsey	Scott	

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 121 passed the Senate on May 9, 1977.

JOHN S. MURRAY

MR. PRESIDENT: I move to reconsider the vote by which Senate File 121 passed the Senate on May 9, 1977.

BERL E. PRIEBE

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.

SENATE INSISTS

House File 75

Senator Ramsey called up for consideration, House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state

building code, amended by the Senate and moved that the Senate recede from its amendment.

A record roll call was requested.

On the question "Shall the motion to recede be adopted?" (H.F. 75) the vote was:

Rule 23 was invoked.

Ayes, 22:

Briles	Coleman	Culver	Curtis
Gallagher	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Nystrom	Priebe	Ramsey	Robinson
Rodgers	Schwengels	Scott	Shaff
Taylor	Tieden		

Nays, 22:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Craft	Doderer
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Kelly	Murray	Nolting	Orr
Readinger	Redmond	Rush	Shaw
Slater	Willits		

Absent or not voting, 6:

DeKoster	Drake	Hulse	Miller, E.R.
Palmer	Van Gilst		

The motion lost and the Senate insisted on its amendment to House File 75.

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, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 545, a bill for an Act relating to the management of loss and loss exposures of government.

Also: That the House has on May 5, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 584, a bill for an Act making appropriations to the department of general services and the executive council for capital improvements.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 545, a bill for an Act relating to the management of loss and loss exposures of government.

Read first time and PASSED ON FILE.

HOUSE FILE 584, A bill for an Act making appropriations to the department of general services and the executive council for capital improvements.

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, 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, Senator Glenn presiding.

CONSIDERATION OF BILLS

Senate File 93

On motion of Senator Kinley, Senate File 93, a bill for an Act to permit pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse races and racing meets; imposing taxes and fees and providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts, with report of committee on State Government recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk offered amendment S-3526 by Senators Hill of Polk and Hill of Jasper to strike the enacting clause of the bill, moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question "Shall amendment S-3526 be adopted?" (S.F. 93) the vote was:

Rule 23 was invoked.

Ayes, 14:

Ashcraft	Bergman	Burroughs	Coleman
Craft	Hill, E.M.	Hill, P.B.	Hultman
Miller, E.R.	Ramsey	Schwengels	Shaw
Taylor	Van Gilst		

Nays, 29:

Bisenius	Briles	Calhoon	Carr
Culver	Doderer	Gallagher	Glenn
Hansen	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Murray	Nolting	Nystrom	Orr
Priebe	Readinger	Redmond	Robinson
Rush	Scott	Slater	Tieden
Willits			

Absent or not voting, 7:

Curtis	DeKoster	Drake	Hulse
Palmer	Rodgers	Shaff	

Amendment S—3526 lost.

Senator Hill of Jasper offered amendment S—3420 filed by him on April 25, 1977, to page 1 of the bill.

Senator Kinley called for a division of the amendment, page 1, lines 3 through 25, lines 44 through 50 and page 2 to be considered as division S—3420A of the amendment; page 1, lines 26 through 43 to be considered as division S—3420B of the amendment.

President Neu took the chair at 3:30 p.m.

Action on division S—3420A of the amendment was temporarily deferred.

Senator Hill of Jasper moved the adoption of division S—3420B of the amendment.

Division S—3420B of the amendment was adopted.

Senator Robinson offered amendment S—3501 filed by him on May 4, 1977, to page 1 of the bill.

Action on amendment S—3501 was temporarily deferred.

Senator Hill of Jasper offered amendment S—3421 filed by him on April 25, 1977, to page 1 of the bill and moved its adoption.

Amendment S—3421 was adopted.

Senator Murray offered amendment S—3531 to pages 1, 2 and 5 of the bill and moved its adoption.

Amendment S—3531 was adopted.

Senator Kinley offered amendment S—3487 filed by him on May 3, 1977 to pages 2 and 10 of the bill.

Senator Hill of Polk called for a division of the amendment, lines 2 through 6 to be considered as division S—3487A of the

amendment; lines 7 and 8 to be considered as division S-3487B of the amendment.

Senator Kinley moved the adoption of division S-3487A of the amendment.

Division S-3487A of the amendment was adopted.

Action on division S-3487B of the amendment was temporarily deferred.

Senator Nystrom offered amendment S-3427 filed by him on April 25, 1977, to page 2 of the bill, moved its adoption and requested a non record roll call.

Rule 23 was invoked.

The ayes were 22, nays 22.

The Chair cast an "aye" vote to break the tie and amendment S-3427 was adopted.

Senator Hill of Jasper offered amendment S-3523 filed by him on May 6, 1977, to page 3 of the bill.

Senator Hill of Jasper offered amendment S-3532 to amendment S-3523 and moved its adoption.

Amendment S-3532 to amendment S-3523 was adopted.

Action on amendment S-3523 as amended was temporarily deferred.

Senator Bergman offered amendment S-3470 filed by him on April 29, 1977, to page 3 of the bill, moved its adoption and requested a non record roll call.

Rule 23 was invoked.

The ayes were 20, nays 23.

Amendment S—3470 lost.

Senator Miller of Marshall offered amendment S—3426 filed by her on April 25, 1977, to page 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 32, nays 12.

Amendment S—3426 was adopted.

Senator Kinley offered amendment S—3488 filed by him on May 3, 1977, to pages 5, 9 and 10 of the bill and moved its adoption.

Amendment S—3488 was adopted.

Senator Orr withdrew amendment S—3507 filed by her on May 4, 1977, to pages 5 and 10 of the bill.

Senator Kinley offered amendment S—3539 to pages 5 and 10 of the bill and moved its adoption.

Amendment S—3539 was adopted.

Senator Van Gilst offered amendment S—3453 filed by him on April 28, 1977, to page 6 of the bill and moved its adoption.

Amendment S—3453 was adopted.

Senator Taylor offered amendment S—3468 filed by him on April 29, 1977, to page 7 of the bill, moved its adoption and requested a non record roll call.

The ayes were 15, nays 26.

Amendment S—3468 lost.

Senator Van Gilst offered amendment S—3452 filed by him on April 28, 1977, to page 7 of the bill and moved its adoption.

Amendment S-3452 was adopted.

Senator Robinson offered amendment S-3502 filed by him on May 4, 1977, to page 7 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 36, nays, none.

Amendment S-3502 was adopted.

Senator Kelly offered amendment S-3537 to page 8 of the bill, moved its adoption and requested a non record roll call.

Rule 23 was invoked.

The ayes were 12, nays 30.

Amendment S-3537 lost.

Senator Hultman offered amendment S-3428 filed by Senator DeKoster on April 25, 1977, to page 9 of the bill and moved its adoption.

Amendment S-3428 was adopted.

Senator Hill of Jasper offered amendment S-3524 filed by him on May 6, 1977, to page 9 of the bill and moved its adoption.

Amendment S-3524 was adopted.

The Senate resumed consideration of amendment S-3420 and division S-3420A of the amendment previously deferred.

Senator Hill of Jasper offered amendment S-3538 to division S-3420A of the amendment and moved its adoption.

Amendment S-3538 to division S-3420A of the amendment was adopted.

On motion of Senator Hill of Jasper, division S-3420A of the

amendment as amended was adopted.

Senator Kinley offered amendment S-3535 to pages 1, 2 and 4 of the bill and moved its adoption.

Amendment S-3535 was adopted.

Senator Carr offered amendment S-3449 filed by the committee on State Government on April 27, 1977, to pages 2, 4, 7 and 8 of the bill.

Senator Redmond offered amendment S-3541 by Senators Redmond, Kinley and Doderer to amendment S-3449 and moved its adoption.

Amendment S-3541 to amendment S-3449 was adopted.

(Senate File 93 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 9, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 274, a bill for an Act relating to uniform child-custody jurisdiction.

Also: That the House has on May 5, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 344, a bill for an Act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission.

Also: That the House has on May 6, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 163, 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 May 4, 1977, concurred in Senate amendment

to, and passed the following bill in which the concurrence of the House was asked:

House File 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality.

Also: That the House has on May 6, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 354, a bill for an Act to require that a certificate of need be obtained as a condition of offering certain new health care services.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 390, by Committee on State Government, a bill for an act relating to the authority of public members of examining boards.

Read first time and PLACED ON CALENDAR.

SENATE FILE 391, by Committee on Natural Resources, a bill for an act relating to the operation of watercraft.

Read first time and PLACED ON CALENDAR.

HOUSE AMENDMENT TO SENATE FILE 344

S-3529

- 1 Amend Senate File 344 as follows:
- 2 1. Page 1, lines 12 and 13, by inserting after
- 3 the word "development;" the word "shoreline".
- 4 2. Page 1, by inserting after line 16 the
- 5 following:
- 6 "Sec. ____ . Chapter one thousand twenty-six (1026),
- 7 Acts of the Sixty-fifth General Assembly, 1974 Session,
- 8 section seven (7), as amended by Acts of the Sixty-
- 9 sixth General Assembly, 1975 Session, chapter sixty-
- 10 two (62), section eleven (11), and Acts of the Sixty-
- 11 sixth General Assembly, 1976 Session, chapter one
- 12 thousand two hundred five (1205), section seven (7),
- 13 is amended to read as follows:

14 SEC. 7. Funds appropriated by this Act shall not
15 be used for the purchase, construction, or leasing
16 of resort lodges. Unencumbered funds remaining as
17 of June 30, 1977 shall revert to the general fund
18 of the state on September 30, 1977 except those funds
19 *unencumbered on June 30, 1979 and appropriated for*
20 *the Brushy Creek project shall revert September 30,*
21 *1979 and funds set aside for dredging under section*
22 *three (3) of this Act and funds appropriated by this*
23 *Act to the Volga River dam construction project shall*
24 *revert to the general fund on September 30, 1979,*
25 *if unencumbered as of June 30, 1979."*

26 3. Page 1, by inserting after line 16 the following
27 section:

28 "Sec. ____ . The state conservation commission
29 shall, from funds appropriated in section two (2)
30 of this Act, expend no less than one hundred thousand
31 (100,000) dollars for the purpose of acquiring scenic
32 easements, if practical, in order to preserve the
33 beauty of the Upper Iowa River. Such easements shall
34 be acquired pursuant to plans outlined by the
35 department of interior."

36 4. Page 1, line 25, by striking the words "[shall]
37 *may*" and inserting in lieu thereof the word "shall".

38 5. Page 1, by striking lines 27 through 34.

39 6. Page 2, by striking lines 3 through 14 and
40 inserting in lieu thereof the words: "of the state
41 to establish a revolving fund for the purpose of
42 providing assistance to local units of government
43 in obtaining federal bureau of outdoor recreation
44 reimbursement for capital improvement projects. The
45 state conservation commission shall make a report,
46 not later than January 15, 1978, to the budget natural
47 resources subcommittees of the house and senate with
48 regard to the feasibility and desirability of this
49 approach. The state conservation commission shall
50 not acquire further land for the expansion of the

Page 2

1 Lake McBride project until this report is submitted."

2 7. Page 2, by inserting after line 20 the
3 following:

4 "Sec. ____ . The state conservation commission shall
5 explore the feasibility of acquiring easements, scenic
6 or otherwise, in order to preserve scenic and natural
7 areas of the state and shall define the role of
8 easement acquisition in relation to the comprehensive
9 plans of the commission. The state conservation

10 commission shall report on these matters to the budget
11 natural resources subcommittees of the house and
12 senate no later than January 15, 1978.

13 Sec. ____ . When the development of projects in
14 which the state conservation commission has entered
15 into agreements with other units of governments would
16 be delayed in funding by the state conservation
17 commission, then the commission shall give priority
18 to such projects when allocating unobligated funds
19 appropriated by this Act.

20 Sec. ____ . The state conservation commission shall,
21 from funds appropriated in section two (2) of this
22 Act, expend an amount not to exceed fifty-nine thousand
23 (59,000) dollars for the purpose of developing a
24 program to resolve problems associated with the
25 Missouri River. The state conservation commission
26 shall report on the development of this program to
27 the budget natural resources subcommittees of the
28 house and senate not later than January 15, 1978.

29 Sec. ____ . There is appropriated from the general
30 fund of the state to the department of agriculture
31 for the fiscal year beginning July 1, 1977 and ending
32 June 30, 1978 the sum of eighty-four thousand (84,000)
33 dollars, or so much of that as is necessary, for the
34 purpose of purchasing or converting scale trucks or
35 both purchasing and converting scale trucks.

36 Sec. ____ . There is appropriated from the general
37 fund of the state to the Herbert Hoover birthplace
38 foundation for the fiscal period beginning July 1,
39 1977 and ending June 30, 1978 the sum of twenty
40 thousand (20,000) dollars, or so much thereof as is
41 necessary, for the purpose of assisting with capital
42 improvements."

43 8. Page 2, by inserting after line 20 the
44 following:

45 "Sec. ____ . The state conservation commission shall
46 open all roads which pass through the Ledges State
47 Park."

48 9. Title page, line 5, by inserting after the
49 comma the words "directing the opening of certain
50 roads,".

Page 3

1 10. Title page, line 5, by inserting after the
2 word "project," the words "providing for a study of
3 the Missouri River, providing funds to the department
4 of agriculture for purchasing or converting scale
5 trucks, providing funds to assist with capital

- 6 improvements of the Herbert Hoover birthplace
 7 foundation.”
 8 11. Renumber sections and correct internal
 9 references as required.

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 354

S-3528

- 1 Amend the Senate amendment H-3930, to House File
 2 354 as amended, passed and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 17.
 5 2. Page 2, by inserting after line 21 the
 6 following:
 7 “___ . Page 10, by inserting after line 2 the
 8 following new paragraph:
 9 ‘___ . The appropriate and efficient use or
 10 prospective use of the proposed institutional health
 11 service, and of any existing similar services,
 12 including but not limited to a consideration of the
 13 capacity of the sponsor’s facility to provide the
 14 proposed service, and possible sharing or cooperative
 15 arrangements among existing facilities and providers.’ ”
 16 3. Page 2, line 39, by inserting after the word
 17 “department” the words “, and to the designated health
 18 systems agency in whose area the proposed new or
 19 changed service is or will be located,”.
 20 4. Page 2, line 42, by inserting after the word
 21 “process,” the words “and in any case not less than
 22 sixty days before applying for a certificate of need”.
 23 5. Page 3, by striking lines 9 through 13.
 24 6. Page 4, by striking lines 13 through 18.
 25 7. Page 4, by striking lines 38 and 39 and
 26 inserting in lieu thereof the following:
 27 “___ . Page 21, by striking lines 23 through 35
 28 and inserting in lieu thereof the following:
 29 ‘3. In conducting its analyses and studies, the
 30 department should determine whether:
 31 a. The rates charged and costs incurred by
 32 hospitals and health care facilities are reasonably
 33 related to the services offered by those respective
 34 groups of institutions.
 35 b. Aggregate rates of hospitals and of health
 36 care facilities are reasonably related to the aggregate
 37 costs incurred by those respective groups of
 38 institutions.
 39 c. Rates are set equitably among all purchasers

40 or classes of purchasers of hospital and of health
41 care facility services.
42 d. The rates for particular services, supplies
43 or materials established by hospitals and by health
44 care facilities are reasonable. Determination of
45 reasonableness of rates". "

SENATE CONCURRENT RESOLUTION 20

By: Gallagher

1 *Whereas*, the United States is facing a serious short-
2 age of fossil fuel energy supplies as demand continues
3 to grow while supplies diminish; and
4 *Whereas*, the national energy program submitted to
5 Congress by the President includes incentives to encour-
6 age the development and use of renewable energy resources
7 such as solar, wind and methane energy systems; and
8 *Whereas*, complaints have been voiced by Iowans who have
9 tried to conserve fossil fuels by installing a solar, wind
10 or methane system to meet a portion of their energy needs and
11 who have experienced a change in conditions or availability of
12 electric or natural gas service as a result of the utiliza-
13 tion of a renewable energy system; and
14 *Whereas*, such policies of electric and natural gas
15 utilities may discourage Iowans from using renewable
16 energy systems at a time when such efforts should be
17 strongly encouraged; and
18 *Whereas*, Senate Study Bill 251 attempts to address
19 this problem by prohibiting municipalities, corporations
20 and cooperative associations which furnish gas and
21 electricity from discriminating among users of solar,
22 wind or methane energy systems in terms of availability
23 and conditions of services and rates and charges;
24 *Now Therefore*,
25 *Be It Resolved by the Senate, the House Concurring, That*
26 the Legislative Council is requested to appoint an interim
27 study committee to examine Senate Study Bill 251 and the
28 situation which prompted the development of this proposed
29 legislation, including the need for such legislation
30 given present provisions of law which prohibit a public

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1 utility from discriminating among its customers and the
2 economic impact of a trend toward renewable energy
3 resources on the electric and natural gas utilities. The
4 study may also examine other problems faced by potential
5 users of renewable energy systems and the utilities which
6 may result from the increased development and utilization
7 of such systems; and

8 *Be It Further Resolved*, That the Study Committee submit
 9 a report of its findings including legislation necessary
 10 to implement any recommendations to the Legislative Council
 11 and members of the Sixty-seventh General Assembly meeting
 12 the year 1978.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 21

By: Redmond

1 *Whereas*, many of the smaller rural communities
 2 in Iowa are dying because of increased governmental
 3 costs, lack of development and community pride, and
 4 the exodus of young people to larger cities; and
 5 *Whereas*, rural Iowa communities, with lower overall
 6 costs of living and fewer social ills, can be attractive
 7 alternatives to living in large cities; and
 8 *Whereas*, smaller rural communities tend to receive
 9 little federal financial assistance to assist in
 10 development or redevelopment projects; and
 11 *Whereas*, rural communities should be encouraged to
 12 initiate and implement self-help development projects
 13 with the support and direction of its own citizenry;
 14 *Now Therefore*,
 15 *Be It Resolved by the Senate, the House Concurring*,
 16 That the legislative council authorize the creation of
 17 a subcommittee of the house and senate committees on
 18 county government or the house and senate committees
 19 on cities, or both house and senate standing committees
 20 for the purpose of studying the feasibility of establish-
 21 ing a rural community development program in this state.
 22 The study should include House File 557 and the financial
 23 requirements of implementing a rural community develop-
 24 ment program; and
 25 *Be It Further Resolved*, That a report of the subcom-
 26 mittee's recommendations including any necessary bill
 27 drafts be submitted to the legislative council, the
 28 members of the appropriate standing committees, and
 29 the other members of the Second Session of the Sixty-
 30 seventh General Assembly meeting in 1978.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 22

By: Redmond

1 *Whereas*, Senate Joint Resolution 1006, proposing
 2 an amendment to the Constitution of the State of

3 Iowa to provide home rule for counties and joint
4 county-municipal corporation government, was
5 adopted by the Sixty-sixth General Assembly and House
6 Joint Resolution 9, proposing the same amendment, has
7 been reported by the house committee on county govern-
8 ment for consideration of the Sixty-seventh General
9 Assembly; and

10 *Whereas*, if House Joint Resolution 9 is subsequently
11 adopted by the Sixty-seventh General Assembly and
12 approved by the state electorate at the 1978 general
13 election, implementation of joint county-municipal
14 corporation governments will require the enactment of
15 legislation by the general assembly; and

16 *Whereas*, it is desirable that current state law
17 relating to the structure, administration, and opera-
18 tion of county government should be reviewed for the
19 purpose of modernization and with regard to concept
20 of home rule; *Now Therefore*,

21 *Be It Resolved by the Senate, the House Concurring*,
22 That the legislative council authorize the creation of
23 joint subcommittee of the house and senate committees
24 on county government to review and study current law
25 relating to county government with regard to the
26 implementation of county home rule and joint county-
27 municipal corporation governments; and

28 *Be It Further Resolved*, That a report of the recom-
29 mendations of the joint subcommittee including any
30 necessary bill drafts be submitted to the legislative

Page 2

1 council, the house and senate committees on county
2 government, and the other members of the second session
3 of the Sixty-seventh General Assembly meeting in 1978.

Read first time and PASSED ON FILE.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: May 6, 1977, 8:15 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson;
Nystrom, Ranking Member; Ashcraft; Culver; Glenn; Kelly; Rush and
Schwengels.

Members Absent: Carr; Shaff; Drake (arrived 8:35 a.m.); Junkins (arrived
8:35 a.m.) and Slater (arrived 8:55 a.m.).

Final Action: AMEND AND DO PASS.

Senate File 164, a bill for an Act authorizing the deduction from a state officer's or employee's wages or salary an amount for contribution to a qualifying charitable organization of the officer's or employee's choice.

The vote was: AYES, 9; Doderer, Coleman, Nystrom, Ashcraft, Culver, Glenn, Kelly, Rush and Schwengels. NAYS, none. ABSENT OR NOT VOTING, 5; Carr, Drake, Junkins, Shaff and Slater.

Also:

Other Business: Discussed legislation to improve IPERS benefits and House File 364.

Adjourned: 9:15 a.m.

BILLS ASSIGNED TO COMMITTEE

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

H.F. 338	Commerce
H.F. 536	Cities
H.F. 573	Budget

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 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 May, 1977:

Senate Files 28, 119, 231, 288 and 314.

STEVEN C. CROSS, Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lois Eckhardt, Wellman, Washington County, Iowa, for appointment as a member of the State Board of Podiatry 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.

EUGENE M. HILL, Chairperson
 C. JOSEPH COLEMAN
 GEORGE R. KINLEY
 JOHN N. NYSTROM
 FORREST V. SCHWENGELS

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Silas S. Ewing be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

ROBERT M. CARR

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Friday, May 6, 1977.

Had I been present, I would have voted "aye" on the following bills: Senate Files 351, 376, 379, 382, 383, 385, 388 and House Files 385 and 408.

FRED W. NOLTING

AMENDMENTS FILED

S-3527	S.F. 75	Earl M. Willits E. Kevin Kelly
S-3530	S.F. 93	John S. Murray
S-3533	S.F. 93	Forrest V. Schwengels
S-3534	S.F. 93	Forrest V. Schwengels
S-3540	S.F. 93	Eugene M. Hill
S-3542	S.F. 249	Willard R. Hansen

PRESENTATION OF VISITORS

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

Twenty-four students from McKee Elementary School, Des Moines, Iowa. Senator Palmer.

Robyn Cash, Rotary Exchange Student, Batlow, Australia, attending Parkersburg Junior-Senior High School, Parkersburg, Iowa, accompanied by Mr. and Mrs. Ray Prohaska. Senator Burroughs.

Ninety-two students, members of the 4-H Club from Scott County, accompanied by Bill Sirway. Senators Ashcraft, Hulse, Shaff and Shaw.

PETITIONS

The following petitions were presented and placed on file:

By Senator Kinley from one hundred sixty-seven residents of Jasper County opposing legislation to phase out facilities at the Riverview Release Center.

By Senator Hill of Jasper from one hundred seventy-seven residents of Jasper County opposing legislation to phase out facilities at the Riverview Release Center.

By Senator Bisenius from seventy residents of Dubuque and Jackson Counties favoring Senate File 281, relating to the evaluation of utility easements.

By Senator Hulse from fifteen residents of Johnson County opposing a reduction in appropriations to the College of Medicine at the University of Iowa.

By Senator Readinger from fifty-three residents of Polk, Warren and Jasper Counties opposing sale of wine in grocery stores and Sunday beer sales.

By Senator Van Gilst from five hundred fifteen residents of Mahaska County opposing pari-mutuel betting and the sale of wine in grocery stores.

By Senator Van Gilst from one hundred residents of Warren County favoring legislation to regulate the use of beverage containers.

By Senator Doderer from ten residents of Mahaska County opposing pari-mutuel betting.

By Senator Taylor from thirty-two residents of Wright County favoring an appropriation for human resource programs.

By Senator Nolting from two hundred fifty residents of Black Hawk County favoring legislation to provide for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts.

By Senator Miller of Marshall from twenty-two residents of Kossuth County favoring legislation to raise the legal drinking age to nineteen.

By Senator Doderer from twenty-three residents of Linn and Benton Counties favoring the Equal Rights Amendment.

The following petitions opposing legislation to impose a state tax on renting of hotel and motel rooms were presented and placed on file by:

Senator DeKoster from twenty-one residents of Iowa.

Senator Doderer from thirty residents of Johnson County.

Senator Hulse from thirty residents of Cedar, Muscatine, Jackson and Scott Counties.

Senator Hill of Jasper from nineteen residents of Iowa.

On motion of Senator Kinley, the Senate adjourned at 5:30 p.m., until 10:00 a.m., Tuesday, May 10, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIRST CALENDAR DAY
EIGHTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 10, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Wayne Gubbells, pastor of the St. Anne's Catholic Church, Logan, Iowa.

The Journal of Monday, May 9, 1977, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hill of Polk for the morning session and Senator Curtis for the day on request of Senator Hultman.

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

The Senate resumed session, President pro tempore Coleman presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

UNFINISHED BUSINESS

Senate File 93

On motion of Senator Kinley, Senate File 93, a bill for an Act to permit pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse races and racing meets; imposing taxes and fees and

providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts, was taken up for further consideration.

The Senate resumed consideration of amendment S-3449 by the committee on State Government, offered and pending on May 9, 1977.

Senator Murray withdrew amendment S-3530 filed by him on May 9, 1977, to amendment S-3449.

Senator Schwengels withdrew amendment S-3534 filed by him on May 9, 1977, to amendment S-3449.

Senator Carr moved the adoption of amendment S-3449 as amended.

Amendment S-3449 as amended was adopted.

Senator Murray withdrew amendment S-3483 filed by him on May 2, 1977, to page 7 of the bill.

Senator Schwengels withdrew amendment S-3533 filed by him on May 9, 1977, to page 7 of the bill.

The Senate resumed consideration of amendment S-3523 as amended by Senator Hill of Jasper, offered and pending on May 9, 1977.

Senator Hill of Jasper offered amendment S-3540 filed by him on May 9, 1977, to amendment S-3523 and moved its adoption.

Amendment S-3540 to amendment S-3523 was adopted.

Senator Hill of Jasper moved the adoption of amendment S-3523 as amended.

A record roll call was requested.

On the question "Shall amendment S-3523 be adopted?" (S.F. 93) the vote was:

Ayes, 19:

Ashcraft	Bergman	Bisenius	Burroughs
Coleman	Craft	DeKoster	Drake
Hill, E.M.	Hulse	Miller, E.R.	Murray
Nystrom	Orr	Robinson	Schwengels
Shaff	Shaw	Van Gilst	

Nays, 26:

Briles	Calhoun	Carr	Culver
Gallagher	Glenn	Hansen	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Nolting	Palmer
Priebe	Ramsey	Readinger	Redmond
Rodgers	Rush	Scott	Slater
Tieden	Willits		

Absent or not voting, 5:

Curtis	Doderer	Hill, P.B.	Hultman
Taylor			

Amendment S-3523 as amended lost.

Senator Orr offered amendment S-3545 by Senators Orr and Hill of Jasper to pages 9 and 10 of the bill and called for a division of the amendment, lines 2 through 4 to be considered as division S-3545A of the amendment; lines 5 through 13 to be considered as division S-3545B of the amendment.

Senator Orr moved the adoption of division S-3545A of the amendment.

A non record roll call was requested.

The ayes were 20, nays 27.

Division S-3545A of the amendment lost.

Senator Orr moved the adoption of division S-3545B of the amendment.

Division S-3545B of the amendment lost.

The Senate resumed consideration of amendment S-3487 and division S-3487B of the amendment by Senator Kinley, offered and pending on May 9, 1977.

Senator Kinley withdrew division S-3487B of the amendment.

Senator Robinson withdrew amendment S-3501 offered and pending on May 9, 1977, to page 1 of the bill.

Senator Taylor offered amendment S-3546 to page 6 of the bill, moved its adoption and requested a non record roll call.

The ayes were 24, nays 23.

Amendment S-3546 was adopted.

Senator DeKoster offered amendment S-3429 filed by him on April 25, 1977, to page 2 of the bill and moved its adoption.

Amendment S-3429 was adopted.

Senator Ramsey offered amendment S-3547 to pages 3 and 9 of the bill.

Senator Kinley called for a division of the amendment, lines 2 and 3 to be considered as division S-3547A of the amendment; lines 4 and 5 to be considered as division S-3547B of the amendment.

Senator Ramsey moved the adoption of division S-3547A of the amendment.

A non record roll call was requested.

The ayes were 40, nays 7.

Division S-3547A of the amendment was adopted.

Senator Ramsey moved the adoption of division S-3547B of the amendment.

A non record roll call was requested.

The ayes were 16, nays 29.

Division S-3547B of the amendment lost.

(Senate File 93 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman presiding.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

May 6, 1977

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 Keith Gunzenhauser, West Des Moines, Polk County, Iowa, for reappointment as a member of the Advisory Investment Board of the Iowa Public Employees' Retirement System pursuant to Section 97B.8, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Betty S. Maxheimer, Eagle Grove, Wright County, Iowa, for reappointment as a member of the Advisory Investment Board of the Iowa Public

Employees' Retirement System pursuant to Section 97B.8, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

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 May 6, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 396, a bill for an Act relating to conflict of interest for city civil service commissioners.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 396, a bill for an Act relating to conflict of interest for city civil service commissioners and providing a penalty.

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 93

The Senate resumed consideration of Senate File 93.

Senator Nolting offered amendment S-3544 to pages 2 through 11 of the bill.

Senator Nolting offered amendment S—3548 to amendment S—3544 and moved its adoption.

Amendment S—3548 to amendment S—3544 was adopted.

Senator Nolting moved the adoption of amendment S—3544 as amended.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 18, nays 23.

Amendment S—3544 as amended lost.

President Neu took the chair at 2:21 p.m.

Senator Kinley moved that the bill 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. 93) the vote was:

Rule 23 was invoked.

Ayes, 25:

Briles	Calhoon	Carr	Culver
Gallagher	Glenn	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, C.P.
Murray	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Rodgers
Rush	Scott	Slater	Tieden
Willits			

Nays, 23:

Ashcraft	Bergman	Bisenius	Burroughs
Coleman	Craft	DeKoster	Doderer
Drake	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Miller, A.V.	Miller, E.R.	Nystrom
Ramsey	Robinson	Schwengels	Shaff
Shaw	Taylor	Van Gilst	

Absent or not voting, 2:

Curtis

Hansen

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

HOUSE AMENDMENTS CONSIDERED

Senate File 289

Senator Glenn called up for consideration Senate File 289, a bill for an Act to propose changes in the rules of criminal procedure, amended by the House, and moved that the Senate concur in House amendment S-3515, filed May 6, 1977, and found on pages 1388-1391 of the Senate Journal.

A non record roll call was requested.

The ayes were 36, nays 9.

The motion prevailed and the Senate concurred in the House amendment.

President pro tempore Coleman took the chair at 4:00 p.m.

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. 289) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Culver	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaw

Slater Willits	Taylor	Tieden	Van Gilst
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Nays, 4:

Burroughs	DeKoster	Ramsey	Shaff
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Absent or not voting, 5:

Curtis Robinson	Hultman	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.

Senate File 161

Senator Junkins called up for consideration Senate File 161, a bill for an Act making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research, amended by the House, and moved that the Senate concur in House amendment S-3393, filed April 20, 1977, and found on pages 1119-1121 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Junkins 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. 161) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond

Rodgers
Shaff
Tieden

Rush
Shaw
Van Gilst

Schwengels
Slater
Willits

Scott
Taylor

Nays, 1:

Gallagher

Absent or not voting, 2:

Curtis

Robinson

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

CONSIDERATION OF BILLS

Senator Junkins asked and received unanimous consent to take up out of order Senate File 275.

Senate File 275

On motion of Senator Rush, Senate File 275, a bill for an Act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Glenn offered amendment S-3493 filed by the committee on Judiciary on May 3, 1977, to pages 2 and 3 of the bill and moved its adoption.

Amendment S-3493 was adopted.

Senator Rush moved that the bill 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. 275) the vote was:

Ayes, 43:

Ashcraft
Burroughs

Bergman
Calhoon

Bisenius
Carr

Briles
Coleman

Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	

Nays, none.

Absent or not voting, 7:

Curtis	Gallagher	Nolting	Palmer
Robinson	Rodgers	Willits	

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

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 384.

Senate File 384

On motion of Senator Miller of Cerro Gordo, Senate File 384, a bill for an Act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of fifteen or more dwelling units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons, was taken up for consideration.

Senator Miller of Cerro Gordo offered amendment S-3525 filed by Senators Miller of Cerro Gordo and Readinger on May 6, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3525 was adopted.

Senator Miller of Cerro Gordo moved that the bill 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. 384) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A. V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Priebe	Ramsey	Readinger	Redmond
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 9:

Curtis	Hill, E.M.	Hill, P.B.	Hultman
Nolting	Palmer	Robinson	Rodgers
Willits			

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

Senator Junkins asked and received unanimous consent to take up out of order Senate File 259.

Senate File 259

On motion of Senator Hutchins, Senate File 259, a bill for an Act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Glenn offered amendment S-3512 filed by the committee on Judiciary on May 6, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3512 was adopted.

Senator Hutchins moved that the bill 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. 259) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A. V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Priebe	Ramsey	Readinger
Redmond	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst		

Nays, none.

Absent or not voting, 8:

Curtis	Hill, E.M.	Hill, P.B.	Nolting
Palmer	Robinson	Rodgers	Willits

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 Neu presiding.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following CONFERENCE COMMITTEE on HOUSE FILE 75 on the part of the Senate: Senators Gallagher, chairperson; Scott; Culver; Briles and Ramsey.

The Chair announced the appointment of the following CONFERENCE COMMITTEE on HOUSE FILE 210 on the part of the Senate: Senators Priebe, chairperson; Junkins; Merritt; Shaff and Ramsey.

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 concerning House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities, are as follows: The Representative from Black Hawk, Ms. Brandt, Chair; the Representative from Decatur, Mr. Hullinger; the Representative from Benton, Mr. Wyckoff; the Representative from Pottawattamie, Mr. Danker; and the Representative from Lee, Mr. Clark.

Also: That the House has on May 9, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 597, a bill for an Act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 597, a bill for an Act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons.

Read first time and PASSED ON FILE.

INTRODUCTION OF BILL

SENATE FILE 392, by Committee on County Government, a bill for an act relating to improved retirement benefits for county sheriffs and deputy sheriffs.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: May 4, 1977, 8:10 a.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Ashcraft; Carr; Culver; Drake; Glenn; Kelly; Rush; Schwengels; Shaff and Slater.

Members Absent: Nystrom, Ranking Member (arrived 8:45 a.m.) and Junkins (arrived 8:30 a.m.).

Final Action: AMEND AND DO PASS.

Senate File 259, a bill for an Act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty.

The vote was: AYES, 9; Doderer, Coleman, Culver, Drake, Glenn, Junkins, Rush, Schwengels and Slater. NAYS, 3; Nystrom, Ashcraft and Kelly. ABSENT OR NOT VOTING, 2; Carr and Shaff.

Also:

Final Action: APPROVED.

Senate File 382, a bill for an Act relating to annual and biennial reports of state officials and departments.

The vote was: AYES, 11; Doderer, Coleman, Ashcraft, Culver, Drake, Glenn, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none. ABSENT OR NOT VOTING, 3: Nystrom, Junkins and Carr.

Also:

Final Action: APPROVED.

Senate File 383, a bill for an Act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive.

The vote was: AYES, 11; Doderer, Coleman, Ashcraft, Carr, Culver, Drake, Glenn, Kelly, Rush, Schwengels and Slater. NAYS, 1; Shaff. ABSENT OR NOT VOTING, 2; Nystrom and Junkins.

Adjourned: 9:00 a.m.

STUDY BILL RECEIVED

S.S.B. 284 Ways and Means

Exemption of certain vehicles from the state use tax.

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 20	Commerce
S.C.R. 21	Agriculture
S.C.R. 22	County Government
H.F. 545	Commerce
H.F. 584	Budget

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gordon E. Aistrop, Fairfield, Jefferson County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, Code 1977, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES CALHOON, Chairperson
JAMES V. GALLAGHER
FORREST V. SCHWENGELS
ROGER J. SHAFF
TOM SLATER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Fredine M. Branson, Iowa City, Johnson County, Iowa, for reappointment as a member of the Iowa Housing Finance Authority under the provisions of Section 220.2, Code 1977, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
JAMES E. BRILES
MINNETTE F. DODERER
RICHARD F. DRAKE
EUGENE M. HILL

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Constance C. Foster, Des Moines, Polk County, Iowa,

for reappointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, Code 1977, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

C.W. HUTCHINS, Chairperson
 ROBERT M. CARR
 MINNETTE F. DODERER
 DAVID M. READINGER
 ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Charles E. Chamberlain, Jr., Clear Lake, Cerro Gordo County, Iowa, for reappointment as a member of the State Board of Examiners for Hearing Aid Dealers under the provisions of Sections 154A.2 and 154A.3, Code 1977, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

EARL M. WILLITS, Chairperson
 LOUIS P. CULVER
 MILO MERRITT
 RICHARD R. RAMSEY
 ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Clifford Welcher, Greenfield, Adair County, Iowa, for reappointment as a member of the State Board of Examiners for Hearing Aid Dealers under the provisions of Sections 154A.2 and 154A.3, Code 1977, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

EUGENE M. HILL, Chairperson
 STEPHEN W. BIENIUS
 JAMES E. BRILES
 C.W. HUTCHINS

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

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 Advisory Investment Board of the Iowa Public Employees' Retirement System (IPERS):

KEITH GUNZENHAUSER, West Des Moines, Polk County, Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Nolting, Chairperson
Senator C. Miller
Senator Orr
Senator Ramsey
Senator Schwengels

BETTY S. MAXHEIMER, Eagle Grove, Wright County, Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Coleman, Chairperson
Senator Calhoon
Senator Glenn
Senator Taylor
Senator Tieden

REPORT OF COMMITTEE

Senator Van Gilst submitted the following report:

MR. PRESIDENT: Your committee on Agriculture to which was referred House File 421, a bill for an Act relating to the weighing of bulk commodities by hopper scale or belt conveyor, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

BASS VAN GILST, Chairperson

AMENDMENT FILED

S-3549

S.F. 312

Lowell L. Junkins

PRESENTATION OF VISITORS

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

Fifty students from the Panora-Linden Community School District, Panora, Iowa, accompanied by Mary Jane Carson and Hal Rosson. Senator Rodgers.

One hundred students from the Ankeny Community School District, Ankeny, Iowa, accompanied by Ms. Kelly, Ms. Allen, Ms. Kopack and Mr. Pauly. Senator Willits.

Fifty-five students from Martensdale Elementary School, Martensdale, Iowa, accompanied by Mrs. Rees and Mrs. Stewart. Senator Rodgers.

Thirty students from East Monona Junior-Senior High School, Moorhead, Iowa, accompanied by Sheryl Wesack and Pat Cotter. Senator Culver.

One hundred sixty students from the Grinnell-Newburg Community School District, Grinnell, Iowa, accompanied by Mr. Schultz, Mr. Cameron and Mr. Nisswander. Senator Orr.

On motion of Senator Kinley, the Senate adjourned at 5:20 p.m., until 10:00 a.m., Wednesday, May 11, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SECOND CALENDAR DAY
EIGHTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 11, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Paul Goodland, pastor of the St. John's Episcopal Church, Ames, Iowa.

The Journal of Tuesday, May 10, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Curtis for the day on request of Senator 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 House has on May 9, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 41, a bill for an Act relating to the management of state records.

Also: That the House has on May 9, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 205, a bill for an Act relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

Also: That the House has on May 9, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 307, a bill for an Act relating to vacating and closing highways.

Also: That the House has on May 5, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 491, a bill for an Act relating to transportation providing for an expression of the legislative intent concerning diagonal roads,...changing the allocation formula from the road use tax fund...raising the motor fuel and special fuel tax.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 491, a bill for an Act relating to transportation providing for an expression of the legislative intent concerning diagonal roads, lowering the freeway-expressway system total mileage, providing for functional reclassification of roads in the state, development of a quadrennial needs study, inclusion of the area school and state fair grounds roads and bridges in the park and institution road maintenance allocation and providing for a quadrennial need study of park and institution roads and bridges, changing the allocation formula from the road use tax fund to provide forty-five percent to the primary road fund, twenty-eight percent to the secondary road fund, nine percent to the farm-to-market road fund, and eighteen percent to the cities, providing for definitional changes of certain roads, requiring certain annual reports by cities, raising the motor fuel and special fuel tax to ten cents per gallon and the diesel engine special fuel tax to eleven and one-half cents per gallon, eliminating the one-half of one cent of motor fuel and other special fuel tax to the primary road fund, providing an exemption from fuel taxes for political subdivisions, authorizing the Department of Transportation to conduct a study, providing appropriations, and repealing certain sections.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT CONSIDERED

Senate File 334

Senator Drake called up for consideration Senate File 334, a bill for an Act relating to registration fees for motor trucks, truck

tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a five or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes, amended by the House, and moved that the Senate concur in House amendment S-3514, filed May 6, 1977, and found on page 1391 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Drake 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. 334) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 1:

Gallagher

Absent or not voting, 2:

Curtis

Robinson

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 354

Senator Rush called up for consideration House File 354, a bill for an Act to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3528 filed May 9, 1977, and found on pages 1416-1417 of the Senate Journal.

A record roll call was requested.

On the question "Shall amendment S-3528 be adopted?" (H.F. 354) the vote was:

Ayes, 33:

Bergman	Calhoon	Carr	Craft
Culver	Doderer	Drake	Gallagher
Glenn	Hansen	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Palmer	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Tieden	Van Gilst
Willits			

Nays, 16:

Ashcraft	Bisenius	Briles	Burroughs
Coleman	DeKoster	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Miller, E.R.	Priebe
Ramsey	Shaff	Shaw	Taylor

Absent or not voting, 1:

Curtis

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Rush 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. 354) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Craft	Culver	DeKoster
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Van Gilst	Willits

Nays, 8:

Briles	Burroughs	Coleman	Hulse
Hultman	Shaw	Taylor	Tieden

Absent or not voting, 2:

Curtis Shaff

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

President pro tempore Coleman took the chair at 10:55 a.m.

CONSIDERATION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up out of order Senate Concurrent Resolution 19.

Senate Concurrent Resolution 19

On motion of Senator Hill of Jasper, Senate Concurrent Resolution 19, a resolution relating to a legislative study during the interim regarding the problems of products liability insurance, found on page 1342 of the Senate Journal, was taken up for consideration.

Action on Senate Concurrent Resolution 19 was temporarily deferred.

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to suspend Senate Rule 41 and to take up for immediate consideration, Senate Resolution 11.

Senate Resolution 11

On motion of Senator Kinley, Senate Resolution 11, a resolution relating to the reprinting of the publication "Under the Golden Dome", was taken up for immediate consideration.

Senator Kinley moved the adoption of Senate Resolution 11.

The motion prevailed and Senate Resolution 11 was adopted.

(Senate Concurrent Resolution 19 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman 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 Concurrent Resolution 19

The Senate resumed consideration of Senate Concurrent Resolution 19, previously deferred.

Senator Hill of Jasper offered amendment S-3552 to page 1 of the resolution and moved its adoption.

Amendment S-3552 was adopted.

Senator Hill of Jasper moved the adoption of Senate Concurrent Resolution 19.

The motion prevailed and Senate Concurrent Resolution 19 was adopted.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 390.

Senate File 390

On motion of Senator Doderer, Senate File 390, a bill for an Act relating to the authority of public members of examining boards, 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. 390) the vote was:

Ayes, 43:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom

Orr	Priebe	Ramsey	Readering
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, 1:

Craft

Absent or not voting, 6:

Ashcraft	Curtis	Hill, P.B.	Palmer
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 to take up for consideration Senate File 391.

Senate File 391

On motion of Senator Bergman, Senate File 391, a bill for an Act relating to the operation of watercraft, was taken up for consideration.

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?" (S.F. 391) the vote was:

Ayes, 42:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Priebe	Ramsey	Readering
Robinson	Rodgers	Rush	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Willits		

Nays, none.

Voting present, 1:

Miller, C.P.

Absent or not voting, 7:

Ashcraft	Curtis	Hill, P.B.	Palmer
Redmond	Schwengels	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 for consideration House File 421.

House File 421

On motion of Senator Calhoun, House File 421, a bill for an Act relating to the weighing of bulk commodities by hopper scale or belt conveyor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Calhoun moved that the bill 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. 421) the vote was:

Ayes, 42:

Bergman	Bisenius	Briles	Burroughs
Calhoun	Carr	Coleman	Craft
Doderer	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Willits		

Nays, none.

Absent or not voting, 8:

Ashcraft	Culver	Curtis	DeKoster
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Hill, P.B.

Palmer

Redmond

Van Gilst

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 April 25, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 7, a bill for an Act relating to contract and bidding procedures for the repair or construction of county buildings.

Also: That the House has on May 10, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 35, a bill for an Act to abolish certain liens created under former section 123B.10 of the Code.

Also: That the House has on May 10, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 65, a bill for an Act relating to the privileges of licensed insurance agents.

Also: That the House has on May 9, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 224, a bill for an Act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation.

Also: That the House has on May 6, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 455, a bill for an Act relating to the restraint of dogs.

Also: That the House has on May 4, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 582, a bill for an Act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and allowing certain members of the general assembly who are members of the system at the time of

election to contribute.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 455, a bill for an Act relating to the restraint of dogs.

Read first time and PASSED ON FILE.

HOUSE FILE 582, a bill for an Act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and allowing certain members of the general assembly who are members of the system at the time of election to the general assembly to contribute the employee's and employer's share at the same wage rate as the wages which qualified such member for the system.

Read first time and PASSED ON FILE.

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 11, by Committee on State Government, a joint resolution to authorize an interim study of the Iowa public employees' retirement system and to make an appropriation.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

SENATE FILE 393, by Committee on Labor and Industrial Relations, a bill for an act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements.

Read first time and PLACED ON CALENDAR.

HOUSE AMENDMENT TO SENATE FILE 7

- 1 Amend Senate File 7 as follows:
 2 1. Page 1, line 9, by striking the word
 3 "three" and inserting in lieu thereof the word "two".
 4 2. Page 1, line 17, by inserting after the
 5 word "dollars," the words "but is more than two
 6 thousand dollars,".
 7 3. Page 1, line 31, by striking the words
 8 "five hundred" and inserting in lieu thereof the words
 9 "two thousand".
 10 4. Page 1, line 32, by striking the words
 11 "not exceeding two thousand dollars".
 12 5. Page 2, by striking all of line 8.

HOUSE AMENDMENT TO SENATE FILE 35

S-3555

- 1 Amend Senate File 35 as follows:
 2 1. Page 1, by inserting after line 22 the follow-
 3 ing:
 4 "Sec. 2. Section two hundred thirty point twenty-
 5 five (230.25), subsection two (2), Code 1977, is
 6 amended to read as follows:
 7 2. All liens created under section 230.25, as
 8 that section appeared in the Code of 1975 and prior
 9 editions of the Code, are abolished effective January
 10 1, 1977, except as otherwise provided by subsection
 11 1. The board of supervisors of each county shall,
 12 as soon as practicable after July 1, 1976, review
 13 all liens resulting from the operation of said section
 14 230.25, Code 1975, and make a determination as to
 15 the ability of the person against whom the lien exists
 16 to pay the charges represented by the lien, and if
 17 they find that the person is able to pay those charges
 18 they shall direct the county attorney of that county
 19 to take immediate action to enforce the lien. If
 20 action is commenced under this section on any lien
 21 prior to the effective date of the abolition thereof,
 22 that lien shall not be abolished but shall continue
 23 until the action is completed. *The board of*
 24 *supervisors shall release any such lien when the*
 25 *charge on which the lien is based is fully paid or*
 26 *is compromised and settled by the board in such manner*
 27 *as its members deem to be in the best interest of*
 28 *the county, or when the estate affected by the lien*
 29 *has been probated and the proceeds allowable have*
 30 *been applied on the lien.*
 31 Sec. 3. Chapter two hundred thirty (230), Code
 32 1977, is amended by adding the following new section:
 33 **NEW SECTION. RELEASING LIENS.** A lien obtained

34 pursuant to an action to collect any claim arising
35 under this chapter shall be released by the board
36 of supervisors when the claim or claims on which the
37 lien is based have been fully paid or compromised
38 and settled by the board, or when the estate of which
39 the real estate subject to the lien is a part has
40 been probated and the proceeds allowable have been
41 applied to the claim or claims on which the lien is
42 based.

43 Sec. 4. Section three hundred fifty-one point
44 nineteen (351.19), Code 1977, is repealed."

45 2. Title, line 2, by inserting after the word
46 "Code" the words " , clarifying the basis for release
47 of certain liens held by counties under section two
48 hundred thirty point twenty-five (230.25), subsection
49 two (2), of the Code, and repealing the requirement
50 that unpaid dog license fees be entered as a tax by

Page 2

1 the county treasurer".

HOUSE AMENDMENT TO SENATE FILE 224

S-3556

1 Amend Senate File 224 as follows:

2 1. Page 1, by striking lines 1 through 35.

3 2. Page 2, by striking line 1 and inserting in

4 lieu thereof the following section:

5 "Section 1. Section three hundred sixty-eight
6 point seven (368.7), Code 1977, is amended by striking
7 unnumbered paragraph two (2) and inserting in lieu
8 thereof the following:

9 An application for annexation of territory not
10 within the urbanized area of a city other than the
11 city to which the annexation is directed must be
12 approved by resolution of the council which receives
13 the application. Upon receiving approval of the
14 council, the city clerk shall file a copy of the
15 resolution, map, and legal description of the territory
16 involved with the state department of transportation.
17 The city clerk shall also file a copy of the map and
18 resolution with the county recorder, secretary of
19 state, and the board. The annexation is completed
20 upon acknowledgement by the board that it has received
21 the map and resolution and a certification by the
22 city clerk that copies of the map and resolution have
23 been filed with the county recorder and secretary

- 24 of state and that copies of the resolution, map, and
25 legal description of the territory involved have been
26 filed with the state department of transportation.
27 An application for annexation of territory within
28 the urbanized area of a city other than the city to
29 which the annexation is directed must be approved
30 both by resolution of the council which receives the
31 application and by the board. The annexation is
32 completed when the board has filed copies of applicable
33 portions of the proceedings as required by section
34 three hundred sixty-eight point twenty (368.20),
35 subsection two (2) of the Code.”
36 3. Page 2, line 30, by striking the word “and”
37 inserting in lieu thereof a comma.
38 4. Page 2, line 30, by inserting after the word
39 “improvement” the words “and traffic control”.

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.

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

The Senate resumed session, Senator Gallagher 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 11, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 364, a bill for an Act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system.

Also: That the House has on May 11, 1977, passed the following bill in

which the concurrence of the Senate is asked:

House File 64, a bill for an Act providing for flexible full-time career employment for state employees.

Also: That the House has on May 11, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 267, a bill for an Act relating to the investment of certain funds in the custody of the clerk of the district court.

Also: That the House has on May 4, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality.

Please return to the House, the message sent to you on May 9, 1977, concerning House File 490, which was in error.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE JOINT RESOLUTION 12, by Committee on Education, a joint resolution relating to the preparatory vocational education of high school students.

Read first time and PLACED ON CALENDAR.

SENATE FILE 394, by Committee on Ways and Means, a bill for an act relating to the barrel tax rebate contained in chapter one hundred twenty-three (123) of the Code.

Read first time and PLACED ON CALENDAR.

SENATE FILE 395, by Committee on Natural Resources, a bill for an act relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public.

Read first time and PLACED ON CALENDAR.

SENATE FILE 396, by Committee on State Government, a bill for an act relating to the Iowa public employees' retirement system, to increase benefits for certain retired members, to increase the contribution rates, and to make an appropriation.

Read first time and REFERRED to the committee on BUDGET under Senate Rule 36.

SENATE FILE 397, by Committee on County Government, a bill for an act to increase the fee for recording instruments.

Read first time and PLACED ON CALENDAR.

SENATE RESOLUTION 12

By: Hultman and Kinley

1 *Whereas*, a respected member of the legislative
2 press corps, Frank T. Nye, has covered the General
3 Assembly of the State of Iowa to the enlightenment
4 and edification of the people of our great state
5 beginning with the year 1937; and
6 *Whereas*, said reporter has reported on the ac-
7 tion of the Iowa Senate in an impartial manner, with-
8 out favor or fear, and in the highest traditions of
9 his journalistic calling; and
10 *Whereas*, the said journalist in question will
11 begin his well-earned retirement on November 27, 1977,
12 culminating in more than forty-seven years of providing
13 information through the medium of the printed word, and
14 specifically, covering the Iowa legislature as a report-
15 er for the International News Service, the Iowa Daily
16 Press Association, and currently, the Cedar Rapids
17 Gazette; and
18 *Whereas*, the people of the State of Iowa are in
19 the debt of said journalist for his fair, accurate, and
20 impartial reporting; *Now Therefore*,
21 *Be It Resolved by the Senate of the State of Iowa*
22 that this resolution express to Frank T. Nye the appre-
23 ciation of the people of Iowa for the substantial contri-
24 bution he has made in the legislative process through his
25 fair, accurate, and impartial reporting of the actions of
26 this honorable body and its several committees; and
27 *Be It Further Resolved*, that a copy of this reso-
28 lution certified by the Secretary of the Senate be
29 forwarded to the said Mr. Nye.

Read first time and PASSED ON FILE.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 64, a bill for an Act providing for flexible full-time career employment for state employees.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 364

S-3560

1 Amend Senate File 364 as follows:

2 1. Page 1, line 3, by striking the words "1976
3 and ending June 30, 1977" and inserting in lieu
4 thereof the words "1977 and ending June 30, 1978".

5 2. Page 1, by inserting after line 7 the
6 following:

7 "Sec. 2. There is appropriated from the general
8 fund of the state to the department of social services
9 for the fiscal year beginning July 1, 1977 and ending
10 June 30, 1978 the sum of one hundred fifty thousand
11 (150,000) dollars, or so much as is necessary, to
12 be used to pay the state's share of costs for improving
13 the city of Independence's sewer system."

14 3. Page 1, by striking lines 8 through 12.

15 4. Title page, line 3, by inserting after the
16 word "system" the words "and improving the city of
17 Independence's sewer system".

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 490

S-3559

1 Amend the Senate amendment H-3793 to House File
2 490 as follows:

3 1. Page 1, line 8, by inserting after the word
4 "Code" the words ", except when spillage of pesticides
5 creates a hazardous condition".

6 2. Page 1, line 14, by inserting after the word
7 "Code" the words ", except when spillage of fertilizers
8 creates a hazardous condition".

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 289 passed the Senate on May 10, 1977.

FORREST V. SCHWENGELS

MR. PRESIDENT: I move to reconsider the vote by which Senate File 93 failed to pass the Senate on May 10, 1977.

ALVIN V. MILLER

REPORTS OF COMMITTEE MEETINGS

ENERGY

Convened: May 10, 1977, 9:00 a.m.

Members Present: Gallagher, Chairperson; Burroughs, Ranking Member; Culver; Bisenius and Glenn.

Members Absent: Scott, Vice Chairperson; Briles and Ramsey.

Members Excused: Rodgers.

Other Business: Assigned House File 187 to subcommittee.

Adjourned: 9:03 a.m.

HUMAN RESOURCES

Convened: May 10, 1977, 9:10 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Craft; Calhoun; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Members Excused: E. Hill and P. Hill.

Other Business: Continued discussions on S.S.B. 266, to change Chapter 145A of the Code and S.S.B. 68, relating to the merger of the Commission on Alcoholism and the Iowa Drug Abuse Authority.

Adjourned: 10:00 a.m.

STUDY BILL RECEIVED

S.S.B. 285 Judiciary

Provides that elected county attorneys shall serve full-time in that capacity and shall refrain from the private practice of law.

BILLS ASSIGNED TO COMMITTEE

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

H.F. 396	County Government
H.F. 491	Transportation
H.F. 597	Budget

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Keith Gunzenhauser, of West Des Moines, Polk County, Iowa, for reappointment as a member of the Advisory Investment Board of the Iowa Public Employees' Retirement System under the provisions of Section 97B.8, Code 1977, for the regular six-year term beginning July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
CHARLES P. MILLER
JOAN ORR
RICHARD R. RAMSEY
FORREST V. SCHWENGELS

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 573, a bill for an Act appropriating funds to Iowa state university of science and technology for coal research, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on Education to which was referred House File 305, a bill for an Act relating to legalizing the sale of real estate by school districts, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

JOAN ORR, Chairperson

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on Judiciary to which was referred House File 60, a bill for an Act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Judiciary to which was referred House File 280, a bill for an Act relating to establishing a prosecutor internship program, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Judiciary to which was referred House File 287, a bill for an Act relating to child custody in dissolution of marriage cases, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

Senator Doderer submitted the following reports:

MR. PRESIDENT: Your committee on State Government to which was referred House File 246, a bill for an Act creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties, and providing a penalty, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3550; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 364, a bill for an Act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employee's retirement system, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3551; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

AMENDMENTS FILED

S-3553	S.F. 373	Willard R. Hansen
S-3557	S.F. 386	Joan Orr
		Elizabeth Shaw
		Eugene M. Hill
		Minnette F. Doderer
		Willard R. Hansen
S-3558	S.F. 164	Ray Taylor

PRESENTATION OF VISITORS

President pro tempore Coleman welcomed the Honorable Harold A. Thordsen, former member of the Senate and the House of Representatives from Scott County who was present in the Senate chamber.

President pro tempore Coleman welcomed the Honorable Andrew G. Frommelt, former member of the Senate and the House of Representatives from Dubuque County who was present in the Senate chamber.

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

Thirty-four students from Page Elementary School, Boone, Iowa, accompanied by Mr. Boelman. Senator Nystrom.

Thirty students from the Eagle Grove Community School

District, Eagle Grove, Iowa, accompanied by Lois Barns, Sue Gazaway and Arnola Bastian. Senator Taylor.

Eighty-five students from the Mount Ayr Community School District, Mount Ayr, Iowa, accompanied by Mable Shields, Glenn Campbell and Gary Hamilton. Senator Ramsey.

Seventy-five students from the Ankeny Community School District, Ankeny, Iowa, accompanied by Mr. Arnold, Mrs. Raney and Mr. Bell. Senator Willits.

Twenty-five students from Christ the King School, Des Moines, Iowa, accompanied by Sue Felice and Father Churchman. Senator Kinley.

Thirty students from the Blakesburg Community School District, Blakesburg, Iowa, accompanied by Steve Finch. Senator Glenn.

Seventy-two students from Corning Elementary School, Corning, Iowa. Senator Briles.

Forty-five students from Iowa Central Community College, Fort Dodge, Iowa, accompanied by Dick Inman and Mary Linney. Senator Coleman.

On motion of Senator Kinley, the Senate adjourned at 5:40 p.m., until 10:00 a.m, Thursday, May 12, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-THIRD CALENDAR DAY
EIGHTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 12, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend John W. Rozenberger, pastor of the Meservey Methodist Church, Meservey, Iowa.

The Journal of Wednesday, May 11, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Murphy, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Curtis for the day on request of Senator 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 House has on May 11, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 385, a bill for an Act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

Also: That the Representative from Cass, Mr. Pellett, has been appointed to replace the Representative from Pottawattamie, Mr. Danker, as a member of the conference committee concerning House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities.

Also: That the members of the conference committee on the part of the House concerning House File 75, a bill for an Act providing for the

promulgation of energy efficiency standards for buildings and factory built structures in the state building code, are as follows: The Representative from Decatur, Mr. Hullinger, Chair; the Representative from Floyd, Mr. Howell; the Representative from Cedar, Mr. Hinkhouse; the Representative from Adair, Mr. Varley; and the Representative from Grundy, Mr. Evans.

Also: That the members of the conference committee on the part of the House concerning House File 210, a bill for an Act to provide for a state land use policy, create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, are as follows: The Representative from Black Hawk, Ms. O'Halloran, Chair; the Representative from Warren, Mr. Middleswart; the Representative from Greene, Mr. Perkins; the Representative from Adair, Mr. Varley; and the Representative from Winneshiek, Mr. Tofte.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 398, by Senator Kelly, a bill for an act relating to the hiring and salaries of juvenile probation officers.

Read first time and PASSED ON FILE.

SENATE FILE 399, by Senator Kelly, a bill for an act relating to the maximum interest rate on bonds issued for low-rent housing projects.

Read first time and PASSED ON FILE.

SENATE FILE 400, by Senator Kelly, a bill for an act relating to the reviewing of the need for certain state agencies.

Read first time and PASSED ON FILE.

SENATE FILE 401, by Committee on Commerce, a bill for an act relating to agreements for the future delivery of personal property or services in connection with the final disposition of dead human bodies, and providing a penalty.

Read first time and PLACED ON CALENDAR.

SENATE FILE 402, by Committee on Judiciary, a bill for an

act to legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken.

Read first time and PLACED ON CALENDAR.

HOUSE AMENDMENT TO SENATE FILE 385

S-3564

- 1 Amend Senate File 385, as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 11 through 15.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up the following Reports of Investigating Committees:

As a member of the Iowa Commission for the Blind, Elwyn H. Hemken, filed May 6, 1977, and found on page 1374 of the Senate Journal.

As a member of the State Board of Podiatry Examiners, Lois Eckhardt, filed May 9, 1977, and found on pages 1420-1421 of the Senate Journal.

As a member of the Iowa Housing Finance Authority, Gordon

E. Aistroke, filed May 10, 1977, and found on page 1439 of the Senate Journal.

As a member of the Iowa Housing Finance Authority, Fredine M. Branson, filed May 10, 1977, and found on page 1439 of the Senate Journal.

As a member of the Iowa Housing Finance Authority, Constance C. Foster, filed May 10, 1977, and found on pages 1439-1440 of the Senate Journal.

As a member of the State Board of Examiners for Hearing Aid Dealers, Charles E. Chamberlain, Jr., filed May 10, 1977, and found on page 1440 of the Senate Journal.

As a member of the State Board of Examiners for Hearing Aid Dealers, Clifford Welcher, filed May 10, 1977, and found on page 1440 of the Senate Journal.

As a member of the Advisory Investment Board of the Iowa Public Employees Retirement System, Keith Gunzenhauser, filed May 11, 1977, and found on page 1461 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

ELWYN H. HEMKEN

Ayes, 43:

Ashcraft

Bergman

Bisenius

Briles

Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Elwyn H. Hemken as a member of the Iowa Commission for the Blind confirmed for the regular three-year term ending June 30, 1979.

LOIS ECKHARDT

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Lois Eckhardt as a member of the State Board of Podiatry Examiners confirmed for the regular three-year term ending June 30, 1979.

GORDON E. AISTROPE

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Gordon E. Aistrophe as a member of the Iowa Housing Finance Authority confirmed for the regular six-year term ending June 30, 1983.

FREDINE M. BRANSON

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Fredine M. Branson as a member of the Iowa Housing Finance Authority confirmed for the regular six-year term ending June 30, 1983.

CONSTANCE C. FOSTER

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Constance C. Foster as a member of the Iowa Housing Finance Authority confirmed for the regular six-year term ending June 30, 1983.

CHARLES E. CHAMBERLAIN, JR.

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman

Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readeringer	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Charles E. Chamberlain, Jr., as a member of the State Board of Examiners for Hearing Aid Dealers confirmed for the regular three-year term ending June 30, 1980.

CLIFFORD WELCHER

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readeringer	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Clifford Welcher as a member of the State Board of Examiners for Hearing Aid Dealers confirmed for the regular three-year term ending June 30, 1980.

KEITH GUNZENHAUSER

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Shaff
Tieden	Willits		

President Neu declared the appointment of Keith Gunzenhauser as a member of the Advisory Investment Board of the Iowa Public Employees Retirement System confirmed for the the regular six-year term ending June 30, 1983.

ADOPTION OF RESOLUTION

Senate Resolution 12

Senator Kinley asked and received unanimous consent to suspend Senate Rule 41 and to take up for immediate consideration Senate Resolution 12.

On motion of Senator Hultman, Senate Resolution 12, a resolution to commend Frank L. Nye for his years of service as a reporter for the General Assembly of the State of Iowa filed May 11, 1977, and found on page 1458 of the Senate Journal, was

taken up for immediate consideration.

Senator Hultman moved the adoption of Senate Resolution 12.

A record roll call was requested.

On the question "Shall the resolution be adopted" (S.R. 12) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaff
Shaw	Slater	Taylor	Van Gilst

Nays, none.

Absent or not voting, 6:

Curtis	Miller, A.V.	Priebe	Schwengels
Tieden	Willits		

The motion prevailed and the resolution was adopted.

President Neu introduced Mrs. Georgia Nye who was present in the Senate chamber.

Mr. Nye appeared on the rostrum, to express his thanks for being honored by the Senate.

He said that it has been a most wonderful experience to have been a reporter for the legislature and to have known Iowa legislators throughout his forty-one years of service.

HOUSE AMENDMENTS CONSIDERED

Senate File 35

Senator Hill of Polk called up for consideration Senate File 35,

a bill for an Act to abolish certain liens created under former section one twenty-three B point ten (123B.10) of the Code, amended by the House, and moved that the Senate concur in House amendment S-3555 filed May 11, 1977, and found on pages 1454-1455 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Hill of Polk 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. 35) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Curtis	Doderer	Schwengels
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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.

Senate File 7

Senator Hutchins called up for consideration Senate File 7, a bill for an Act relating to contract and bidding procedures for the repair or construction of county buildings, amended by the House, and moved that the Senate refuse to concur in House amendment

S-3554 filed May 11, 1977, and found on pages 1453-1454 of the Senate Journal.

A non record roll call was requested.

The ayes were 47, nays, none.

The motion prevailed and the Senate refused to concur in the House amendment.

Senate File 224

Senator Slater called up for consideration Senate File 224, a bill for an Act relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads, amended by the House, and moved that the Senate concur in House amendment S-3556 filed May 11, 1977, and found on pages 1455-1456 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Slater 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. 224) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

Gallagher

Absent or not voting, 3:

Calhoon

Curtis

Hutchins

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

Senate File 364

Senator Priebe called up for consideration Senate File 364, a bill for an Act making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system, amended by the House, and moved that the Senate concur in House amendment S-3560 filed May 11, 1977, and found on page 1459 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

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. 364) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Tieden	Van Gilst	Willits

Nays, 1:

Gallagher

Absent or not voting, 5:

Curtis
Taylor

Hill, E.M.

Palmer

Robinson

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

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 121

Senator Murray withdrew the motion to reconsider Senate File 121, a bill for an Act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality, filed by him on May 9, 1977, and found on page 1404 of the Senate Journal.

Senator Priebe withdrew the motion to reconsider Senate File 121, a bill for an Act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality, filed by him on May 9, 1977, and found on page 1404 of the Senate Journal.

BILL REASSIGNED TO COMMITTEE

Senator Kinley asked and received unanimous consent that HOUSE FILE 364 be removed from the regular calendar and REASSIGNED to the committee on BUDGET.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 280.

House File 280

On motion of Senator Willits, House File 280, a bill for an Act relating to establishing a prosecutor internship program, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Slater offered amendment S-3566 to page 1 of the bill.

Senator Glenn raised the point of order that amendment S-3566 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-3566 in order.

Senator Slater moved the adoption of amendment S-3566.

A record roll call was requested.

On the question "Shall amendment S-3566 be adopted?" (H.F. 280) the vote was:

Ayes, 16:

Briles	Calhoon	Carr	Coleman
Craft	Culver	Hansen	Hultman
Hutchins	Miller, C.P.	Murray	Priebe
Ramsey	Robinson	Scott	Slater

Nays, 31:

Ashcraft	Bergman	Bisenius	Burroughs
DeKoster	Doderer	Drake	Gallagher
Glenn	Hill, E.M.	Hill, P.B.	Hulse
Junkins	Kelly	Kinley	Merritt
Miller, E.R.	Nolting	Nystrom	Orr
Readinger	Redmond	Rodgers	Rush
Schwengels	Shaff	Shaw	Taylor
Tieden	Van Gilst	Willits	

Absent or not voting, 3:

Curtis	Miller, A.V.	Palmer
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Amendment S-3566 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?" (H.F. 280) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

Gallagher

Absent or not voting, 3:

Curtis Miller, A.V. 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 for consideration House File 287.

House File 287

On motion of Senator Doderer, House File 287, a bill for an Act relating to child custody in dissolution of marriage cases, 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. 287) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft

Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Willits

Nays, 3:

Hill, E.M.	Hulse	Van Gilst
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Absent or not voting, 3:

Calhoon	Curtis	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 for consideration House File 305.

House File 305

On motion of Senator Orr, House File 305, a bill for an Act relating to legalizing the sale of real estate by school districts, 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. 305) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr

Palmer	Priebe	Ramsey	Readinger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	

Nays, none.

Absent or not voting, 3:

Curtis	Robinson	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.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 395.

Senate File 395

On motion of Senator Bergman, Senate File 395, a bill for an Act relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public, was taken up for consideration.

Senator Bergman offered amendment S-3563 to page 1 of the bill.

Senator Bergman offered amendment S-3567 to amendment S-3563 and moved its adoption.

Amendment S-3567 to amendment S-3563 was adopted.

Senator Bergman asked and received unanimous consent to withdraw amendment S-3563 as amended.

President pro tempore Coleman took the chair at 11:55 a.m.

DEFERRED

Senator Bergman asked and received unanimous consent that Senate File 395 be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

Senator Kinley asked and received unanimous consent to take up for consideration House File 60.

House File 60

On motion of Senator Doderer, House File 60, a bill for an Act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV, 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 bill was read the last time.

On the question "Shall the bill pass?" (H.F. 60) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Culver	DeKoster
Doderer	Drake	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readeringer
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 7:

Briles	Burroughs	Craft	Curtis
Gallagher	Shaff	Shaw	

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, Senator Willits presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

May 12, 1977

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 Ronald D. Brown of Muscatine, Muscatine County, Iowa, for reappointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1977 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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 F. Chapman of Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1977 Code of Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

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 May 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 158, a bill for an Act relating to the storage and transportation of flammable and combustible liquids.

Also: That the House has on May 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 358, a bill for an Act to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral.

Also: That the House has on May 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 546, a bill for an Act relating to public transit programs.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 158, a bill for an Act relating to the storage and transportation of flammable and combustible liquids.

Read first time and PASSED ON FILE.

HOUSE FILE 358, a bill for an Act to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral.

Read first time and PASSED ON FILE.

HOUSE FILE 546, a bill for an Act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs.

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.

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration the following resolution:

SENATE RESOLUTION 13

By: Kinley and Hultman

- 1 *Whereas*, John W. McCormick, honored member of the
 2 fourth estate has covered the General Assembly of the
 3 State of Iowa to the illumination of the people of our
 4 great state for some forty years; and
 5 *Whereas*, said reporter has reported on the actions
 6 of the Iowa legislature in a manner that is factual
 7 and to the point; and
 8 *Whereas*, the said journalist has been a reporter
 9 for the International News Service, the United Press
 10 International and the Quad City Times; and
 11 *Whereas*, the people of the State of Iowa are in
 12 the debt of said journalist for his honest, forthright,
 13 and impartial reporting; and
 14 *Whereas*, credit should go where credit is due,
 15 *Now Therefore*,
 16 *Be It Resolved by the Senate of the State of Iowa*,
 17 that John W. McCormick, legislative reporter, be highly
 18 commended for his straight-forward reporting of the
 19 news of the General Assembly; and
 20 *Be It Further Resolved* that a copy of this resolu-
 21 tion certified by the Secretary of the Senate be
 22 forwarded to John W. McCormick.

Senator Kinley moved the adoption of Senate Resolution 13.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 13) the vote was:

Ayes, 39:

Ashcraft

Bergman

Bisenius

Briles

Burroughs	Craft	Culver	DeKoster
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Shaff	Shaw
Taylor	Tieden	Van Gilst	

Nays, none.

Absent or not voting, 11:

Calhoon	Carr	Coleman	Curtis
Doderer	Orr	Redmond	Rush
Scott	Slater	Willits	

The motion prevailed and the resolution was adopted.

Mr. McCormick appeared on the rostrum to thank members of the Senate for the honor bestowed upon him.

CONSIDERATION OF BILLS

House File 332

On motion of Senator Rodgers, House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive, with reports of committees on Ways and Means and Budget recommending amendment and passage, was taken up, considered, and the reports of the committees adopted.

Senator Rodgers asked and received unanimous consent to take up for consideration amendment S-3570.

Senator Rodgers offered amendment S-3570 by Senators Rodgers, et al., to pages 1 and 5 of the bill.

Senator Hill of Polk raised the point of order that amendment S-3570 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3570 in order.

Senator Hutchins offered amendment S—3574 to amendment S—3570.

Action on amendment S—3574 to amendment S—3570 was temporarily deferred.

Senator Rodgers offered amendment S—3573 to amendment S—3570 and moved its adoption.

Amendment S—3573 to amendment S—3570 was adopted.

Senator Van Gilst offered amendment S—3577 by Senators Van Gilst, et al., to amendment S—3570, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3577 be adopted?” (H.F. 332) the vote was:

Ayes, 21:

Ashcraft	Bisenius	Briles	Craft
DeKoster	Gallagher	Hansen	Hill, P.B.
Kelly	Merritt	Murray	Nolting
Nystrom	Ramsey	Readinger	Robinson
Schwengels	Shaff	Shaw	Taylor
Van Gilst			

Nays, 23:

Bergman	Carr	Culver	Doderer
Glenn	Hill, E.M.	Hulse	Hultman
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Orr	Palmer
Priebe	Redmond	Rodgers	Rush
Scott	Slater	Willits	

Absent or not voting, 6:

Burroughs	Calhoon	Coleman	Curtis
Drake	Tieden		

Amendment S-3577 to amendment S-3570 lost.

Senator Kelly offered amendment S-3572 to amendment S-3570, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3572 be adopted?" (H.F. 332) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft	Bergman	Bisenius	Briles
Craft	DeKoster	Doderer	Hansen
Hill, P.B.	Kelly	Miller, C.P.	Miller, E.R.
Nystrom	Ramsey	Readinger	Redmond
Rush	Schwengels	Shaw	Slater
Tieden	Van Gilst		

Nays, 23:

Burroughs	Carr	Culver	Gallagher
Glenn	Hill, E.M.	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Murray	Nolting	Orr	Palmer
Priebe	Robinson	Rodgers	Scott
Shaff	Taylor	Willits	

Absent or not voting, 5:

Calhoon	Coleman	Curtis	Drake
Hulse			

Amendment S-3572 to amendment S-3570 lost.

Senator Hill of Jasper offered amendment S-3575 to amendment S-3570 and moved its adoption.

Amendment S-3575 to amendment S-3570 was adopted.

The Senate resumed consideration of amendment S-3574 to amendment S-3570 previously deferred.

Senator Hutchins withdrew amendment S-3574 to amendment

S—3570.

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

The Senate resumed session, President Neu presiding.

Senator Kinley offered amendment S—3582 by Senators Kinley and Hill of Polk to amendment S—3570 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3582 be adopted?” (H.F. 332) the vote was:

Rule 23 was invoked.

Ayes, 24:

Ashcraft	Briles	Carr	Doderer
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Kelly	Kinley	Miller, C.P.
Murray	Nolting	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Shaw	Slater	Willits

Nays, 23:

Bergman	Bisenius	Burroughs	Craft
Culver	DeKoster	Drake	Hulse
Hultman	Hutchins	Junkins	Merritt
Miller, A.V.	Miller, E.R.	Nystrom	Priebe
Ramsey	Schwengels	Scott	Shaff
Taylor	Tieden	Van Gilst	

Absent or not voting, 3:

Calhoon	Coleman	Curtis
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Amendment S—3582 to amendment S—3570 was adopted.

Senator Hill of Jasper offered amendment S—3581 to amendment S—3570 and moved its adoption.

Amendment S—3581 to amendment S—3570 was adopted.

Senator Willits offered amendment S—3583 by Senators Willits and Rodgers to amendment S—3570 and moved its adoption.

Amendment S—3583 to amendment S—3570 was adopted.

Senator Rodgers offered amendment S—3584 to amendment S—3570 and moved its adoption.

Amendment S—3584 to amendment S—3570 was adopted.

Senator Craft offered amendment S—3586 to amendment S—3570 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3586 be adopted?” (H.F. 332) the vote was:

Ayes, 17:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	DeKoster	Drake	Hulse
Hultman	Merritt	Miller, E.R.	Ramsey
Readinger	Schwengels	Shaff	Taylor
Tieden			

Nays, 31:

Briles	Carr	Coleman	Culver
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Redmond	Robinson
Rodgers	Rush	Scott	Shaw
Slater	Van Gilst	Willits	

Absent or not voting, 2:

Calhoon	Curtis
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Amendment S—3586 to amendment S—3570 lost.

Senator Tieden offered amendment S—3587 to amendment S—3570, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3587 be adopted?" (H.F. 332) the vote was:

Ayes, 19:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	Culver	DeKoster	Drake
Hulse	Hultman	Kelly	Miller, E.R.
Priebe	Ramsey	Schwengels	Scott
Shaff	Taylor	Tieden	

Nays, 29:

Briles	Carr	Coleman	Doderer
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Nystrom	Orr	Palmer
Readinger	Redmond	Robinson	Rodgers
Rush	Shaw	Slater	Van Gilst
Willits			

Absent or not voting, 2:

Calhoon Curtis

Amendment S—3587 to amendment S—3570 lost.

Senator Hultman called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3577 to amendment S—3570 to House File 332 failed to be adopted by the Senate on May 12, 1977.

CALVIN O. HULTMAN

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S—3577 be adopted?" (H.F. 332) the vote was:

Ayes, 32:

Ashcraft	Bergman	Bisenius	Briles
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Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Hansen	Hill, P.B.
Hulse	Hultman	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rush	Schwengels
Scott	Shaff	Taylor	Van Gilst

Nays, 15:

Carr	Doderer	Glenn	Hill, E.M.
Hutchins	Nolting	Orr	Palmer
Redmond	Robinson	Rodgers	Shaw
Slater	Tieden	Willits	

Absent or not voting, 3:

Calhoon	Curtis	Gallagher
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The motion prevailed and amendment S-3577 to amendment S-3570 was brought up for reconsideration.

Senator Van Gilst moved the adoption of amendment S-3577 to amendment S-3570.

A record roll call was requested.

On the question "Shall amendment S-3577 be adopted?" (H.F. 332) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Priebe	Ramsey	Readinger	Redmond
Robinson	Rush	Schwengels	Scott
Shaff	Shaw	Taylor	Tieden
Van Gilst	Willits		

Nays, 5:

Doderer	Nolting	Orr	Rodgers
Slater			

Absent or not voting, 3:

Calhoon

Curtis

Palmer

Amendment S—3577 to amendment S—3570 was adopted.

Senator Hultman called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3572 to amendment S—3570 to House File 332 failed to be adopted by the Senate on May 12, 1977.

CALVIN O. HULTMAN

Action on the motion to reconsider amendment S—3572 to amendment S—3570 was temporarily deferred.

Senator Junkins called up the following motion to reconsider and moved its adoption:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3584 to amendment S—3570 to House File 332 was adopted by the Senate on May 12, 1977.

LOWELL L. JUNKINS

The motion prevailed and amendment S—3584 was brought up for reconsideration.

Senator Rodgers withdrew amendment S—3584 to amendment S—3570.

The Senate resumed consideration of the motion to reconsider amendment S—3572 to amendment S—3570 by Senator Hultman.

Senator Hultman renewed his motion to reconsider amendment S—3572.

The motion prevailed and amendment S—3572 to amendment S—3570 was brought up for reconsideration.

With the adoption of the motion to reconsider by Senator Hultman, the motion to reconsider amendment S-3572 to amendment S-3570 filed by Senator Junkins on May 12, 1977, was ruled out of order.

Senator Kelly moved the adoption of amendment S-3572 to amendment S-3570.

A record roll call was requested.

On the question "Shall amendment S-3572 be adopted?" (H.F. 332) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, 5:

Drake	Nolting	Orr	Rodgers
Willits			

Absent or not voting, 4:

Calhoon	Curtis	Kelly	Palmer
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Amendment S-3572 to amendment S-3570 was adopted.

With the adoption of amendment S-3572 to amendment S-3570, amendment S-3588 by Senator Rodgers to amendment S-3570 was ruled out of order.

Senator Rodgers moved the adoption of amendment S-3570 as amended.

Amendment S-3570 as amended was adopted.

With the adoption of amendment S-3570 as amended, the following amendments were ruled out of order:

Amendment S-3389 filed by the committee on Ways and Means on April 20, 1977.

Amendment S-3410 to amendment S-3389 filed by the committee on Budget on April 21, 1977.

Amendment S-3466 to amendment S-3389 filed by Senator Shaff on April 23, 1977.

Senator Orr offered amendment S-3585 by Senators Orr and Doderer to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3585 be adopted?" (H.F. 332) the vote was:

Ayes, 18:

Carr	Doderer	Gallagher	Hansen
Hill, P.B.	Hultman	Hutchins	Kelly
Murray	Orr	Readinger	Redmond
Robinson	Rush	Scott	Shaw
Slater	Willits		

Nays, 29:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Glenn	Hill, E.M.
Hulse	Junkins	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Palmer	Priebe	Ramsey
Rodgers	Schwengels	Shaff	Tieden
Van Gilst			

Absent or not voting, 3:

Calhoon	Curtis	Taylor
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Amendment S-3585 lost.

Senator Shaff offered amendment S-3561 to page 4 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 27.

Amendment S—3561 lost.

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. 332) the vote was:

Ayes, 40:

Bergman	Bisenius	Briles	Burroughs
Carr	Coleman	Craft	Culver
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Taylor	Tieden	Van Gilst	Willits

Nays, 7:

Ashcraft	Doderer	Hill, E.M.	Nolting
Palmer	Shaw	Slater	

Absent or not voting, 3:

Calhoon	Curtis	DeKoster
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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 332 be IMMEDIATELY MESSAGED to the House, which request was complied with.

INTRODUCTION OF BILLS

SENATE FILE 403, by Committee on County Government, a bill for an act relating to the assessment of dues for membership in

the Iowa state association of counties.

Read first time and PLACED ON CALENDAR.

SENATE FILE 404, by Committee on County Government, a bill for an act relating to payment of travel expenses of county officers and employees.

Read first time and PLACED ON CALENDAR.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 74

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 House File 74, a bill for an act to provide recreational program activities for residents of county care facilities, respectfully submit the following recommendations:

1. That the Senate recede from its amendment.
2. That the House of Representatives recede from its amendments.
3. That House File 74 be amended as follows:

a. Page 1, by striking lines 8 through 13 and inserting in lieu thereof the following:

"industry of its occupants. The board of supervisors or the committee shall provide for the costs of the activities program to be included in the county care facility's budget."

b. Amend the title, line 1, by striking the word "recreational".

On the Part of the Senate:

C.W. HUTCHINS, Chairperson
STEPHEN W. BIENIUS
E. KEVIN KELLY
CHARLES P. MILLER
JOAN ORR

On the Part of the House:

DIANE BRANDT, Chairperson
ARLO HULLINGER
RUSSELL L. WYCKOFF
WENDELL C. PELLETT
JOHN H. CLARK

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: May 11, 1977, 8:00 a.m.

Members Present: E. Hill, Chairperson; Priebe, Vice Chairperson; Bergman, Ranking Member; Bisenius; Burroughs; Nolting and Palmer.

Members Absent: Robinson (arrived 8:30 a.m.) and Rodgers.

Members Excused: Curtis.

Final Action: APPROVED.

Senate File 401, a bill for an Act relating to agreements for the future delivery of personal property or services in connection with the final disposition of dead human bodies, and providing a penalty.

The vote was: AYES, 8; E. Hill, Priebe, Bergman, Bisenius, Burroughs, Nolting, Palmer and Robinson. NAYS, none. ABSENT OR NOT VOTING, 2; Curtis and Rodgers.

Adjourned: 8:55 a.m.

COUNTY GOVERNMENT

Convened: May 11, 1977, 8:10 a.m.

Members Present: Redmond, Chairperson; Hutchins, Vice Chairperson; Briles, Ranking Member; Merritt; Murray; Van Gilst; P. Hill; C. Miller and Orr.

Members Absent: none.

Members Excused: Taylor.

Final Action: DO PASS.

Senate File 397, a bill for an Act to increase the fee for recording instruments.

The vote was: AYES, 8; Redmond, Hutchins, Briles, Merritt, C. Miller, Murray, Orr and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 2; P. Hill and Taylor.

Also:

Final Action: APPROVED.

S.S.B. 200, a study bill for an Act relating to the assessment of dues for membership in the Iowa state association of counties.

The vote was: AYES, 8; Redmond, Hutchins, Briles, Merritt, C. Miller, Murray, Orr and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 2; P. Hill and Taylor.

Also:

Final Action: APPROVED.

S.S.B. 226, a study bill for an Act relating to payment of travel expenses of county officers.

The vote was: AYES, 9; Redmond, Hutchins, Briles, P. Hill, Merritt, C. Miller, Murray, Orr and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 1; Taylor.

Adjourned: 9:02 a.m.

JUDICIARY

Convened: May 11, 1977, 9:05 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Doderer; P. Hill; Ramsey; Redmond; Scott and Willits.

Members Absent: Coleman (arrived 9:15 a.m.) and Shaw (arrived 9:15 a.m.).

Other Business: Discussion on rules for the public hearing on the Equal Rights Amendment.

Adjourned: 10:05 a.m.

Also:

Reconvened: May 11, 1977, 2:00 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Coleman; Doderer; Ramsey; Scott; Shaw and Willits.

Members Absent: Ashcraft; P. Hill and Redmond (arrived 2:20 p.m.).

Final Action: DO PASS.

House File 60, a bill for an Act to amend the uniform controlled substances act with respect to the substance chlordiazepoxide listed in schedule IV.

The vote was: AYES, 10; Glenn, DeKoster, Coleman, Doderer, Shaw, Willits, Scott, Redmond, Ramsey and Rush. NAYS, none.

Also:

Final Action: AMEND AND DO PASS.

House File 85, a bill for an Act relating to the number of times a person may change his or her name.

The vote was: AYES, 8; Glenn, DeKoster, Coleman, Doderer, Shaw, Willits, Scott and Redmond. NAYS, 1; Ramsey. VOTING PRESENT, 1; Rush.

Other Business: S.S.B. 276—ordered redrafted for approval as Judiciary committee bill.

Also:

Final Action: DO PASS.

House File 280, a bill for an Act relating to establishing a prosecutor internship program.

The vote was: AYES, 10; Glenn, DeKoster, Coleman, Doderer, Shaw, Willits, Scott, Redmond, Ramsey and Rush. NAYS, none.

Also:

Final Action: DO PASS.

House File 287, a bill for an Act relating to child custody in dissolution of marriage cases.

The vote was: AYES, 10; Glenn, DeKoster, Coleman, Doderer, Shaw, Willits, Scott, Redmond, Ramsey and Rush. NAYS, none.

Adjourned: 3:10 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: May 11, 1977, 9:05 a.m.

Members Present: Nolting, Chairperson; Calhoon, Vice Chairperson; Hulse, Ranking Member; Burroughs; Merritt; Murray; Nystrom; Palmer and Robinson.

Members Absent: none.

Final Action: APPROVED.

S.S.B. 104, a study bill for an Act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements.

The vote was: AYES, 6; Nolting, Calhoon, Merritt, Nystrom, Palmer and Robinson. NAYS, 3; Hulse, Burroughs and Murray.

Also:

Final Action: APPROVED.

S.S.B. 257, a study bill for an Act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, and to assure federal funding of the administration of the Iowa unemployment compensation program.

The vote was: AYES, 9; Nolting, Calhoon, Hulse, Burroughs, Merritt, Murray, Nystrom, Palmer and Robinson. NAYS, none.

Adjourned 10:00 a.m.

WAYS AND MEANS

Convened: May 10, 1977, 8:00 a.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Curtis, Ranking Member; Craft; E. Hill; Hultman; Junkins; Palmer; Redmond; Shaff and Van Gilst.

Members Absent: Readinger (arrived 9:20 a.m.).

Members Excused: Kelly and Priebe.

Final Action: APPROVED.

Senate File 394, a bill for an Act relating to the barrel tax rebate contained in chapter 123 of the Code.

The vote was: AYES, 9; Rodgers, Nolting, Curtis, Craft, Hultman, Junkins, Palmer, Readinger and Redmond. NAYS, 2; E. Hill and Shaff. ABSENT OR NOT VOTING, 3; Kelly, Priebe and Van Gilst.

Other Business: Marvin R. Selden, Comptroller, and Dennis Nagel of the Governor's office explained productivity figures.

Adjourned: 9:00 a.m.

STUDY BILL RECEIVED

S.S.B. 286 Education Budget Subcommittee

Appropriates funds to the state board of public instruction to plan for an addition to a building.

BILLS ASSIGNED TO COMMITTEE

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

H.F. 64	State Government
H.F. 455	County Government
H.F. 582	State Government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert William Tonn, Clinton, Clinton County, Iowa, for appointment as a member of the Department of Environmental Quality Board of Certification for Waterworks Operators, pursuant to Section 455B.53, Code 1977, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES CALHOON, Chairperson
ROBERT M. CARR
MINNETTE F. DODERER
ROGER J. SHAFF
DALE L. TIEDEN

PROOF OF PUBLICATION

Published copy of Senate File 402 and verified proof of publication of said bill in the following newspapers was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate:

The Sioux County Capital, Orange City, Iowa, on March 29, 1977.
The Sioux Center News, Sioux Center, Iowa, on March 30, 1977.
The Bell-Enterprise, Remsen, Iowa, on March 31, 1977.
The Hartley Sentinel, Hartley, Iowa, on March 31, 1977.
The Hawarden Independent, Hawarden, Iowa, on March 31, 1977.
The Manilla Times, Manilla, Iowa, on March 31, 1977.

The O'Brien County Bell, Primghar, Iowa, on March 31, 1977.
 The Paullina Times, Paullina, Iowa, on March 31, 1977.
 The Sanborn Pioneer, Sanborn, Iowa, on March 31, 1977.
 The Woodbine Twiner, Woodbine, Iowa, on March 31, 1977.
 The Harlan News-Advertiser, Harlan, Iowa, on April 4, 1977.
 The Elk Horn-Kimballton Review, Elk Horn, Iowa, on April 7, 1977.

STEVEN C. CROSS, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 12, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 28—To commemorate the birthday of Dr. Martin Luther King, Jr.

S.F. 119—Relating to the regulation of savings and loan associations.

S.F. 231—Providing for an extension of the moratorium for acquiring agricultural land to trusts.

S.F. 288—Relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organization to conduct games of skill and games of chance as a qualified organization.

S.F. 314—Relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday afternoon, May 10, 1977, as I was speaking at the Midwest Shippers/Motor Carriers Conference.

Had I been present, I would have voted "aye" on Senate File 93.

WILLARD R. HANSEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday, May 10, 1977, when the votes were taken on Senate Files 275, 259, and 384.

Had I been present, I would have voted "aye" on these bills.

FRED W. NOLTING

REPORTS OF COMMITTEES

Senator Miller of Cerro Gordo submitted the following report:

MR. PRESIDENT: Your committee on Cities to which was referred House File 536, a bill for an Act to change the title of the low-rent housing law chapter of the Code to the municipal housing law, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

ALVIN V. MILLER, Chairperson

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on Judiciary to which was referred House File 85, a bill for an Act relating to the number of times a person may change his or her name, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3562; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

GENE W. GLENN, Chairperson

AMENDMENTS FILED

S-3565	S.F. 394	William D. Palmer
S-3568	S.F. 397	Philip B. Hill
S-3569	H.F. 246	E. Kevin Kelly
S-3571	H.F. 584	Earl M. Willits
		Calvin O. Hultman
S-3578	H.F. 584	Earl M. Willits
S-3579	S.F. 312	Lowell L. Junkins

PRESENTATION OF VISITORS

President Neu welcomed the Honorable James F. Schaben, former member of the Senate from Harrison County who was present in the Senate chamber.

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

Thirty-eight students from Elk Horn-Kimballton Elementary School, Elk Horn, Iowa, accompanied by Robert Maertz and Norma Nelson. Senators Culver and Hutchins.

Twenty-seven students from the Boone Valley Community School District, Renwick, Iowa, accompanied by Janice Basler. Senator Priebe.

Fifty-four students from Dike Elementary School, Dike, Iowa, accompanied by Pat Miller. Senator Burroughs.

Thirty-five students from the Fox Valley Community School District, Milton, Iowa, accompanied by Mrs. Joyce Bachman and Mrs. Jerry Mohr. Senator Schwengels.

On motion of Senator Kinley, the Senate adjourned at 8:22 p.m., until 9:00 a.m., Friday, May 13, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FOURTH CALENDAR DAY
EIGHTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 13, 1977

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Reverend James R. Smith, Administrator of Kuemper High School, Carroll, Iowa.

The Journal of Thursday, May 12, 1977, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Curtis for the day on request of Senator Drake.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 490

Senator Bergman called up for consideration House File 490, a bill for an Act relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S-3559 filed May 11, 1977, and found on page 1459 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Bergman 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. 490) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaw
Slater	Taylor	Van Gilst	

Nays, none.

Absent or not voting, 7:

Calhoun	Curtis	Miller, C.P.	Schwengels
Shaff	Tieden	Willits	

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

UNFINISHED BUSINESS

Senate File 395

On motion of Senator Bergman, Senate File 395, a bill for an Act relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public, was taken up for further consideration.

Senator Bergman offered amendment S—3589 to page 1 of the bill and moved its adoption.

Amendment S—3589 was 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?" (S.F. 395) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaw
Slater	Taylor	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Calhoon	Curtis	Hutchins	Schwengels
Shaff	Tieden		

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 164.

Senate File 164

On motion of Senator Taylor, Senate File 164, a bill for an Act authorizing the deduction from a state officer's or employee's wages or salary an amount for contribution to a qualifying charitable organization of the officer's or employee's choice, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S-3518 filed by the committee on State Government on May 6, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3518 was adopted.

Senator Taylor offered amendment S-3558 filed by him on

May 11, 1977, to page 1 of the bill and moved its adoption.

Amendment S-3558 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?" (S.F. 164) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 2:

Gallagher Shaw

Absent or not voting, 4:

Curtis Hill, E.M. Merritt Schwengels

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 Neu presiding.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 397.

Senate File 397

On motion of Senator Hutchins, Senate File 397, a bill for an

Act to increase the fee for recording instruments, was taken up for consideration.

Senator Hill of Polk offered amendment S-3568 filed by him on May 12, 1977, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 27.

Amendment S-3568 lost.

Senator Hutchins moved that the bill 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. 397) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, 2:

Hill, P.B. Ramsey

Absent or not voting, 3:

Curtis Gallagher 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 to take

up for consideration Senate File 393.

Senate File 393

On motion of Senator Robinson, Senate File 393, a bill for an Act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements, was taken up for consideration.

Senator Ramsey offered amendment S—3596 to page 1 of the bill and moved its adoption.

Senator Robinson raised the point or order that amendment S—3596 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3596 out of order.

Senator Hultman offered amendment S—3592 to page 1 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3592 be adopted?” (S.F. 393) the vote was:

Ayes, 14:

Bergman	Bisenius	Briles	Burroughs
Craft	DeKoster	Hulse	Hultman
Kelly	Miller, E.R.	Ramsey	Schwengels
Shaff	Taylor		

Nays, 33:

Ashcraft	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Scott	Shaw	Slater	Van Gilst
Willits			

Absent or not voting, 3:

Curtis Gallagher Tieden

Amendment S-3592 lost.

Senator Ramsey offered amendment S-3597 to page 2 of the bill.

Senator Robinson raised the point of order that amendment S-3597 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3597 out of order.

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. 393) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Carr
Coleman	Craft	Culver	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Scott
Shaff	Shaw	Tieden	Van Gilst
Willits			

Nays, 6:

Briles	Burroughs	DeKoster	Hulse
Schwengels	Taylor		

Absent or not voting, 3:

Calhoon Curtis Slater

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 393 passed the Senate on May 13, 1977.

CALVIN O. HULTMAN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 393 passed the Senate on May 13, 1977.

FRED W. NOLTING

MOTION TO RECONSIDER WITHDRAWN

Senator Hill of Polk withdrew the motion to reconsider Senate File 376, a bill for an Act relating to the protection of the rights of owners of enterprises, and providing penalties, filed by him on May 6, 1977, and found on page 1386 of the Senate Journal.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 402.

Senate File 402

On motion of Senator DeKoster, Senate File 402, a bill for an Act to legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri basin municipal electric cooperative association

and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken, 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. 402) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Craft	Curtis	Hulse	Miller, C.P.
Palmer	Shaff		

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 385

Senator Slater called up for consideration Senate File 385, a bill for an Act authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing, amended by the House, and moved that the Senate concur in House amendment S-3564 filed May 12, 1977, and found on page 1467 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Slater 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. 385) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Craft	Curtis	Nolting	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.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that the following bills be immediately messaged to the House: SENATE FILES 164, 395, 397 and 402.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed inform your honorable body that the House has on May 12, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 140, a bill for an Act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

Also: That the House has on May 12, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 180, a bill for an Act relating to the regulation of premium rates for credit life and credit accident and health insurance.

Also: That the House has on May 11, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 329, a bill for an Act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

Also: That the House has on May 12, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 349, a bill for an Act to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision.

Also: That the House has on May 12, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 361, a bill for an Act relating to rules of appellate procedure in the courts.

Also: That the House has on May 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 63, a bill for an Act relating to maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973.

Also: That the House has on May 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 369, a bill for an Act requiring the identification of charges imposed by public utilities for the late payment of utility service bills.

Also: That the House has on May 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 569, a bill for an Act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

Also: That the House has on May 11, 1977, passed the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 36, authorizing the Speaker of the House and the President of the Senate to expend sums not exceeding \$418,000 to develop an interactive budgeting system for use by the General Assembly and its members.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 405, by Senator Priebe, a bill for an act relating to the elimination of state-owned liquor stores and sales; to provide for the wholesale and retail sale of liquor by private licensees; to provide for the taxes thereon and for the sale and distribution of excise tax stamps by the department of revenue; to provide for additional department of revenue inspectors; relating to penalties for violations of liquor and beer laws, and to otherwise provide for administrative procedures and practices to carry out the intent of this Act.

Read first time and PASSED ON FILE.

SENATE FILE 406, by Senator Priebe, a bill for an act relating to the recovery of costs and attorney's fees in actions to recover payment on a check.

Read first time and PASSED ON FILE.

HOUSE MESSAGES CONSIDERED

HOUSE FILE 63, a bill for an Act relating to maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973.

Read first time and PASSED ON FILE.

HOUSE FILE 369, a bill for an Act requiring the identification of charges imposed by public utilities for the late payment of utility service bills.

Read first time and PASSED ON FILE.

HOUSE FILE 569, a bill for an Act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

Read first time and PASSED ON FILE.

HOUSE CONCURRENT RESOLUTION 36

By: Committee on Budget

1 *Whereas*, it is necessary that the general assembly
 2 have the ability to analyze, develop, and review the
 3 state budget; and
 4 *Whereas*, the general assembly is presently limited
 5 in its ability to perform these functions because it
 6 does not have the necessary computer programs, equip-
 7 ment and personnel at its disposal which will encompass
 8 state budgeting and analysis procedures relating to
 9 the appropriation and expenditure of funds; and
 10 *Whereas*, this limitation and dependence upon the
 11 executive branch of government for budget information
 12 affects the ability of the general assembly to function
 13 as a separate department of government as mandated by
 14 Article III of the Constitution of the State of Iowa
 15 providing for the distribution of powers of government;
 16 and
 17 *Whereas*, Section two point twelve (2.12) of the Code
 18 provides an appropriation "deemed necessary to properly
 19 carry out the functions of the general assembly" and is
 20 consistent with Article III of the Constitution of Iowa
 21 in providing funds for the general assembly to function
 22 as a separate department of government; and
 23 *Whereas*, a plan and the ability to develop an inter-
 24 active budgeting system is available to the general
 25 assembly and its members; *Now Therefore*,
 26 *Be It Resolved by the House of Representatives, the*
 27 *Senate Concurring*, That the speaker of the house and the
 28 president of the senate are authorized and directed to expend
 29 sums not exceeding the sum of four hundred eighteen thousand
 30 (418,000) dollars from funds available under section two

Page 2

1 point twelve (2.12) of the Code to develop for the use
 2 of the general assembly and its members an interactive
 3 budgeting system which will provide for and encompass
 4 state budgeting and analysis procedures relating to the
 5 appropriation and expenditure of funds. Funds authorized
 6 by this resolution may be expended for the lease or

7 purchase of necessary equipment or computer time, the
 8 execution of necessary contracts providing for computer
 9 programming, acquisition and development of software, the
 10 employment of necessary personnel, and for necessary costs
 11 required to implement and use the interactive budgeting
 12 system; and

13 *Be It Further Resolved*, That the legislative council
 14 shall have the duty and responsibility to review the develop-
 15 ment of the interactive budgeting system and periodic reports
 16 of such development shall be made to the legislative council;
 17 and

18 *Be It Further Resolved*, that pursuant to section two
 19 point twelve (2.12) of the Code the state comptroller is
 20 directed and shall issue warrants to pay costs in carrying
 21 out the provisions of this resolution.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 140

S-3594

1 Amend Senate File 140 as follows:

2 1. Page 1, by inserting before line 1 the follow-
 3 ing new section:

4 "Section 1. Section four hundred twenty-two point
 5 thirty-three (422.33), subsection one (1), unnumbered
 6 paragraph one (1), Code 1977, is amended to read as
 7 follows:

8 If the trade or business of the corporation is
 9 carried on entirely within the state *or if the trade*
 10 *or business consists of the operation of a farm and*
 11 *the property is located entirely within the state,*
 12 the tax shall be imposed on the entire net income,
 13 but if such trade or business is carried on partly
 14 within and partly without the state *or if the trade*
 15 *or business consists of the operation of a farm and*
 16 *the property is located partly within and partly*
 17 *without the state,* the tax shall be imposed only on
 18 the portion of the net income reasonably attributable
 19 to the trade or business within the state, said net
 20 income attributable to the state to be determined
 21 as follows:"

22 2. Page 3, by inserting after line 9 the follow-
 23 ing new section:

24 "Sec. ____ . *NEW SECTION. TRANSITIONAL PERIOD.*
 25 There shall be a transitional period to permit each
 26 taxpayer subject to the tax imposed by sections four

27 hundred twenty-two point thirty-three (422.33) and
28 four hundred twenty-two point sixty (422.60) of the
29 Code to adjust to the requirements of making estimated
30 tax payments.

31 1. For a taxable year beginning on or after July
32 1, 1977, and on or before June 30, 1978, only sixty
33 percent of the estimated tax shall be required to
34 be paid during the taxable year in accordance with
35 the installment schedule in section three (3) of this
36 Act. The remaining forty percent of the estimated
37 tax shall be increased or decreased to reflect the
38 actual tax due for the taxable year and shall be paid
39 at the time of filing the final, completed return
40 for the taxable year.

41 2. For a taxable year beginning on or after July
42 1, 1978, and on or before June 30, 1979, only eighty
43 percent of the estimated tax shall be required to
44 be paid during the taxable year in accordance with
45 the installment schedule in section three (3) of this
46 Act. The remaining twenty percent of the estimated
47 tax shall be increased or decreased to reflect the
48 actual tax due for the taxable year and shall be paid
49 at the time of filing the final, completed return
50 for the taxable year.

Page 2

1 3. In the event the time for filing a tax return
2 is extended for a taxable year listed in this section
3 the remaining percentage of estimated tax due for
4 that year shall be paid not later than the last day
5 of the fourth month following the expiration of the
6 taxable year."

7 3. Page 5, by striking lines 30 through 35 and
8 inserting in lieu thereof the following new section:

9 "Sec. — . SPECIAL RESERVE FUND CREATED. The
10 treasurer of state shall credit the first ten million
11 dollars received after the effective date of this
12 Act from the receipts resulting from the payments
13 received upon the filing of declarations of estimated
14 tax from corporations subject to the tax imposed under
15 division three (III) of this chapter to the general
16 fund of the state. After crediting the first ten
17 million dollars received to the general fund of the
18 state, the treasurer of state shall credit the next
19 twenty-five million dollars received after the
20 effective date of this Act from the receipts resulting
21 from the payments received upon the filing of
22 declarations of estimated tax from corporations subject
23 to the tax imposed under division three (III) of this

24 chapter to a special reserve fund, which is hereby
25 created in the office of the treasurer of state.”

26 4. Page 6, by striking line 1.

27 5. Page 6, by inserting after line 18 the follow-
28 ing new section:

29 “Sec. — . The provisions of section one (1) of
30 this Act are retroactive to January 1, 1977 for tax
31 years beginning on or after January 1, 1977 and to
32 this extent the provisions of section one (1) of this
33 Act are retroactive.”

34 6. Page 6, line 19, by inserting after the word
35 “Act” the words “, except the provisions of section
36 one (1) of this Act,”.

37 7. Page 6, by inserting after line 20 the follow-
38 ing new section:

39 “Sec. — . This Act, being deemed of immediate
40 importance, shall take effect and be in force from
41 and after its publication in The Marion Sentinel,
42 a newspaper published in Marion, Iowa, and in the
43 Farmer-Labor Press, a newspaper published in Council
44 Bluffs, Iowa.”

45 8. Renumber sections and correct internal
46 references as are necessary in accordance with this
47 amendment.

48 9. Amend the title, by striking everything after
49 the word “Act” in line 1 and inserting in lieu thereof
50 the words “relating to the taxation of corporations

Page 3

1 and financial institutions to provide for the alloca-
2 tion of certain corporate income to this state for
3 corporate income tax purposes, to require the filing
4 of declarations of estimated tax and quarterly payments
5 by corporations and financial institutions, creating
6 a special reserve fund into which a portion of such
7 payments are to be deposited, providing penalties,
8 and making certain provisions of the Act retroactive.”

HOUSE AMENDMENT TO SENATE FILE 329

S-3593

1. Amend Senate File 329 as follows:
- 2 1. Page 11, by striking all of lines 16 through
- 3 35.
- 4 2. Page 12, by striking all of lines 1 through
- 5 3.

6 3. Page 14, by inserting after line 30 the
7 following section:

8 "Sec. —. Section four hundred eleven point six
9 (411.6), subsection seven (7), Code 1977, is amended
10 by striking paragraph c."

11 4. Page 15, by inserting after line 32 the follow-
12 ing sections:

13 "Sec. —. Section four hundred fifty-five B point
14 seven (455B.7), subsection three (3), Code 1977, is
15 amended to read as follows:

16 3. Issue orders and directives necessary to insure
17 integration and co-ordination of the programs
18 administered by the department. Notwithstanding any
19 other provision of this chapter to the contrary, each
20 commission within the department shall submit all
21 of its proposed rules to the executive committee for
22 review to insure that no conflict exists between such
23 proposed rules and the existing rules of another
24 commission within the department. If a conflict does
25 exist, the executive committee shall direct the
26 commissions involved to resolve the conflict before
27 the proposed rules are submitted to the legislative
28 [departmental] *administrative* rules review committee
29 as provided in chapter 17A.

30 Sec. —. Section five hundred fifteen B point
31 five (515B.5), subsection one (1), Code 1977, is
32 amended by striking paragraph g and inserting in lieu
33 thereof the following:

34 g. Reimburse each servicing facility for obli-
35 gations of the association paid by the facility and
36 for expenses incurred by the facility while handling
37 claims on behalf of the association, and pay the other
38 expenses of the association authorized by this chapter.

39 Sec. —. Section five hundred fifteen B point
40 five (515B.5), subsection two (2), Code 1977, is
41 amended by striking paragraph g and inserting in lieu
42 thereof the following:

43 g. If at any time the board of directors finds
44 that the amount assessed for any insolvency exceeds
45 the actual and projected liabilities of that insol-
46 vency, it may refund such excess to member insurers
47 in the same proportion that each contributed to the
48 original assessment or assessments. Any assessments
49 or refunds of any member insurer in amounts not to
50 exceed twenty-five dollars may, at the discretion

Page 2

1 of the board of directors, be waived."

- 2 5. Page 19, by striking lines 6 through 8.
 3 6. Renumbering sections and correcting internal
 4 references as necessary.

HOUSE AMENDMENT TO SENATE FILE 361

S-3595

- 1 Amend Senate File 361 as amended and passed by
 2 the Senate as follows:
 3 1. Page 2, by inserting after line 3 the following
 4 new section:
 5 "Sec. ____ . Chapter one thousand two hundred forty-
 6 five (1245), Acts of the Sixty-sixth General Assembly,
 7 1976 Session, chapter two (2), section one thousand
 8 three hundred one (1301), rule twenty-three (23),
 9 subsection four (4), paragraphs c and d, are amended
 10 to read as follows:
 11 c. APPEAL. Appeal from an order granting or
 12 denying a motion for new trial or in arrest of judgment
 13 may be taken by the state or the defendant; *provided*
 14 *that appellate review of an order granting or denying*
 15 *a motion in arrest of judgment upon a plea of guilty*
 16 *shall not lie except where discretionary review is*
 17 *granted.* Where the court has denied the motion for
 18 new trial or in arrest of judgment, or both, appeal
 19 *or discretionary review, whichever is applicable,*
 20 may be had only after judgment is pronounced.
 21 d. CUSTODY PENDING APPELLATE DETERMINATION.
 22 Pending determination by the [supreme] *appellate* court
 23 of such appeal *or discretionary review,* the trial
 24 court shall determine whether the defendant shall
 25 remain in custody, or whether, if in custody, the
 26 defendant should be released on bail or his or her
 27 own recognizance. Where the trial court has arrested
 28 judgment and an appeal is taken by the state *or*
 29 *discretionary review is granted to the state,* and
 30 it further appears to the trial court that there is
 31 no evidence sufficient to charge the defendant with
 32 an offense, the defendant shall not be held in custody.
 33 Sec. ____ . Chapter one thousand two hundred forty-
 34 five (1245), Acts of the Sixty-sixth General Assembly,
 35 1976 Session, chapter two (2), section one thousand
 36 four hundred four (1404), is amended to read as
 37 follows:
 38 SEC. 1404. NEW SECTION. Perfection of an appeal
 39 and application for discretionary review. An appeal
 40 *and an application for discretionary review from a*
 41 *judgment of sentence upon a plea of guilty* is perfected

42 by filing a written notice within sixty days after
43 judgment or order with the clerk of the court wherein
44 the judgment or order was issued. Application for
45 discretionary review is made by filing a written
46 notice within ten days after judgment or order with
47 the clerk of the court wherein the judgment or order
48 was issued.

49 Sec. — . Chapter one thousand two hundred forty-
50 five (1245), Acts of the Sixty-sixth General Assembly,

Page 2

1 1976 Session, chapter two (2), section one thousand
2 four hundred five (1405), subsection one (1), paragraph
3 c, is amended to read as follows:

4 c. An order [arresting judgment or] granting a new
5 trial; or, *except upon a plea of guilty, an order*
6 *arresting judgment.*

7 Sec. — . Chapter one thousand two hundred forty-
8 five (1245), Acts of the Sixty-sixth General Assembly,
9 1976 Session, chapter two (2), section one thousand
10 four hundred five (1405), subsection two (2), is
11 amended by adding the following new paragraph:

12 *NEW PARAGRAPH.* e. Where the court has accepted
13 a plea of guilty, an order arresting judgment upon
14 that plea.

15 Sec. — . Chapter one thousand two hundred forty-
16 five (1245), Acts of the Sixty-sixth General Assembly,
17 1976 Session, chapter two (2), section one thousand
18 four hundred six (1406), subsection one (1), paragraph
19 a, is amended to read as follows:

20 a. A final judgment of sentence, *except upon a*
21 *plea of guilty, and except in case of simple*
22 *misdemeanor and ordinance violation convictions.*

23 Sec. — . Chapter one thousand two hundred forty-
24 five (1245), Acts of the Sixty-sixth General Assembly,
25 1976 Session, chapter two (2), section one thousand
26 four hundred six (1406), subsection two (2), is amended
27 by adding the following new paragraph:

28 *NEW PARAGRAPH.* f. Where the court has accepted
29 a plea of guilty, a final judgment of sentence upon
30 that plea and an order denying a motion in arrest
31 of judgment upon that plea.”

32 2. By renumbering sections of the bill.

33 3. Amend the title, line 1, by inserting after
34 the word “to” the words “appellate review and”.

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 156**

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 156 as amended, passed, and reprinted by the Senate, a bill for an Act appropriating funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, respectfully make the following report:

That the House amendment S-3266 to Senate File 156 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 5, 6, and 7.

On the Part of the Senate:

LOWELL L. JUNKINS, Chairperson
JAMES M. REDMOND
ROBERT M. CARR
RICHARD R. RAMSEY
FORREST V. SCHWENGELS

On the Part of the House:

CARROLL PERKINS, Chairperson
MARY O'HALLORAN
THOMAS JOCHUM
COOPER EVANS
NANCY SHIMANEK

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: May 10, 1977, 5:00 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Rush; Schwengels and Slater.

Members Absent: Kelly (arrived 5:15 p.m.) and Shaff (arrived 5:15 p.m.).

Final Action: APPROVED.

Senate Joint Resolution 11, a joint resolution to authorize an interim study of the Iowa public employees' retirement system and to make an appropriation.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none.

Also:

Final Action: APPROVED.

Senate File 396, a bill for an Act relating to the Iowa public employees' retirement system, to increase benefits for certain retired members, to increase the contribution rates, and to make an appropriation.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none.

Also:

Final Action: AMEND AND DO PASS.

House File 246, a bill for an Act creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties, and providing a penalty.

The vote was: AYES, 9; Doderer, Coleman, Nystrom, Carr, Junkins, Kelly, Rush, Schwengels and Slater. NAYS, none. ABSENT OR NOT VOTING, 5; Ashcraft, Culver, Drake, Glenn and Shaff.

Also:

Final Action: AMEND AND DO PASS.

House File 364, a bill for an Act to enable certain persons to receive credit for years of prior service for retirement benefits under the Iowa public employees' retirement system.

The vote was: AYES, 14; Doderer, Coleman, Nystrom, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels, Shaff and Slater. NAYS, none.

Adjourned: 5:30 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 398	Judiciary
S.F. 399	Cities
S.F. 400	State Government
H.F. 158	State Government
H.F. 358	Commerce
H.F. 546	Transportation

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Betty S. Maxheimer, Eagle Grove, Wright County, Iowa, for reappointment as a member of the Advisory Investment Board of the Iowa Public Employees' Retirement System under the provisions of Section 97B.8, Code 1977, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
 JAMES CALHOON
 GENE W. GLENN
 RAY TAYLOR
 DALE L. TIEDEN

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 13, 1977, the Governor approved and transmitted to the Secretary of State the following bill:

H.F. 224—Relating to mobile home tiedowns and providing a penalty.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: In accordance with Senate Rule 21, I report that in engrossing Senate Amendment S-3582 into S-3570 to create the Senate Amendment to House File 332, one correction was made. Paragraph 6 of Amendment S-3582 required the striking of the word "preceding" on page 5, line 37 of S-3570. To make the wording correct, the words "the preceding" were stricken. The corrected language appears at page 4, line 5 of the Senate Amendment to House File 332.

STEVEN C. CROSS, Secretary of the Senate

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on the afternoon of Thursday, May 12, 1977.

Had I been present, I would have voted "aye" on House File 332.

JAMES CALHOON

COMMUNICATION

The following communication has been received and placed on

file in the office of the Secretary of the Senate from:

CITY OF MARION

Resolution 5509 by the City Council of the City of Marion, Iowa, urging the legislature to consider and pass House File 476 which provides for a Local Option Sales Tax.

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 11

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Murray
Bergman
Rush

SENATE FILE 374

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Curtis
Hulse
Scott

SENATE FILE 378

Judiciary
DeKoster, Chairperson
Shaw
Coleman

SENATE FILE 380

Ways and Means
Redmond, Chairperson
Nolting
Craft

SENATE FILE 392

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Murray
Bergman
Rush

SENATE FILE 396

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Murray
Bergman
Rush

SENATE CONCURRENT RESOLUTION 18 HOUSE FILE 187

Budget—Budget Subcommittee
on Human Resources
Nolting, Chairperson
A. Miller
Readinger
Calhoon
Craft

Energy
Scott, Chairperson
Glenn
Burroughs

HOUSE FILE 338

Commerce
Bergman, Chairperson
Priebe
Burroughs

HOUSE FILE 491

Transportation
Robinson, Chairperson
Gallagher
Glenn
Shaff
Tieden

HOUSE FILE 545

Commerce
Palmer, Chairperson
E. Hill
Bisenius

HOUSE FILE 546

Transportation
Drake, Chairperson
Robinson
Ashcraft
Coleman
Hutchins

HOUSE FILE 573

Budget—Budget Subcommittee
on Natural Resources
Junkins, Chairperson
Orr
Bisenius
Redmond
Schwengels

HOUSE FILE 584

Budget—Budget Subcommittee
on State Government
Willits, Chairperson
Rodgers
Taylor
Doderer
Tieden

HOUSE FILE 597

Budget—Budget Subcommittee
on Human Resources
Nolting, Chairperson
A. Miller
Readinger
Calhoon
Craft

S.S.B. 284

Ways and Means
Shaff, Chairperson
Palmer
Rodgers

S.S.B. 285

Judiciary
Willits, Chairperson
Scott
P. Hill

REPORTS OF COMMITTEES

Senator Hill of Jasper submitted the following report:

MR. PRESIDENT: Your committee on Commerce to which was referred House File 338, a bill for an Act to provide that corporations organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-sixA (496A) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

EUGENE M. HILL, Chairperson

Senator Doderer submitted the following reports:

MR. PRESIDENT: Your committee on State Government to which was referred House File 64, a bill for an Act providing for flexible full-time career employment for state employees, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 158, a bill for an Act relating to the storage and transportation of flammable and combustible liquids, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 252, a bill for an Act relating to the experience requirement for licensing of, and prohibiting certain restrictions upon, nursing home administrators, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 582, a bill for an Act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and allowing certain members of the general assembly who are members of the system at the time of election to the general assembly to contribute the employee's and employer's share at the same wage rate as the wages which qualified such member for the system, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3601; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

Senator Robinson submitted the following reports:

MR. PRESIDENT: Your committee on Transportation to which was referred House File 491, a bill for an Act relating to transportation providing for an expression of the legislative intent concerning diagonal roads, lowering

the freeway-expressway system total mileage, providing for functional reclassification of roads in the state, development of a quadrennial needs study, inclusion of the area school and state fair grounds roads and bridges in the park and institution road maintenance allocation and providing for a quadrennial need study of park and institution roads and bridges, changing the allocation formula from the road use tax fund to provide forty-five percent to the primary road fund, twenty-eight percent to the secondary road fund, nine percent to the farm-to-market road fund, and eighteen percent to the cities, raising the motor fuel and special fuel tax to ten cents per gallon and the diesel engine special fuel tax to eleven and one-half cents per gallon, eliminating the one-half of one cent of motor fuel and other special fuel tax to the primary road fund, providing an exemption from fuel taxes for political subdivisions, authorizing the Department of Transportation to conduct a study, providing appropriations, and repealing certain sections, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3598; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

House File 491 referred to committee on WAYS AND MEANS under Senate Rule 36.

MR. PRESIDENT: Your committee on Transportation to which was referred House File 546, a bill for an Act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CLOYD E. ROBINSON, Chairperson

AMENDMENTS FILED

S-3590	H.F. 246	William D. Palmer
S-3591	S.J.R. 11	Minnette F. Doderer
S-3599	H.F. 246	Lucas J. DeKoster
S-3600	H.F. 246	Tom Slater

PRESENTATION OF VISITORS

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

Twenty-seven students from St. Bernard Grade School, Breda, Iowa, accompanied by Chuck Malm. Senator Scott.

Twenty-five students from Semco Elementary School, Laurel, Iowa, accompanied by Glen Ostrander. Senator Miller of Marshall.

Twenty-five students from Steamboat Rock Elementary School, Steamboat Rock, Iowa, accompanied by Kathy Ross and Diane McCarty. Senator Taylor.

On motion of Senator Kinley, the Senate adjourned at 12:25 p.m., until 10:00 a.m., Monday, May 16, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY
EIGHTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 16, 1977

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

Prayer was offered by the Honorable Ray Taylor, member of the Senate from Steamboat Rock, Hardin County, Iowa.

The Journal of Friday, May 13, 1977, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Curtis for the day on request of Senator 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 House has on May 13, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 279, a bill for an Act relating to the appointment and the duties of a county weed commissioner.

Also: That the House has on May 13, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 370, a bill for an Act making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

Also: That the House has on May 13, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 388, a bill for an Act repealing certain standing appropriations and providing an effective date.

Also: That the House has on May 11, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 566, a bill for an Act relating to the issuance and expiration of waterworks or waste waterworks operators' certificates.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 566, a bill for an Act relating to the issuance and expiration of waterworks or waste waterworks operators' certificates.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 23
By: Committee on Cities

1 *Whereas*, the current law relating to civil service
2 has become cumbersome and difficult to administer, and
3 *Whereas*, other statutes having a direct relationship
4 to civil service have been passed in recent years, and
5 *Whereas*, procedures for appointment, transfer, promo-
6 tion, seniority, qualifications, appeal, discharge, and
7 retirement have been added to the law on a piecemeal
8 basis without a thorough analysis of the effect on the
9 law; *Now Therefore*,

10 *Be It Resolved by the Senate, the House Concurring*,
11 That the legislative council create a study committee
12 composed of members of both senate and house standing
13 committees on cities to conduct during the 1977 legis-
14 lative interim a comprehensive study of the civil
15 service law; and

16 *Be It Further Resolved*, That the study committee
17 shall prepare and submit a report to the legislative
18 council and the general assembly at the conclusion of
19 the interim which shall be accompanied by legislative
20 bill drafts to carry out the recommendations of the
21 committee.

Read first time and PLACED ON CALENDAR.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 156

Senator Junkins called up the conference committee report on Senate File 156, a bill for an Act appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development, filed May 13, 1977, found on page 1526 of the Senate Journal and moved its adoption.

The motion prevailed and the conference committee report and the amendment contained therein 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. 156) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Willits		

Nays, none.

Absent or not voting, 4:

Calhoon	Curtis	Murray	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.

HOUSE AMENDMENTS CONSIDERED

Senate File 312

Senator Junkins called up for consideration Senate File 312, a bill for an Act requiring professional and occupational licensees to participate in a continuing education program as a condition of

license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license, amended by House amendment S-3462, filed April 28, 1977, and found on pages 1242-1255 of the Senate Journal.

Senator Junkins offered amendment S-3549 filed by him on May 10, 1977, to House amendment S-3462 and moved its adoption.

Amendment S-3549 to House amendment S-3462 was adopted.

Senator Junkins offered amendment S-3579 filed by him on May 12, 1977, to House amendment S-3462 and moved its adoption.

Amendment S-3579 to House amendment S-3462 was adopted.

Senator Junkins moved that the Senate concur in House amendment S-3462 as amended.

The motion prevailed and the Senate concurred in House amendment S-3462 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. 312) the vote was:

Ayes 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.

Miller, E.R.	Nolting	Nystrom	Orr
Palmer	Priebe	Readinger	Redmond
Robinson	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 3:

Craft	Miller, C.P.	Ramsey
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Absent or not voting, 4:

Calhoon	Curtis	Murray	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 140

Senator Nolting called up for consideration Senate File 140, a bill for an Act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties, amended by the House, and moved that the Senate concur in House amendment S-3594 filed May 13, 1977, and found on pages 1520-1522 of the Senate Journal.

Senator Van Gilst asked and received unanimous consent that action on the House amendment to Senate File 140 be temporarily deferred.

Senate File 329

Senator DeKoster called up for consideration Senate File 329, a bill for an Act correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code, amended by the House, and moved that the Senate concur in House amendment S-3593 filed May 13, 1977, and found on pages 1522-1524 of the Senate Journal.

A non record roll call was requested.

The ayes were 37, nays 10.

The motion prevailed and the Senate concurred in the House amendment.

Senator DeKoster 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. 329) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Calhoon	Curtis	Hill, E.M.	Murray
Rodgers			

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 536.

House File 536

On motion of Senator Slater, House File 536, a bill for an Act to change the title of the low-rent housing law chapter of the Code to the municipal housing law, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Neu took the chair at 11:21 a.m.

Senator Slater moved that the bill 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. 536) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

DeKoster

Absent or not voting, 3:

Calhoon Curtis 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 to take up for consideration House File 158.

House File 158

On motion of Senator Drake, House File 158, a bill for an Act relating to the storage and transportation of flammable and combustible liquids, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Drake moved that the bill 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. 158) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

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

President pro tempore Coleman took the chair at 11:30 a.m.

Senator Kinley asked and received unanimous consent to take up for consideration House File 252.

House File 252

On motion of Senator Hutchins, House File 252, a bill for an Act relating to the experience requirement for licensing of, and prohibiting certain restrictions upon, nursing home administrators, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly asked and received unanimous consent that House File 252 be deferred and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

Senator Kinley asked and received unanimous consent to take

up for consideration House File 338.

House File 338

On motion of Senator Bergman, House File 338, a bill for an Act to provide that corporations organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code, 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. 338) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Culver
DeKoster	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 3:

Craft	Redmond	Rush
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Absent or not voting, 3:

Calhoon	Curtis	Doderer
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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 546.

House File 546

On motion of Senator Drake, House File 546, a bill for an Act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Drake moved that the bill 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. 546) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Carr	Coleman	Craft
Culver	DeKoster	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Calhoon	Curtis	Doderer
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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 CONSIDERED**Senate File 361**

Senator Ramsey called up for consideration Senate File 361, a

bill for an Act relating to rules of appellate procedure in the courts, amended by the House, and moved that the Senate concur in House amendment S-3595 filed May 13, 1977, and found on pages 1524-1525 of the Senate Journal.

Senator Scott took the chair at 11:50 a.m.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 361) the vote was:

Ayes, 15:

Ashcraft	Bergman	Bisenius	Craft
DeKoster	Gallagher	Hulse	Hultman
Miller, E.R.	Nystrom	Ramsey	Schwengels
Shaw	Taylor	Tieden	

Nays, 30:

Carr	Culver	Doderer	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nolting	Orr	Palmer	Priebe
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaff	Slater
Van Gilst	Willits		

Absent or not voting, 5:

Briles	Burroughs	Calhoon	Coleman
Curtis			

The motion lost and the Senate refused to concur in the House amendment to Senate File 361.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman 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 1:45 p.m.

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, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 237, a bill for an Act relating to fraudulent practices.

Also: That the House has on May 13, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 299, a bill for an Act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search.

Also: That the House has on May 13, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 349, a bill for an Act amending the accomodation provision of the criminal code.

Also: That the House has on May 13, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 615, a bill for an Act appropriating funds to the educational radio and television facility board.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 237, a bill for an Act relating to fraudulent practices.

Read first time and PASSED ON FILE.

HOUSE FILE 299, a bill for an Act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search.

Read first time and PASSED ON FILE.

HOUSE FILE 349, a bill for an Act amending the accommodation provision of the criminal code.

Read first time and PASSED ON FILE.

HOUSE FILE 615, a bill for an Act appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 246.

House File 246

On motion of Senator Kelly, House File 246, a bill for an Act creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties, and providing a penalty, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly offered amendment S-3550 filed by the committee on State Government on May 11, 1977, to strike everything after the enacting clause of the bill.

Senator Slater offered amendment S-3600 filed by him on May 13, 1977, to amendment S-3550 and moved its adoption.

Amendment S-3600 to amendment S-3550 was adopted.

Senator DeKoster offered amendment S-3599 filed by him on May 13, 1977, to amendment S-3550.

Senator Ashcraft took the chair at 2:05 p.m.

Senator DeKoster moved the adoption of amendment S-3599 to amendment S-3550 and requested a non record roll call.

The ayes were 19, nays 26.

Amendment S-3599 to amendment S-3550 lost.

Senator Palmer offered amendment S-3590 filed by him on May 13, 1977, to amendment S-3550 and moved its adoption.

Amendment S-3590 to amendment S-3550 was adopted.

Senator Kelly offered amendment S-3569 filed by him on May 12, 1977, to amendment S-3550.

Senator Hill of Polk asked and received unanimous consent that action on amendment S-3569 to amendment S-3550 be temporarily deferred.

Senator Hill of Polk offered amendment S-3610 by Senators Hill of Polk and Taylor to amendment S-3550, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3610 be adopted?" (H.F. 246) the vote was:

Ayes, 21:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	DeKoster	Drake
Hansen	Hill, P.B.	Hulse	Hultman
Miller, E.R.	Nystrom	Priebe	Ramsey
Readinger	Shaff	Shaw	Taylor
Tieden			

Nays, 25:

Calhoon	Carr	Coleman	Culver
Doderer	Gallagher	Glenn	Hill, E.M.
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nolting
Orr	Palmer	Redmond	Robinson
Rush	Scott	Slater	Van Gilst
Willits			

Absent or not voting, 4:

Curtis	Merritt	Rodgers	Schwengels
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Amendment S—3610 to amendment S—3550 lost.

Senator Slater offered amendment S—3612 to amendment S—3550 and moved its adoption.

Amendment S—3612 to amendment S—3550 was adopted.

The Senate resumed consideration of amendment S—3569 previously deferred.

Senator Kelly moved the adoption of amendment S—3569 to amendment S—3550.

A non record roll call was requested.

The ayes were 41, nays 3.

Amendment S—3569 to amendment S—3550 was adopted.

Senator Ramsey offered amendment S—3615 to amendment S—3550 and moved its adoption.

Amendment S—3615 to amendment S—3550 was adopted.

Senator Ramsey offered amendment S—3617 to amendment S—3550, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3617 be adopted?" (H.F. 246) the vote was:

Rule 23 was invoked.

Ayes, 21:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	Culver	DeKoster
Gallagher	Hill, P.B.	Hulse	Hultman
Merritt	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Schwengels	Shaw
Taylor			

Nays, 26:

Calhoon	Carr	Coleman	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Nolting	Orr
Palmer	Priebe	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Van Gilst	Willits		

Absent or not voting, 3:

Curtis	Shaff	Tieden
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Amendment S-3617 to amendment S-3550 lost.

President Neu took the chair at 3:28 p.m.

Senator Kelly moved the adoption of amendment S-3550 as amended and requested a record roll call.

On the question "Shall amendment S-3550 be adopted?" (H.F. 246) the vote was:

Ayes, 35:

Bergman	Bisenius	Briles	Calhoon
Carr	Coleman	Craft	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Miller, C.P.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Van Gilst	Willits	

Nays, 14:

Ashcraft	Burroughs	Culver	Drake
Hill, P.B.	Hulse	Hultman	Merritt
Miller, E.R.	Ramsey	Readinger	Shaff
Taylor	Tieden		

Absent or not voting, 1:

Curtis

Amendment S-3550 as amended 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. 246) the vote was:

Ayes, 33:

Bergman	Bisenius	Calhoon	Carr
Coleman	Craft	Doderer	Gallagher
Glenn	Hansen	Hill, E.M.	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Murray	Nolting
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Van Gilst
Willits			

Nays, 16:

Ashcraft	Briles	Burroughs	Culver
DeKoster	Drake	Hill, P.B.	Hulse
Hultman	Miller, E.R.	Nystrom	Ramsey
Shaff	Shaw	Taylor	Tieden

Absent or not voting, 1:

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 to take up for consideration House File 64.

House File 64

On motion of Senator Slater, House File 64, a bill for an Act providing for flexible full-time career employment for state employees, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Slater moved that the bill 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. 64) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 3:

Hill, E.M.	Ramsey	Rodgers
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Absent or not voting, 1:

Curtis

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

BUSINESS PENDING
HOUSE AMENDMENT TO SENATE FILE 140

The Senate resumed consideration of the House amendment to Senate File 140 previously deferred.

Senator Van Gilst offered amendment S-3609 to House amendment S-3594 by Senators Van Gilst and Hill of Polk.

President pro tempore Coleman took the chair at 4:15 p.m.

Senator Van Gilst moved the adoption of amendment S-3609 to House amendment S-3594 and requested a record roll call.

On the question "Shall amendment S-3609 be adopted?" (S.F. 140) the vote was:

Rule 23 was invoked.

Ayes, 28:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Culver	DeKoster
Drake	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Kelly	Merritt
Miller, E.R.	Murray	Nystrom	Priebe
Ramsey	Readinger	Schwengels	Shaff
Shaw	Taylor	Tieden	Van Gilst

Nays, 21:

Calhoon	Carr	Craft	Doderer
Gallagher	Hill, E.M.	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Nolting
Orr	Palmer	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Willits			

Absent or not voting, 1:

Curtis

Amendment S-3609 to House amendment S-3594 was adopted.

Senator Nolting moved that the Senate concur in House amendment S-3594 as amended.

The motion prevailed and the Senate concurred in the House amendment as amended.

Senator Nolting 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. 140) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 3:

Gallagher	Redmond	Rush
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Absent or not voting, 1:

Curtis

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 573.

House File 573

On motion of Senator Junkins, House File 573, a bill for an Act appropriating funds to Iowa state university of science and technology for coal research, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman offered amendment S-3607 to page 1 of the

bill and moved its adoption.

Amendment S—3607 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. 573) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Curtis	Miller, E.R.	Nolting
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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 12, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of credit unions.

Also: That the House has on May 12, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 167, a bill for an Act relating to transportation and providing for changes in the motor vehicle registration.

Also: That the House has on May 13, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 319, a bill for an Act amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

Also: That the House has on May 12, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 363, a bill for an Act making technical corrections and to clarify language in the adoption laws and the termination of parental rights.

Also: That the House has on May 16, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 406, a bill for an Act relating to the investment of police and fire retirement system funds.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 406, a bill for an Act relating to the investment of police and fire retirement system funds.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 137

S-3614

1 Amend Senate File 137, as amended and passed by
2 the Senate as follows:

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

5 DIVISION I

6 Section 1. *NEW SECTION. DEFINITIONS.* As used
7 in this division, unless the context otherwise
8 requires:

9 1. "Board" means the financial institutions board
10 created by section two (2) of this Act.

11 2. "Department" means and includes the department
12 of banking, the department of credit unions, the
13 department of savings and loan associations, and the

14 department of supervised lenders.

15 3. "General counsel" means the person appointed
16 under section nine (9) of this Act.

17 4. "Superintendent" means and includes the
18 superintendent of banking, the superintendent of
19 credit unions, the superintendent of savings and loan
20 associations, and the superintendent of supervised
21 lenders.

22 5. "Supervised lender" means a person licensed
23 under chapter five hundred thirty-six (536) or five
24 hundred thirty-six A (536A) of the Code.

25 Sec. 2. *NEW SECTION.* FINANCIAL INSTITUTIONS
26 BOARD.

27 1. There is created a financial institutions board
28 which shall consist of seven members, not more than
29 four of whom shall be of the same political party.
30 Members of the financial institutions board shall
31 be appointed by the governor, subject to confirmation
32 by the Senate. The membership of the financial
33 institutions board shall be chosen from various
34 sections of the state and according to the following
35 provisions:

36 a. One member shall be an executive officer of
37 a state bank;

38 b. One member shall be an executive officer of
39 a savings and loan association organized under Iowa
40 law;

41 c. One member shall be either a director or a
42 manager of a credit union organized under Iowa law.

43 d. One member shall be an executive officer of
44 a lender licensed under chapters five hundred thirty-
45 six (536) or five hundred thirty-six A (536A) of the
46 Code; and

47 e. Three members shall be residents of the state
48 who are not directly affiliated with any bank, savings
49 and loan association, credit union, or lender licensed
50 under chapters five hundred thirty-six (536) or five

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1 hundred thirty-six A (536A) of the Code. A person
2 who by reason of having an account with any of the
3 regulated institutions, thereby having ownership in
4 that institution because of that account, shall not
5 be considered directly affiliated to that institution
6 in which such an account is held.

7 2. Members of the financial institutions board
8 shall serve terms of four years, commencing July first
9 of the year of appointment and until a successor has

10 been appointed. The governor shall appoint initial
11 members of the board for irregular terms commencing
12 July 1, 1977 as follows:

13 a. The bank officer shall be appointed for a term
14 ending June 30, 1981; and

15 b. The savings and loan association officer shall
16 be appointed for a term ending June 30, 1980; and

17 c. The credit union member shall be appointed
18 for a term ending June 30, 1979; and

19 d. The chapter five hundred thirty-six (536) or
20 five hundred thirty-six A (536A) licensee member shall
21 be appointed for a term ending June 30, 1978; and

22 e. The remaining members shall be appointed for
23 terms ending June thirtieth of the years 1981, 1980
24 and 1979, respectively.

25 Upon the expiration of the initial terms,
26 appointments shall be made for regular four-year
27 terms.

28 3. The members of the financial institutions board
29 shall select one of their public members to serve
30 as chairperson of the board for a two-year term.
31 The chairperson shall preside at meetings of the
32 board, except as the rules of the board otherwise
33 may provide.

34 4. Four members of the financial institutions
35 board shall constitute a quorum for the transaction
36 of business; provided that the affirmative vote of
37 a majority of the full membership of the board is
38 required to take any substantive action. All members
39 of the board shall have the right to vote on any
40 matter within the jurisdiction of the board.

41 5. A member of the financial institutions board
42 shall be allowed actual and necessary expenses incurred
43 in the performance of duties, and in lieu of salary
44 shall receive a per diem of forty dollars each day
45 in which engaged in official duties.

46 6. A member of the financial institutions board
47 may be removed from office for any of the causes and
48 in the manner provided in chapter sixty-six (66) of
49 the Code. Removal from office shall not be in lieu
50 of any other penalty provided by law.

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1 7. Any vacancy on the board which occurs when
2 the general assembly is not in session shall be filled
3 by appointment by the governor, which appointment
4 shall expire at the end of thirty days following the
5 convening of the next session of the general assembly.
6 Prior to the expiration of the thirty-day period,

7 the governor shall transmit to the senate for its
8 approval the name of the appointee for the unexpired
9 portion of the regular term. Any vacancy occurring
10 when the general assembly is in session shall be
11 filled in the same manner as regular appointments
12 are made, and before the end of the session, and for
13 the unexpired portion of the regular term.

14 Sec. 3. *NEW SECTION. BOARD MEETINGS.* The
15 financial institutions board shall meet regularly
16 once each month; and in addition shall meet at the
17 call of its chairperson, upon not less than two days'
18 notice. Upon the written request of any two board
19 members, or upon the written request of the
20 superintendent of banking, or the superintendent of
21 savings and loan associations, or the superintendent
22 of credit unions, or the superintendent of supervised
23 lenders, a meeting of the financial institutions board
24 shall be called, upon not less than two days' notice.

25 Sec. 4. *NEW SECTION. DEPARTMENTS SUBJECT TO*
26 *BOARD.* The financial institutions board shall have
27 the authority conferred by this chapter with respect
28 to the department of banking, the department of credit
29 unions, the department of savings and loan
30 associations, and the department of supervised lenders.

31 Sec. 5. *NEW SECTION. DUTIES OF BOARD.* The
32 financial institutions board shall:

33 1. Act with each superintendent in an advisory
34 capacity, either upon the request of a superintendent
35 or upon its own motion, concerning laws which the
36 superintendent is charged to administer;

37 2. Review all existing or proposed rules of a
38 superintendent which are required to be promulgated
39 under chapter seventeen A (17A) of the Code by any
40 law of this state which a superintendent has the duty
41 to administer;

42 3. Promulgate rules, subject to chapter seventeen
43 A (17A) of the Code, relating to the exercise of the
44 powers and duties of the financial institutions board;

45 4. Review the budget of each superintendent prior
46 to the submission of the budget to the governor and
47 the general assembly, and make recommendations to
48 the governor and the general assembly respecting each
49 budget;

50 5. Accomplish and maintain uniformity, to the

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1 extent permitted by applicable laws, in the
2 administrative and internal operations guidelines
3 used within the departments;

4 6. Establish and maintain uniformity in the
5 application of chapters five hundred twenty-seven
6 (527) and five hundred thirty-seven (537) of the Code;
7 7. Submit legislative proposals to the general
8 assembly, and review any legislative proposal
9 recommended by the superintendent of the department;
10 and

11 8. Exercise any other duties established in the
12 financial institutions board by law.

13 **Sec. 6. NEW SECTION. AUTHORITY OVER DEPARTMENTAL**
14 **ACTIONS.**

15 1. The financial institutions board is empowered
16 to exercise the following specific powers with respect
17 to actions of the superintendent of banking, the
18 superintendent of savings and loan associations, the
19 superintendent of credit unions, and the superintendent
20 of supervised lenders:

21 a. To disapprove any proposed administrative rule
22 relating to the administration of chapter five hundred
23 twenty-seven (527) of the Code, if the board determines
24 that the rule would be inconsistent with other
25 departmental rules promulgated under the authority
26 of that chapter.

27 b. To make recommendations to the governor and
28 to the general assembly with respect to the budget
29 proposal of a department.

30 2. A superintendent shall not promulgate any rule
31 which has been disapproved by the financial
32 institutions board.

33 **Sec. 7. NEW SECTION. COSTS OF ADMINISTRATION.**

34 1. All expenses incurred in the administration
35 of this chapter shall be paid from appropriations.
36 The state comptroller shall draw warrants on the
37 treasurer of state for all disbursements authorized
38 by the provisions of this chapter upon itemized and
39 verified vouchers bearing the approval of the executive
40 secretary of the financial institutions board.

41 2. Expenses incurred in the administration of
42 this chapter shall be certified annually by the
43 treasurer of state to the respective superintendents,
44 and shall be assessed by the respective superinten-
45 dents against financial institutions as follows:

46 a. Twenty-five percent of the expenses shall be
47 expenses of administering chapter five hundred twenty-
48 four (524) of the Code, and shall be assessed against
49 state banks by the superintendent of banking in the
50 same manner as other general administration expenses

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1 of the department of banking are assessed under section
2 five hundred twenty-four point two hundred nineteen
3 (524.219) of the Code.

4 b. Twenty-five percent of the expenses shall be
5 expenses of administering chapter five hundred thirty-
6 three (533) of the Code, and shall be assessed against
7 credit unions by the superintendent of credit unions
8 in the same manner as other general administration
9 expenses of the department of credit unions are
10 assessed under section twenty (20) of this Act.

11 c. Twenty-five percent of the expenses shall be
12 expenses of administering chapter five hundred thirty-
13 four (534) of the Code, and shall be assessed against
14 savings and loan associations by the superintendent
15 of savings and loan associations in the same manner
16 as other general administration expenses of the
17 department of savings and loan association are assessed
18 under section five hundred thirty-four point sixty-
19 one (534.61) of the Code.

20 d. Twenty-five percent of the expenses shall be
21 expenses of administering chapters five hundred thirty-
22 six (536) and five hundred thirty-six A (536A) of
23 the Code, and shall be assessed against supervised
24 lenders by the superintendent of supervised lenders
25 in the same manner as other general administration
26 expenses of the department of supervised lenders are
27 assessed under sections five hundred thirty-six point
28 ten (536.10) and five hundred thirty-six A point
29 twelve (536A.12) of the Code.

30 3. Notwithstanding any provision of chapters five
31 hundred twenty-four (524), five hundred thirty-three
32 (533), five hundred thirty-four (534), five hundred
33 thirty-six (536), or five hundred thirty-six A (536A)
34 of the Code to the contrary, amounts received by a
35 superintendent which represent payment of the
36 assessments imposed by this section shall be credited
37 to the general fund, and not to any revolving fund
38 or other departmental account.

39 **Sec. 8. NEW SECTION. EXECUTIVE SECRETARY—**
40 **ASSISTANCE FROM DEPARTMENTS.**

41 1. The financial institutions board shall employ
42 an executive secretary who shall hold office during
43 the pleasure of the board, and who shall perform such
44 duties as may be required by the financial institutions
45 board. The executive secretary shall receive a salary
46 as determined by the merit employment department,
47 and shall be reimbursed for actual and necessary
48 expenses incurred in the performance of official

49 duties. The executive secretary shall be employed
50 full-time and shall not be an officer or director

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1 of, or otherwise be affiliated with, any bank, credit
2 union, savings and loan association, or supervised
3 lender.

4 2. The executive secretary shall keep a complete
5 record of the proceedings of the financial institutions
6 board.

7 3. Except as provided in section nine (9) of this
8 Act, the financial institutions board shall not employ
9 other personnel. The financial institutions board
10 may request that the superintendent of banking, the
11 superintendent of credit unions, the superintendent
12 of savings and loan associations, or the superintendent
13 of supervised lenders make personnel of their
14 departments available from time to time to assist
15 the board, and each superintendent shall make per-
16 sonnel available except when such would result in
17 the neglect of other duties of the department.

18 Sec. 9. *NEW SECTION. GENERAL COUNSEL.*

19 1. Within sixty days after the effective date
20 of this Act, the financial institutions board shall
21 appoint an attorney who is licensed to practice in
22 this state as general counsel for a term ending June
23 30, 1981, and until a successor is appointed.
24 Effective July 1, 1981 and every fourth year thereafter
25 a general counsel shall be appointed for a term of
26 four years and until a successor is appointed. A
27 vacancy in the office of general counsel shall be
28 filled for the unexpired term in the same manner as
29 original appointments.

30 2. The financial institutions board shall obtain
31 the advice and consent of the respective
32 superintendents of the departments of banking, credit
33 unions, savings and loan associations and supervised
34 lenders with respect to all applicants for the office
35 of general counsel. Applications for the office shall
36 be received, upon reasonable publication of notice
37 of a vacancy, for a period of thirty days before final
38 consideration is given to applicants.

39 3. The general counsel shall receive a salary
40 of thirty-five thousand dollars per year, unless
41 otherwise provided by the general assembly, and shall
42 be reimbursed for actual and necessary expenses
43 reasonably incurred in the performance of official
44 duties.

- 45 4. The general counsel shall devote full time
46 to the duties of office, and shall not be a member
47 of any political committee or contribute to any
48 political campaign fund or take any part in political
49 campaigns or be a candidate for any political office.
50 5. The financial institutions board may remove

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1 the general counsel for any malfeasance or nonfeasance
2 in office, or for any cause which renders the person
3 ineligible for appointment, or incapable or unfit
4 to discharge the duties of office, and findings of
5 the board with respect to removal of the general
6 counsel shall be conclusive.

7 Sec. 10 *NEW SECTION. DUTIES OF GENERAL COUNSEL.*

8 The general counsel shall have the following duties:

9 1. To act as attorney for, and legal advisor of,
10 the financial institutions board and the departments
11 of banking, credit unions, savings and loan
12 associations and supervised lenders;

13 2. To investigate as directed by the board or
14 any superintendent the legality of any acts or
15 practices of a bank, credit union, savings and loan
16 association or supervised lender, and to institute
17 civil proceedings before any superintendent or any
18 court to obtain compliance by any such financial
19 institution with the laws of this state which the
20 superintendent is charged with enforcing; and

21 3. To appear for the board or any department in
22 all actions instituted in any state or federal court
23 which involves the validity of any rule or order of
24 a superintendent, and prosecute in any state or federal
25 court in the name of the state all actions necessary
26 to enforce or to restrain the violation of any rule
27 or order of a superintendent.

28 Sec. 11. *NEW SECTION. OFFICE—ASSISTANTS—*
29 *EXPENSES.* The office of general counsel shall be
30 at the seat of state government. The general counsel
31 shall be given access to all files, records, and
32 documents in the custody of any department. The
33 general counsel may employ one confidential secretary,
34 but shall not employ other assistants. Each
35 superintendent shall make available to the general
36 counsel from time to time such assistants as the
37 general counsel may require in fulfilling the duties
38 of counsel to the respective departments or to the
39 board. All salaries and expenses of the office of
40 general counsel shall be costs of administering this

41 chapter, and shall be paid, certified and assessed
42 as provided in section seven (7) of this Act.

43 DIVISION II

44 Sec. 12. Section five hundred twenty-four point
45 one hundred three (524.103), Code 1977, is amended
46 by adding the following new subsections:

47 *NEW SUBSECTION.* "Financial institutions board"
48 means the board created under section two (2) of this
49 Act.

50 *NEW SUBSECTION.* "General counsel" means the person

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1 appointed under section nine (9) of this Act.

2 Sec. 13. Section five hundred twenty-four point
3 two hundred one (524.201), Code 1977, is amended by
4 adding the following new subsection:

5 *NEW SUBSECTION.* The governor shall obtain the
6 advice of the financial institutions board with respect
7 to any appointee to a regular term or vacancy as
8 superintendent of banking.

9 Sec. 14. Section five hundred twenty-four point
10 two hundred two (524.202), Code 1977, is amended to
11 read as follows:

12 524.202 SUPERINTENDENT—SALARY. The superintendent
13 shall receive a salary to be fixed by the [state banking]
14 *financial institutions* board. The superintendent
15 shall be entitled to receive reimbursement for expenses
16 incurred in the performance of his duties, subject
17 to the provisions of section 524.209.

18 Sec. 15. Section five hundred twenty-four point
19 two hundred four (524.204), subsection three (3),
20 Code 1977, is amended to read as follows:

21 3. The deputy superintendent shall receive a
22 salary to be fixed by the [state banking] *financial*
23 *institutions* board. The deputy superintendent shall
24 be entitled to receive reimbursement for expenses
25 incurred in the performance of his duties, subject
26 to the provisions of section 524.209.

27 Sec. 16. Section five hundred twenty-four point
28 two hundred five (524.205), Code 1977, is amended
29 by striking the section and inserting in lieu thereof
30 the following:

31 524.205 FINANCIAL INSTITUTIONS BOARD—GENERAL
32 COUNSEL.

33 1. The financial institutions board shall act
34 with the superintendent in an advisory capacity
35 concerning the administration of this chapter, and
36 shall have other duties as provided in division one

37 (I) of this Act.

38 2. The general counsel shall act with the
39 superintendent in an advisory capacity concerning
40 the administration of this chapter, and shall have
41 other duties as provided in division one (I) of this
42 Act.

43 DIVISION III

44 Sec. 17. Chapter five hundred thirty-three (533),
45 Code 1977, is amended by adding the following new
46 sections:

47 **NEW SECTION. DEPARTMENT OF CREDIT UNIONS.** There
48 is created the department of credit unions which shall
49 be the office of the superintendent, and shall include
50 other personnel employed in the discharge of the

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1 duties and responsibilities imposed upon the
2 superintendent by the laws of this state.

3 **NEW SECTION. SUPERINTENDENT OF CREDIT UNIONS.**

4 1. **APPOINTMENT.** The governor shall appoint,
5 subject to the approval of at least two-thirds of
6 the members of the senate, for an irregular term
7 ending June 30, 1980, and for each four-year period
8 thereafter, a superintendent of credit unions. An
9 appointee shall be selected solely with regard to
10 qualifications and fitness for office. The
11 superintendent shall hold office at the seat of
12 government.

13 2. **TERM—REMOVAL—VACANCY.** The regular term of
14 office of the superintendent shall be four years from
15 the first day of July of the year of his appointment,
16 subject to removal at the pleasure of the governor.
17 A vacancy in the office of superintendent occurring
18 while the general assembly is not in session shall
19 be filled by appointment by the governor, which
20 appointment shall expire at the end of thirty days
21 from the time the general assembly next convenes.
22 Prior to the expiration of that thirty days the
23 governor shall transmit to the senate for confirmation
24 an appointment for the unexpired portion of the regular
25 term. A vacancy occurring during a session of the
26 general assembly shall be filled as regular
27 appointments are made and before the end of the session
28 and for the unexpired portion of the regular term.

29 3. The governor shall obtain the advice of the
30 financial institutions board with respect to any
31 appointee to a regular term or vacancy as
32 superintendent.

33 4. **SALARY AND EXPENSES.** The superintendent shall

34 receive a salary to be fixed by the governor and
35 comptroller, and shall be reimbursed for actual and
36 necessary expenses incurred in the performance of
37 duties.

38 5. BOND AND OATH. The superintendent, upon
39 appointment, shall give bond to the state, signed
40 by a responsible surety company, in the penal sum
41 of two thousand dollars, conditioned upon faithful
42 and impartial discharge of his duties, and upon proper
43 accounting for all funds and other valuables which
44 may come into his hands. The superintendent shall
45 take an oath of office, and the bond and oath shall
46 be approved by and filed with the governor. The cost
47 of the bond shall be paid by the department as an
48 expense.

49 *NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT.*
50 The superintendent shall make an annual report in

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1 writing to the financial institutions board and to
2 the general assembly. A copy of the report shall
3 be furnished by the superintendent at cost to each
4 credit union or other person on request. The annual
5 report shall contain:

6 1. A summary of applications approved or denied
7 by the superintendent since the last report.

8 2. A summary of the assets, liabilities and capital
9 structure of all credit unions as of December thirty-
10 first of the year for which the report is made.

11 3. A statement of the receipts and disbursements
12 of the department during the calendar year ending
13 the preceding December thirty-first, and of the funds
14 on hand on that date.

15 4. Information which the superintendent may deem
16 appropriate and advisable to disclose.

17 5. Information which the financial institutions
18 board may require to be included.

19 *NEW SECTION. PERSONNEL.* The superintendent may
20 employ, subject to the approval of the governor and
21 state comptroller, assistants, examiners and other
22 personnel necessary for the proper execution of duties
23 and responsibilities. Chapter nineteen A (19A) of
24 the Code shall apply to all department personnel
25 except the superintendent and his or secretary. The
26 salary of the secretary shall be fixed by the
27 superintendent. Examiners' salaries shall be
28 commensurate with those of national credit union
29 administration examiners having similar duties.

30 Department personnel shall be reimbursed for the
31 actual and necessary expenses incurred by them in
32 the performance of their duties. All salaries and
33 reimbursements shall be department expenses.

34 Before engaging in official duties each examiner
35 shall take an oath of office and shall give bond to
36 the state, signed by a responsible surety company,
37 in the penal sum of two thousand dollars, conditioned
38 upon faithful and impartial discharge of duties and
39 upon proper accounting for all funds and other
40 valuables which may come into his or her hands. Each
41 bond and oath shall be approved by and filed with
42 the superintendent. The cost of bonds shall be paid
43 by the department as an expense.

44 **NEW SECTION. EXPENSES OF THE DEPARTMENT. All**
45 expenses incurred by the department shall be paid
46 from appropriations. All fees shall be payable to
47 the superintendent who shall pay all fees and other
48 money received by him to the treasurer of state within
49 the time required by section twelve point ten (12.10)
50 of the Code. The treasurer shall hold the funds in

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1 an account in the name of the department for the
2 payment of the expenses of the department. The account
3 at all times shall be subject to the warrant of the
4 state comptroller, drawn upon the written request
5 of the superintendent, for the payment of expenses
6 of the department.

7 The superintendent shall account for receipts and
8 disbursements according to the separate duties imposed
9 upon him by the laws of this state.

10 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
11 **COUNSEL.**

12 1. The financial institutions board shall act
13 with the superintendent in an advisory capacity
14 concerning the administration of this chapter, and
15 shall have other duties as provided in division one
16 (1) of this Act.

17 2. The general counsel shall act with the
18 superintendent in an advisory capacity concerning
19 the administration of this chapter, and shall have
20 other duties as provided in division one (1) of this
21 Act.

22 **NEW SECTION. SUBPOENA—CONTEMPT.**

23 1. The superintendent, and upon the approval of
24 the superintendent, any assistant or examiner shall
25 have the power to subpoena witnesses, to compel their

26 attendance, to administer oaths, to examine any person
27 under oath and to require the production of relevant
28 books or papers. The examination may be conducted
29 on any subject relating to the duties imposed upon,
30 or powers vested in, the superintendent under the
31 provisions of this Act.

32 2. When a person subpoenaed pursuant to subsection
33 one (1) of this section neglects or refuses to obey
34 the terms of the subpoena, or to produce books or
35 papers or to give testimony, as required, the
36 superintendent may apply to the district court of
37 Polk county for the enforcement of the subpoena or
38 for the issuance of an order compelling compliance
39 as the court directs.

40 3. The refusal without reasonable cause of a
41 person to obey an order of the district court, issued
42 pursuant to subsection two (2) of this section, shall
43 be considered contempt of court.

44 *NEW SECTION. RECORDS OF CREDIT UNION DEPARTMENT.*

45 Records of the credit union department are public
46 records subject to the provisions of chapter sixty-
47 eight A (68A) of the Code, except that papers,
48 documents, reports, reports of examinations and other
49 writings relating specifically to the supervision
50 and regulation of a specific credit union or persons

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1 by the superintendent pursuant to the laws of this
2 state are not public records and shall not be open
3 for examination or copying by the public or for
4 examination or publication by the news media.

5 The superintendent and all employees and deputies
6 may give information secured from or about credit
7 unions to the Iowa credit union league and its
8 affiliates. The superintendent may provide information
9 regarding credit unions to the administrator of any
10 share insurance corporation including the national
11 credit union administration, for the purpose of
12 availability of the national credit union insurance
13 fund to the credit unions.

14 The superintendent or other employees of the
15 department shall not be subpoenaed in any cause or
16 proceeding to give testimony concerning information
17 relating to the supervision and regulation of a
18 specific credit union or persons by the superintendent
19 pursuant to the laws of this state, nor shall the
20 records of the credit union department which relate
21 to the supervision and regulation of a specific credit
22 union or persons be offered in evidence in a court

23 or subject to subpoena by a party except where
24 relevant:

25 1. In actions or proceedings brought by the
26 superintendent.

27 2. In matters in which an interested and proper
28 party seeks review of a decision of the superintendent.

29 3. In actions or proceedings which arise out of
30 the criminal provisions of the laws of this state
31 or of the United States. The superintendent may give
32 information secured from or about credit unions to
33 the Iowa Credit Union League and its affiliates.
34 The superintendent may provide information regarding
35 credit unions to the administrator of any share
36 insurance corporation including the National Credit
37 Union Administration, for the purpose of availability
38 of the national credit union insurance fund to the
39 credit unions.

40 4. In actions brought as shareholder derivative
41 suits against a credit union.

42 5. In actions brought to recover moneys or to
43 recover upon an indemnity bond for embezzlement,
44 misappropriation or misuse of credit union funds.

45 *NEW SECTION. CONFLICTS PROHIBITED.* The
46 superintendent and employees of the department shall
47 not be members of nor have any business dealings with
48 a credit union. Credit unions shall not accept moneys
49 for deposit and shall not have any business transaction
50 with the superintendent or an employee of the credit

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1 union department. If a person willfully receives
2 or accepts a deposit or undertakes to establish a
3 business dealing contrary to this section, upon
4 conviction that person shall be guilty of a serious
5 misdemeanor, and shall be permanently disqualified
6 from acting as an officer, director or employee of
7 a state chartered credit union and permanently
8 disqualified from acting as superintendent or employee
9 of the state credit union department.

10 Sec. 18. Section five hundred thirty-three point
11 one (533.1), unnumbered paragraphs two (2) and three
12 (3), and subsections three (3) through seven (7),
13 Code 1977, are amended to read as follows:

14 ADMINISTRATION. The superintendent [of banking]
15 shall be charged with the execution of the laws of
16 this state relating to credit unions.

17 ORGANIZATION. Any seven residents of the state
18 of Iowa may apply to the superintendent [of banking]

19 for permission to organize a credit union.

20 3. The articles and the bylaws, both executed
21 in duplicate, shall be forwarded with a fee of ten
22 dollars to the superintendent [of banking].

23 4. The superintendent shall, within thirty days
24 of the receipt of said articles and bylaws, determine
25 whether they conform with the provisions of this
26 chapter, and whether or not the organization of the
27 credit union in question would benefit [the] *its* members
28 [of it] and be consistent with the purposes of this
29 chapter.

30 5. The superintendent shall thereupon notify the
31 applicants of his *or her* decision. If [it] *the decision*
32 is favorable [he] *the superintendent* shall issue a
33 certificate of approval[,] *which shall be* attached to
34 the duplicate articles of incorporation and *the*
35 *superintendent shall* return the same, together with
36 the duplicate bylaws to the applicants.

37 6. The applicants shall thereupon file [the said]
38 *this* duplicate of the articles of incorporation[, with]
39 *and the attached* certificate of approval [attached
40 thereto,] with the county recorder of the county within
41 which the credit union is to [do] *have its principal*
42 *place of* business[, who]. *The county recorder* shall
43 record and index the same and return it[,] with his
44 *or her* certificate of record attached [thereto,] to
45 the [said] superintendent [of banking] for permanent
46 record.

47 7. The applicants shall thereupon become and be
48 a credit union, incorporated in accordance with the
49 provisions of this chapter.

50 In order to simplify the organization of credit

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1 unions, the superintendent [of banking, upon the taking
2 effect of this chapter, or as soon thereafter as
3 sufficient fees shall have accumulated to liquidate
4 the cost of same,] shall cause to be prepared an
5 approved form of articles of incorporation and a form
6 of bylaws, consistent with this chapter which may
7 be used by credit union incorporators for their
8 guidance, and on written application of any seven
9 residents of the state, shall supply them without
10 charge with blank articles of incorporation and a
11 copy of [said] *this* form of suggested bylaws.

12 Sec. 19. Section five hundred thirty-three point
13 four (533.4), subsection five (5), paragraph e, and
14 subsection thirteen (13), Code 1977, are amended to

15 read as follows:

16 e. Purchase of notes of liquidating credit unions
17 with the approval of the superintendent [of banking].

18 13. Upon the approval of the superintendent [of
19 banking], serve an employee group having an insufficient
20 number of members to form or conduct the affairs of
21 a separate credit union. *There shall be no requirement*
22 *for the existence of a common bond relationship between*
23 *the said small employee group and the credit union.*
24 *effecting such service.*

25 Sec. 20. Section five hundred thirty-three point
26 six (533.6), Code 1977, is amended to read as follows:

27 533.6 REPORTS—EXAMINATIONS.

28 1. Credit unions organized under this chapter
29 shall report *annually on or before the first day of*
30 *February* to the superintendent [of banking annually
31 on or before the first day of February] on blanks
32 supplied by [him] *the superintendent* for that purpose.
33 Additional reports may be required. If any report
34 remains in arrears for more than five days, a fine
35 of five dollars for each day such report remains in
36 arrears may be levied against [such] *the* offending
37 credit union *in addition to the fine for failure to*
38 *pay the annual fee.* If such report is not returned
39 within thirty days of the due date, the superintendent
40 [of banking] may, after written notice to the president
41 of [such] *the* credit union [of his intention to do so],
42 suspend or revoke the certificate of approval, take
43 possession of the business and property of such credit
44 union, and order its dissolution.

45 2. The superintendent [of banking] shall *annually*
46 examine, or cause to be examined, each credit union
47 [annually]. Each credit union and all of its officers
48 and agents shall give to the representatives of [said]
49 *the* superintendent free access to all books, papers,
50 securities, records and other sources of information

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1 under their control[; and for the purposes of such
2 examination said representatives shall have the power
3 to subpoena witnesses, administer oaths, compel the
4 giving of testimony, and require the submission of
5 documents]. A report of such examination shall be
6 forwarded to the [president] *chairperson* of each credit
7 union within thirty days after the completion of the
8 examination. Within thirty days of the receipt of
9 [such] *this* report, a meeting of the directors shall
10 be called to consider matters contained in the report

11 and the action taken shall be set forth in the minutes
12 of the board. [The superintendent may furnish to the
13 administrator or any other official of the national
14 credit union administration any information or report
15 relating to examinations and reports of the status
16 of any state credit union insured by the national
17 credit union administration.] The superintendent [of
18 banking] may accept, in lieu of the annual examination
19 of a credit union, an audit report conducted by a
20 certified public accounting firm selected from a list
21 of firms previously approved by the superintendent
22 [of banking]. The cost of the audit shall be paid by
23 the credit union.

24 3. The superintendent [of banking] may require any
25 credit union[,] whose records are inadequate or whose
26 books have not been balanced as of the end of the
27 month not less than thirty days previously or whose
28 affairs are in an unfavorable condition, to submit
29 to an additional examination each year.

30 [4. Each credit union shall pay to the
31 superintendent of banking a fee for making
32 examinations, based on the actual cost of the operation
33 of the credit union division of the department of
34 banking and the proportionate share of administrative
35 expenses in the operation of the department of banking,
36 attributable to credit unions, to be determined by
37 the superintendent of banking, in accordance with
38 chapter 17A.]

39 4. *At the time of filing its annual report each
40 credit union shall pay an annual filing fee, which
41 shall be based on the actual costs and administrative
42 expenses in the operation of the department, as
43 determined by the superintendent. The fee shall be
44 established by the superintendent by rule pursuant
45 to chapter seventeen A (17A) of the Code, and may
46 not be changed more frequently than annually, and
47 when changed shall be effective on January first of
48 the year following the year in which the change was
49 adopted.*

50 *The superintendent shall assess against each credit*

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1 *union the actual and necessary expenses incidental*
2 *to any examination made pursuant to an order under*
3 *authority of this chapter. Upon completion, the*
4 *examiner in charge shall render a bill for the fee,*
5 *in triplicate, and shall deliver one copy to the*
6 *credit union and one copy to the superintendent.*

7 *Failure to pay the fee to the superintendent within*
 8 *ten days after the date of receipt of the bill shall*
 9 *subject the credit union to an additional fee equal*
 10 *to five percent of the amount of the fee for each*
 11 *day the payment is delinquent.*

12 *Failure of a credit union to pay an annual filing*
 13 *fee or examination fee shall result in a penalty of*
 14 *five dollars per day, or for any part of a day, during*
 15 *which the credit union is delinquent, and may be the*
 16 *grounds for revocation of the charter of the credit*
 17 *union which failed to make payment.*

18 5. If it shall appear that any credit union is
 19 insolvent or that it has violated any of the provisions
 20 of this chapter, the superintendent [of banking] may,
 21 after a hearing or [giving] after an opportunity for
 22 a hearing is given, order [such] that credit union to
 23 correct [such] the condition [and]. *The superintendent*
 24 *shall grant [it] the credit union not less than sixty*
 25 *days within which to comply [and failure so] with the*
 26 *order. Failure to [do] comply shall afford the [said]*
 27 *superintendent grounds to revoke the certificate of*
 28 *approval and shall afford the superintendent the*
 29 *authority to apply to the district court of the*
 30 *district in which [such] this credit union is located*
 31 *for the appointment of a receiver for the credit*
 32 *union. The district court shall appoint the*
 33 *superintendent as receiver unless the superintendent*
 34 *has tendered the appointment to the administrator*
 35 *of the national credit union administration. The*
 36 *administrator as receiver shall possess the rights,*
 37 *powers, and privileges granted by state law to a*
 38 *receiver of a state credit union. Neither the*
 39 *superintendent nor the administrator shall be required*
 40 *to furnish bond as receiver of a state credit union.*

41 Sec. 21. Section five hundred thirty-three point
 42 twenty (533.20), Code 1977, is amended to read as
 43 follows:

44 533.20 VOLUNTARY DISSOLUTION. The process of
 45 voluntary dissolution shall be as follows:

46 1. At a special meeting called for [the] that
 47 purpose, [notice of which purpose must be contained
 48 in the call,] a credit union may dissolve upon the
 49 affirmative vote of a majority of its members eligible
 50 to vote at the special meeting. *Notice of the*

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1 *meeting's purpose shall be contained in the meet-*
 2 *ing's notice. Any member eligible to vote and not*

3 present at the meeting may, within twenty days after
4 the date on which the meeting was held, vote in favor
5 of dissolution by signing a statement in the form
6 approved by the superintendent [of banking and the].
7 *This* vote shall have the same force and effect as
8 if cast at the meeting.

9 2. The credit union shall cease to do business
10 except for the purposes of liquidation immediately
11 upon [the] giving [of] notice of the special meeting [of
12 the] *called for the* members [to] vote on dissolution
13 [and the]. *The* board of directors shall immediately
14 notify the superintendent [of banking] of the intention
15 of the credit union to dissolve. The credit union
16 shall not resume *its regular* business unless the
17 dissolution fails to receive the required vote of
18 the members or *unless* the members [shall] have revoked
19 prior affirmative action to dissolve as provided for
20 in subsection 4 of this section.

21 3. The board of directors shall have power to
22 terminate and settle the affairs of a credit union
23 in voluntary dissolution. The credit union shall
24 continue in existence for the purpose of discharging
25 its liabilities, collecting and distributing its
26 assets, and doing all acts required in order to
27 terminate its affairs. The credit union may sue and
28 be sued for the purpose of enforcing such liabilities
29 and *for the purpose of* collecting its assets until
30 its affairs are fully settled. During the course
31 of dissolution proceedings, the credit union shall
32 make such reports and shall be subject to such
33 examinations as the superintendent [of banking] may
34 require. If at any time[,] after *the* affirmative vote
35 of a majority of the members of a credit union to
36 dissolve the credit union, the superintendent [of
37 banking] finds that the credit union is not making
38 reasonable progress toward terminating its affairs
39 or *finds* that the credit union is insolvent, [he] *the*
40 *superintendent* may apply to the district court for
41 [a] *an appointment of a* receiver [to be appointed] to
42 terminate the affairs of the credit union.

43 4. [A credit union may, at] *At* any time prior to
44 any distribution of its assets, *a credit union may*
45 *revoke the* voluntary dissolution proceedings [upon]
46 *by the* affirmative vote of a majority of its members
47 eligible to vote. *This vote, if taken, shall be at*
48 a special meeting called for that purpose in the
49 manner prescribed by the bylaws. The board of
50 directors shall immediately notify the superintendent

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1 [of banking] of any such action to revoke voluntary
2 dissolution proceedings.

3 5. Upon such proof as is satisfactory to the
4 superintendent [of banking] that all assets have been
5 liquidated from which there is a reasonable expectance
6 of realization, that the liabilities of the credit
7 union have been discharged and distribution made to
8 its members, and that the liquidation has been
9 completed, the superintendent [of banking] shall issue
10 a certificate of dissolution, which *certificate* shall
11 be filed and recorded in the county in which the
12 credit union has its principal place of business and
13 in the county in which its original articles of
14 incorporation were filed and recorded. Upon the
15 issuance of a certificate of dissolution, the existence
16 of the credit union shall cease.

17 Sec. 22. Section five hundred thirty-three point
18 twenty-one (533.21), subsections one (1) through three
19 (3), Code 1977, are amended to read as follows:

20 1. In all situations in which the superintendent
21 has been appointed as receiver as provided in [section
22 533.6 and section 533.20 he] *this chapter, the*
23 *superintendent* shall make a diligent effort to collect
24 and realize on the assets of the credit union, and
25 shall make distribution of the proceeds from time
26 to time to those entitled thereto in the order provided
27 for by law. The superintendent may execute *as receiver*
28 *or after the receivership has terminated* assignments,
29 releases, and satisfactions to effectuate sales and
30 transfers [as receiver or after the receivership has
31 terminated]. Upon the order of the court in which
32 the receivership is pending, the superintendent may
33 sell or compound all bad or doubtful debts[, and, on
34 a like order,]. *Upon the order of the court in which*
35 *the receivership is pending, the superintendent may*
36 *sell all the real and personal property of the credit*
37 *union, on such terms as the court shall direct.*

38 2. All expenses of the receivership and dissolution
39 shall be [fixed] *determined* by the superintendent,
40 subject to the approval of the district court, and
41 shall be paid out of the assets of the credit union.

42 3. At the termination of the receivership, the
43 superintendent shall file [his] *a final report [containing]*
44 *which shall contain* the details of his *or her* actions
45 [therein, together with] *and* such additional facts as
46 the court may require.

47 Sec. 23. Section five hundred thirty-three point

48 twenty-two (533.22), subsection three (3), Code 1977,
49 is amended to read as follows:
50 3. The superintendent [of banking] shall assume

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1 custody of the records of a credit union dissolved
2 pursuant to this chapter and shall retain [them] *these*
3 *records* in accordance with the provisions of section
4 533.26. The superintendent may cause film, photo-
5 graphic, photostatic, or other copies of [such] *these*
6 records to be made and *the superintendent shall retain*
7 [such] *these* copies in lieu of the original records.

8 Sec. 24. Section five hundred thirty-three point
9 twenty-seven (533.27), unnumbered paragraph two (2),
10 Code 1977, is amended to read as follows:

11 For the purpose of assisting credit unions in the
12 retention of only necessary records and files, or
13 for the destruction of those which are obsolete or
14 unnecessary, credit unions are authorized to destroy
15 such records and files or classes thereof within the
16 period of limitation of actions upon the joint
17 recommendation of the superintendent [of banking] and
18 [a] *the credit union review board* [relating to records
19 consisting of the directors of the Iowa credit union
20 league].

21 Sec. 25. Section five hundred thirty-three point
22 thirty (533.30), subsections one (1), three (3), and
23 four (4), Code 1977, are amended to read as follows:

24 1. A credit union may[, with the approval of the
25 superintendent of banking,] merge with another credit
26 union under the existing organization of the other
27 credit union *if the merger receives approval of the*
28 *superintendent and if the merger is* pursuant to a
29 plan agreed upon by the majority of the board of
30 directors of each credit union joining in the merger
31 and *which plan is* approved by the affirmative vote
32 of a majority of the members of the merging credit
33 unions.

34 3. The certificate and a copy of the *agreed plan*
35 of merger [agreed upon] shall be forwarded to the
36 superintendent [of banking], certified by him *or her*,
37 and returned to both credit unions within thirty days
38 *of the date of receipt by the superintendent.*

39 4. Upon return of the certificates from the
40 superintendent [of banking], all property, property
41 rights, and members' interest of the merged credit
42 union shall vest in the surviving credit union without
43 [deed, endorsement] *the legal need for deeds, endors-*

44 *ments* or other [instrument] *instruments* of transfer,
 45 and all debts, obligations and liabilities of the
 46 merged credit union [are] *shall be* assumed by the
 47 surviving credit union under whose charter the merger
 48 was effected. The rights and privileges of the members
 49 of the merged credit union shall remain intact.
 50 Credit union membership in the surviving credit un-

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1 ion shall be available to persons within the field
 2 of membership of the merged credit union.
 3 Sec. 26. Section five hundred thirty-three point
 4 thirty-three (533.33), subsection one (1), Code 1977,
 5 is amended to read as follows:

6 1. The superintendent may tender to the
 7 administrator of the national credit union
 8 administration the appointment as receiver for an
 9 insured credit union. If the administrator *of the*
 10 *national credit union administration* accepts the
 11 appointment as receiver, the rights of the members
 12 and [other] *the rights of* creditors of the insured
 13 credit union shall be determined in accordance with
 14 the laws of this state.

15 Sec. 27. Section five hundred thirty-three point
 16 thirty-four (533.34), Code 1977, is amended to read
 17 as follows:

18 **533.34 CONVERSION OF STATE CREDIT UNION INTO**
 19 **FEDERAL CREDIT UNION.**

20 1. A state credit union may convert into a federal
 21 credit union [upon] *with the approval of the*
 22 *superintendent and by the affirmative vote of a*
 23 majority of [its] *the credit union's* members eligible
 24 to vote[,]. *This vote, if taken, shall be* at a special
 25 meeting called for that purpose *and shall be* in the
 26 manner prescribed by the bylaws [and with the approval
 27 of the administrator of the national credit union
 28 administration]. Any member eligible to vote and not
 29 present at the meeting may, within twenty days after
 30 the date on which the meeting was held, vote in favor
 31 of conversion by signing a statement in a form
 32 satisfactory to the superintendent [of banking and
 33 the]. *This vote shall have the same force and effect*
 34 as if cast at the meeting. **!**

35 2. The board of directors of the state credit
 36 union shall notify the superintendent [of banking] of
 37 any proposed conversion and of any abandonment or
 38 disapproval of the conversion by the members or *by*

39 the administrator of the national credit union
40 administration. The board of directors of the state
41 credit union shall file with the superintendent
42 appropriate evidence of approval of the conversion
43 by the administrator of the national credit union
44 administration and *shall* notify the superintendent
45 of the date on which the conversion is to be effective.
46 3. Upon receipt of satisfactory proof that the
47 state credit union has complied with all applicable
48 laws of this state and of the United States, the
49 superintendent shall issue a certificate of conversion
50 which shall be filed and recorded in the county in

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1 which the state credit union has its principal place
2 of business and in the county in which its original
3 articles of incorporation were filed and recorded.
4 Sec. 28. Section five hundred thirty-three point
5 thirty-five (533.35), subsections one (1) and two (2),
6 Code 1977, are amended to read as follows:
7 1. A federal credit union may convert into a state
8 credit union [upon] by compliance with the laws of the
9 United States and upon the approval [by] of the
10 superintendent [of banking]. Application for approval
11 of the conversion to a state credit union shall be
12 submitted to the superintendent in the form prescribed
13 by the superintendent, together with the articles
14 of incorporation and bylaws as required by section
15 533.1. The superintendent [of banking] may cause an
16 examination to be made of any converting federal
17 credit union [and the]. The credit union shall pay
18 to the superintendent the same examination fee as
19 paid for examinations of state credit unions.
20 2. If the superintendent [shall] should approve
21 the application of a federal credit union for
22 conversion to a state credit union, he or she shall
23 cause the articles of incorporation of the resulting
24 state credit union to be filed and recorded in the
25 county in which the credit union has its principal
26 place of business and he or she shall issue a
27 certificate of authority to do business under the
28 laws of this state to the resulting state credit union
29 [to do business under the laws of this state]. The
30 credit union shall then become a state credit union
31 subject to the laws of this state. The superintendent
32 shall furnish a copy of the certificate to the
33 administrator of the national credit union
34 administration.

35 Sec. 29. Section five hundred thirty-three point
36 thirty-six (533.36), Code 1977, is amended by adding
37 the following new subsections:

38 *NEW SUBSECTION.* "Superintendent" means the
39 superintendent of credit unions.

40 *NEW SUBSECTION.* "Department" means the department
41 of credit unions.

42 *NEW SUBSECTION.* "Financial institutions board"
43 means the board created under section two (2) of this
44 Act.

45 *NEW SUBSECTION.* "General counsel" means the person
46 appointed under section nine (9) of this Act.

47 Sec. 30. The credit union examination supervisor,
48 examiners and other staff existing within the
49 department of banking, credit union section, are
50 transferred to the department of credit unions. The

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1 Iowa merit employment commission shall promulgate
2 rules to carry out this transfer and shall arbitrate
3 and decide any written appeal made by any employee
4 concerning this transfer. No employee shall lose,
5 because of this transfer, any benefits accrued to him,
6 including but not limited to salary, retirement,
7 vacation, sick leave or longevity.

8 The state comptroller, pursuant to section eight
9 point thirty-nine (8.39) of the Code, shall determine
10 what portion of the appropriation made to the
11 department of banking will be in excess of need, if
12 any, because of the transfer of duties and personnel
13 as provided in this section, and shall transfer such
14 amounts to the account of the department of credit
15 unions. The comptroller also shall determine what
16 other funds or accounts, including reserves, are held
17 in the name or for the use or benefit of the existing
18 section of credit unions within the department of
19 banking, and shall transfer all assets and liabilities
20 to the account of the department of credit unions.

21 Sec. 31. All effective rules, regulations, forms,
22 orders and directives promulgated by the superintendent
23 of banking or other authority pursuant to chapter
24 five hundred thirty-three (533) of the Code shall
25 continue in full force and effect as rules,
26 regulations, forms, orders and directives of the
27 superintendent of credit unions until amended, supple-
28 mented or repealed by affirmative action of the
29 superintendent of credit unions. Any approval or
30 certificate of authority, or any other form of

31 permission or license granted or issued by the
32 superintendent of banking or other authority pursuant
33 to chapter five hundred thirty-three (533) of the
34 Code, and in effect on the effective date of this
35 Act, shall continue to be in effect until it expires
36 according to the terms of its issuance or until it
37 is otherwise revoked, suspended or withdrawn as
38 provided by law.

39 Sec. 32. All existing bonds, deposits, reserves
40 or other funds established pursuant to chapter five
41 hundred thirty-three (533) of the Code, and of which
42 the superintendent of banking is the beneficiary,
43 trustee, or payee, or by which the superintendent
44 of banking acquired right, authority or power, shall
45 continue in effect, and all right, authority, power
46 or benefit shall inure to the superintendent of credit
47 unions who for all intents and purposes shall be a
48 lawful substitute for the superintendent of bank-
49 ing. All legal proceedings, conservatorships,
50 receiverships or other actions pending shall be

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1 continued, and any rights, duties or liabilities of
2 the superintendent of banking in those actions shall
3 be rights, duties or liabilities of the superintendent
4 of credit unions.

5 Sec. 33. Sections five hundred thirty-three point
6 two (533.2), five hundred thirty-three point eight
7 (533.8), five hundred thirty-three point seventeen
8 (533.17), subsections one (1) and three (3), five
9 hundred thirty-three point twenty-three (533.23),
10 Code 1977, are amended by striking the words
11 "superintendent of banking" wherever in those sections,
12 subsections, or paragraphs they may appear, and
13 inserting in lieu thereof the word "superintendent".

14 DIVISION IV

15 Sec. 34. Section five hundred thirty-four point
16 two (534.2), Code 1977, is amended by striking
17 subsection two (2) and inserting in lieu thereof the
18 following:

19 2. "Superintendent" means the superintendent of
20 savings and loan associations.

21 Sec. 35. Section five hundred thirty-four point
22 two (534.2), Code 1977, is amended by adding the
23 following new subsections:

24 *NEW SUBSECTION.* "Department" means the department
25 of savings and loan associations.

26 *NEW SUBSECTION.* "Financial institutions board"

27 means the board created under section two (2) of this
28 Act.

29 *NEW SUBSECTION.* "General counsel" means the person
30 appointed under section nine (9) of this Act.

31 Sec. 36. Chapter five hundred thirty-four (534),
32 Code 1977, is amended by adding the following new
33 sections:

34 *NEW SECTION.* DEPARTMENT OF SAVINGS AND LOAN
35 ASSOCIATIONS. There is created a department of savings
36 and loan associations which shall be the office of
37 the superintendent and shall include other personnel
38 necessary for the discharge of the duties and
39 responsibilities imposed upon the superintendent by
40 the laws of this state.

41 *NEW SECTION.* SUPERINTENDENT OF SAVINGS AND LOAN
42 ASSOCIATIONS.

43 1. APPOINTMENT. The governor shall appoint,
44 subject to the confirmation of at least two-thirds
45 of the members of the senate, for an irregular term
46 ending June 30, 1980 and for each four-year period
47 thereafter, a superintendent of savings and loan
48 associations. An appointee shall be selected solely
49 with regard to qualification and fitness to discharge
50 the duties of office. The superintendent shall hold

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1 office at the seat of state government.

2 2. TERM—REMOVAL—VACANCY. The regular term of
3 office of the superintendent shall be four years from
4 the first day of July of the year of his or her
5 appointment, subject to removal at the pleasure of
6 the governor. A vacancy in the office of
7 superintendent occurring while the general assem-
8 bly is not in session shall be filled by temporary
9 appointment by the governor, which appointment shall
10 expire at the end of thirty days from the time the
11 general assembly next convenes. Prior to the
12 expiration of that thirty days the governor shall
13 transmit to the senate for confirmation an appointment
14 for the unexpired portion of the regular term. A
15 vacancy occurring during a session of the general
16 assembly shall be filled as regular appointments are
17 made and before the end of the session and for the
18 unexpired portion of the regular term.

19 3. The governor shall obtain the advice of the
20 financial institutions board with respect to any
21 appointee to a regular term or vacancy as

22 superintendent of savings and loan associations.

23 4. SALARY AND EXPENSES. The superintendent shall
24 receive a salary to be fixed by the governor and
25 comptroller and he or she shall be entitled to
26 reimbursement for expenses incurred in the performance
27 of duties.

28 5. DUTIES AND POWERS. The superintendent shall
29 be charged with the administration and execution of
30 the laws relating to savings and loan associations,
31 and with other duties and responsibilities as provided
32 by law.

33 6. BOND AND OATH. The superintendent, upon
34 appointment, shall give bond to the state, signed
35 by a responsible surety company, in the penal sum
36 of two thousand dollars, conditioned upon faithful
37 and impartial discharge of duties, and upon proper
38 accounting for all funds and other valuables which
39 may come into his or her hands. The superintendent
40 also shall take an oath of office, and the bond and
41 oath shall be approved by and filed with the governor.
42 The cost of the bond shall be paid by the department
43 as an expense.

44 *NEW SECTION. PERSONNEL.* The superintendent may
45 employ, subject to the approval of the governor and
46 the state comptroller, examiners, assistants and other
47 personnel necessary for the execution of the duties
48 and obligations imposed upon the superintendent.
49 Chapter nineteen A (19A) of the Code shall apply to
50 all department personnel except the superintendent

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1 and his or her secretary. The salary of the secre-
2 tary shall be fixed by the superintendent. Examiners'
3 salaries shall be commensurate with those for examiners
4 of the federal savings and loan insurance corporation
5 in this area of the United States. Department
6 personnel shall be reimbursed for the actual and
7 necessary expenses incurred by them in the performance
8 of their duties.

9 Before engaging in his or her duties each examiner
10 shall take an oath of office and shall give bond to
11 the state, signed by a responsible surety company,
12 in the penal sum of two thousand dollars, conditioned
13 upon faithful and impartial discharge of his or her
14 duties and upon proper accounting for all funds and
15 other valuables which may come into his or her hands.
16 The bond and oath shall be approved by and filed with
17 the governor. The cost of bonds shall be paid by
18 the department as an expense.

19 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
 20 **COUNSEL.**

21 1. The financial institutions board shall act
 22 with the superintendent in an advisory capacity
 23 concerning the administration of this chapter, and
 24 shall have other duties as provided in division one
 25 (I) of this Act.

26 2. The general counsel shall act with the
 27 superintendent in an advisory capacity concerning
 28 the administration of this chapter, and shall have
 29 other duties as provided in division one (I) of this
 30 Act.

31 Sec. 37. Section five hundred thirty-four point
 32 thirty-eight (534.38), Code 1977, is amended to read
 33 as follows:

34 534.38 APPROVAL BY MEMBERS. Such plan shall be
 35 submitted to the members of both associations, either
 36 at the regular meeting or at special meetings called
 37 for that purpose, and if approved by a vote of fifty-
 38 one percent of the members of each association, voted
 39 in person or by proxy at said meeting, the same shall
 40 then be filed [in the office of the auditor of state]
 41 with the superintendent, who shall issue a certificate
 42 authorizing the consolidation.

43 Sec. 38. Section five hundred thirty-four point
 44 forty-one (534.41), subsection six (6), Code 1977,
 45 is amended to read as follows:

46 6. RECORD REQUIRED.

47 a. A record of such examination shall be kept
 48 in the [auditor's office] department, showing in detail
 49 as to each association all matters connected with
 50 the conduct of the business, its financial standing

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1 and everything touching its solvency, plan of business
 2 and integrity.

3 b. Such examinations and reports, and other
 4 information connected therewith, shall be [kept]
 5 confidential [in the office of the auditor of state
 6 and the supervisor of savings and loan associations,]
 7 and shall not be subject to publication or disclosure
 8 to others except as in this chapter provided. However,
 9 any evidence of felonious acts on the part of the
 10 officers, directors or employees of such association
 11 may be referred by the [office of the auditor of state]
 12 superintendent to proper authorities. Members of
 13 such associations, other than their officers and
 14 directors, shall not be entitled to inspection of

15 any such records or information and shall not be
16 entitled to any information relative to the names
17 of the members of any association, or the amounts
18 invested by them, as disclosed in the [auditor's office]
19 *records of the department*, or in the records of any
20 such association.

21 Sec. 39. Section five hundred thirty-four point
22 three (534.3), subsection one (1), Code 1977, is
23 amended to read as follows:

24 1. PETITION FOR CERTIFICATE OF INCORPORATION.

25 At any time hereafter any five or more individuals
26 (hereinafter referred to as the "incorporators") *who*
27 *are* citizens of this state may form an association
28 to promote thrift and home financing, subject to
29 approval as hereinafter provided in this chapter by
30 signing and acknowledging, before an officer competent
31 to take acknowledgments of deeds, two copies of a
32 petition for a certificate of incorporation in the
33 form prescribed by the [savings and loan supervisor]
34 *superintendent*, and of the bylaws in a form approved
35 by the [savings and loan supervisor] *superintendent*,
36 which shall be filed with the [savings and loan
37 supervisor in the office of the auditor of state]
38 *superintendent and accompanied by an incorporation*
39 *fee.*

40 Sec. 40. Section five hundred thirty-four point
41 three (534.3), subsection three (3), paragraph a,
42 Code 1977, is amended to read as follows:

43 a. The proposed articles of incorporation for
44 any proposed new association, together with proposed
45 bylaws, shall be [presented to the auditor of state]
46 *filed with the superintendent* and by him *or her*
47 submitted to the state executive council and if it
48 finds that they are in conformity with the law and
49 based upon a plan equitable in all respects to its
50 members, and further finds from the best sources at

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1 its command and from such investigation as it may
2 deem necessary, that the proposed incorporators are
3 persons of good character, ability and responsibility[;],
4 that a reasonable necessity exists for such new
5 institution in the community to be served[;], that it
6 can be established and operated without undue injury
7 to existing local thrift and home financing
8 institutions and that the proposed name of such
9 institution is not similar to that of any other
10 association operating in the same community and is
11 not misleading or deceitful, the executive council

12 shall attach thereto its certificate of approval and
 13 enter its approval of record, and thereupon such
 14 articles of incorporation shall be recorded in the
 15 office of the secretary of state and in the office
 16 of the recorder of the county in which the as-
 17 sociation's principal place of business is to be
 18 situated and then *shall* be filed [in the office of
 19 the auditor of state] *with the superintendent* who shall
 20 at that time issue a certificate authorizing the
 21 association to transact business as a building and
 22 loan or savings and loan association.

23 Sec. 41. Section five hundred thirty-four point
 24 four (534.4), subsection one (1), paragraph d,
 25 unnumbered subparagraphs two (2) and three (3), Code
 26 1977, are amended to read as follows:

27 The population of any such city shall be determined
 28 by the [said supervisor] *superintendent* in accordance
 29 with the latest federal decennial census.

30 The treasurer of the incorporators committee shall
 31 file with the [said supervisor] *superintendent* a fidelity
 32 bond, signed by [himself] *the treasurer* and an authorized
 33 surety company acceptable to the [supervisor]
 34 *superintendent*, in a penal sum at least equal to the
 35 required paid-in savings liability and expense fund
 36 as hereinbefore required, payable to the [supervisor
 37 of building and loan associations] *superintendent*.
 38 Such bond shall assure the safekeeping and delivery
 39 to the association, after issuance of a certificate
 40 of incorporation, and after the association's
 41 authorized officers have filed the required bonds
 42 of all of such required paid-in savings liability
 43 and expense fund, or in the event of failure to
 44 complete organization, such bond shall assure the
 45 return to the persons providing such paid-in savings
 46 liability and expense funds of the amounts contributed
 47 thereto by them, less any necessary cost and expenses.

48 Sec. 42. Section five hundred thirty-four point
 49 sixty-six (534.66), subsection six (6), Code 1977,
 50 is amended to read as follows:

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1 6. APPROVAL—CERTIFICATE OF AUTHORITY. If the
 2 executive council approves the plan or method of
 3 business of any such building and loan association,
 4 it shall endorse its approval upon the statement of
 5 the resources and liabilities and plan of business
 6 presented to it, and such statement shall thereupon
 7 be filed [in the office of the auditor of state] *with*
 8 *the superintendent*, who shall issue a certificate

9 to such building and loan association to transact
10 business within the state, if such association has
11 deposited with him or her the mortgages and securities
12 required by the other provisions of this chapter.

13 Sec. 43. The supervisor, examiners and other staff
14 existing within the savings and loan division of the
15 office of the auditor of state are transferred to
16 the department of savings and loan associations.
17 The Iowa merit employment commission shall promulgate
18 rules to carry out this transfer and shall arbitrate
19 and decide any written appeal made by any employee
20 concerning this transfer. No employee shall lose,
21 because of this transfer, any benefits he or she may
22 have accrued, including but not limited to salary,
23 retirement, vacation, sick leave or longevity.

24 The state comptroller, pursuant to section eight
25 point thirty-nine (8.39) of the Code, shall determine
26 what portion of the appropriation made to the auditor
27 of state will be in excess of need, if any, because
28 of the transfer of duties and personnel as provided
29 in this section, and shall transfer such amounts to
30 the account of the department. The comptroller also
31 shall determine what other funds or accounts, including
32 reserves, are held in the name or for the benefit
33 of the division of savings and loans, and shall
34 transfer all assets and liabilities to the account
35 of the department.

36 Sec. 44. All rules, regulations, forms, orders,
37 and directives promulgated by the auditor of state
38 or the supervisor of savings and loan associations
39 pursuant to chapter five hundred thirty-four (534)
40 of the Code, shall continue in full force and effect
41 as rules, regulations, forms, orders and directives
42 of the department of savings and loan associations
43 until amended, supplemented or repealed by affirmative
44 action of the superintendent. Any approval,
45 certificate of authority, or other form of permission
46 or license granted or issued by the auditor, executive
47 council or supervisor pursuant to chapter five hundred
48 thirty-four (534) of the Code, and in effect on the
49 effective date of this Act, shall continue to be in
50 effect until it expires according to the terms of

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1 its issuance or until it is otherwise revoked,
2 suspended or withdrawn as provided by law.

3 Sec. 45. All existing bonds, deposits, reserves
4 or other funds established pursuant to chapter five

5 hundred thirty-four (534) of the Code, of which the
6 auditor of state or the supervisor of savings and
7 loan associations is the beneficiary, trustee, or
8 payee, or by which the auditor or the supervisor
9 acquired right, authority or power, shall continue
10 in effect, and all right, authority, power or benefit
11 shall inure to the superintendent who shall be for
12 all intents and purposes a lawful substitute for the
13 auditor or supervisor. All pending legal proceedings,
14 conservatorships, receiverships or other actions
15 initiated pursuant to chapter five hundred thirty-
16 four (534) of the Code, shall be continued and any
17 rights, duties or liabilities of the auditor or
18 supervisor in those actions shall be rights, duties
19 or liabilities of the superintendent.

20 Sec. 46. Sections five hundred thirty-four point
21 two (534.2), subsections two (2) and nineteen (19),
22 five hundred thirty-four point three (534.3),
23 subsection one (1), five hundred thirty-four point
24 three (534.3), subsection three (3), paragraph c,
25 five hundred thirty-four point five (534.5),
26 subsections one (1) and two (2), five hundred thirty-
27 four point six (534.6), five hundred thirty-four point
28 seventeen (534.17), subsection two (2), unnumbered
29 paragraph two (2), five hundred thirty-four point
30 eighteen (534.18), five hundred thirty-four point
31 nineteen (534.19), subsection seven (7), unnumbered
32 paragraph one (1), five hundred thirty-four point
33 nineteen (534.19), subsections nine (9), thirteen
34 (13), fifteen (15), and subsection eighteen (18),
35 unnumbered paragraphs one (1) and two (2), five hundred
36 thirty-four point twenty (534.20), unnumbered paragraph
37 two (2), five hundred thirty-four point twenty-one
38 (534.21), subsections one (1) and four (4), five
39 hundred thirty-four point twenty-four (534.24),
40 subsections one (1) and two (2), five hundred thirty-
41 four point thirty-two (534.32), five hundred thirty-
42 four point thirty-four (534.34), five hundred thirty-
43 four point forty-one (534.41), five hundred thirty-
44 four point forty-two (534.42), five hundred thirty-
45 four point forty-six (534.46), five hundred thirty-
46 four point sixty-one (534.61), and five hundred thirty-
47 four point sixty-eight (534.68), Code 1977, are amended
48 by striking the words "savings and loan supervisor",
49 "supervisor", "supervisor of savings and loan
50 associations", and "supervisor of state chartered

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1 associations" wherever they may appear in those

2 sections, subsections, and paragraphs, and inserting
3 in lieu thereof the word "superintendent".

4 Sec. 47. Sections five hundred thirty-four point
5 three (534.3), subsection three (3), paragraph b,
6 five hundred thirty-four point seven (534.7),
7 subsections one (1) and two (2), five hundred thirty-
8 four point twenty-nine (534.29), five hundred thirty-
9 four point thirty (534.30), five hundred thirty-four
10 point forty-one (534.41), five hundred thirty-four
11 point forty-seven (534.47), five hundred thirty-four
12 point forty-nine (534.49), five hundred thirty-four
13 point fifty-one (534.51), subsections one (1) and
14 two (2), five hundred thirty-four point fifty-two
15 (534.52), five hundred thirty-four point fifty-three
16 (534.53), five hundred thirty-four point fifty-four
17 (534.54), five hundred thirty-four point fifty-five
18 (534.55), five hundred thirty-four point fifty-six
19 (534.56), five hundred thirty-four point fifty-eight
20 (534.58), five hundred thirty-four point sixty
21 (534.60), five hundred thirty-four point sixty-one
22 (534.61), five hundred thirty-four point sixty-two
23 (534.62), five hundred thirty-four point sixty-three
24 (534.63), and five hundred thirty-four point sixty-
25 six (534.66), Code 1977, are amended by striking the
26 words "auditor", "state auditor", "auditor of state",
27 "auditor of this state", and "auditor of the state"
28 wherever they may appear in those sections,
29 subsections, and paragraphs, and inserting in lieu
30 thereof the word "superintendent".

31 Sec. 48. Section five hundred thirty-four point
32 forty-one (534.41), Code 1977, is amended by striking
33 subsection one (1); and unnumbered paragraphs one
34 (1) through four (4), subsection two (2).

35 DIVISION V

36 Sec. 49. Chapter five hundred thirty-six (536),
37 Code 1977, is amended by adding the following new
38 section:

39 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
40 **COUNSEL.**

41 1. The financial institutions board shall act
42 with the superintendent in an advisory capacity
43 concerning the administration of this chapter, and
44 shall have other duties as provided in division one
45 (I) of this Act.

46 2. The general counsel shall act with the
47 superintendent in an advisory capacity concerning
48 the administration of this chapter, and shall have
49 other duties as provided in division one (I) of this
50 Act.

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1 Sec. 50. Section five hundred thirty-six point
2 four (536.4), unnumbered paragraph three (3), Code
3 1977, is amended to read as follows:

4 If the application is denied the superintendent
5 shall within twenty days thereafter file [with the
6 banking] *in the records of the department* a written
7 transcript of the evidence and decision and findings
8 with respect thereto containing the reasons supporting
9 the denial, and forthwith serve upon the applicant
10 a copy thereof.

11 Sec. 51. Section five hundred thirty-six point
12 nine (536.9), subsection seven (7), Code 1977, is
13 amended to read as follows:

14 7. Whenever the superintendent shall revoke or
15 suspend a license issued under this chapter, , he or
16 she shall forthwith file [with the banking] *in the*
17 *records of the department* a written transcript of
18 the evidence and order to that effect and findings
19 with respect thereto containing the reasons supporting
20 the revocation or suspension, and forthwith serve
21 upon the licensee a copy thereof.

22 Sec. 52. Section five hundred thirty-six point
23 ten (536.10), unnumbered paragraph three (3), Code
24 1977, is amended to read as follows:

25 Every licensee subject to examination, supervision
26 and regulation by the superintendent, shall pay to
27 the superintendent an examination fee, based on the
28 actual [cost of the operation of the small loan division
29 of the department of banking, and the proportionate
30 share of] *costs and administrative expenses in the*
31 *operation of the department [of banking] which are*
32 *attributable to the [small loan division] administration*
33 *of this chapter*, as determined by the superintendent
34 [of banking]. Such fee shall apply equally to all
35 licenses and shall not be changed more frequently
36 than annually and when changed, shall be effective
37 on January [1] *first* of the year following the year
38 in which the change is [approved] *adopted*.

39 Sec. 53. Section five hundred thirty-six point
40 twenty-one (536.21), Code 1977, is amended to read
41 as follows:

42 536.21 RULES. The superintendent [is hereby
43 authorized and empowered to make such reasonable and
44 relevant rules] *may promulgate rules pursuant to chapter*
45 *seventeen A (17A) of the Code* as may be necessary
46 for the execution and the enforcement of the provisions
47 of this chapter [, in addition hereto and not

48 inconsistent herewith]. All rules shall be filed and
49 entered by the superintendent in the [banking department
50 in an indexed, permanent book or record, with the

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1 effective date thereof suitably indicated, and such
2 book or record shall be a public document] records
3 of the department.

4 Sec. 54. Section five hundred thirty-six point
5 twenty-eight (536.28), Code 1977, is amended by adding
6 the following new subsections:

7 *NEW SUBSECTION.* "Superintendent" means the
8 superintendent of supervised lenders.

9 *NEW SUBSECTION.* "Department" means the department
10 of supervised lenders.

11 *NEW SUBSECTION.* "Financial institutions board"
12 means the board created under section two (2) of this
13 Act.

14 *NEW SUBSECTION.* "General counsel" means the person
15 appointed under section nine (9) of this Act.

16 Sec. 55. Sections five hundred thirty-six point
17 one (536.1), five hundred thirty-six point twenty-
18 two (536.22) and five hundred thirty-six point twenty-
19 four (536.24), Code 1977, are amended by striking
20 the words "superintendent of banking" wherever in
21 those provisions those words appear and inserting
22 in lieu thereof the word "superintendent".

23 Sec. 56. Sections five hundred thirty-six point
24 thirteen (536.13), section title and subsection one
25 (1), and five hundred thirty-six point twenty-three
26 (536.23), Code 1977, are amended by striking the words
27 "banking board" and "state banking board" wherever
28 in those provisions those words appear and inserting
29 in lieu thereof the words "financial institutions
30 board".

31 Sec. 57. Section five hundred thirty-six A point
32 two (536A.2), Code 1977, is amended by adding the
33 following new subsections:

34 *NEW SUBSECTION.* "Superintendent" means the
35 superintendent of supervised lenders.

36 *NEW SUBSECTION.* "Department" means the department
37 of supervised lenders.

38 *NEW SUBSECTION.* "Financial institutions board"
39 means the board created under section two (2) of this
40 Act.

41 *NEW SUBSECTION.* "General counsel" means the person
42 appointed under section nine (9) of this Act.

43 Sec. 58. Section five hundred thirty-six A point

44 fifteen (536A.15), Code 1977, is amended to read as
45 follows:

46 536A.15 EXAMINATION OF LICENSEES—*FEE*. The [auditor]
47 *superintendent* or his duly authorized representative
48 shall, at least once each year without previous notice,
49 examine and audit the books, accounts and records
50 of each licensee engaged in the industrial loan

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1 business as defined by this chapter. Any licensee,
2 in lieu of such examination and audit by the [auditor]
3 *superintendent* or his duly authorized representative,
4 at the option of the [auditor] *superintendent*, may be
5 audited at the expense of the licensee by a certified
6 public accountant licensed to practice in the state
7 of Iowa. After receiving such an audit the [auditor]
8 *superintendent* may make such further examination of
9 the licensee as he may deem necessary. A record of
10 each examination shall be kept in the [auditor's office]
11 *records of the department*. Such examinations and
12 reports, and other information connected therewith,
13 shall be [kept] confidential [in the office of the auditor]
14 and shall not be subject to publication or disclosure
15 to others except as in this chapter provided. Any
16 evidence of criminal acts committed by officers,
17 directors or employees of any industrial loan
18 association shall be reported by the [auditor]
19 *superintendent* to the proper authorities. [The licensee
20 shall be charged and shall pay the actual costs of
21 the examination.]

22 *Every licensee shall pay to the superintendent*
23 *an examination fee, based on the actual costs and*
24 *administrative expenses in the operation of the*
25 *department which are attributable to the adminis-*
26 *tration of this chapter, as determined by the*
27 *superintendent. The fee shall apply equally to all*
28 *licensees and shall not be changed more frequently*
29 *than annually, and when changed shall be effective*
30 *on January first of the year following the year in*
31 *which the change is adopted.*

32 Sec. 59. Sections five hundred thirty-six A point
33 three (536A.3), five hundred thirty-six A point four
34 (536A.4), five hundred thirty-six A point six (536A.6),
35 five hundred thirty-six A point seven (536A.7), five
36 hundred thirty-six A point nine (536A.9), five hundred
37 thirty-six A point ten (536A.10), five hundred thirty-
38 six A point eleven (536A.11), five hundred thirty-
39 six A point twelve (536A.12), five hundred thirty-

40 six A point thirteen (536A.13), five hundred thirty-
 41 six A point fourteen (536A.14), five hundred thirty-
 42 six A point sixteen (536A.16), five hundred thirty-
 43 six A point seventeen (536A.17), five hundred thirty-
 44 six A point eighteen (536A.18), five hundred thirty-
 45 six A point nineteen (536A.19), five hundred thirty-
 46 six A point twenty-one (536A.21), five hundred thirty-
 47 six A point twenty-eight (536A.28), five hundred
 48 thirty-six A point twenty-nine (536A.29), and five
 49 hundred thirty-six A point thirty (536A.30), Code
 50 1977, are amended by striking the words "auditor of

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1 the state of Iowa" and "auditor" wherever those words
 2 appear in those sections and inserting in lieu thereof
 3 the word "superintendent".
 4 Sec. 60. Section five hundred thirty-six A point
 5 two (536A.2), Code 1977, is amended by striking
 6 subsection four (4).

DIVISION VI

8 Sec. 61. The following new sections are enacted
 9 as a new chapter five hundred thirty-six B (536B)
 10 of the Code.
 11 *NEW SECTION. DEFINITIONS.* As used in this chapter,
 12 unless the context otherwise requires:
 13 1. "Superintendent" means the superintendent of
 14 supervised lenders.
 15 2. "Department" means the department of supervised
 16 lenders.
 17 3. "Supervised lender" means and includes a person
 18 licensed under the provisions of chapters five hundred
 19 thirty-six (536) or five hundred thirty-six A (536A)
 20 of the Code.
 21 4. "Financial institutions board" means the board
 22 created under section two (2) of this Act.
 23 5. "General counsel" means the person appointed
 24 under section nine (9) of this Act.

25 *NEW SECTION. DEPARTMENT OF SUPERVISED LENDERS.*
 26 There is created a department of supervised lenders
 27 which shall be the office of the superintendent, and
 28 shall include personnel necessary for the discharge
 29 of the duties and responsibilities imposed upon the
 30 superintendent by the laws of this state.

31 *NEW SECTION. SUPERINTENDENT.*
 32 1. APPOINTMENT. The governor shall appoint,
 33 subject to confirmation of at least two-thirds of
 34 the members of the senate, for an irregular term
 35 ending June 30, 1981, and for each four-year period
 36 thereafter, a superintendent of supervised loan

37 licensees. An appointee shall be selected solely
38 with regard to qualifications and fitness for office.
39 The superintendent shall hold office at the seat of
40 government.

41 2. TERM—REMOVAL—VACANCY. The regular term of
42 office of the superintendent shall be four years from
43 the first day of July of the year of his appointment,
44 subject to removal at the pleasure of the governor.
45 A vacancy in the office of superintendent occurring
46 while the general assembly is not in session shall
47 be filled by appointment by the governor, which
48 appointment shall expire at the end of thirty days
49 from the time the general assembly next convenes.
50 Prior to the expiration of that thirty days the

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1 governor shall transmit to the senate for confirmation
2 an appointment for the unexpired portion of the regular
3 term. A vacancy occurring during a session of the
4 general assembly shall be filled as regular
5 appointments are made and before the end of the session
6 and for the unexpired portion of the regular term.

7 3. The governor shall obtain the advice of the
8 financial institutions board with respect to any
9 appointee to a regular term or vacancy as
10 superintendent of supervised lenders.

11 4. SALARY AND EXPENSES. The superintendent shall
12 receive a salary to be fixed by the governor and
13 comptroller, and shall be entitled to reimbursement
14 for expenses incurred in the performance of duties.

15 5. DUTIES AND POWERS. The superintendent shall
16 have the powers, duties and responsibilities provided
17 in chapters five hundred thirty-six (536) and five
18 hundred thirty-six A (536A) of the Code and other
19 powers, duties and responsibilities as the law may
20 provide.

21 6. BOND AND OATH. The superintendent, upon
22 appointment, shall give bond to the state, signed
23 by a responsible surety company, in the penal sum
24 of two thousand dollars, conditioned upon faithful
25 and impartial discharge of duties, and upon proper
26 accounting for all funds and other valuables which
27 may come into his or her hands. The superintendent
28 also shall take an oath of office, and the bond and
29 oath shall be approved by and filed with the governor.
30 The cost of the bond shall be paid by the department
31 as an expense.

32 *NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT.*

33 The superintendent shall make an annual report in
34 writing to the financial institutions board and the
35 general assembly. A copy of the report shall be
36 furnished at cost by the superintendent to each
37 supervised lender or other person upon request. The
38 annual report shall contain:

- 39 1. A summary of license applications approved
40 or denied by the superintendent since the last report.
- 41 2. A summary of the assets, liabilities and capital
42 structure of all supervised lenders as of December
43 thirty-first of the year for which the report is made.
- 44 3. A statement of the receipts and disbursements
45 of department funds during the calendar year ending
46 the preceding December thirty-first, and of the funds
47 on hand on that date.
- 48 4. Information which the superintendent may deem
49 appropriate and advisable to disclose.
- 50 5. Information which the financial institutions

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1 board may require to be included.
2 *NEW SECTION. PERSONNEL.* The superintendent may
3 employ, subject to the approval of the governor and
4 the state comptroller, assistants, examiners and other
5 personnel necessary for the proper execution of his
6 or her duties and responsibilities. Chapter nineteen
7 A (19A) of the Code shall apply to all department
8 personnel except the superintendent and his or her
9 secretary. The salary of the secretary shall be fixed
10 by the superintendent. Examiner's salaries shall
11 be commensurate with those for examiners of the federal
12 deposit insurance corporation in this area of the
13 United States. Department personnel shall be
14 reimbursed for the actual and necessary expenses
15 incurred by them in the performance of their duties.

16 Before engaging in his or her duties each examiner
17 shall take an oath of office and shall give bond to
18 the state, signed by a responsible surety company,
19 in the penal sum of two thousand dollars, conditioned
20 upon faithful and impartial discharge of his or her
21 duty and upon proper accounting for all funds and
22 other valuables which may come into his or her hands.
23 Each bond and oath shall be approved by and filed
24 with the director. The cost of bonds shall be paid
25 by the department as an expense.

26 *NEW SECTION. EXPENSES OF THE DEPARTMENT.* All
27 expenses incurred by the department shall be paid

28 from appropriations. All fees shall be payable to
29 the superintendent who shall pay all fees and other
30 money received to the treasurer of state within the
31 time required by section twelve point ten (12.10)
32 of the Code. The treasurer shall hold the funds in
33 an account in the name of the department for the
34 payment of the expenses of the department. The account
35 at all times shall be subject to the warrant of the
36 state comptroller, drawn upon the written request
37 of the superintendent, for the payment of expenses
38 of the department.

39 The superintendent shall account for receipts and
40 disbursements according to the separate duties imposed
41 by the laws of this state.

42 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
43 **COUNSEL.**

44 1. The financial institutions board shall act
45 with the superintendent in an advisory capacity
46 concerning the administration of this chapter, and
47 shall have other duties as provided in division one
48 (I) of this Act.

49 2. The general counsel shall act with the
50 superintendent in an advisory capacity concerning

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1 the administration of this chapter, and shall have
2 other duties as provided in division one (I) of this
3 Act.

4 Sec. 62. The loan institution examination
5 supervisor, examiners and other related staff existing
6 within the loan institution section of the department
7 of banking are transferred to the department of
8 supervised lenders. The Iowa merit employment
9 commission shall promulgate rules to carry out this
10 transfer and shall arbitrate and decide any written
11 appeal made by any employee concerning this transfer.
12 No employee shall lose, because of this transfer, any
13 benefits accrued to him, including but not limited
14 to salary, retirement, vacation, sick leave or
15 longevity.

16 The state comptroller, pursuant to section eight
17 point thirty-nine (8.39) of the Code, shall determine
18 what portion of the appropriation made to the
19 department of banking will be in excess of need, if
20 any, because of the transfer of duties and personnel
21 as provided in this section, and shall transfer such
22 amounts to the account of the department of supervised
23 lenders. The comptroller also shall determine what
24 other funds or accounts, including reserves, are held

25 in the name or for the benefit of the loan institution
26 section of the department of banking and shall transfer
27 all assets and liabilities to the account of the
28 department of supervised lenders.

29 Sec. 63. All rules, regulations, forms, orders,
30 and directives promulgated by the superintendent of
31 banking or the banking board pursuant to chapter five
32 hundred thirty-six (536) of the Code, shall continue
33 in full force and effect as rules, regulations, forms,
34 orders and directives of the department of supervised
35 lenders until amended, supplemented or repealed by
36 affirmative action of the superintendent. Any
37 approval, certificate of authority, or any other form
38 of permission or license granted or issued by the
39 superintendent of banking or the banking board pursuant
40 to chapter five hundred thirty-six (536) of the Code,
41 and in effect on the date of enactment of this section,
42 shall continue to be in effect until it expires
43 according to the terms of its issuance or until it
44 is otherwise revoked, suspended or withdrawn as
45 provided by law.

46 Sec. 64. The supervisor, examiners and other staff
47 existing within the industrial loan division of the
48 office of the auditor of state are transferred to
49 the department of supervised lenders. The Iowa merit
50 employment commission shall promulgate rules to carry

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1 out this transfer and shall arbitrate and decide any
2 written appeal made by any employee concerning this
3 transfer. No employee shall lose, because of this
4 transfer, any benefits accrued to him, including but
5 not limited to salary, retirement, vacation, sick
6 leave or longevity.

7 The state comptroller, pursuant to section eight
8 point thirty-nine (8.39) of the Code, shall determine
9 what portion of the appropriation made to the auditor
10 of state will be in excess of need, if any, because
11 of the transfer of duties and personnel as provided
12 in this section, and shall transfer such amounts to
13 the account of the department of supervised lenders.
14 The comptroller also shall determine what other funds
15 or accounts, including reserves, are held in the name
16 or for the benefit of the industrial loan division
17 of the office of the auditor of state and shall
18 transfer all assets and liabilities to the account
19 of the department of supervised lenders.

20 Sec. 65. All rules, regulations, forms, orders,
21 and directives promulgated by the auditor of state

22 or the supervisor pursuant to chapter five hundred
 23 thirty-six A (536A) of the Code, shall continue in
 24 full force and effect as rules, regulations, forms,
 25 orders and directives of the department of supervised
 26 lenders until amended, supplemented or repealed by
 27 affirmative action of the superintendent. Any
 28 approval, certificate of authority, or other form
 29 of permission or license granted or issued by the
 30 auditor, executive council or supervisor pursuant
 31 to chapter five hundred thirty-six A (536A) of the
 32 Code, and in effect on the effective date of this
 33 Act, shall continue to be in effect until it expires
 34 according to the terms of its issuance or until it
 35 is otherwise revoked, suspended or withdrawn as
 36 provided by law.

37 Sec. 66. All existing bonds, deposits, reserves
 38 or other funds established pursuant to chapters five
 39 hundred thirty-six (536) or five hundred thirty-six
 40 A (536A) of the Code, of which the superintendent
 41 of banking, the auditor of state, or another official
 42 of the state of Iowa, is the beneficiary, trustee,
 43 or payee, or by which the official acquired right,
 44 authority or power, shall continue in effect, and
 45 all right, power, authority or benefit shall inure
 46 to the superintendent who shall be, for all intents
 47 and purposes, a lawful substitute for the auditor,
 48 superintendent of banking, or other official. All
 49 pending legal proceedings, conservatorships,
 50 receiverships or other actions initiated pursuant

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1 to chapter five hundred thirty-six (536) or five
 2 hundred thirty-six A (536A) of the Code, shall continue
 3 and any rights, duties, or liabilities of the auditor,
 4 superintendent of banking, or other official shall
 5 be rights, duties or liabilities of the superintendent.

6 Sec. 67. The Code editor shall codify sections
 7 one (1) through eleven (11) of this Act as a new
 8 chapter of the Code.”

9 2. Amend the title by striking lines 1 through
 10 3 and inserting in lieu thereof the following:

11 “An Act relating to the administration of the laws
 12 regulating financial institutions, including banks,
 13 savings and loan associations, credit unions, and
 14 persons licensed under chapters five hundred thirty-
 15 six (536) or five hundred thirty-six A (536A) of the
 16 Code.”

HOUSE AMENDMENT TO SENATE FILE 167

S-3611

1 Amend Senate File 167 as follows:

2 1. Page 1, by inserting after line 18 the
3 following:

4 "Sec. — . Section three hundred seven point
5 twenty-six (307.26), subsection five (5), Code 1977,
6 is amended to read as follows:

7 5. Advise and assist the director in the conduct
8 of research on railroad-highway grade crossings and
9 encourage and develop a safety program in order to
10 reduce injuries or fatalities *including, but not*
11 *limited to, the following:*

12 a. *The implementation of a program of construct-*
13 *ing rumble strips at grade crossings on selected hard*
14 *surface roads.*

15 b. *The establishment of standards for warning*
16 *devices for particularly hazardous crossings or for*
17 *classes of crossings on highways, which standards*
18 *are designed to reduce injuries, fatalities and*
19 *property damage. Such standards shall regulate the*
20 *use of warning devices and signs which shall be in*
21 *addition to the requirements of section three hundred*
22 *twenty-seven G point two (327G.2) of the Code.*
23 *Implementation of such standards shall be the*
24 *responsibility of the government agency or department*
25 *or political subdivision having jurisdiction and*
26 *control of the highway and such implementation shall*
27 *be deemed adequate for the purposes of railroad grade*
28 *crossing protection. The department, or the political*
29 *subdivision having jurisdiction, may direct the*
30 *installation of temporary protection while awaiting*
31 *installation of permanent protection. Unless the*
32 *department finds that a railroad grade crossing is*
33 *particularly hazardous, it shall be presumed to be*
34 *not particularly hazardous."*

35 2. Page 2, line 12, by inserting after the word
36 "materials" the following: ", agricultural limestone".

37 3. Page 2, line 14, by inserting after the word
38 "of" the following: "agricultural limestone and".

39 4. Page 3, line 10, by inserting after the word
40 "number." the following: "*Registration plates issued*
41 *for a county sheriff's patrol vehicles shall display*
42 *one seven pointed gold star on a green background*
43 *followed by the letter "S" and the call number of*
44 *the vehicle."*

45 5. Page 3, by inserting after line 25 the
46 following:

47 "Sec. — . Section three hundred twenty-one point
48 twenty-four (321.24), unnumbered paragraph one (1),
49 Code 1977, is amended to read as follows:
50 Upon receipt of the application for title and

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1 payment of the required fees for motor vehicle,
2 trailer, or semitrailer, the county treasurer shall,
3 when satisfied as to the genuineness and regularity
4 thereof, issue a registration receipt and certificate
5 of title and shall file the application, the
6 manufacturer's or importer's certificate, certificate
7 of title, or other evidence of ownership, as prescribed
8 by the department. The registration receipt shall
9 be delivered to the owner and shall contain upon the
10 face thereof the date issued, the name and address
11 of the owner, the registration number assigned to
12 the vehicle, the title number assigned to the owner
13 of the vehicle, the amount of the fee paid, the amount
14 of tax paid pursuant to section 423.7, type of fuel
15 used and such description of the vehicle as determined
16 by the department and upon the reverse side a form
17 for notice of transfer of the vehicle. The county
18 treasurer shall maintain in the county record system
19 information contained on the registration receipt.
20 Such information shall be accessible by registration
21 number and shall be open for public inspection during
22 reasonable business hours. Such copies as the
23 department may require shall be sent to the department
24 in the manner and at such time as the department may
25 direct. The certificate of title shall contain upon
26 the face thereof the identical information required
27 upon the face of the registration receipt. In addition
28 thereto, the certificate of title shall contain a
29 statement of the owner's title, the amount of tax
30 paid pursuant to section 423.7, name and address of
31 previous owner, and a statement of all security
32 interests and encumbrances as shown in the application,
33 upon the vehicle therein described including the
34 nature of the security interest, [amount,] date of
35 notation and name and address of the secured party.
36 Said certificate shall bear thereon the seal of the
37 county treasurer, the signature of the county treasurer
38 or that of the deputy county treasurer, and shall
39 provide space for the signature of the owner. The
40 owner shall sign the certificate of title in the space
41 provided with pen and ink upon receipt of certificate
42 of title. The certificate of title shall contain

43 upon the reverse side a form for assignment of title
44 or interest and warranty thereof by the owner, for
45 reassignments by a licensed dealer and for application
46 for a new certificate of title by the transferee as
47 provided in this chapter. All certificates of title
48 shall be typewritten or printed by other mechanical
49 means. The original certificate of title shall be
50 delivered to the owner in the event no security

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1 interest or encumbrance appears thereon. Otherwise
2 the certificate of title shall be delivered by the
3 county treasurer to the person holding the first
4 security interest or encumbrance as shown in the
5 certificate. The county treasurer shall maintain
6 in the county records system information contained
7 on the certificate of title. Such information shall
8 be accessible by title certificate number for a period
9 of three years from the date of notification of
10 cancellation of title or that a new title has been
11 issued as provided in this chapter. Such copies as
12 the department may require shall be sent to the
13 department in the manner and at such time as the
14 department shall direct. The department shall
15 designate a uniform system of title numbers so as
16 to indicate the county of issuance."

17 6. Page 4, line 3, by inserting after the word
18 "person" the words "known to the dealer to be".

19 7. Page 7, line 33, by striking the words
20 "Individualized registration plates" and inserting
21 in lieu thereof the words "[INDIVIDUALIZED] *PERSONALIZED*
22 *REGISTRATION PLATES*".

23 8. Page 8, by inserting after line 18 the
24 following:

25 "Sec. ____ . Section three hundred twenty-one point
26 thirty-five (321.35), unnumbered paragraphs one (1)
27 and (2), Code 1977, are amended by striking the
28 paragraphs."

29 9. Page 10, line 8, by striking the word "not"
30 and inserting in lieu thereof the word "[not]".

31 10. Page 10, lines 8 and 9, by striking the words
32 "social security" and inserting in lieu thereof the
33 words "[social security] *motor vehicle license*".

34 11. Page 12, by inserting after line 19 the
35 following:

36 "Sec. ____ . Section three hundred twenty-one point
37 fifty (321.50), subsection one (1), Code 1977, is
38 amended to read as follows:

39 1. A security interest in a vehicle subject to
 40 registration under the laws of this state, except
 41 trailers whose empty weight is two thousand pounds
 42 or less, [and wagon box trailers subject to a
 43 registration fee of five dollars or less,] and new
 44 or used vehicles held by a dealer or manufacturer
 45 as inventory for sale, is perfected by the delivery
 46 to the county treasurer of the county where the
 47 certificate of title was issued or, in the case of
 48 a new certificate, to the county treasurer where the
 49 certificate will be issued of an application for
 50 certificate of title which lists such security

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1 interest, or an application for notation of security
 2 interest signed by the owner, *or by one owner of a*
 3 *vehicle, owned jointly by more than one person* or
 4 a certificate of title from another jurisdiction which
 5 shows such security interest, and a fee of two dollars
 6 for each security interest shown. If the owner or
 7 secured party is in possession of the certificate
 8 of title, it must also be delivered at this time in
 9 order to perfect the security interest. If a vehicle
 10 is subject to a security interest when brought into
 11 this state, the validity of the security interest
 12 and the date of perfection is determined by the Uniform
 13 Commercial Code, section 554.9103. Delivery as
 14 provided in this subsection shall be deemed to be
 15 indication of a security interest on a certificate
 16 of title for purposes of chapter 554."

17 12. Page 16, lines 13 and 14, by striking the
 18 words "[unless and until it receives the registration
 19 card completed as herein provided] and inserting in
 20 lieu thereof the words "unless [and until] it receives
 21 the registration card completed as [herein] provided
 22 *in this section*".

23 13. Page 22, by inserting after line 29 the
 24 following:

25 "Sec. — . Section three hundred twenty-one point
 26 one hundred seventy-seven (321.177), subsection one
 27 (1), Code 1977, is amended to read as follows:

28 1. To any person, as an operator, who is under
 29 the age of eighteen years, without his *or her* first
 30 having successfully completed an approved driver
 31 education course, in which case, the minimum age shall
 32 be sixteen years. However, the department may issue
 33 a restricted license as provided in section 321.194,
 34 or an instruction permit as provided in section
 35 321.180, to any person who is at least fourteen years

36 of age. The department may issue a license restricted
37 only for use for motorized bicycles as provided in
38 section 321.189, subsection 2, to any person fourteen
39 years of age or older who has successfully completed
40 [an approved driver's education course established
41 by the department of public instruction to acquaint
42 the motorized bicycle operator with] *a written*
43 *examination on the rules of the road and a vision*
44 *test.*

45 Sec. — . Section three hundred twenty-one point
46 one hundred seventy-eight (321.178), subsection one
47 (1), unnumbered paragraph three (3), Code 1977, is
48 amended to read as follows:

49 'Student,' for purposes of this section, means
50 any person between the ages of fifteen years and

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1 twenty-one years who resides in the public school
2 district and who satisfies the preliminary licensing
3 requirements of the department [or any person between
4 fourteen and twenty one years of age who resides in
5 the public school district, who satisfies the
6 preliminary licensing requirements of the department
7 for operation of a motorized bicycle and who is
8 enrolled in an approved driver education course for
9 the purpose of qualifying for a motorized bicycle
10 license as provided for in section 321.189, subsection
11 2]."

12 14. Striking page 22, line 33 through page 23,
13 line 10, and inserting in lieu thereof the following:

14 "2. YOUTHS NOT ATTENDING SCHOOL—NO [DRIVER'S
15 TRAINING] *DRIVER EDUCATION REQUIRED.*

16 a. Any person [under the age of] *between sixteen*
17 *and eighteen years of age* who is not attending a
18 public or private school in which an approved driver's
19 education course is offered or available, shall not
20 be required to complete an approved driver's education
21 course prior to being entitled to receive a one-year
22 probationary operator's license from the department.
23 [Any person who re-enters any private or public school
24 prior to age eighteen shall be required to attend
25 an approved driver's education course.] *A person shall*
26 *not have a probationary operator's license revoked*
27 *or suspended upon reentering school prior to age*
28 *eighteen.*

29 b. *The department shall cancel a probationary*
30 *operator's license upon proof of a conviction for*
31 *a moving traffic violation."*

32 15. Page 23, by inserting after line 10 the
33 following:

34 "Sec. — . Section three hundred twenty-one point
35 one hundred seventy-eight (321.178), Code 1977, is
36 amended by striking subsection three (3)."

37 16. Page 23, by inserting after line 29 the follow-
38 ing:

39 "Sec. — . Section three hundred twenty-one point
40 one hundred eighty-nine (321.189), subsection one
41 (1), Code 1977, is amended to read as follows:

42 1. MOTOR VEHICLE LICENSE. [The] *Upon the payment*
43 *of the required fee, the department shall [upon payment*
44 *of the required fee,] issue to every qualifying*
45 *applicant [qualifying therefor] and operator's license,*
46 *motorized bicycle license, or chauffeur's license,*
47 *as applied for[, which]. Appearing on this license*
48 *shall [bear thereon] be a distinguishing number assigned*
49 *to the licensee[,]; the licensee's full name, date of*
50 *birth, occupation, sex, residence address [,]; a colored*

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1 photograph; [and] a brief description of the licensee[,];
2 and the usual signature of the licensee. *If prior*
3 *to the renewal date, a person desires to obtain an*
4 *operator's or chauffeur's license in the form*
5 *authorized by this section [prior to the person's*
6 *renewal date], such license may be issued as a voluntary*
7 *replacement upon payment of the required fee. The*
8 *number of places where licenses are available shall*
9 *not be reduced because of procedures or equipment*
10 *required in placing colored photographs on licenses*
11 *or permits. The department shall provide a space*
12 *on every license where the licensee may affix a decal*
13 *or sticker indicating that the licensee is a donor*
14 *under the Uniform Anatomical Gift Act and shall provide*
15 *a space [shall be provided] where the licensee may affix*
16 *a symbol indicating the presence of a medical*
17 *condition. The license may contain such other*
18 *information as the department may by rule require.*
19 *No license shall be valid unless it bears the usual*
20 *signature of the licensee. [The distinguishing number*
21 *assigned to a licensee shall not be the licensee's*
22 *social security number.] The department shall not*
23 *retain a positive or negative photograph of the*
24 *licensee. The licensee may affix a decal or sticker*
25 *on the license in the space provided which indicates*
26 *that the licensee is a donor under the Uniform*
27 *Anatomical Gift Act. The decal shall not be larger*
28 *than one-half inch in diameter. The use of the decal*

29 or sticker on the license shall be authorized only
30 if the licensee has complied with the provisions for
31 making a gift under the Uniform Anatomical Gift Act
32 and shall be effective only if the licensee carries
33 on or about the licensee's person a duly signed and
34 executed donor card as authorized by the Uniform
35 Anatomical Gift Act.

36 Sec. — . Section three hundred twenty-one point
37 one hundred eighty-nine (321.189), subsection two
38 (2), paragraphs a and e, Code 1977, are amended to
39 read as follows:

40 a. The department may issue a motorized bicycle
41 license to any person fourteen years of age or older
42 who has passed [the approved driver education course
43 required for applicants for such license] *a vision
44 test and a written examination on the rules of the
45 road.* A motorized bicycle license shall entitle the
46 licensee to operate a motorized bicycle while having
47 the license in immediate possession on the highways
48 of the state for a period of two years.

49 e. A motorized bicycle license shall terminate
50 upon issuance to the licensee of an operator's or

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1 chauffeur's license [valid for operation of motorcycles].
2 A valid motorized bicycle license shall be returned
3 to the department prior to issuance of an operator's
4 or chauffeur's license [valid for operation of
5 motorcycles].”

6 17. Page 25, by inserting after line 32 the follow-
7 ing new section:

8 “Sec. — . Section three hundred twenty-one point
9 three hundred forty-two (321.342), Code 1977, is
10 amended by adding the following new unnumbered
11 paragraph:

12 *NEW UNNUMBERED PARAGRAPH.* The department, city,
13 or county shall be required to post the standard sign
14 as prescribed by the manual on uniform traffic control
15 devices adopted by the department pursuant to section
16 three hundred twenty-one point two hundred fifty-two
17 (321.252) of the Code in advance of each railroad
18 grade crossing to warn the motorist that he or she
19 is approaching a railroad grade crossing. Upon
20 properly posting all railroad grade crossings within
21 its jurisdiction and upon implementing the standards
22 established in accordance with section three hundred
23 seven point twenty-six (307.26) of the Code, the
24 department, city, or county shall not have any other

25 affirmative duty to warn a motor vehicle operator
26 approaching or at the railroad grade crossing."

27 18. Page 26, line 24, by striking the words "*less*
28 *than four tons*" and inserting in lieu thereof the
29 words "*four tons or less*".

30 19. Page 27, line 2, by striking the words "*less*
31 *than four tons*" and inserting in lieu thereof the
32 words "*four tons or less*".

33 20. Page 27, by inserting after line 4 the follow-
34 ing new sections:

35 "Sec. ____ . Section three hundred twenty-one point
36 four hundred fifty-four (321.454), Code 1977, is
37 amended to read as follows:

38 321.454 WIDTH OF VEHICLES. The total outside
39 width of any vehicle or the load thereon shall not
40 exceed eight feet *except that a bus having a total*
41 *outside width not exceeding eight feet six inches,*
42 *exclusive of safety equipment, shall be exempt from*
43 *the permit requirements of chapter three hundred*
44 *twenty-one E (321E) of the Code and may be operated*
45 *on the public highways of the state.* However, if
46 hay, straw or stover moved on any implement of
47 husbandry and the total width of load of the implement
48 of husbandry exceeds eight feet in width, the implement
49 of husbandry shall not be subject to the permit
50 requirements of chapter 321E. If hay, straw or stover

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1 is moved on any other vehicle subject to registration,
2 such moves shall be subject to the permit requirements
3 for transporting loads exceeding eight feet in width
4 as required under chapter 321E.

5 Sec. ____ . Section three hundred twenty-one point
6 four hundred fifty-seven (321.457), subsections one
7 (1) and two (2), Code 1977, are amended to read as
8 follows:

9 1. No single truck, unladen or with load, shall
10 have an overall length, inclusive of front and rear
11 bumpers, in excess of [thirty-five] *forty* feet.

12 2. No single bus, unladen or with load, shall
13 have an overall length, inclusive of front and rear
14 bumpers, in excess of forty feet [provided that a
15 bus in excess of thirty five feet in overall length
16 shall not have less than three axles]."

17 21. Page 27, line 15, by inserting after the word
18 "roadway." the words "*The provisions of this section*
19 *shall not apply to vehicles loaded with hay or stover*
20 *or the products listed in section three hundred twenty-*

21 *one point four hundred sixty-six (321.466), unnumbered*
22 *paragraphs six (6) and seven (7) of the Code."*

23 22. Page 27, by inserting after line 15 the
24 following:

25 "Sec. ____ . Section three hundred twenty-one point
26 four hundred seventy-three (321.473), Code 1977, is
27 amended by adding the following new unnumbered
28 paragraph:

29 *NEW UNNUMBERED PARAGRAPH.* The department may issue
30 annual special permits for the operation of compacted
31 rubbish vehicles and vehicles which transport compacted
32 rubbish from a rubbish collection point to a landfill
33 area exceeding the weight limitation of section three
34 hundred twenty-one point four hundred sixty-three
35 (321.463) of the Code, but not exceeding a rear axle
36 gross weight for two axle vehicles of twenty-two
37 thousand pounds for the period commencing July 1,
38 1978 and ending June 30, 1983 and twenty thousand
39 pounds commencing July 1, 1982 and thereafter, and
40 for tandem axle vehicles or transferable auxiliary
41 axle vehicles not exceeding a gross weight on the
42 rear axles of thirty-six thousand pounds. Annual
43 special permits for the operation on secondary roads
44 shall be approved by the county engineer. Annual
45 special permits for a particular vehicle shall not
46 be issued by the department unless prior approval
47 is given by the county engineer of the county in which
48 the vehicle will be operated. Annual special permits
49 for operation on primary roads shall be approved by
50 the state department of transportation. Compacted

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1 rubbish vehicles and vehicles which transport compacted
2 rubbish from a rubbish collection point to a landfill
3 area operated pursuant to an annual special permit
4 shall be operated only over routes designated by the
5 local authority. Annual special permits for a
6 particular vehicle shall not be issued by the
7 department unless approved by the local authority
8 responsible for the roads over which the vehicle will
9 be operated. Annual special permits approved by the
10 issuing authority shall be issued upon payment of
11 an annual fee, in addition to other registration fees
12 imposed, of one hundred dollars to be paid to the
13 department for all nongovernmental vehicles."

14 23. Page 27, by inserting after line 29 the
15 following:

16 "NEW SECTION. A copy of the permits issued by
17 the state or county to move mobile homes shall be
18 sent to the county treasurer of the county of final
19 destination by the permit issuing officer. A one
20 dollar fee shall be added to the permit charge to
21 cover the costs of this service."

22 24. Page 28, line 34, by inserting after the word
23 "rider's" the words "or the owner-operator's".

24 25. Page 28, line 35, by inserting after the word
25 "rider's" the words "or the owner-operator's".

26 26. Page 29, line 1, by inserting after the word
27 "employment" the words "or other common destination
28 of the group".

29 27. Page 29, line 6, by inserting after the word
30 "rider's" the words "or the owner-operator's".

31 28. Page 29, line 7, by inserting after the word
32 "rider's" the words "or the owner-operator's".

33 29. Page 29, line 7, by inserting after the word
34 "employment" the words "or other common destination
35 of the group".

36 30. Page 30, line 6, by inserting after the word
37 "is" the word "fit,".

38 31. Page 30, by inserting after line 34 the follow-
39 ing section:

40 "Sec.____ . Section three hundred twenty-seven
41 G point thirty-two (327G.32), Code 1977, is amended
42 to read as follows:

43 327G.32 BLOCKING HIGHWAY CROSSING. A railroad
44 corporation or its employees shall not operate any
45 train in such a manner as to prevent vehicular use
46 of any highway, street or alley for a period of time
47 in excess of ten minutes except:

48 1. When necessary to comply with signals affect-
49 ing the safety of the movement of trains.

50 2. When necessary to avoid striking any object

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1 or person on the track.

2 3. When the train is disabled.

3 [4. When the train is in motion except while engaged
4 in switching operations.

5 5. When there is no vehicular traffic waiting
6 to use the crossing.

7 6.] 4. When necessary to comply with governmental
8 safety regulations *including, but not limited to,*
9 *speed ordinances and speed regulations.*

10 Any officer or employee of a railroad corporation
11 violating any provision of this section shall, upon
12 conviction be subject to the penalty provided in

13 section 327G.14. An employee shall not be guilty
14 of such violation if his action was necessary to
15 comply with the direct order or instructions of a
16 railroad corporation or its supervisors. Such guilt
17 shall then be with the railroad corporation.

18 The provisions of this section notwithstanding,
19 a political subdivision may pass a resolution or
20 ordinance regulating the length of time a specific
21 crossing may be blocked if the political subdivision
22 demonstrates such a resolution or ordinance is
23 necessary for public safety or convenience. If such
24 a resolution or ordinance is passed the political
25 subdivision shall [immediately] *within thirty days of*
26 *the effective date of the resolution or ordinance*
27 notify the board and the railroad corporation using
28 the crossing affected by the resolution or ordinance.
29 *The resolution or ordinance shall not become effective*
30 *unless the board and the railroad corporation are*
31 *notified within thirty days.* The resolution or
32 ordinance shall become effective thirty days after
33 such notification unless a person files an objection
34 to the resolution or ordinance with the board. If
35 an objection is filed the board shall hold a hearing
36 according to the rules established by the board.
37 The board may disapprove the resolution or ordinance
38 if public safety or convenience does not require such
39 a resolution or ordinance. *The resolution approved*
40 *by the political subdivision shall be prima facie*
41 *evidence that the resolution is adopted to preserve*
42 *public safety or convenience.*

43 *The board when considering rebuttal evidence shall*
44 *weigh the benefits accruing to the political*
45 *subdivision as it bears to the general public use*
46 *compared to the burden placed on the railroad oper-*
47 *ation.* Public safety or convenience may include,
48 but shall not be limited to, high traffic density
49 at a specific crossing of a main artery or interfer-
50 ence with the flow of authorized emergency vehicles.

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1 Political subdivisions shall notify the board
2 within sixty days of the effective date of this Act,
3 of each existing resolution or ordinance which does
4 not conform with the provisions of this section.
5 *Political subdivisions not notifying the board of*
6 *an existing resolution or ordinance during the calendar*
7 *year beginning January 1, 1976 shall have an additional*
8 *sixty days after the effective date of this Act to*
9 *notify the board. Failure to do so shall render the*

10 *resolution or ordinance void.*

11 Such ordinances or resolutions may remain in effect
12 until the board has acted upon each ordinance or
13 resolution under the procedures specified in this
14 section."

15 32. Page 31, lines 5 and 6, are amended by strik-
16 ing the words and figure "three hundred twenty-one
17 point thirty-five (321.35),".

18 34. Amend the title, line 24, by inserting after
19 the word "turns," the words "relating to the width
20 and length of buses which may be operated on the
21 highways of this state,".

22 35. Amend the title page 1, line 5, by inserting
23 after the word "vehicles," the words "gold stars on
24 county sheriff's patrol vehicles, the elimination
25 of the requirement for completion of a driver education
26 course to obtain a motorized bicycle license, changing
27 the requirements of perfection of certain security
28 interests, use of a social security number on motor
29 vehicle license applications, special permits for
30 rubbish collection vehicles,".

31 36. Amend the title page 1, line 24, by striking
32 the words "less than four tons" and inserting in lieu
33 thereof the words "four tons or less".

34 37. Renumber sections and correct internal
35 references in conformance with this amendment.

HOUSE AMENDMENT TO SENATE FILE 319

S-3613

1 Amend Senate File 319 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing section:

4 "Section 1. Chapter one thousand two hundred
5 forty-five (1245), Acts of the Sixty-sixth General
6 Assembly, 1976 Session, chapter three (3), section
7 eight hundred three (803), is amended to read as
8 follows:

9 **SEC. 803. NEW SECTION. PLACE OF PROBABLE CAUSE**
10 **HEARING.** The probable cause hearing shall be held
11 in the same county as the alleged parole violator
12 had his or her initial appearance. [The clerk of court
13 shall provide a room suitable for the probable cause
14 hearing.]"

15 2. Page 1, line 7, by inserting after the word
16 "chapter" the words "and who is an attorney".

17 3. Renumbering the remaining sections to con-
18 form to this amendment.

19 4. Title page, line 1, by striking the word

20 "revisions" and inserting in lieu thereof the word
21 "revision".

HOUSE AMENDMENT TO SENATE FILE 363

S-3618

1 Amend Senate File 363 as follows:

2 1. Page 1, line 19, by striking the word and
3 figure "Sec. 2." and inserting in lieu thereof the
4 word and figure "Sec. 3."

5 ^2. Page 2, by inserting after line 21 the follow-
6 ing section:

7 "Sec. ____ . Section six hundred point eight (600.8)
8 subsection three (3), Code 1977, is amended by striking
9 the subsection and inserting in lieu thereof the
10 following:

11 3. The department, an agency or an investigator
12 shall conduct all investigations and reports required
13 under subsection two (2) of this section."

14 3. Page 3, by inserting after line 3 the follow-
15 ing paragraph:

16 "Any interstate investigations or placements shall
17 follow the procedures and regulations under the inter-
18 state compact on the placement of children. Such
19 investigations and placements shall be in compliance
20 with the laws of the states involved."

21 4. Page 3, by striking lines 24 and 25 and
22 inserting in lieu thereof the words:

23 "[e] d. Any other person who is required to consent".

24 5. Page 3, by inserting after line 26 the following
25 words:

26 "Nothing in this subsection shall require the
27 petitioner to give notice to self or to petitioner's
28 spouse."

29 6. Page 4, line 4, by striking the words "of
30 notice" and inserting in lieu thereof the words "of
31 service".

32 7. Page 4, line 8, by striking the words "two
33 (2) and three (3)" and inserting in lieu thereof the
34 words "two (2), three (3) and five (5)".

35 8. Page 4, by inserting after line 32 the follow-
36 ing:

37 "5. An interlocutory or a final adoption decree
38 shall be entered with the clerk of the court. Such
39 decree shall set forth any facts of the adoption
40 petition which have been proven to the satisfaction
41 of the court and any other facts considered to be
42 relevant by the court and shall grant the adoption
43 petition. If so designated in the adoption decree,

44 the name of the adopted person shall be changed by
 45 issuance of that decree. The clerk of the court
 46 shall, within thirty days of issuance, deliver one
 47 certified copy of any adoption decree to the
 48 petitioner, one copy of any adoption [abstract] decree
 49 to the department and any agency or person making
 50 an independent placement who placed a minor person

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1 for adoption, and one certification of adoption as
 2 prescribed in section 144.19 to the state registrar
 3 of vital statistics. Upon receipt of the
 4 certification, the state registrar shall prepare a
 5 new birth certificate pursuant to section 144.23 and
 6 deliver to the parents named in the decree and any
 7 adult person adopted by the decree a copy of the new
 8 birth certificate. The parents shall pay the fee
 9 prescribed in section 144.46. If the person adopted
 10 was born outside the state, the state registrar shall
 11 forward the certification of adoption to the
 12 appropriate agency in the state of birth. A copy
 13 of any interlocutory adoption decree vacation shall
 14 be delivered and another birth certificate shall be
 15 prepared in the same manner as a certification of
 16 adoption is delivered and the birth certificate was
 17 originally prepared.”

18 9. Page 10, line one, by inserting after the word
 19 “court” the words “except that notice need not be
 20 served on the petitioner or on any necessary party
 21 who is spouse of the petitioner”.

22 10. Page 11, line 16, by striking the words “or
 23 unlocated” and inserting in lieu thereof the word
 24 “[unlocated]”.

25 11. Page 13, line 8, by striking the word “that”
 26 and inserting in lieu thereof the words “shall issue”.

27 12. Page 13, line 9, by striking the words “shall
 28 be issued”.

29 13. Renumbering the remaining sections of the
 30 bill to conform to this amendment.

SENATE CONCURRENT RESOLUTION 24

By: Hultman

1 *Whereas*, chapter eleven (11), the State Audit Act,
 2 of the Code requires that any authority charged by law
 3 with official responsibility for the expenditure of
 4 public money of the state and any agency receiving money
 5 from the general revenues of the state be subject to
 6 the provisions of chapter eleven (11); and

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 29, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 318, a bill for an Act making technical changes of a corrective nature to the criminal code revision.

Also: That the House has on May 13, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 333, a bill for an Act to make certain clarifying and corrective revisions in and additions to chapter 229 of the Code, and certain related statutes, relating to hospitalization of the mentally ill.

Also: That the House has on May 16, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 32, a bill for an Act relating to the membership, terms of office, and organization of the capitol planning commission.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 32, a bill for an Act relating to the membership, terms of office, and organization of the capitol planning commission.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 318

S-3620

- 1 Amend Senate File 318 as follows:
- 2 1. Page 1, line 11, by inserting after the number
- 3 "(1408)," the words and numbers "division fourteen
- 4 (XIV), sections".
- 5 2. Page 5, by inserting after line 10 the following
- 6 section:
- 7 "Sec. — . Division fourteen (XIV) is amended
- 8 by adding the following new section:
- 9 **NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.**

- 10 1. Except as provided in subsection three (3),
11 it is unlawful for a person knowingly to:
12 a. Transfer or cause to be transferred any sounds
13 recorded on a phonograph record, disc, wire, tape,
14 film or other article without the consent of the
15 owner; or
16 b. Sell; distribute; circulate; offer for sale,
17 distribution or circulation; possess for the purpose
18 of sale, distribution or circulation; or cause to
19 be sold, distributed, circulated; offered for sale,
20 distribution or circulation; or possessed for sale,
21 distribution or circulation, any article or device
22 on which sounds have been transferred without the
23 consent of the person who owns the master phonograph
24 record, master disc, master tape or other device or
25 article from which the sounds are derived.
- 26 2. It is unlawful for a person to sell, distribute,
27 circulate, offer for sale, distribution or circulation
28 or possess for the purposes of sale, distribution
29 or circulation, any phonograph record, disc, wire,
30 tape, film or other article on which sounds have been
31 transferred unless the phonograph record, disc, wire,
32 tape, film or other article bears the actual name
33 and address of the transferor of the sounds in a
34 prominent place on its outside face or package.
- 35 3. This section does not apply to a person who
36 transfers or causes to be transferred sounds intended
37 for or in connection with radio or television broadcast
38 transmission or related uses, synchronized sound
39 tracks of motion pictures or sound tracts recorded
40 for synchronizing with motion pictures, for archival
41 purposes or for the personal use of the person
42 transferring or causing the transfer and without any
43 compensation being derived by the person from the
44 transfer.
- 45 4. A person who violates the provisions of this
46 section is guilty of theft.”
- 47 3. Page 9, line 1, by inserting after the numeral
48 “(1203),” the words and numerals “section one thousand
49 three hundred two (1302), Rule fifty-three (53).”
- 50 4. Page 9, line 21, by inserting after the letter

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- 1 “b” the letter “, c.”
2 5. Page 9, by inserting after line 22 the following
3 paragraph:
4 “c. [Special agents appointed by the commissioner
5 of public safety and] *Peace officer* members of the

6 department of public safety[, except members of the
7 clerical force,] as defined in [section ninety-seven
8 A point one (97A.1), subsection two (2)] *chapter eighty*
9 *(80) of the Code.*”

10 6. Page 19, by inserting after line 11 the follow-
11 ing:

12 “Sec. ____ . Section one thousand three hundred
13 two (1302), Rule fifty-three (53):

14 Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF
15 APPEARANCE. In a specified simple misdemeanor *other*
16 *than one charged upon a uniform citation and complaint*
17 a court may accept a forfeiture of collateral security
18 in lieu of appearance, as a proper disposition of
19 a case[, except for nonscheduled traffic violations].
20 Each judicial district, by action of a majority of
21 the district judges, may determine the misdemeanors
22 subject to such disposition and promulgate by rule
23 a list of same and disseminate to all magistrates
24 in the district. A copy of such rule shall be
25 transmitted to the clerk of the supreme court. Prior
26 to termination of the case by forfeiture under this
27 rule, the defendant must execute a written request
28 for same. Unless vacated upon application within
29 thirty days of the forfeiture, such forfeiture shall
30 constitute a conviction in satisfaction.

31 *In the event a simple misdemeanor is charged upon*
32 *the uniform citation and complaint defined in section*
33 *seven hundred fifty-three point thirteen (753.13)*
34 *of the Code and the defendant either has submitted*
35 *unsecured appearance bond as provided in that section*
36 *or has submitted bail as provided in subsection three*
37 *(3) of section seven hundred fifty-three point sixteen*
38 *(753.16) of the Code, the court may enter a conviction*
39 *pursuant to his or her written appearance and may*
40 *enter a judgment of forfeiture of the collateral in*
41 *satisfaction of the judgment and sentence; provided*
42 *that if the defendant submitted unsecured appearance*
43 *bond or if bail remains uncollected, execution may*
44 *issue upon the judgment of the court at any time after*
45 *entry of the judgment.*”

46 7. Page 26, line 4, by striking the words “not
47 requiring a court appearance”.

48 8. Page 26, by striking line 6 and inserting in
49 lieu thereof the words “has submitted an unsecured
50 appearance bond or has submitted bail in the form

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1 of cash, check,”.

2 9. Page 26, line 12, by inserting after the word
3 "bond" the words "or bail".

4 10. Page 26, line 16, by inserting after the word
5 "sections" the words and figure "one hundred two
6 (102),".

7 11. Page 26, line 22, by striking the word and
8 figure "ninety-one (91)" and inserting in lieu thereof
9 the word and figure "ninety-two (92)".

10 12. Page 26, by inserting after line 23 the
11 following section:

12 "Sec. ____ . Section one hundred two (102),
13 unnumbered paragraph one (1):

14 Upon a plea of guilty, a verdict of guilty, or
15 a special verdict upon which a judgment of conviction
16 of any public offense may be rendered, the court shall
17 receive from the state and from the defendant any
18 information which may be offered which is relevant
19 to the question of sentencing. The court may consider
20 information from other sources[, and, if the offense
21 is a felony, shall order that a presentence
22 investigation be made. If the offense is not a felony,
23 the court may, in its discretion, order that a
24 presentence investigation be made whenever the maximum
25 period of confinement which may be imposed is in
26 excess of thirty days.] *The court shall order a
27 presentence investigation when the offense is a class
28 B, class C, or class D felony. The court may order
29 a presentence investigation when the offense is an
30 aggravated or serious misdemeanor.*"

31 13. Page 31, line 33, by inserting after the
32 number "(78)," the words and number one hundred forty
33 "(140),".

34 14. Page 32, by inserting after line 6 the
35 following new section:

36 "Sec. ____ . Section ninety-nine B point eleven
37 (99B.11), subsection two (2), Code 1977, is amended
38 by adding the following new paragraph:

39 *NEW PARAGRAPH.* Cribbage, bridge, chess, checkers,
40 dominoes, pinochle and similar contests, leagues or
41 tournaments. The provisions of this paragraph are
42 retroactive to August 15, 1975."

43 15. Page 32, by inserting after line 13 the
44 following section:

45 "Sec. ____ . Section one hundred forty (140),
46 amending section 135C.21 of the 1975 Code is amended
47 by striking the section and inserting in lieu thereof
48 the following:

49 SEC. 140. Section one hundred thirty-five C point
50 twenty-one (135C.21), subsections one (1) and two

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1 (2), Code 1977, are amended to read as follows:

2 1. Any person establishing, conducting, managing,
3 or operating any health care facility without a license
4 shall be guilty of a *serious* misdemeanor [and, upon
5 conviction thereof, shall be fined not less than one
6 hundred dollars nor more than one thousand dollars
7 or be imprisoned in the county jail for not more than
8 six months, or both]. Each day of continuing violation
9 after conviction or notice from the department by
10 certified mail of a violation shall be considered
11 a separate offense or chargeable offense. Any such
12 person establishing, conducting, managing or operating
13 any health care facility without a license may be
14 by any court of competent jurisdiction temporarily
15 or permanently restrained therefrom in any action
16 brought by the state.

17 2. Any person who prevents or interferes with
18 or attempts to impede in any way any duly authorized
19 representative of the department or of any of the
20 agencies referred to in section 135C.17 in the lawful
21 enforcement of this chapter or of the rules adopted
22 pursuant to it is guilty of a *simple* misdemeanor [and,
23 upon conviction, shall be subject to a fine of not
24 less than fifty nor more than five hundred dollars
25 or imprisonment in the county jail for not more than
26 ninety days or both.] As used in this subsection,
27 lawful enforcement includes but is not limited to:”

28 16. Page 35, by inserting after line 32 the
29 following new section:

30 “Sec. — . Section six hundred two point forty-
31 two (602.42), Code 1977, is amended by adding the
32 following new subsection:

33 *NEW SUBSECTION.* A member of a judicial magis-
34 trate nominating commission shall be reimbursed for
35 actual and necessary expenses reasonably incurred
36 in the performance of official duties. Reimburse-
37 ments shall be payable out of the court expense fund
38 of the county in which the member serves, upon
39 certification of such expenses to the county auditor
40 by the district court clerk. Each judicial district
41 may make rules under rule three hundred seventy-two
42 (372) of the rules of civil procedure to provide for
43 the administration of this subsection.”

44 17. Page 36, line 12, by inserting the letter
45 “a.” after the numeral “1.”

46 18. Page 37, by inserting after line 21 the follow-
47 ing new paragraphs:

48 "b. The uniform citation and complaint shall
49 contain the following statement with a space
50 immediately below it for the signature of the person

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1 being charged:

2 "I hereby give my unsecured appearance bond in
3 the amount of _____ dollars and enter my
4 written appearance. I agree that if I fail to appear
5 in person or by counsel to defend against the offense
6 charged in this citation the court is authorized to
7 enter a conviction and render judgment against me
8 for the amount of my appearance bond in satisfaction
9 of the penalty plus court costs."

10 c. Unless the officer issuing the citation arrests
11 the alleged offender, or permits admission or requires
12 submission of bail as provided in subsection three
13 (3) of section seven hundred fifty-three point sixteen
14 (753.16) of the Code, the officer shall enter in the
15 blank contained in the statement required by paragraph
16 a of this subsection one of the following amounts
17 and shall require the person to sign the written
18 appearance:

19 (1) If the offense is one to which a scheduled
20 fine is applicable, an amount equal to one and one-
21 half times the scheduled fine plus five dollars costs;
22 or

23 (2) If the offense is one for which a court appear-
24 ance is mandatory, the amount of one hundred dollars
25 plus five dollars costs.

26 d. The written appearance defined in paragraph
27 b of this subsection shall not be used for any offense
28 other than a simple misdemeanor."

29 19. Page 39, line 8, by inserting after the word
30 "paragraphs" the letter "b,".

31 20. Page 39, line 8, by striking the word and
32 letters "k and l" and inserting in lieu thereof the
33 word and letters "k, l and n".

34 21. Page 39, by inserting after line 15 the fol-
35 lowing:

36 "b. For registration violations under sections
37 three hundred twenty-one point seventeen (321.17),
38 three hundred twenty-one point thirty-two (321.32),
39 three hundred twenty-one point thirty-four (321.34),
40 three hundred twenty-one point thirty-seven (321.37),
41 three hundred twenty-one point thirty-eight (321.38),
42 three hundred twenty-one point forty-one (321.41),

43 [three hundred twenty-one point ninety-eight (321.98)]
 44 and three hundred twenty-one point one hundred ninety
 45 (321.190) of the Code, the scheduled fine is five
 46 dollars. For violations of section three hundred
 47 twenty-one point one hundred ninety (321.190) of the
 48 Code, the case shall be dismissed without imposition
 49 of fine or costs if a license valid at the time of
 50 the issuance of the citation is presented by the

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1 defendant to the magistrate or scheduled violations
 2 office."

3 22. Page 39, line 34, by inserting after the word
 4 "weight" the words, *length, width*".

5 23. Page 40, line 5, by inserting after the
 6 numerals "(321.437)," the words and numerals "*three*
 7 *hundred twenty-one point four hundred fifty-four*
 8 *(321.454),*".

9 24. Page 40, by inserting after line 19 the fol-
 10 lowing:

11 "n. For violation of intrastate hauling on foreign
 12 registration under sections three hundred twenty-one
 13 point fifty-four (321.54) and three hundred twenty-
 14 one point fifty-five (321.55) of the Code; use of
 15 registration under section three hundred twenty-one
 16 point ninety-nine (321.99) of the Code; and display
 17 of registration or plates under section three hundred
 18 twenty-one point ninety-eight (321.98) of the Code,
 19 the scheduled fine is twenty dollars.

20 *For no evidence or improper evidence of intra-*
 21 *state authority carried or displayed under section*
 22 *three hundred twenty-five point thirty-four (325.34);*
 23 *operation of vehicle by an unqualified driver under*
 24 *sections three hundred twenty-five point thirty-four*
 25 *(325.34) and three hundred twenty-seven point twenty-*
 26 *two (327.22); and operating a vehicle in violation*
 27 *of maximum hours of service or failure to maintain*
 28 *and display evidence of hours of service under sections*
 29 *three hundred twenty-five point thirty-four (325.34)*
 30 *and three hundred twenty-seven point twenty-two*
 31 *(327.22) of the Code, the scheduled fine is twenty-*
 32 *five dollars.*

33 *For no or improper carrier identification markings*
 34 *under section three hundred twenty-seven B point one*
 35 *(327B.1) of the Code, the scheduled fine is fifteen*
 36 *dollars.*

37 *For no or improper evidence of interstate authority*
 38 *carried or displayed under section three hundred*

39 *twenty-seven B point one (327B.1) of the Code, the*
40 *scheduled fine is one hundred dollars."*

41 25. Page 40, by striking lines 20 through 35 and
42 inserting in lieu thereof the following:

43 "Sec. ____ .Section five hundred nineteen (519),
44 amending section seven hundred fifty-three point
45 sixteen (753.16) of the Code is amended by striking
46 the section and inserting in lieu thereof the follow-
47 ing:

48 SEC. 519. Section seven hundred fifty-three point
49 sixteen (753.16), subsections one (1), two (2), and
50 three (3), Code 1977, are amended to read as follows:

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1 1. In cases of scheduled violations, the defen-
2 dant, before the time specified in the citation and
3 complaint for appearance before the court, may sign
4 the admission of violation on the citation and
5 complaint and deliver or mail the citation and
6 complaint, together with the minimum fine for the
7 violation, plus five dollars costs, to a [traffic]
8 *scheduled* violations office in the county. The office
9 shall, if the offense is a moving violation *under*
10 *chapter three hundred twenty-one (321) of the Code,*
11 forward a copy of the citation and complaint and
12 admission to the [commissioner of public safety]
13 *department of transportation* as required by section
14 321.207. Thereupon the defendant shall not be required
15 to appear before the court. The admission shall
16 constitute a conviction.

17 2. A defendant charged with a scheduled violation
18 by information may obtain two copies of the information
19 from the court and, before the time he *or she* is
20 required to appear before the court, deliver or mail
21 such copies, together with his *or her* admission, fine,
22 and five dollars costs, to the [traffic] *scheduled*
23 violations office in the county. The procedure, fine,
24 and costs shall be the same as when the charge is
25 by citation and complaint, with the admission and
26 the number of the defendant's operator's or chauffeur's
27 license placed upon the information *when the violation*
28 *involves the use of a motor vehicle.*

29 3. When section 753.15 and this section are
30 applicable but the officer does not deem it advisable
31 to release the defendant and no court in the county
32 is in session:

33 a. If the defendant wishes to admit the violation,
34 the officer may release the defendant upon observing

35 [him] *the person* mail the citation and complaint,
 36 admission, and minimum fine, together with five dollars
 37 costs, to a traffic violations office in the county,
 38 in an envelope furnished by the officer. *The admission*
 39 *shall constitute a conviction and judgment in the*
 40 *amount of the scheduled fine plus five dollars costs.*
 41 The officer may allow the defendant to use a credit
 42 card pursuant to rules adopted pursuant to section
 43 753.21 by the department of public safety or to mail
 44 a check in the proper amount in lieu of cash. If
 45 the check is not paid by the drawee for any reason,
 46 the defendant may be held in contempt of court. The
 47 officer shall advise the defendant of the penalty
 48 for nonpayment of the check.
 49 b. If the defendant does not comply with paragraph
 50 "a" of this subsection, the officer may release the

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1 defendant upon observing him mail to a court in the
 2 county the citation and complaint and one and one-
 3 half times the minimum fine together with five dollars
 4 costs, or in lieu of one and one-half times the fine
 5 and the costs, a guaranteed arrest bond certificate
 6 as provided in section 321.1, subsection 71, as bail
 7 together with the following statement signed by the
 8 defendant:

9 "I agree that either (1) I will appear pursuant
 10 to this citation or (2) if I do not [so] appear [the
 11 amount deposited as bail will be forfeited] *in person*
 12 *or by counsel to defend against the offense charged*
 13 *in this citation the court is authorized to enter*
 14 *a conviction and render judgment against me for the*
 15 *amount of one and one-half times the scheduled fine*
 16 *plus five dollars costs."*

17 c. If the defendant does not comply with paragraph
 18 "a" or "b", or in any event when section [755.4] *four*
 19 *hundred seven (407) of chapter two (2) of this Act*
 20 is applicable, the officer may arrest and confine
 21 the defendant if authorized by the latter section,
 22 and proceed with him according to [chapter 757 or 758]
 23 *division four (IV) of chapter two (2) of this Act."*

24 26. Page 44, by inserting after line 5 the
 25 following section:

26 "Sec. ____ . Chapter four (4) is amended by adding
 27 the following section after section twenty-five (25):

28 SEC. ____ . Section fifty-six point twenty-nine
 29 (56.29), subsection five (5), Code 1977, is amended
 30 to read as follows:

31 5. Any person convicted of a violation of any
32 of the provisions of this section shall be [subject
33 to imprisonment in the county jail for not more than
34 one year and by a fine not to exceed one thousand
35 dollars] *guilty of a serious misdemeanor.*"

36 27. Page 44, by inserting after line 15 the
37 following sections:

38 "Sec. ____ . Chapter four (4) is amended by adding
39 the following section after section thirty-eight (38):

40 SEC. ____ . Section eighty-three A point thirteen
41 (83A.13), subsection four (4), Code 1977, is amended
42 to read as follows:

43 4. A person who falsifies information required
44 to be submitted under this section shall be guilty
45 of a *simple* misdemeanor [and upon conviction shall
46 be punished by a fine not to exceed one hundred dollars
47 or by imprisonment for a period not to exceed thirty
48 days or be punished by both such fine and imprisonment].

49 Sec. ____ . Chapter four (4) is amended by adding
50 the following sections after section sixty-nine (69):

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1 SEC. ____ . Section ninety-nine B point two (99B.2),
2 subsection three (3), Code 1977, is amended to read
3 as follows:

4 3. Each licensee required by subsection 2 to
5 maintain records shall submit quarterly reports to
6 the department on forms furnished by the department.
7 The reports shall contain a compilation of the
8 information required to be recorded by subsection
9 2, and shall include all of the transactions occurring
10 during the three-month period for which the report
11 is submitted. Failure to submit the quarterly reports
12 shall constitute grounds for revocation of the license.
13 Willful failure to submit quarterly reports is a
14 *serious* misdemeanor.

15 SEC. ____ . Section ninety-nine B point six (99B.6),
16 subsection one (1), paragraph k, Code 1977, is amended
17 to read as follows:

18 k. No person under the age of eighteen years may
19 participate in the gambling except pursuant to sections
20 99B.3, 99B.5 and 99B.7. Any licensee knowingly
21 allowing a person under the age of eighteen to
22 participate in the gambling prohibited by this
23 paragraph or any person knowingly participating in
24 such gambling with a person under the age of eighteen,
25 shall be guilty of a *simple* misdemeanor [and, upon
26 conviction, be punished by imprisonment in the county

27 jail for not more than thirty days and a fine of not
28 more than one hundred dollars or both].

29 SEC. — . Section ninety-nine B point six (99B.6),
30 subsection four (4), Code 1977, is amended to read
31 as follows:

32 4. The holder of a license issued pursuant to
33 this section and every agent of that licensee who
34 is required by the licensee to exercise control over
35 the use of the premises who knowingly permits or
36 engages in acts or omissions which constitute a
37 violation of subsection 1 commits a *serious*
38 misdemeanor. A licensee has knowledge of acts or
39 omissions if any agent of the licensee has knowledge
40 of those acts or omissions.

41 SEC. — . Section ninety-nine B point nine (99B.9),
42 subsection four (4), Code 1977, is amended to read
43 as follows:

44 4. The holder of a license issued pursuant to
45 this section and every agent of that licensee who
46 is required by the licensee to exercise control over
47 the use of the premises who knowingly permits acts
48 or omissions which constitute a violation of subsection
49 1 commits a *serious* misdemeanor. A licensee has
50 knowledge of acts or omissions if any agent of the

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1 licensee has knowledge of those acts or omissions.

2 SEC. — . Section ninety-nine B point fifteen
3 (99B.15), Code 1977, is amended to read as follows:

4 99B.15 APPLICABILITY OF CHAPTER. It is the intent
5 and purpose of this chapter to authorize gambling
6 in this state only to the extent specifically permitted
7 by a section of this chapter. Except as otherwise
8 provided in this chapter, the knowing failure of any
9 person to comply with the limitations imposed by this
10 chapter constitutes unlawful gambling, a *serious*
11 misdemeanor [, which is punishable as provided in chapter
12 726].

13 SEC. — . Section ninety-nine B point sixteen
14 (99B.16), Code 1977, is amended to read as follows:

15 99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS.

16 A licensee who willfully fails to maintain the records
17 when required by section 99B.2, or who willfully fails
18 to submit records when required by that section commits
19 a *serious* misdemeanor [punishable by imprisonment in
20 the county jail for not more than one year, or by
21 a fine of not more than one thousand dollars, or by

22 both imprisonment and fine].

23 SEC. ____ . Chapter four (4) is amended by adding
24 the following section after section ninety (90):

25 SEC. ____ . Section one hundred nine A point ten
26 (109A.10), Code 1977, is amended to read as follows:

27 109A.10 PENALTIES. Whoever violates any of the
28 provisions of this chapter shall be [fined not less
29 than ten dollars nor more than one hundred dollars
30 or be imprisoned in the county jail not more than
31 thirty days] *guilty of a simple misdemeanor.*

32 Sec. ____ . Chapter four (4) is amended by adding
33 the following section after section ninety-four (94):

34 SEC. ____ . Section one hundred ten B point six
35 (110B.6), Code 1977, is amended to read as follows:
36 110B.6 PENALTY. Any person violating any of the
37 provisions of this chapter shall be guilty of a *simple*
38 misdemeanor [and, upon conviction, shall be fined not
39 less than ten dollars nor more than one hundred dollars
40 or imprisoned in the county jail for not more than
41 thirty days].

42 Sec. ____ . Chapter four (4) is amended by adding
43 the following sections after section one hundred
44 ninety (190):

45 SEC. ____ . Section one hundred seventy-two A point
46 ten (172A.10), unnumbered paragraph two (2), Code
47 1977, is amended to read as follows:

48 Any person convicted of violating any provision
49 of this chapter shall be [punished by a fine of not
50 less than five hundred dollars nor more than two

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1 thousand five hundred dollars, or by imprisonment
2 in the county jail for not more than six months, or
3 by both fine and imprisonment] *guilty of a serious*
4 *misdemeanor.*

5 SEC. ____ . Section one hundred seventy-two B point
6 six (172B.6), Code 1977, is amended to read as follows:

7 172B.6 OFFENSES AND PENALTIES.

8 1. A person who is convicted of violating section
9 172B.2 [may be sentenced to a fine not to exceed one
10 hundred dollars, or to imprisonment in the county
11 jail for a period not to exceed thirty days, or both
12 the fine and imprisonment] *shall be guilty of a simple*
13 *misdemeanor.*

14 2. A person who makes or utters a transportation
15 certificate with knowledge that some or all of the
16 information contained in the certificate is false,
17 or a person who alters, forges, or counterfeits a

18 transportation certificate, or the receipt prescribed
19 in section 172B.4, commits a [public offense and upon
20 conviction may be sentenced to a term in the state
21 penitentiary not to exceed ten years, to a fine not
22 to exceed five thousand dollars, or to both the fine
23 and imprisonment] *class C felony*.

24 Sec. ____ . Chapter four (4) is amended by adding
25 the following section after section two hundred (200):

26 SEC. ____ . Section one hundred eighty-five C point
27 thirty-one (185C.31), Code 1977, is amended to read
28 as follows:

29 185C.31 PENALTY. It is a *simple* misdemeanor for
30 any person to willfully violate any provision of this
31 chapter or for any person to willfully render or
32 furnish a false or fraudulent report, statement, or
33 record required by the secretary."

34 28. Page 45, by inserting after line 4 the
35 following sections:

36 "Sec. ____ . Chapter four (4) is amended by adding
37 the following section after section two hundred fifty
38 (250):

39 SEC. ____ . Section two hundred thirty-seven A point
40 nineteen (237A.19), Code 1977, is amended to read
41 as follows:

42 237A.19 PENALTY. A person who establishes,
43 conducts, manages, or operates a center without a
44 license shall be guilty of a *serious* misdemeanor.
45 Each day of continuing violation after conviction,
46 or notice from the department by certified mail of
47 the violation, shall be considered a separate offense.

48 Sec. ____ . Chapter four (4) is amended by adding
49 the following section after section two hundred fifty-
50 seven (257):

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1 SEC. ____ . Section two hundred fifty-two B point
2 ten (252B.10), subsection one (1), Code 1977, is
3 amended to read as follows:

4 1. Any person who willfully requests, obtains,
5 or seeks to obtain paternity determination and support
6 collection data available under section 252B.9 under
7 false pretenses, or who willfully communicates or
8 seeks to communicate such data to any agency or person
9 except in accordance with this chapter, shall [, upon
10 conviction, for each such offense be punished by a
11 fine of not more than one thousand dollars or by
12 imprisonment in the state penitentiary for not more
13 than two years, or by both fine and imprisonment] be .

14 *guilty of an aggravated misdemeanor.* Any person who
15 knowingly, but without criminal purposes, communicates
16 or seeks to communicate paternity determination and
17 support collection data except in accordance with
18 this chapter shall [for each such offense be fined
19 not more than one hundred dollars or be imprisoned
20 not more than ten days] *be guilty of a simple*
21 *misdemeanor.*

22 Sec. ____ . Chapter four (4) is amended by adding
23 the following section after section two hundred
24 seventy-eight (278):

25 SEC. ____ . Section three hundred twenty-one point
26 one hundred ninety (321.190), subsection two (2),
27 unnumbered paragraph one (1), Code 1977, is amended
28 to read as follows:

29 It is a *simple* misdemeanor, punishable as provided
30 in section 321.482, for any person:

31 Sec. ____ . Chapter four (4) is amended by adding
32 the following section after section two hundred eighty-
33 one (281):

34 SEC. ____ . Section three hundred twenty-one point
35 two hundred sixty-six (321.266), subsection four (4),
36 Code 1977, is amended to read as follows:

37 4. Any carrier transporting hazardous materials
38 by rail, air, water, or upon a public highway in this
39 state, in the case of an accident involving the
40 transportation of hazardous materials, shall
41 immediately notify the police radio broadcasting
42 system established by the commissioner of public
43 safety pursuant to section 750.1 or shall notify a
44 peace officer of the county, township, or municipality
45 in which the accident occurs. When a local law
46 enforcement agency is informed of the accident, the
47 agency shall notify the Iowa highway safety patrol.
48 For purposes of this section 'hazardous substances'
49 shall mean hazardous substances as defined in the
50 federal Transportation Safety Act of 1974 (Public

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1 Law 93-633, section 103). A person who violates any
2 provision of this subsection shall, upon conviction,
3 be guilty of a *serious* misdemeanor."

4 29. Page 47, by inserting after line 27 the
5 following section:

6 "Sec. ____ . Chapter four (4) is amended by adding
7 the following section after section three hundred
8 seventy-seven (377):

9 SEC. ____ . Section four hundred seventy-six A point

10 fourteen (476A.14), subsection three (3), Code 1977,
11 is amended to read as follows:

12 3. Persons convicted of violating any provision
13 of this chapter shall be guilty of a *simple* misdemeanor
14 [and shall be fined not more than one hundred dollars
15 or be imprisoned for not more than thirty days].”

16 30. Page 48, line 2, by striking the words “*an*
17 *aggravated misdemeanor*” and inserting in lieu thereof
18 the words “*a class D felony*”.

19 31. Page 48, by inserting after line 2 the
20 following section:

21 “Sec. ____ . Chapter four (4) is amended by adding
22 the following section after section four hundred
23 seventy-one (471):

24 SEC. ____ . Section five hundred fifty-three point
25 fourteen (553.14), Code 1977, is amended to read as
26 follows:

27 553.14 CRIMINAL PENALTIES. A person or a natural
28 person having substantial control over an enterprise
29 who knowingly and willfully engages in conduct
30 prohibited by this chapter shall be, [upon conviction,
31 fined not to exceed twenty-five thousand dollars,
32 imprisoned in the county jail for not more than six
33 months or both so fined and imprisoned] *guilty of a*
34 *serious misdemeanor*.”

35 32. Page 49, by inserting after line 5 the
36 following sections:

37 “Sec. ____ . Chapter four (4) is amended by adding
38 the following sections after section five hundred
39 five (505):

40 SEC. ____ . Section seven hundred twenty-six point
41 one (726.1), Code 1977, is amended to read as follows:

42 726.1 KEEPING GAMBLING HOUSES. Any person who
43 keeps a house, shop, or place resorted to for the
44 purpose of gambling, or permits any person in any
45 house, shop, or other place under his *or her* control
46 or care to conduct bookmaking or to play at cards,
47 dice, faro, roulette, equality, punchboard, slot
48 machine or other game for money or other thing, commits
49 a *serious misdemeanor*.

50 SEC. ____ . Section seven hundred twenty-six point

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1 three (726.3), Code 1977, is amended to read as
2 follows:

3 726.3 GAMING AND BETTING—PENALTY. Any person
4 who participates in any game for any sum of money
5 or other property of any value, or who makes any bet

6 or wager for money or other property of value, or
7 who engages in bookmaking commits a *serious*
8 misdemeanor.

9 SEC. ____ . Chapter four (4) is amended by adding
10 the following sections after section five hundred
11 six (506):

12 SEC. ____ . Section seven hundred twenty-six point
13 eight (726.8), unnumbered paragraph one (1), Code
14 1977, is amended to read as follows:

15 If any person make or aid in making or establishing,
16 or advertise or make public any scheme for any lottery;
17 or advertise, offer for sale, sell, negotiate, dispose
18 of, purchase, or receive any ticket or part of a
19 ticket in any lottery or number thereof; or have in
20 his or her possession any ticket, part of a ticket,
21 or paper purporting to be the number of any ticket
22 of any lottery, with the intent to sell or dispose
23 of the same on his or her own account or as the agent
24 of another, the person commits a *serious* misdemeanor.

25 SEC. ____ . Section seven hundred twenty-six point
26 fourteen (726.14), Code 1977, is amended to read as
27 follows:

28 726.14 PENALTY. A person who commits an offense
29 declared in this chapter or chapter 99B to be a
30 misdemeanor shall be [subject to imprisonment in the
31 county jail for a period not exceeding one year, or
32 to a fine not exceeding one thousand dollars, or to
33 both fine and imprisonment] *guilty of a serious*
34 *misdemeanor*.

35 SEC. ____ . Section seven hundred twenty-six point
36 fifteen (726.15), Code 1977, is amended to read as
37 follows:

38 726.15 PROTECTION MONEY PROHIBITED. Any officer
39 or employee of this state, or of a county, city, or
40 judicial district who asks for, receives or collects
41 any money or other consideration for and with the
42 understanding that the officer or employee will aid,
43 exempt, or otherwise protect another person from
44 detection, arrest or conviction of any violation of
45 this chapter or chapter 99B commits [a felony punishable
46 by a fine not to exceed five thousand dollars or by
47 imprisonment for a term not to exceed two years, or
48 by both fine and imprisonment] *an aggravated*
49 *misdemeanor*.

50 SEC. ____ . Section seven hundred twenty-six point

2 follows:

- 3 726.16 COLLECTION SERVICE PROHIBITED. Any person
 4 who knowingly offers, gives or sells his or her
 5 services for use in collecting or enforcing any debt
 6 arising from gambling, whether or not lawful gambling,
 7 commits [a felony, punishable by a fine not to exceed
 8 five thousand dollars or by imprisonment for a term
 9 not to exceed two years, or by both fine and
 10 imprisonment] *an aggravated misdemeanor.*”
 11 33. Page 50, line 8, by striking the word “Section”
 12 and inserting in lieu thereof the word “Sections”.
 13 34. Page 50, line 9, by inserting after the number
 14 “(339.5)” the words and numbers “and seven hundred
 15 thirteen point forty-five (713.45)”.
 16 35. Page 50, line 9, by striking the word “is”
 17 and inserting in lieu thereof the word “are”.
 18 36. Renumbering the remaining sections and
 19 correcting internal references to conform to this
 20 amendment.

HOUSE AMENDMENT TO SENATE FILE 333

S-3619

- 1 Amend Senate File 333 as follows:
 2 1. Page 2, by striking lines 11 through 23 and
 3 inserting in lieu thereof the following: “two hundred
 4 twenty-nine point twelve (229.12), Code 1977, is
 5 amended to read as follows:
 6 229.12 HEARING PROCEDURE.
 7 1. At the hospitalization hearing, evidence in
 8 support of the contentions made in the application
 9 shall be presented by the county attorney. During
 10 the hearing the applicant and the respondent shall
 11 be afforded an opportunity to testify and to present
 12 and cross-examine witnesses, and the court may receive
 13 the testimony of any other interested person. The
 14 respondent has the right to be present at the hearing.
 15 If the respondent exercises that right and has been
 16 medicated within twelve hours, or such longer period
 17 of time as the court may designate, prior to the
 18 beginning of the hearing or an adjourned session
 19 thereof, the judge shall be informed of that fact
 20 and of the probable effects of the medication upon
 21 convening of the hearing.
 22 2. All persons not necessary for the conduct of
 23 the proceeding shall be excluded, except that the
 24 court may admit persons having a legitimate interest

25 in the proceeding. *Upon motion of the county attorney,*
26 *the judge may exclude the respondent from the hearing*
27 *during the testimony of any particular witness if*
28 *the judge determines that that witness' testimony*
29 *is likely to cause the respondent severe emotional*
30 *trauma.*

31 3. The respondent's welfare shall be paramount
32 and the hearing shall be conducted in as informal
33 a manner as may be consistent with orderly procedure,
34 but consistent therewith the issue shall be tried
35 as a civil matter. Such discovery as is permitted
36 under the Iowa rules of civil procedure shall be
37 available to the respondent. The court shall re-
38 ceive all relevant and material evidence which may
39 be offered and need not be bound by the rules of
40 evidence. There shall be a presumption in favor of
41 the respondent, and the burden of evidence in support
42 of the contentions made in the application shall be
43 upon the applicant. If upon completion of the hearing
44 the court finds that the contention that the respondent
45 is seriously mentally impaired has not been sustained
46 by clear and convincing evidence, it shall deny the
47 application and terminate the proceeding.

48 4. *If the respondent is not taken into custody*
49 *under section two hundred twenty-nine point eleven*
50 *(229.11) of the Code, but the court subsequently finds*

Page 2

1 *good cause to believe that the respondent is about*
2 *to depart from the jurisdiction of the court, the*
3 *court may order such limited detention of the*
4 *respondent as is authorized by section two hundred*
5 *twenty-nine point eleven (229.11) of the Code and*
6 *is necessary to insure that the respondent will not*
7 *depart from the jurisdiction of the court without*
8 *the court's approval until the proceeding relative*
9 *to the respondent has been concluded."*

10 2. Page 2, by inserting after line 11 the
11 following:

12 "Sec. ____ . Section two hundred twenty-nine point
13 seven (229.7), Code 1977, is amended to read as
14 follows:

15 229.7 SERVICE OF NOTICE UPON RESPONDENT. Upon
16 the filing of an application for involuntary
17 hospitalization, the clerk shall docket the case and
18 immediately notify a district court judge who shall
19 review the application and accompanying documentation.
20 If the application is adequate as to form, the judge

21 may set a time and place for a hearing on the
 22 application, if feasible, [and] *but the hearing shall*
 23 *not be held less than forty-eight hours after notice*
 24 *to the respondent unless the respondent waives such*
 25 *minimum prior notice requirement. The judge shall*
 26 direct the clerk to send copies of the application
 27 and supporting documentation, together with a notice
 28 informing the respondent of the procedures required
 29 by this chapter, to the sheriff or his or her deputy
 30 for immediate service upon the respondent. If the
 31 respondent is taken into custody under section 229.11,
 32 service of the application, documentation and notice
 33 upon the respondent shall be made at the time he or
 34 she is taken into custody.

35 Sec. — . Section two hundred twenty-nine point
 36 eight (229.8), subsection three (3), paragraph a,
 37 Code 1977, is amended to read as follows:

38 a. If not previously done, set a time and place
 39 for a hospitalization hearing, which shall be at the
 40 earliest practicable time *not less than forty-eight*
 41 *hours after notice to the respondent, unless the*
 42 *respondent waives such minimum prior notice*
 43 *requirement; and”.*

44 3. Page 2, line 25, by striking the words and
 45 numeral “subsection two (2)” and inserting in lieu
 46 thereof the words and numerals “subsections two (2)
 47 and three (3)”.

48 4. Page 2, line 33, by striking the word
 49 “Immediately” and inserting in lieu thereof the word
 50 “[Immediately]”.

Page 3

1 5. Page 2, by striking lines 34 and 35 and insert-
 2 ing in lieu thereof the words “[upon taking the person
 3 into custody, the nearest available magistrate, as
 4 defined in section 748.1, shall be notified]”.

5 6. Page 3, by striking lines 1 through 15 and
 6 inserting in lieu thereof the following: “[and shall
 7 immediately proceed to the facility. The magistrate
 8 shall in the manner prescribed by section 229.8,
 9 subsection 1 insure that the person has or is provided
 10 legal counsel at the earliest practicable time, and
 11 shall arrange for the counsel to be present, if
 12 practicable, before proceeding under this section.]
 13 *A person believed mentally ill, and therefore likely*
 14 *to injure himself or herself or others if not*
 15 *immediately detained, may be delivered to a hospital*

16 *by someone other than a peace officer. Upon delivery*
17 *of the person believed mentally ill to the hospital,*
18 *the chief medical officer may order treatment of that*
19 *person, including chemotherapy, but only to the extent*
20 *necessary to preserve the person's life or to*
21 *appropriately control behavior by the person which*
22 *is likely to result in physical injury to that person*
23 *or others if allowed to continue. The peace".*

24 7. Page 3, lines 17 and 18, by striking the words
25 "remain until the magistrate's arrival and shall"
26 and inserting in lieu thereof the words "[remain until
27 the magistrate's arrival and shall]".

28 8. Page 3, line 19, by striking the words
29 "magistrate. If the magistrate" and inserting in
30 lieu thereof the words "[magistrate] *chief medical*
31 *officer. If the [magistrate] chief medical officer".*

32 9. Page 3, line 20, by striking the words "probable
33 cause" and inserting in lieu thereof the words
34 "[probable cause] *reason*"

35 10. Page 3, line 23, by striking the word
36 "magistrate" and inserting in lieu thereof the words
37 "*chief medical officer*".

38 11. Page 3, line 24, by striking the word "enter"
39 and inserting in lieu thereof the words "[enter]
40 *prepare*".

41 12. Page 3, line 27, by striking the word
42 "magistrate's" and inserting in lieu thereof the words
43 "[magistrate's] *chief medical officer's*".

44 13. Page 3, line 30, by striking the words
45 "probable cause" and inserting in lieu thereof the
46 words "[probable cause] *reason*"

47 14. Page 3, by striking lines 33, 34 and 35, and
48 inserting in lieu thereof the words "[A] *If it is*
49 *necessary to transport the person to an appropriate*
50 *hospital, a*".

Page 4

1 15. Page 4, by striking line 1 and inserting in
2 lieu thereof the words "[certified] copy of the order".

3 16. Page 4, by striking line 4 and inserting in
4 lieu thereof the following: "*time. The chief medical*
5 *officer shall notify the nearest available magistrate,*
6 *as defined in section seven hundred forty-eight point*
7 *one (748.1) of the Code, of the order at once if the*
8 *order is prepared between the hours of eight o'clock*
9 *a.m. and eight o'clock p.m.; if the order is prepared*
10 *between the hours of eight o'clock p.m. of one day*
11 *and eight o'clock a.m. of the following day, such*

12 *magistrate shall be notified by the chief medical*
13 *officer not later than eight o'clock a.m. of the*
14 *latter day. Upon being so notified the magistrate*
15 *shall immediately proceed where the hospital where the*
16 *person is detained, review the matter, and either*
17 *affirm or dismiss the chief medical officer's order.*
18 *Unless convinced upon initial inquiry that there are*
19 *no grounds for affirming the chief medical officer's*
20 *order, the magistrate shall in the manner prescribed*
21 *by section two hundred twenty-nine point eight (229.8),*
22 *subsection one (1) of the Code insure that the person*
23 *has or is provided legal counsel at the earliest*
24 *practicable time, and shall arrange for the counsel*
25 *to be present, if practicable, before proceeding*
26 *further under this section. If the chief medical*
27 *officer's order is affirmed by the magistrate, a copy*
28 *of the order shall be filed as early as reasonably*
29 *possible on the next business day with the clerk of*
30 *the district court in the county where it is*
31 *anticipated that an order will be filed under section*
32 *two hundred twenty-nine point six (229.6) of the Code.*
33 *3. The chief medical officer of the hospital shall*
34 *examine and may detain and care for the person taken*
35 *into custody and detained under an order prepared*
36 *pursuant to subsection two (2) of this section for*
37 *a period not to exceed forty-eight hours from the*
38 *time such order is dated, excluding Saturdays, Sundays*
39 *and holidays, unless the order is sooner dismissed*
40 *by a magistrate. The hospital may provide treatment*
41 *which is necessary to preserve the person's life,*
42 *or to appropriately control behavior by the person*
43 *which is likely to result in physical injury to himself*
44 *or herself or others if allowed to continue, but may*
45 *not otherwise provide treatment to the person without*
46 *his or her consent. The person shall be discharged*
47 *from the hospital and released from custody not later*
48 *than the expiration of that period, unless an*
49 *application for his or her involuntary hospitalization*
50 *is sooner filed with the clerk pursuant to section*

Page 5

1 229.6. The detention of any person by the procedure
2 and not in excess of the period of time prescribed
3 by this section shall not render the peace officer,
4 physician or hospital so detaining that person liable
5 in a criminal or civil action for false arrest or
6 false imprisonment if the peace officer, physician

7 or hospital had reasonable grounds to believe the
8 person so detained was mentally ill and likely to
9 physically injure himself or herself or others if
10 not immediately detained.”

11 17. Page 9, by striking lines 19 and 20 and
12 inserting in lieu thereof the following:

13 “Sec. 14. Sections two hundred twenty-six point
14 six (226.6), subsection five (5), and two hundred
15 twenty-nine point forty-four (229.44), Code 1977,
16 are repealed.”

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 162

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 162, a bill for an Act making an appropriation to the judicial department, respectfully make the following report:

1. That the Senate recede from the Senate amendment S-3185 to the House amendment S-3180.

2. That the House recede from its amendment H-3231.

3. That Senate File 162 be amended as follows:

1. Page 1, line 23, by striking the figure “6,874,899” and inserting in lieu thereof the figure “6,981,639”.

2. Page 2, by inserting after line 20 the following:

“Sec. 3. Notwithstanding section six hundred two point eighteen (602.18) of the Code, the number of district judges shall not be increased by more than three in order that the number of district judges shall not exceed ninety-two during the period commencing with the effective date of this section and ending at such time as the general assembly shall otherwise specify.

Sec. 4. Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by subsection nine (9) of section one (1) of the Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two (1002) for use of the appellate court judges remaining on June 30, 1977 shall not revert to the general fund of the state but shall carry forward for use during fiscal year 1977-1978 and shall revert in the same manner as if appropriated for such fiscal year.

Furniture purchased with funds appropriated by this section shall be purchased from Iowa State Industries if furniture is available or can be supplied within a reasonable time.

Sec. 5. The legislative council shall cause an interim study on section six hundred two point eighteen (602.18) of the Code to be carried out by a subcommittee of the standing house and senate judiciary committees."

On the Part of the Senate:

EARL M. WILLITS, Chairperson
RAY TAYLOR
MINNETTE F. DODERER
LUCAS J. DE KOSTER
FRED W. NOLTING

On the Part of the House:

RUSSELL WYCKOFF, Chairperson
RICHARD WELDEN
FRED KOOGLER
HENRY WULFF

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: May 13, 1977, 12:25 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Nystrom, Ranking Member; Carr; Culver; Drake; Glenn; Junkins; Rush; Schwengels and Slater.

Members Absent: Rush; Ashcraft; Shaff and Kelly.

Final Action: DO PASS.

House File 64, a bill for an Act providing for flexible full-time career employment for state employees.

The vote was: AYES, 11; Doderer, Coleman, Nystrom, Carr, Culver, Drake, Glenn, Junkins, Rush, Schwengels and Slater. NAYS, none. ABSENT OR NOT VOTING, 3; Ashcraft, Kelly and Shaff.

Also:

Final Action: DO PASS.

House File 158, a bill for an Act relating to the storage and transportation of flammable and combustible liquids.

The vote was: AYES, 11; Doderer, Coleman, Nystrom, Carr, Culver, Drake, Glenn, Junkins, Rush, Schwengels and Slater, NAYS, none. ABSENT OR NOT VOTING, 3; Ashcraft, Kelly and Shaff.

Also:

Final Action: DO PASS.

House File 252, a bill for an Act relating to the experience requirement for licensing of, and prohibiting certain restrictions upon, nursing home administrators.

The vote was: AYES, 11; Doderer, Coleman, Nystrom, Carr, Culver, Drake, Glenn, Junkins, Rush, Schwengels and Slater. NAYS, none. ABSENT OR NOT VOTING, 3; Ashcraft, Kelly and Shaff.

Also:

Final Action: AMEND AND DO PASS.

House File 582, a bill for an Act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and allowing certain members of the general assembly who are members of the system at the time of election to the general assembly to contribute the employee's and employer's share at the same wage rate as the wages which qualified such member for the system.

The vote was: AYES, 11; Doderer, Coleman, Nystrom, Carr, Culver, Drake, Glenn, Junkins, Rush, Schwengels and Slater. NAYS, none. ABSENT OR NOT VOTING, 3; Ashcraft, Kelly and Shaff.

Adjourned: 12:40 p.m.

TRANSPORTATION

Convened: May 13, 1977, 8:15 a.m.

Members Present: Robinson, Chairperson; Glenn, Vice Chairperson; Drake, Ranking Member; Hutchins; Tieden; Gallagher; Ashcraft and Shaff.

Members Absent: Doderer (arrived 8:16 a.m.) and Coleman.

Final Action: AMEND AND DO PASS.

House File 491, a bill for an Act relating to transportation providing for an expression of the legislative intent concerning diagonal roads, lowering the freeway-expressway system total mileage and providing for functional reclassification of roads in the state:

The vote was: AYES, 8; Robinson, Glenn, Drake, Ashcraft, Doderer, Hutchins, Shaff and Tieden. NAYS, 1; Gallagher. ABSENT OR NOT VOTING, 1; Coleman.

Also:

Final Action: DO PASS.

House File 546, a bill for an Act relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs.

The vote was: AYES, 9; Robinson, Glenn, Drake, Hutchins, Tieden, Gallagher, Ashcraft, Shaff and Doderer. NAYS, none. ABSENT OR NOT VOTING, 1; Coleman.

Adjourned: 8:50 a.m.

STUDY BILL RECEIVED

S.S.B. 287 Judiciary

Legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 405	State Government
S.F. 406	Judiciary
H.F. 63	Transportation
H.F. 349	Judiciary
H.F. 369	Commerce
H.F. 569	Commerce
H.C.R. 36	Budget

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dawn F. Chapman, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, 1977 Code of Iowa, for the regular three-year term beginning July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN G. RODGERS, Chairperson
FORREST F. ASHCRAFT
STEPHEN W. BIENIUS
ROBERT M. CARR
JAMES M. REDMOND

ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS

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 Engineering Examiners:

RONALD D. BROWN, Muscatine, Muscatine County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Rush, Chairperson
Senator Drake
Senator Schwengels
Senator Van Gilst
Senator Willits

DAWN F. CHAPMAN, Cedar Rapids, Linn County, Iowa, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980.

Senator Rodgers, Chairperson
Senator Ashcraft
Senator Bisenius
Senator Carr
Senator Redmond

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 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 May, 1977:

Senate Files 155, 170, 317, 340, 341 and 342.

STEVEN C. CROSS, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 13,

1977, the Governor approved and transmitted to the Secretary of State the following bills:

H.F. 101—Relating to the required presence of an attendant on the jail premise when a prisoner is incarcerated.

H.F. 174—To provide public recognition for innovative methods of energy conservation.

H.F. 209—To make technical amendments to the statutes relating to school districts by permitting a single blanket bond for all employees including the secretary and treasurer of a school district.

H.F. 228—Relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law.

H.F. 254—To require inclusion of achievements of women, minorities, and others in total school program and to require English-language arts.

H.F. 449—Relating to the Legislative Council, the method of appointing members to the Legislative Council and Legislative Fiscal Committee, and grievances of employees subject to the policies of the Legislative Council.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 317, a comma was inserted after the word "Ottumwa" on page 2, line 6 of the bill as originally printed. The correction now appears at page 2, line 16 of the enrolled bill.

STEVEN C. CROSS, Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

May 16, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 52, was published in the Quad-City Times, Davenport, Iowa on April 27, 1977, and in the Fort Dodge Messenger, Fort Dodge, Iowa on April 26, 1977.

I further certify that House File 331, was published in The Sioux City Journal, Sioux City, Iowa on April 23, 1977, and in the Telegraph Herald,

Dubuque, Iowa on April 22, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
 Secretary of State

REPORTS OF COMMITTEE

Senator Hill of Jasper submitted the following reports:

MR. PRESIDENT: Your committee on Commerce to which was referred House File 358, a bill for an Act to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Commerce to which was referred House File 545, a bill for an Act relating to the management of loss and loss exposures of government, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

EUGENE M. HILL, Chairperson

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Friday, May 13, 1977.

Had I been present I would have voted "aye" on Senate File 393.

TOM SLATER

AMENDMENTS FILED

S-3602	S.F. 344	John N. Nystrom
S-3603	S.F. 373	Eugene M. Hill
S-3604	H.F. 584	Earl M. Willits
		Calvin O. Hultman
S-3605	S.J.R. 12	Ray Taylor
S-3606	S.F. 344	Dale L. Tieden
S-3608	S.F. 401	Forrest V. Schwengels
		Cloyd E. Robinson

PRESENTATION OF VISITORS

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

Eighty students from Oelwein High School, Oelwein, Iowa, accompanied by Ed Byrnes, Bill Allen, Bruce Willemsen and Les Aasheim. Senator Craft.

Forty-six students from Delaware Elementary School, Des Moines, Iowa, accompanied by Neoma Cadwell and Kathy Handley. Senator Palmer.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hill of Jasper from three thousand nineteen residents of Iowa opposing Sunday beer sales, and the sale of wine in grocery stores and privately owned liquor stores.

By Senator Slater from twelve residents of Iowa opposing legislation to impose a state tax on the renting of hotel and motel rooms.

By Senator Junkins from two hundred fifty-four residents of Lee County favoring House File 383, relating to recall of members of a county board of supervisors.

By Senator Slater from thirty residents of Pottawattamie County opposing Senate File 183, relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

By Senator Hill of Jasper from thirty-two residents of Polk County opposing Sunday beer sales and wine sold in grocery stores.

By Senator Doderer from thirty-two residents of Johnson, Muscatine, Ida and Warren Counties opposing legislation to impose a state tax on the renting of hotel and motel rooms.

By Senator Miller of Marshall from thirty-seven residents of Marshall County favoring legislation to raise the legal drinking age to nineteen.

By Senator Doderer from eleven residents of Polk County opposing House File 491, relating to raising the motor fuel and special fuel tax.

The following petitions favoring the Equal Rights Amendment were presented and placed on file by:

Senator Ashcraft from twenty-one residents of Scott County.

Senator Glenn from twenty-five residents of Wapello County.

Senator Ramsey from twenty-one residents of Clarke and Decatur Counties.

Senator Doderer from thirty-four residents of Johnson, Black Hawk and Linn Counties.

Senator Doderer from thirty-six residents of Carroll and Decatur Counties.

Senator Doderer from two hundred forty-two residents of Poweshiek and Wapello Counties.

On motion of Senator Kinley, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Tuesday, May 17, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY
EIGHTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 17, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Eugene Williams, pastor of the Antioch Baptist Church, Waterloo, Iowa.

The Journal of Monday, May 16, 1977, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Curtis for the day on request of Senator Hultman; Senator Rodgers for the morning session on request of Senator Kinley.

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

The Senate resumed session, 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, 1977, refused to concur in Senate amendment to House amendment to the following bill in which the concurrence of the House was asked:

Senate File 140, a bill for an Act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions.

Also: That the House has on May 13, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 594, a bill for an Act relating to substance abuse by creating an Iowa department of substance abuse.

Also: That the House has on May 16, 1977, passed the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 40, a resolution to provide a bonding for the state board of regents ten year building program.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 594, a bill for an Act relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty.

Read first time and PASSED ON FILE.

HOUSE CONCURRENT RESOLUTION 40

By: Committee on Budget

- 1 *Whereas*, section two hundred sixty-two A point
- 2 three (262A.3) of the Code provides that the state
- 3 board of regents shall prepare and submit to the
- 4 general assembly for approval no later than seven
- 5 days after the convening of each regular annual session
- 6 of the general assembly a proposed ten-year building
- 7 program for each institution of higher learning under
- 8 the jurisdiction of said board, said program to contain
- 9 a list of the buildings and facilities which the board
- 10 deems necessary to further the educational objectives
- 11 of the institutions, with an estimate of the cost
- 12 of each of the buildings and facilities referred to
- 13 therein and an estimate of the maximum amount of bonds
- 14 which the board expects to issue under chapter two
- 15 hundred sixty-two A (262A) of the Code during each
- 16 year of the ensuing biennium; and
- 17 *Whereas*, the state board of regents prepared and
- 18 within seven days after the convening of the Sixty-

19 seventh General Assembly of the State of Iowa, First
20 Session, submitted to the Sixty-seventh General
21 Assembly, First Session, for approval such a proposed
22 ten-year building program for each institution
23 containing a list of the buildings and facilities
24 which the board deems necessary to further the
25 educational objectives of the institutions, together
26 with an estimate of the cost of each of the buildings
27 and facilities referred to therein and an estimate
28 of the maximum amount of bonds which the board expects
29 to issue under the provisions of chapter two hundred
30 sixty-two A (262A) of the Code for each year of the

Page 2

1 biennium beginning July 1, 1977 and ending June 30,
2 1979; and
3 *Whereas*, the projects contained in said building
4 program are deemed necessary for the proper performance
5 of the instructional, research and service functions
6 of the institutions; and
7 *Whereas*, section two hundred sixty-two A point
8 four (262A.4) of the Code provides that the state
9 board of regents after authorization by a
10 constitutional majority of each house of the general
11 assembly and approval by the governor may undertake
12 and carry out at the institutions of higher learning
13 under the jurisdiction of said board any project as
14 defined in chapter two hundred sixty-two A (262A)
15 of the Code; and
16 *Whereas*, chapter two hundred sixty-two A (262A)
17 of the Code authorizes the state board of regents
18 to borrow money and to issue and sell negotiable
19 revenue bonds to pay all or any part of the cost of
20 carrying out such projects at any institution payable
21 solely from and secured by an irrevocable pledge of
22 a sufficient portion of the student fees and charges
23 and institutional income received by the particular
24 institution; and
25 *Whereas*, to further the educational objectives
26 of the institutions the state board of regents requests
27 authorization to undertake and carry out certain of
28 said projects at this time and to finance the cost
29 thereof by borrowing money and issuing negotiable
30 bonds under the provisions of chapter two hundred

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1 sixty-two A (262A) of the Code, in a total amount

2 not to exceed twenty-five million three hundred
 3 thousand (25,300,000) dollars, the remaining cost
 4 of said projects to be financed by capital
 5 appropriations or by federal or other funds lawfully
 6 available therefore; *Now Therefore,*
 7 *Be It Resolved by the House of Representatives,*
 8 *the Senate Concurring,* That the proposed ten-year
 9 building program submitted by the state board of
 10 regents for each institution of higher learning under
 11 its jurisdiction, including the estimate of the maximum
 12 amount of bonds which the board expects to issue under
 13 the provisions of chapter two hundred sixty-two A
 14 (262A) of the Code, be and is hereby approved as
 15 follows:

STATE BOARD OF REGENTS PROPOSED TEN YEAR
 BUILDING PROGRAM 1977-1987
 State University of Iowa

Project	Estimated Total Cost
Lindquist center for measurement	
phase II	\$ 5,640,000
Old armory replacement	11,680,000
Movable equipment	1,735,000
Macbride hall remodeling	825,000
Chemistry botany building remodeling	560,000
Fire escapes—two buildings	230,000
Eastlawn remodeling	485,000
Medical research center remodeling	310,000
Life-of-building formula remodeling	16,360,000

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1 Boiler plant renovation	1,670,000
2 Steam Distribution improvements	1,690,000
3 Electrical substations for university	
hospitals	1,500,000
5 Storm sewer renovations	2,890,000
6 Water plan improvements	710,000
7 Chiller improvements	2,690,000
8 Eastside water system improvements	1,050,000
9 Miscellaneous and recurring	
utility needs	600,000
11 Lease/purchase of main frame computer	1,200,000
12 Undefined special projects	5,000,000
13 TOTAL	\$56,825,000
14 Iowa State University of Science and Technology	
15 Music building	3,385,000
16 Library addition—phase I	6,335,000
17 Horticulture addition	2,460,000

18	Library addition	6,100,000
19	Mechanical engineering and engineering science and mechanics	5,375,000
20	Agronomy addition	4,900,000
22	Movable equipment	2,840,000
23	Quadrangle remodeling—phase I	2,035,000
24	Beardshear hall remodeling	605,000
25	Curtiss hall remodeling	700,000
26	Quadrangle remodeling—phase II	3,300,000
27	Life-of-building formula remodeling	10,780,000
28	Centrifugal chiller and cooling tower	2,500,000
29	Water pollution control plan improvements	1,300,000

Page 5

1	System expansion for new and renovated buildings	1,200,000
3	General system repairs and alterations—utilities	3,400,000
5	Cooling tower addition and replacement	1,200,000
6	Power plant repairs	2,000,000
7	Miscellaneous utility projects	1,065,000
8	Electrical repairs	900,000
9	Undefined special projects	5,000,000
10	TOTAL	\$67,380,000
11	University of Northern Iowa Speech/art complex—phase II	4,105,000
13	Physical education center completion	7,680,000
14	Movable equipment	1,180,000
15	Gymnasium I remodeling	250,000
16	Life-of-building formula remodeling	5,965,000
17	Coal-fired boiler	6,905,000
18	Storm and sanitary sewer repairs	630,000
19	Electrical system improvements	920,000
20	Steam distribution improvements	1,850,000
21	Water line improvements	200,000
22	Miscellaneous utility needs	300,000
23	Pollution control devices	1,200,000
24	Hudson road improvements	300,000
25	Classroom building for business	3,678,000
26	Movable equipment for business	347,000
27	TOTAL	\$35,510,000
28	Total state board of regents' ten-year program 1977-1987	\$159,715,000
30	<i>Be It Further Resolved, That the state board of</i>	

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- 1 regents, prior to the adoption of the ten-year building

2 program, shall consider and may develop plans for
 3 capital construction or expansion of buildings and
 4 facilities at sites or communities other than where
 5 institutions under the control of the board of regents
 6 are presently located, and

7 *Be It Further Resolved*, That during the biennium
 8 which commences July 1, 1977, and which ends June
 9 30, 1979, the maximum amount of bonds which the state
 10 board of regents expects to issue under the provisions
 11 of chapter two hundred sixty-two A (262A) of the Code
 12 is twenty-five million three hundred thousand
 13 (25,300,000) dollars, all or any part of which may
 14 be issued during the fiscal year ending June 30, 1978,
 15 and if all of that amount should not be issued during
 16 the fiscal year ending June 30, 1978, any remaining
 17 balance may be issued during the fiscal year ending
 18 June 30, 1979, and this plan of financing is hereby
 19 approved; and

20 *Be It Further Resolved*, That the state board of
 21 regents be and is hereby authorized to undertake and
 22 carry out the following projects and to pay all or
 23 any part of the cost of carrying out such projects
 24 by borrowing money and issuing negotiable revenue
 25 bonds under the provisions of chapter two hundred
 26 sixty-two A (262A) of the Code in a total amount not
 27 to exceed twenty-five million three hundred thousand
 28 (25,300,000) dollars:
 29 State University of Iowa
 30 Reconstruction of boiler number 8

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1 Replace electrical substation serving university
 2 hospitals
 3 Boilers 5 and 6—controls and instrumentation
 4 Medical research center—electrical renovations
 5 Steam distribution—complete westside loop system
 6 MacBride hall—remodeling and renovation
 7 Chemistry/botany building—chemistry laboratory modern-
 8 ization and fire escapes
 9 Miscellaneous utilities and remodeling projects
 10 Iowa State University
 11 Centrifugal chiller and cooling tower
 12 Miscellaneous general utility and remodeling projects
 13 Quadrangel remodeling—phase I
 14 Music building construction
 15 Horticulture building addition and remodeling
 16 University of Northern Iowa
 17 Coal-fired boiler replacement and auxiliaries—
 18 phases I and II

- 19 Gymnasium I—perimeter renovation
 20 Miscellaneous general utility and remodeling projects

Read first time and PASSED ON FILE.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 162

Senator Willits called up the conference committee report on Senate File 162, a bill for an Act making an appropriation to the judicial department, filed May 16, 1977, found on pages 1633-1634 of the Senate Journal, and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein 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. 162) the vote was:

Ayes, 44:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Ashcraft	Curtis	Hill, E.M.	Palmer
Rodgers	Shaff		

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 319

Senator Glenn called up for consideration Senate File 319, a bill for an Act amending the criminal code revisions so that a liaison officer shall preside over a probable cause hearing regarding violation of parole, amended by the House, and moved that the Senate concur in House amendment S-3613 filed May 16, 1977, and found on pages 1608-1609 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

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. 319) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaw	Slater
Taylor	Van Gilst	Willits	

Nays, 4:

Hultman	Kelly	Shaff	Tieden
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Absent or not voting, 3:

Curtis	Hill, E.M.	Rodgers
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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.

Senate File 333

Senator Murray called up for consideration Senate File 333, a bill for an Act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, amended by House amendment S-3619 filed May 16, 1977, and found on pages 1628-1633 of the Senate Journal.

Senator Glenn offered amendment S-3621 to House amendment S-3619.

Senator Glenn offered amendment S-3624 to amendment S-3621 to House amendment S-3619 and moved its adoption.

Amendment S-3624 to amendment S-3621 to House amendment S-3619 was adopted.

Senator Glenn moved the adoption of amendment S-3621 as amended to House amendment S-3619 and requested a record roll call.

On the question "Shall amendment S-3621 be adopted?" (S.F. 333) the vote was:

Ayes, 33:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	Doderer	Gallagher	Glenn
Hansen	Hill, P.B.	Hutchins	Junkins
Merritt	Miller, A.V.	Nolting	Nystrom
Orr	Palmer	Priebe	Redmond
Robinson	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Van Gilst
Willits			

Nays, 13:

Briles	DeKoster	Drake	Hulse
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Hultman	Kelly	Miller, C.P	Miller, E.R.
Murray	Ramsey	Readinger	Shaw
Tieden			

Absent or not voting, 4:

Curtis	Hill, E.M.	Kinley	Rodgers
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Amendment S-3621 as amended to House amendment S-3619 was adopted.

Senator Murray moved that the Senate concur in House amendment S-3619 as amended.

The motion prevailed and the Senate concurred in the House amendment as amended.

Senator Murray 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. 333) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Curtis	Hill, E.M.	Kinley	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.

On motion of Senator Junkins, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman presiding.

QUORUM CALL

Senator Junkins 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 17, 1977, receded from the House amendment to, and repassed the following bill in which the concurrence of the House was asked:

Senate File 7, a bill for an Act relating to contract and bidding procedures for the repair or construction of county buildings.

Also: That the House has, on May 17, 1977, adopted the conference committee report and passed Senate File 156, a bill for an Act providing for an appropriation to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

Also: That the House has, on May 17, 1977, adopted the conference committee report and passed House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities.

Also: That the House has on May 17, 1977, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 246, a bill for an Act creating a performance audit bureau under the direction of a performance auditor.

Also: That the House has on May 17, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 433, a bill for an Act relating to the termination of a life estate in agricultural land which has been leased.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 433, a bill for an Act relating to the termination of a life estate in agricultural land which has been leased.

Read first time and PASSED ON FILE.

ADOPTION OF CONFERENCE COMMITTEE REPORT

House File 74

Senator Hutchins called up the conference committee report on House File 74, a bill for an Act to provide recreational program activities for residents of county care facilities, found on page 1498 of the Senate Journal and moved its adoption.

The motion prevailed and the conference committee report and the amendment and recommendations contained therein was adopted.

Senator Hutchins moved that the bill 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. 74) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hultman	Hutchins
Junkins	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Readinger	Redmond
Robinson	Rush	Schwengels	Scott

Shaff Willits	Shaw	Slater	Van Gilst
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Nays, 5:

Hulse Tieden	Priebe	Ramsey	Taylor
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Absent or not voting, 4:

Curtis	Kelly	Kinley	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.

CONSIDERATION OF BILLS

Senator Junkins asked and received unanimous consent to take up out of order Senate File 394.

Senate File 394

On motion of Senator Palmer, Senate File 394, a bill for an Act relating to the barrel tax rebate contained in chapter one hundred twenty-three (123) of the Code, was taken up for consideration.

Senator Palmer offered amendment S—3565 filed by him on May 12, 1977, to page 2 of the bill and moved its adoption.

Amendment S—3565 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. 394) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Merritt
Miller, A.V.	Miller, C.P.	Murray	Nolting

Nystrom	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Slater	Tieden
Van Gilst	Willits		

Nays, 5:

Miller, E.R.	Orr	Shaff	Shaw
Taylor			

Absent or not voting, 3:

Curtis	Kinley	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.

Senator Junkins asked and received unanimous consent to take up out of order House File 85.

House File 85

On motion of Senator Doderer, House File 85, a bill for an Act relating to the number of times a person may change his or her name, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S-3562 filed by the committee on Judiciary on May 12, 1977, to page 1 of the bill.

Senator Ramsey called for a division of the amendment, lines 2 through 35 and lines 40 through 43 to be considered as division S-3562A of the amendment; lines 36 through 39 to be considered as division S-3562B of the amendment; lines 44 and 45 to be considered as division S-3562C of the amendment.

Senator Ramsey raised the point of order that division S-3562A of the amendment was not germane to the bill.

The Chair ruled the point not well taken and division S-3562A of the amendment in order.

Senator Ramsey offered amendment S-3634 to division S-3562A of the amendment.

Action on amendment S-3634 to division S-3562A of the amendment was temporarily deferred.

Senator Ramsey offered amendment S-3636 to division S-3562A of the amendment and moved its adoption.

Amendment S-3636 to division S-3562A of the amendment was adopted.

Senator Readinger offered amendment S-3632 to division S-3562A of the amendment and moved its adoption.

Amendment S-3632 to division S-3562A of the amendment was adopted.

Senator Willits offered amendment S-3641 to division S-3562A of the amendment.

Senator Kelly raised the point of order that amendment S-3641 was not germane.

The Chair ruled the point not well taken and amendment S-3641 to division S-3562A of the amendment in order.

Senator Willits withdrew amendment S-3641 to division S-3562A of the amendment.

The Senate resumed consideration of amendment S-3634 to division S-3562A of the amendment previously deferred.

Senator Ramsey moved the adoption of amendment S-3634 to division S-3562A of the amendment and requested a record roll call.

On the question "Shall amendment S-3634 be adopted?" (H.F. 85) the vote was:

Ayes, 16:

Bergman	Briles	Burroughs	DeKoster
Drake	Hill, E.M.	Hultman	Miller, A.V.
Miller, E.R.	Priebe	Ramsey	Schwengels
Shaff	Taylor	Tieden	Van Gilst

Nays, 26:

Ashcraft	Calhoon	Carr	Craft
Culver	Doderer	Glenn	Hansen
Hill, P.B.	Hulse	Junkins	Kelly
Kinley	Merritt	Miller, C.P.	Nolting
Nystrom	Orr	Palmer	Readinger
Redmond	Rush	Scott	Shaw
Slater	Willits		

Absent or not voting, 8:

Bisenius	Coleman	Curtis	Gallagher
Hutchins	Murray	Robinson	Rodgers

Amendment S-3634 to division S-3562A of the amendment lost.

Senator Craft took the chair at 3:28 p.m.

President Neu took the chair at 3:35 p.m.

Senator Doderer moved the adoption of division S-3562A of the amendment as amended and requested a record roll call.

On the question "Shall division S-3562A of the amendment be adopted?" (H.F. 85) the vote was:

Ayes, 27:

Calhoon	Carr	Craft	Culver
DeKoster	Doderer	Gallagher	Glenn
Hansen	Hill, P.B.	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Murray
Nolting	Nystrom	Orr	Priebe
Readinger	Redmond	Robinson	Rush
Scott	Slater	Willits	

Nays, 15:

Ashcraft	Bergman	Bisenius	Briles
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Burroughs
Hultman
Schwengels

Drake
Miller, C.P.
Taylor

Hill, E.M.
Miller, E.R.
Tieden

Hulse
Ramsey

Absent or not voting, 8:

Coleman
Rodgers

Curtis
Shaff

Hutchins
Shaw

Palmer
Van Gilst

Division S—3562A of the amendment as amended was adopted.

Senator Redmond offered amendment S—3639 by Senators Redmond, et al., to division S—3562B of the amendment.

A non record roll call was requested.

The ayes were 23, nays 14.

Amendment S—3639 to division S—3562B of the amendment was adopted.

Senator Doderer moved the adoption of division S—3562B of the amendment as amended.

Division S—3562B of the amendment as amended was adopted.

Senator Doderer moved the adoption of division S—3562C of the amendment.

Division S—3562C of the amendment was adopted.

Senator Ramsey offered amendment S—3642 to page 1 of the bill.

Action on amendment S—3642 was temporarily deferred.

Senator Ramsey offered amendment S—3645 to page 1 of the bill.

Senator Rush raised the point of order that amendment S—3645 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3645 out of order.

The Senate resumed consideration of amendment S-3642 previously deferred.

Senator Ramsey withdrew amendment S-3642.

Senator Ramsey offered amendment S-3647 to page 1 of the bill and moved its adoption.

Amendment S-3647 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. 85) the vote was:

Ayes, 32:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Craft	DeKoster	Doderer
Glenn	Hansen	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Murray	Nolting
Orr	Palmer	Priebe	Readerger
Redmond	Robinson	Rush	Scott
Shaff	Shaw	Tieden	Willits

Nays, 13:

Briles	Burroughs	Culver	Drake
Gallagher	Hill, E.M.	Hulse	Miller, C.P.
Miller, E.R.	Nystrom	Ramsey	Schwengels
Taylor			

Absent or not voting, 5:

Coleman	Curtis	Rodgers	Slater
Van Gilst			

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 85 passed the Senate on May 17, 1977.

CALVIN O. HULTMAN

MR. PRESIDENT: I move to reconsider the vote by which House File 85 passed the Senate on May 17, 1977.

JAMES M. REDMOND

SENATE INSISTS

House File 246

Senator Kelly called up for consideration House File 246, a bill for an Act creating a performance audit bureau under the direction of a performance auditor, specifying the powers and duties, and providing a penalty and moved that the Senate insist on its amendment.

The motion prevailed and the Senate **INSISTED** on its amendment to **HOUSE FILE 246**.

SENATE RECEDES

Senate File 140

Senator Nolting called up for consideration Senate File 140, a bill for an Act to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, and providing penalties.

Senator Burroughs took the chair at 4:25 p.m.

Senator Nolting moved that the Senate recede from its amendment to the House amendment to Senate File 140 and requested a record roll call.

On the question "Shall the motion to recede be adopted?" (S.F. 140) the vote was:

Ayes, 27:

Ashcraft	Briles	Calhoon	Carr
Craft	Doderer	Drake	Gallagher
Hill, E.M.	Hultman	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Nolting	Nystrom	Orr	Palmer
Readinger	Redmond	Robinson	Rush
Scott	Slater	Willits	

Nays, 19:

Bergman	Bisenius	Burroughs	Culver
DeKoster	Glenn	Hansen	Hill, P.B.
Hulse	Merritt	Miller, E.R.	Priebe
Ramsey	Schwengels	Shaff	Shaw
Taylor	Tieden	Van Gilst	

Absent or not voting, 4:

Coleman	Curtis	Murray	Rodgers
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The motion prevailed and the Senate RECEDED from its amendment to the House amendment to SENATE FILE 140.

Senator Nolting moved that the bill as amended by the House 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. 140) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Craft	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Burroughs

Coleman

Curtis

Rodgers

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

President Neu took the chair at 4:40 p.m.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred Senate Concurrent Resolution 18, a resolution relating to a study of the funding of the commission on aging, the drug abuse authority, the division of alcoholism, and all of their related programs, begs leave to report it has had the same under consideration and recommends the same BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 18.

Senate Concurrent Resolution 18

On motion of Senator Nolting, Senate Concurrent Resolution 18, a resolution relating to a study of the funding of the commission on aging, the drug abuse authority, the division on alcoholism and all of their related programs, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Nolting moved the adoption of Senate Concurrent Resolution 18.

The motion prevailed and Senate Concurrent Resolution 18 was adopted.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred Senate Joint Resolution 11, a joint resolution to authorize an interim study of the Iowa public employees' retirement system and to make an appropriation, begs leave to report it has had the same under consideration and recommends the same BE ADOPTED.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Joint Resolution 11.

Senate Joint Resolution 11

On motion of Senator Hill of Jasper, Senate Joint Resolution 11, a joint resolution to authorize an interim study of the Iowa public employees' retirement system and to make an appropriation, with report of committee on Budget recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S-3591 filed by her on May 13, 1977, and moved its adoption.

A non record roll call was requested.

The ayes were 37, nays 6.

Amendment S-3591 was adopted.

Senator Doderer 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. 11) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, none.

Absent or not voting, 3:

Coleman	Curtis	Rodgers
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The resolution having received a constitutional majority was declared to have been adopted by the Senate and the title as amended was agreed to.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 558, a bill for an Act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take

up for immediate consideration House File 558.

House File 558

On motion of Senator Priebe, House File 558, a bill for an Act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members, 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. 558) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 1:

Hultman

Absent or not voting, 3:

Coleman Curtis Rodgers

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

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred Senate Concurrent Resolution 14, a resolution relating to the authorization of a joint select committee of the legislature to study mental health services provided within the state and making a \$75,000 appropriation, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3629; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 14.

Senate Concurrent Resolution 14

On motion of Senator Nolting, Senate Concurrent Resolution 14, a resolution relating to the authorization of a joint select committee of the legislature to study mental health services provided within the state and making a \$75,000 appropriation, with report of committee on Budget recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Nolting offered amendment S-3629 by the committee on Budget to page 2 of the resolution and moved its adoption.

Amendment S-3629 was adopted.

Senator Nolting moved the adoption of Senate Concurrent Resolution 14 and requested a record roll call.

On the question "Shall the resolution be adopted?" (S.C.R. 14) the vote was:

Ayes, 37:

Ashcraft	Bergman	Calhoon	Carr
Craft	Culver	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.

Hutchins	Jenkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rush	Schwengels
Scott	Shaw	Slater	Van Gilst
Willits			

Nays, 9:

Bisenius	Burroughs	DeKoster	Hill, E.M.
Hulse	Hultman	Shaff	Taylor
Tieden			

Absent or not voting, 4:

Briles	Coleman	Curtis	Rodgers
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The motion prevailed and Senate Concurrent Resolution 14 was adopted.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 584, a bill for an Act making appropriations to the department of general services and the executive council for capital improvements, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3627 and Amendment S-3628; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 584.

House File 584

On motion of Senator Willits, House File 584, a bill for an Act making appropriations to the department of general services and

the executive council for capital improvements, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S-3627 by the committee on Budget to page 1 of the bill.

Senator Willits offered amendment S-3630 to amendment S-3627 and moved its adoption.

Amendment S-3630 to amendment S-3627 was adopted.

Senator Willits moved the adoption of amendment S-3627 as amended.

Amendment S-3627 as amended was adopted.

Senator Willits offered amendment S-3628 by the committee on Budget to page 1 of the bill.

Senator Taylor offered amendment S-3651 to amendment S-3628.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 21, nays 24.

Amendment S-3651 to amendment S-3628 lost.

Senator Willits moved the adoption of amendment S-3628.

Amendment S-3628 was adopted.

Senator Willits asked and received unanimous consent to withdraw the following amendments:

Amendment S-3571 filed by Senators Willits and Hultman on

May 12, 1977, to page 1 of the bill.

Amendment S-3578 filed by Senator Willits on May 12, 1977, to page 1 of the bill.

Amendment S-3604 filed by Senators Willits and Hultman on May 16, 1977, to amendment S-3571.

Amendment S-3643 filed by Senator Taylor on May 17, 1977, to amendment S-3578.

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. 584) the vote was:

Ayes, 42:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Glenn	Hansen	Hill, P.B.	Hulse
Hultman	Hutchins	Junkins	Kelly
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Robinson	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Van Gilst	Willits		

Nays, 4:

Hill, E.M.	Merritt	Priebe	Tieden
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Absent or not voting, 4:

Briles	Curtis	Gallagher	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.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that the

following bills and resolutions be immediately messaged to the House:

SENATE JOINT RESOLUTION 11; SENATE FILES 333 and 394; SENATE CONCURRENT RESOLUTIONS 14 and 18; and HOUSE FILES 558 and 584.

INTRODUCTION OF BILLS

SENATE FILE 407, by Budget Education Subcommittee, a bill for an act appropriating funds to the state board of public instruction to plan for an addition to a building.

Read first time and PLACED ON CALENDAR.

SENATE FILE 408, by Committee on Judiciary, a bill for an act to legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land.

Read first time and PLACED ON CALENDAR.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 75

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 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, respectfully make the following report:

1. That the Senate recede from its amendment H-3794 to House File 75 as amended, passed and reprinted by the House.

2. That House File 75, as amended, passed and reprinted by the House be amended as follows:

1. Page 1, line 24, by inserting after the word "system." the words "Air exchange fans designed to provide ventilation shall not be considered a cooling system."

2. Page 1, line 25, by striking the word "may" and inserting in lieu thereof

the word "shall".

3. Page 1, line 28, by inserting after the word "buildings" the words "including farm buildings for livestock use".

4. Page 2, by striking lines 11 through 14 and inserting in lieu thereof the words "construction and to all other new construction in the state which will contain more than one hundred thousand cubic feet of enclosed space that is heated or cooled."

5. Page 2, line 26, by striking the words and numerals "100,000 cubic feet" and inserting in lieu thereof the words "one hundred thousand cubic feet of enclosed space that is heated or cooled".

6. Page 2, by striking lines 34 and 35.

On the Part of the Senate:

JAMES V. GALLAGHER, Chairperson
JOHN R. SCOTT
LOUIS P. CULVER
JAMES E. BRILES
RICHARD R. RAMSEY

On the Part of the House:

ARLO HULLINGER, Chairperson
ROLLIN K. HOWELL
HERBERT C. HINKHOUSE
ANDREW VARLEY
COOPER EVANS

STUDY BILLS RECEIVED

S.S.B. 288 Cities

Gives city finance committee authority to decide what items can have taxes levied for the trust and agency fund.

S.S.B. 289 Budget

Appropriates funds to the office of the Code editor.

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 24	Rules and Administration
H.F. 32	State Government
H.F. 237	Judiciary
H.F. 299	Judiciary
H.F. 406	State Government

H.F. 566	Natural Resources
H.F. 594	Human Resources
H.F. 615	Budget
H.C.R. 40	Budget

**REPORT OF COMMITTEE ON
RULES AND ADMINISTRATION**

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the committee on rules and administration submits the following changes in the classification of the indicated officers and employees to be effective on the date indicated:

Caucus Staff Director	Jim Riordan	From intermittent-full time to permanent-full time effective immediately and from Step 1 to Step 2 effective June 10, 1977.
Research Analyst	Daryl Frey	From intermittent-full time to permanent-full time effective immediately and from Step 1 to Step 2 effective June 24, 1977.
Research Analyst	Robert Haug	From intermittent-full time to permanent-full time effective immediately and from Step 2 to Step 3 effective June 24, 1977.
Research Analyst	Craig Palmer	From intermittent-full time to permanent-full time effective immediately and from Step 1 to Step 2 effective June 24, 1977.
Research Analyst	Ann Hale	From intermittent-full time to permanent-full time effective immediately and from Step 1 to Step 2 effective April 29, 1977.

Research Analyst	Darrell Hanson	From intermittent-full time to permanent-full time effective immediately and from Step 1 to Step 2 effective June 24, 1977.
Research Analyst	Brian Rude	From intermittent-full time to permanent-full time effective immediately and from Step 1 to Step 2 effective June 24, 1977.

GEORGE R. KINLEY, Chairperson

PROOF OF PUBLICATION

Published copy of Senate File 408 and verified proof of publication of said bill in The Bonaparte Record-Republican, Bonaparte, Iowa, on May 12, 1977, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber for a short time on Friday, May 13, 1977.

Had I been present, I would have voted "aye" on Senate File 393.

JAMES CALHOON

REPORT OF COMMITTEE

Senator Redmond submitted the following report:

MR. PRESIDENT: Your committee on County Government to which was referred Senate File 67, a bill for an Act authorizing ambulance services by townships, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

JAMES M. REDMOND, Chairperson

AMENDMENTS FILED

S-3622

H.F. 57

Rolf V. Craft
Robert M. Carr

S-3623	S.F. 137	Cloyd E. Robinson
S-3625	S.F. 137	Cloyd E. Robinson John S. Murray
S-3626	S.F. 318	Gene W. Glenn
S-3633	S.F. 167	Richard F. Drake Cloyd E. Robinson
S-3640	S.F. 404	Ray Taylor
S-3644	S.F. 167	Richard F. Drake Cloyd E. Robinson
S-3646	S.F. 137	Cloyd E. Robinson John S. Murray
S-3648	S.F. 167	Philip B. Hill Richard F. Drake Fred W. Nolting
S-3649	S.F. 318	Bob Rush
S-3650	S.F. 344	Lowell L. Junkins
S-3652	H.F. 545	C. W. Hutchins C. Joseph Coleman Dale L. Tieden E. Kevin Kelly Lucas J. DeKoster James Briles

PRESENTATION OF VISITORS

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

Fifty students from Meeker School, Ames, Iowa, accompanied by Jackie Pritchard and Sharon Smedal. Senator Murray.

Twenty-two students from the School for Christian Instruction, Oskaloosa, Iowa, accompanied by Judy Arends, Del Westra and Del Van Den Berg. Senator Van Gilst.

Thirty-three students from the Ames Community School District, Ames, Iowa. Senator Murray.

Seventy students from Underwood Elementary School, Underwood, Iowa, accompanied by Gale Brown and Jerry Callahan. Senator Culver.

Sixty students from Central Catholic Elementary School, Mason City, Iowa, accompanied by Sister Corine, Helen Kellogg, Donovan Runsmoin and Paul Brown. Senator Miller of Cerro Gordo.

Eighty-four students from Griswold Middle School, Griswold, Iowa, accompanied by Mr. Hildebrandt, Mr. and Mrs. Hoogween and Greg Russell. Senators Briles and Culver.

Twenty-two students from the Cedar Falls Community School District, Cedar Falls, Iowa, accompanied by Ima Jean Tjepkes. Senator Hansen.

On motion of Senator Kinley, the Senate adjourned at 6:13 p.m., until 9:00 a.m., Wednesday, May 18, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-NINTH CALENDAR DAY
EIGHTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 18, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Alvin V. Miller, member of the Senate from Ventura, Cerro Gordo County, Iowa.

The Journal of Tuesday, May 17, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. C. Torbert, Akron, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Curtis for the day on request of Senator Hultman.

WITHDRAWN

Senator Willits asked and received unanimous consent that SENATE FILES 372 and 387 be withdrawn from further consideration of the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following CONFERENCE COMMITTEE on HOUSE FILE 246 on the part of the Senate: Senators Doderer, Chairperson; Slater, Rush, Hill of Polk and Kelly.

HOUSE AMENDMENTS CONSIDERED

Senate File 318

Senator Glenn called up for consideration Senate File 318, a bill for an Act making technical changes of a corrective nature to the

criminal code revision, amended by House amendment S-3620 filed May 16, 1977, and found on pages 1612-1628 of the Senate Journal.

Senator Glenn withdrew amendment S-3626 filed by him on May 17, 1977, to House amendment S-3620.

Senator Rush withdrew amendment S-3649 filed by him on May 17, 1977, to House amendment S-3620.

Senator Rush offered amendment S-3654 to House amendment S-3620.

Senator Shaff took the chair at 10:10 a.m.

Senator Rush moved the adoption of amendment S-3655 to House amendment S-3620.

A record roll call was requested.

On the question "Shall amendment S-3654 be adopted?" (S.F. 318) the vote was:

Ayes, 23:

Calhoon	Carr	Coleman	Craft
Doderer	Hansen	Hill, E.M.	Hill, P.B.
Hutchins	Merritt	Murray	Nolting
Orr	Palmer	Priebe	Redmond
Robinson	Rodgers	Rush	Scott
Shaw	Slater	Van Gilst	

Nays, 26:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Culver	DeKoster	Drake
Gallagher	Glenn	Hulse	Hultman
Junkins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Ramsey
Readinger	Schwengels	Shaff	Taylor
Tieden	Willits		

Absent or not voting, 1:

Curtis

Amendment S—3654 to House amendment S—3620 lost.

Senator Glenn moved that the Senate concur in House amendment S—3620.

The motion prevailed and the Senate concurred in the House amendment.

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. 318) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 2:

Coleman Hill, P.B.

Absent or not voting, 1:

Curtis

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

Senate File 363

Senator Shaw called up for consideration Senate File 363, a bill for an Act to make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and

to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the general assembly, to provide that consents to adoption obtained prior to January 1, 1977, shall be unaffected by the termination requirements which became effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights, amended by the House, and moved that the Senate concur in House amendment S-3618 filed May 16, 1977, and found on pages 1609-1610 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

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. 363) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst			

Nays, none.

Absent or not voting, 5:

Briles
Willits

Curtis

Miller, C.P.

Robinson

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

Senate File 167

Senator Drake called up for consideration Senate File 167, a bill for an Act relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, the exemption of vehicles less than four tons from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations, amended by House amendment S-3611 filed May 16, 1977, and found on pages 1597-1608 of the Senate Journal.

Senator Drake asked and received unanimous consent to

withdraw amendment S-3633 filed by Senators Drake and Robinson on May 17, 1977, to House amendment S-3611.

Senator Drake offered amendment S-3644 to House amendment S-3611 filed by Senators Drake and Robinson on May 17, 1977, and moved its adoption.

Amendment S-3644 to House amendment S-3611 was adopted.

Senator Hill of Polk offered amendment S-3648 filed by Senators Hill of Polk, Drake and Nolting on May 17, 1977, to House amendment S-3611 and moved its adoption.

Amendment S-3648 to House amendment S-3611 was adopted.

Senator Drake asked and received unanimous consent that action on House amendment S-3611 to Senate File 167 be temporarily deferred for the preparation of an amendment.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 358.

House File 358

On motion of Senator Priebe, House File 358, a bill for an Act to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Murray took the chair at 11:10 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. 358) the vote was:

Ayes, 45:

Ashcraft	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Drake	Gallagher
Glenn	Hill, E.M.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Bergman	Curtis	Doderer	Hansen
Hill, P.B.			

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 408.

Senate File 408

On motion of Senator Ashcraft, Senate File 408, a bill for an Act to legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land, was taken up for consideration.

Senator Ashcraft moved that the bill 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. 408) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer

Drake	Gallagher	Glenn	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Curtis	Hansen	Hill, P.B.	Miller, E.R.
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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 408 be IMMEDIATELY MESSAGED to the House, which request was complied with.

MOTIONS TO RECONSIDER WITHDRAWN

Senator Hultman and Senator Nolting withdrew the motions to reconsider SENATE FILE 393, a bill for an Act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements, filed by them on May 13, 1977, and found on page 1514 of the Senate Journal.

Senator Hultman and Senator Redmond withdrew the motions to reconsider HOUSE FILE 85, a bill for an Act relating to the number of times a person may change his or her name, filed by them on May 17, 1977, and found on page 1660 of the Senate Journal.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 67.

Senate File 67

On motion of Senator Hultman, Senate File 67, a bill for an Act authorizing ambulance services by townships, 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?" (S.F. 67) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 2:

Hutchins	Miller, C.P.
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Absent or not voting, 4:

Burroughs	Curtis	Redmond	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.

CONSIDERATION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up out of order Senate Joint Resolution 12.

Senate Joint Resolution 12

On motion of Senator Orr, Senate Joint Resolution 12, a joint resolution relating to the preparatory vocational education of high school students, was taken up for consideration.

Senator Taylor offered amendment S-3605 filed by him on May 16, 1977, to page 1 of the resolution and moved its adoption.

Senator Taylor asked and received unanimous consent that action on Senate Joint Resolution 12 be deferred and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Coleman 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 18, 1977, adopted the conference committee report and passed House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code.

Also: That the House has on May 17, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 573, a bill for an Act appropriating funds to Iowa state university of science and technology for coal research.

Also: That the House has on May 17, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 595, a bill for an Act relating to unemployment compensation law changes.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 595, a bill for an Act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent

for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program.

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 CONFERENCE COMMITTEE REPORT

House File 75

Senator Gallagher called up the conference committee report on House File 75, a bill for an Act providing for the promulgation of energy efficiency standards for buildings and factory built structures in the state building code, filed May 17, 1977, found on page 1670 of the Senate Journal and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein, 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. 75) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Cahoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nolting
Nystrom	Orr	Palmer	Priebe

Ramsey	Readinger	Redmond	Rodgers
Rush	Scott	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Curtis	Drake	Murray	Robinson
Schwengels	Shaff		

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

BUSINESS PENDING
HOUSE AMENDMENT TO SENATE FILE 167

The Senate resumed consideration of House amendment S-3611 to Senate File 167 previously deferred.

Senator Shaw offered amendment S-3662 to House amendment S-3611 and moved its adoption.

Amendment S-3662 to House amendment S-3611 was adopted.

Senator Drake moved that the Senate concur in House amendment S-3611 as amended.

The motion prevailed and the Senate concurred in House amendment S-3611 as amended.

Senator Drake 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. 167) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake

Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, none.

Absent or not voting, 4:

Briles	Curtis	Gallagher	Shaff
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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 Kinley asked and received unanimous consent that Senate File 167 be IMMEDIATELY MESSAGED to the House, which request was complied with.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 573

Senator Junkins called up for consideration House File 573, a bill for an Act, appropriating funds to Iowa State University of science and technology for coal research, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 573

S-3661

- 1 Amend the Senate amendment H-4213 to House
- 2 File 573 as follows:
- 3 1. Page 1, by striking lines 3 through 9 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by striking line 24 and inserting
- 6 in lieu thereof the following:
- 7 Sec. 4. Federal funds received during fiscal
- 8 year 1976-1977 by the energy policy council as
- 9 reimbursement for general operating expenses

- 10 incurred during the fiscal year 1975-1976 are
 11 appropriated to the energy policy council for the
 12 purpose of funding energy research and development
 13 projects. Such funds unencumbered on June 30, 1978
 14 shall revert to the general fund on September 30,
 15 1978.
 16 Sec. 5. Funds appropriated by section one (1)
 17 of this Act shall be used".
 18 2. Title page, line 2, by adding after the word
 19 "research" the words "and to the energy policy
 20 council for energy research and development".

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Junkins 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. 573) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Merritt	Murray
Shaff			

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 582.

House File 582

On motion of Senator Drake, House File 582, a bill for an Act to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and allowing certain members of the general assembly who are members of the system at the time of election to the general assembly to contribute the employee's and employer's share at the same wage rate as the wages which qualified such member for the system, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Drake offered amendment S-3601 filed by the committee on State Government on May 13, 1977, to strike everything after the enacting clause of the bill.

President Neu took the chair at 2:30 p.m.

Senator Hultman raised the point of order that amendment S-3601 was not germane.

The Chair ruled the point not well taken and amendment S-3601 in order.

Senator Hill of Polk raised the point of order that the same subject matter as contained in amendment S-3601 had been discussed and defeated during discussion on Senate File 213 and that under Section 1595 of Mason's Manual of Legislative Procedure the subject matter in amendment S-3601 could not be discussed again.

The Chair ruled the point not well taken and that there was sufficient difference between amendment S-3601 and the subject matter discussed in Senate File 213 so that they were not identical questions.

Senator Drake moved the adoption of amendment S-3601.

A record roll call was requested.

On the question "Shall amendment S-3601 be adopted?" (H.F. 582) the vote was:

Ayes, 27:

Briles	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Gallagher
Hansen	Hill, P.B.	Hutchins	Merritt
Miller, A.V.	Miller, C.P.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Redmond	Rodgers	Schwengels	Scott
Slater	Van Gilst	Willits	

Nays, 22:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	DeKoster	Glenn	Hill, E.M.
Hulse	Hultman	Junkins	Kelly
Kinley	Miller, E.R.	Ramsey	Readinger
Robinson	Rush	Shaff	Shaw
Taylor	Tieden		

Absent or not voting, 1:

Curtis

Amendment S-3601 was adopted.

President pro tempore Coleman took the chair at 3:00 p.m.

Senator Hill of Polk called up the following motion to reconsider, moved its adoption and requested a record roll call:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Amendment S-3601 to House File 582 was adopted by the Senate on May 18, 1977.

PHILIP B. HILL

President Neu took the chair at 3:21 p.m.

On the question "Shall the motion to reconsider be adopted?" (H.F. 582) the vote was:

Rule 23 was invoked.

Ayes, 23:

Ashcraft	Bergman	Bisenius	Burroughs
Craft	DeKoster	Glenn	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Junkins
Kelly	Kinley	Miller, E.R.	Murray
Ramsey	Readinger	Rush	Shaff
Shaw	Taylor	Willits	

Nays, 26:

Briles	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Gallagher
Hansen	Hutchins	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Nystrom	Orr
Palmer	Priebe	Redmond	Robinson
Rodgers	Schwengels	Scott	Slater
Tieden	Van Gilst		

Absent or not voting, 1:

Curtis

The motion lost.

Senator Drake moved that the bill 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. 582) the vote was:

Rule 23 was invoked.

Ayes, 26:

Briles	Calhoon	Carr	Coleman
Culver	Doderer	Drake	Gallagher
Hansen	Hutchins	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Nystrom	Orr
Palmer	Priebe	Redmond	Robinson

Rodgers
Slater

Rush
Van Gilst

Schwengels

Scott

Nays, 23:

Ashcraft
Craft
Hill, P.B.
Kelly
Ramsey
Taylor

Bergman
DeKoster
Hulse
Kinley
Readinger
Tieden

Bisenius
Glenn
Hultman
Miller, E.R.
Shaff
Willits

Burroughs
Hill, E.M.
Junkins
Murray
Shaw

Absent or not voting, 1:

Curtis

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 344

Senator Junkins called up for consideration Senate File 344, a bill for an Act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission, providing for review of a capital project, and authorizing the payment of a special assessment, amended by House amendment S-3529 filed May 9, 1977, and found on pages 1413-1416 of the Senate Journal.

Senator Tieden offered amendment S-3653 to House amendment S-3529 and moved its adoption.

Amendment S-3653 to House amendment S-3529 was adopted.

Senator Junkins offered amendment S-3650 to House amendment S-3529 filed by him on May 17, 1977.

Senator Hansen took the chair at 3:50 p.m.

Senator Junkins offered amendment S-3663 to amendment S-3650 to House amendment S-3529.

Amendment S-3663 to amendment S-3650 to House amendment S-3529 was adopted.

Senator Junkins moved the adoption of amendment S-3650 as amended.

Amendment S-3650 as amended was adopted.

Senator Tieden withdrew amendment S-3606 filed by him on May 16, 1977, to House amendment S-3529.

Senator Nystrom withdrew amendment S-3602 filed by him on May 16, 1977, to House amendment S-3529.

Senator Nystrom offered amendment S-3664 by Senators Junkins and Nystrom to House amendment S-3529 and moved its adoption.

Amendment S-3664 to House amendment S-3529 was adopted.

Senator Willits offered amendment S-3669 to House amendment S-3529, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3669 to House amendment S-3529 be adopted?" (S.F. 344) the vote was:

Ayes, 13:

Carr	DeKoster	Gallagher	Glenn
Hill, P.B.	Nolting	Orr	Palmer
Rodgers	Scott	Shaw	Van Gilst
Willits			

Nays, 35:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft

Culver	Drake	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Priebe	Ramsey	Readinger	Redmond
Robinson	Rush	Schwengels	Shaff
Slater	Taylor	Tieden	

Absent or not voting, 2:

Curtis Doderer

Amendment S-3669 to House amendment S-3529 lost.

President Neu took the chair at 4:20 p.m.

Senator Junkins moved that the Senate concur in House amendment S-3529 as amended.

A non record roll call was requested.

The ayes were 38, nays 7.

The motion prevailed and the Senate concurred in the House amendment 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. 344) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Drake	Glenn
Hansen	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilt
Willits			

Nays, 5:

Gallagher
Rodgers

Merritt

Miller, C.P.

Orr

Absent or not voting, 4:

Burroughs

Curtis

Doderer

Hill, E.M.

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

Senate File 234

Senator Hill of Jasper called up for consideration Senate File 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, amended by the House, and moved that the Senate refuse to concur in House amendment S-3312, filed April 7, 1977, and found on page 954 of the Senate Journal.

A non record roll call was requested.

The ayes were 26, nays 21.

The motion prevailed and the Senate refused to concur in the House amendment.

Senate File 197

Senator Hill of Jasper called up for consideration Senate File 197, a bill for an Act relating to and appropriating funds to various regulatory and finance agencies and departments, amended by the House and moved that the Senate refuse to concur in House amendment S-3423, filed April 25, 1977, and found on page 1184 of the Senate Journal.

Senator Kelly moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 197) the vote was:

Ayes, 18:

Bisenius	Briles	Calhoon	Carr
Drake	Hansen	Junkins	Kelly
Merritt	Miller, C.P.	Nystrom	Priebe
Redmond	Robinson	Rodgers	Rush
Slater	Tieden		

Nays, 31:

Ashcraft	Bergman	Burroughs	Coleman
Craft	Culver	DeKoster	Doderer
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Kinley
Miller, A.V.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Ramsey	Readinger
Schwengels	Scott	Shaff	Shaw
Taylor	Van Gilst	Willits	

Absent or not voting, 1:

Curtis

The motion lost and the Senate refused to concur in the House amendment.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that the following bills be immediately messaged to the House: SENATE FILES 67, 197, 234, 344 and HOUSE FILE 582.

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.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 407.

Senate File 407

On motion of Senator Van Gilst, Senate File 407, a bill for an Act appropriating funds to the state board of public instruction to plan for an addition to a building, was taken up for consideration.

Senator Van Gilst offered amendment S-3658 to page 1 of the bill and moved its adoption.

Amendment S-3658 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?" (S.F. 407) the vote was:

Ayes, 40:

Ashcraft	Bisenius	Burroughs	Calhoon
Carr	Coleman	Craft	Culver
DeKoster	Doderer	Drake	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 10:

Bergman	Briles	Curtis	Gallagher
Hulse	Nystrom	Palmer	Rodgers
Shaff	Shaw		

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 137

Senator Robinson called up for consideration Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, amended by House amendment S-3614 filed May 16, 1977, and found on pages 1555-1596 of the Senate Journal.

Senator Robinson offered amendment S-3646 filed by Senators Robinson and Murray on May 17, 1977, to House amendment S-3614.

Senator Murray offered amendment S-3665 to amendment S-3646 to House amendment S-3614 and moved its adoption.

Amendment S-3665 to amendment S-3646 to House amendment S-3614 was adopted.

Senator Robinson offered amendment S-3673 to amendment S-3646 to House amendment S-3614 and moved its adoption.

Amendment S-3673 to amendment S-3646 to House amendment S-3614 was adopted.

Senator Robinson moved the adoption of amendment S-3646 as amended to House amendment S-3614.

Amendment S-3646 as amended to House amendment S-3614 was adopted.

Senator Robinson asked and received unanimous consent to withdraw amendment S-3625 filed by Senators Robinson and Murray on May 17, 1977, to House amendment S-3614.

Senator Robinson offered amendment S-3623 filed by him on May 17, 1977, to House amendment S-3614 and moved its adoption.

Amendment S-3623 to House amendment S-3614 was adopted.

Senator Robinson offered amendment S-3674 to House amendment S-3614 and moved its adoption.

Amendment S-3674 to House amendment S-3614 was adopted.

Senator Robinson moved that the Senate concur in House amendment S-3614 as amended and requested a record roll call.

On the question "Shall the motion to concur be adopted?" (S.F. 137) the vote was:

Ayes, 19:

Ashcraft	Calhoon	Carr	Coleman
Doderer	Glenn	Hill, E.M.	Kelly
Kinley	Merritt	Miller, A.V.	Murray
Orr	Palmer	Robinson	Shaw
Slater	Tieden	Willits	

Nays, 28:

Bergman	Bisenius	Burroughs	Craft
Culver	DeKoster	Drake	Gallagher
Hansen	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Miller, C.P.	Miller, E.R.
Nolting	Nystrom	Priebe	Ramsey
Readinger	Redmond	Rush	Schwengels
Scott	Shaff	Taylor	Van Gilst

Absent or not voting, 3:

Briles	Curtis	Rodgers
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The motion lost and the Senate REFUSED TO CONCUR in the House amendment to Senate File 137.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 597, a bill for an Act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional

low-income elderly persons, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 597.

House File 597

On motion of Senator Nolting, House File 597, a bill for an Act to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide to additional low-income elderly persons, was taken up for immediate consideration.

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. 597) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rush	Schwengels	Scott	Shaff
Shaw	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, E.M.	Rodgers
Slater			

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 57.

House File 57

On motion of Senator Carr, House File 57, a bill for an Act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding procedures for purchase of goods from Iowa state industries, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Carr offered amendment S-3472 filed by the committee on State Government on April 29, 1977, to strike everything after the enacting clause of the bill.

Senator Craft withdrew amendment S-3522 filed by him on May 6, 1977, to amendment S-3472.

Senator Craft offered amendment S-3622 filed by Senators Craft and Carr on May 17, 1977, to amendment S-3472 and moved its adoption.

Amendment S-3622 to amendment S-3472 was adopted.

Senator Tieden offered amendment S-3676 to amendment S-3472, moved its adoption and requested a non record roll call.

Rule 23 was invoked.

The ayes were 23, nays 23.

Amendment S-3676 to amendment S-3472 lost.

Senator Tieden offered amendment S-3679 to amendment S-3472 and moved its adoption.

Amendment S-3679 to amendment S-3472 was adopted.

Senator Carr offered amendment S-3678 to amendment S-3472 and moved its adoption.

Amendment S-3678 was adopted.

Senator Priebe offered amendment S-3680 to amendment S-3472 and moved its adoption.

Amendment S-3680 to amendment S-3472 was adopted.

Senator Hill of Polk offered amendment S-3682 to amendment S-3472 and moved its adoption.

Amendment S-3682 to amendment S-3472 was adopted.

Senator Carr moved the adoption of amendment S-3472 as amended.

Amendment S-3472 as amended was adopted.

With the adoption of amendment S-3472 as amended, the following amendments were ruled out of order:

Amendment S-3509 filed by Senator Rush on May 5, 1977, to page 1 of the bill.

Amendment S-3521 filed by Senator Craft on May 6, 1977, to page 2 of the bill.

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. 57) the vote was:

Ayes, 32:

Bergman	Bisenius	Burroughs	Calhoon
Carr	Coleman	Craft	DeKoster
Doderer	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hultman	Junkins

Kelly	Kinley	Miller, A. V.	Miller, E. R.
Murray	Nolting	Orr	Palmer
Readinger	Redmond	Rush	Schwengels
Scott	Slater	Taylor	Willits

Nays, 14:

Ashcraft	Culver	Drake	Hulse
Hutchins	Merritt	Miller, C. P.	Nystrom
Priebe	Ramsey	Robinson	Shaff
Tieden	Van Gilst		

Absent or not voting, 4:

Briles	Curtis	Rodgers	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 57 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 18, 1977, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 167, a bill for an Act relating to transportation and providing for changes in the registration requirements.

Also: That the House has on May 18, 1977, receded from the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 233, a bill for an Act providing for appropriations to miscellaneous state agencies.

Also: That the House has on May 18, 1977, 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 333, a bill for an Act making certain clarifying and corrective

revisions in and additions to chapter 229 of the Code relating to hospitalization of the mentally ill.

Also: That the House has on May 18, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits.

Also: That the House has on May 18, 1977, concurred in Senate amendment to House amendment to and passed the following bill in which the concurrence of the House was asked:

Senate File 344, a bill for an Act relating to and appropriating funds for capital improvements of the state fair grounds and for capital improvements under the jurisdiction of the state conservation commission.

Also: That the House has on May 18, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 14, providing for the authorization of a joint committee of the legislature to study mental health services and making an appropriation.

Also: That the House has on May 17, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 100, a bill for an Act relating to the safeness and suitability of jails.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 409, by Committee on Budget, a bill for an act appropriating funds to the office of the Code editor.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 100, a bill for an Act relating to the safeness and suitability of jails.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 337

1 Amend Senate File 337 as follows:

2 1. Strike page 4, line 18, through page 5, line
3 3, and insert in lieu thereof the following:

4	4.8%	.8	.6	0	0	0	0	0	0	0
5	9.5%	1.0	.7	.5	.3	0	0	0	0	0
6	14.3%	1.2	.8	.6	.5	.4	0	0	0	0
7	19.0%	1.4	1.0	.7	.6	.5	.3	0	0	0
8	23.8%	1.6	1.2	.8	.8	.6	.4	.2	0	0
9	28.6%	1.8	1.4	1.0	.9	.7	.5	.2	.1	0
10	33.3%	2.0	1.6	1.2	1.0	.8	.6	.3	.2	.1
11	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2	.1
12	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3	.2
13	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
14	52.4%	3.2	2.6	2.1	1.5	1.2	1.0	.7	.5	.2
15	57.1%	3.5	2.9	2.5	1.7	1.3	1.1	.8	.6	.2
16	61.9%	3.8	3.3	2.8	2.0	1.5	1.3	.9	.7	.3
17	66.6%	4.2	3.7	3.1	2.4	1.7	1.5	1.1	.9	.5
18	71.4%	4.6	4.1	3.5	2.9	1.9	1.7	1.3	1.0	.5
19	76.2%	5.0	4.5	3.9	3.4	2.3	1.9	1.7	1.0	.7
20	80.9%	5.5	5.0	4.4	4.0	3.0	2.5	2.0	1.5	.8
21	85.7%	6.0	5.5	5.0	4.5	3.7	3.1	2.5	2.0	1.0
22	90.4%	6.0	6.0	5.5	5.0	4.4	3.8	3.2	2.5	1.8
23	95.2%	6.0	6.0	6.0	5.5	5.0	4.5	4.0	3.0	2.5
24	100.0%	6.0	6.0	6.0	6.0	5.5	5.0	4.5	4.0	4.0

25 2. Page 5, line 26, by inserting after the figure
26 "0.75." the words "Provided further that effective
27 January 1, 1979, any employer assigned a contribution
28 rate under the provisions of the paragraph shall not
29 be required to contribute to the unemployment
30 compensation trust fund if the employer's percentage
31 of excess is seven point five percent or greater for
32 the rate year and the employer has not been charged
33 with benefit payments for any time within the forty
34 calendar quarters immediately preceding the rate
35 computation date for the rate year."

36 3. Page 5, line 30, by inserting after the word
37 "quarter." the words "The provisions of this paragraph
38 shall apply only to employers who have paid taxable
39 wages for the four calendar quarters immediately
40 preceding the computation date of an amount less than
41 one hundred thousand dollars, provided that the
42 aforesaid amount shall annually increase by the same
43 amount as the percentage increase in the taxable wage
44 base, as calculated under section ninety-six point
45 nineteen (96.19), subsection twenty-one (21), Code
46 1977."

47 4. Page 7, by inserting after line 32 the
48 following: "NEW SECTION. The Iowa Department of
49 Job Service shall submit an actuarial report annually
50

Page 2

1 to the general assembly."

REPORTS OF COMMITTEE MEETINGS

BUDGET

Convened: May 17, 1977, 9:25 a.m.

Members Present: Palmer, Chairperson; E. Hill, Vice Chairperson; Carr; DeKoster; Junkins; Kelly; Nolting; Priebe; Ramsey; Van Gilst and Willits.

Members Absent: Shaw, Ranking Member (arrived 9:35 a.m.) and Hultman (arrived 10:15 a.m.).

Final Action: APPROVED.

Senate File 407, a bill for an Act appropriating funds to the state board of public instruction to plan for an addition to a building.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Also:

Final Action: DO PASS.

Senate Joint Resolution 11, a joint resolution to authorize an interim study of the Iowa public employees' retirement system and to make an appropriation.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Hultman.

Also:

Final Action: AMEND AND DO PASS.

Senate Concurrent Resolution 14, a resolution relating to the authorization of a joint select committee of the legislature to study mental health services provided within the state and making an appropriation.

The vote was: AYES, 11; Palmer, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, 1; E. Hill. ABSENT OR NOT VOTING, 1; Hultman.

Also:

Final Action: DO PASS.

Senate Concurrent Resolution 18, a resolution relating to a study of the funding of the commission on aging, the drug abuse authority, the division of alcoholism, and all of their related programs.

The vote was: AYES, 12; Palmer, E. Hill, Shaw, Carr, DeKoster, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 1; Hultman.

Also:

Final Action: DO PASS.

House File 558, a bill for an Act to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of the commission members.

The vote was: AYES, 11; Palmer, E. Hill, Carr, DeKoster, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none. ABSENT OR NOT VOTING, 2; Shaw and Hultman.

Also:

Final Action: AMEND AND DO PASS.

House File 584, a bill for an Act making appropriations to the department of general services and the executive council for capital improvements.

The vote was: AYES, 13; Palmer, E. Hill, Shaw, Carr, DeKoster, Hultman, Junkins, Kelly, Nolting, Priebe, Ramsey, Van Gilst and Willits. NAYS, none.

Adjourned: 10:40 a.m.

JUDICIARY

Convened: May 16, 1977, 5:00 p.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Willits; P. Hill; Ashcraft; Coleman; Ramsey; Redmond; Scott; Shaw and Doderer.

Members Absent: none.

Final Action: APPROVED.

Senate File 408, a bill for an Act to legalize proceedings taken by the board of education of the Harmony community school district relating to the

sale of certain land.

The vote was: AYES, 10; Glenn, Rush, DeKoster, Willits, P. Hill, Ashcraft, Ramsey, Redmond, Scott and Shaw. NAYS, none. ABSENT OR NOT VOTING, 2; Doderer and Coleman.

Also:

Final Action: FAILED TO PASS.

House File 349, a bill for an Act amending the accommodation provision of the criminal code.

The vote was: AYES, 6; Glenn, DeKoster, Shaw, Ramsey, Willits and Scott. NAYS, 3; Rush, Doderer and Ashcraft. VOTING PRESENT, 2; P. Hill and Redmond. ABSENT OR NOT VOTING, 1; Coleman.

Adjourned: 6:00 p.m.

STUDY BILLS RECEIVED

S.S.B. 290 Budget

Appropriating funds for the replacement of a coal-fired boiler for the university of northern Iowa.

S.S.B. 291 Rules and Administration

Amendment to joint rules of Senate and House to provide for organization of each session to carry over to any subsequent extraordinary sessions.

S.S.B. 292 Rules and Administration

Amendment to Senate rules to provide for an extraordinary session.

S.S.B. 293 Rules and Administration

Provide for the adjournment of the General Assembly on the calendar day it actually occurs. Provides for each standing and budget subcommittee to initially determine its own agenda of interim work.

S.S.B. 294 Rules and Administration

Business of any extraordinary session occurring before the convening of the 1978 Session.

BILLS ASSIGNED TO COMMITTEE

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

H.F. 433 Judiciary
H.F. 595 Labor and Industrial Relations

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 18, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 155—Appropriating funds to the Department of General Services for a demonstration solar energy unit.

S.F. 170—Correcting certain erroneous amendments contained in Chapter One Thousand Two Hundred Ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa Insurance Guaranty Association.

S.F. 317—Amending the Criminal Code Revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the Criminal Code.

S.F. 340—Appropriating funds from the military service tax credit fund to the general fund.

S.F. 341—Making an appropriation to the moneys and credits replacement fund.

S.F. 342—Making appropriations to the municipal assistance fund and county government assistance fund.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Wednesday, May 18, 1977.

Had I been present, I would have voted "aye" on Senate File 408.

WILLARD R. HANSEN

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House Concurrent Resolution 36, a resolution to develop for the use of the general assembly and its members an interactive budgeting system which will provide for and encompass state budgeting and analysis procedures relating to the appropriation and expenditure of funds and to make an appropriation, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Hill of Jasper submitted the following report:

MR. PRESIDENT: Your committee on Commerce to which was referred House File 569, a bill for an Act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

EUGENE M. HILL, Chairperson

Senator Miller of Des Moines submitted the following reports:

MR. PRESIDENT: Your committee on Human Resources to which was referred House File 381, a bill for an Act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Human Resources to which was referred House File 594, a bill for an Act relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred

twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3657; and when so amended the bill DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

CHARLES P. MILLER, Chairperson

House File 594 REFERRED to committee on STATE GOVERNMENT under Senate Rule 36.

Senator Nolting submitted the following report:

MR. PRESIDENT: Your committee on Labor and Industrial Relations to which was referred House File 595, a bill for an Act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

FRED W. NOLTING, Chairperson

House File 595 REFERRED to the committee on WAYS AND MEANS under Senate Rule 36.

Senator Doderer submitted the following reports:

MR. PRESIDENT: Your committee on State Government to which was referred House File 406, a bill for an Act relating to the investment of police and fire retirement system funds, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 594, a bill for an Act relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on Transportation to which was referred House File 63, a bill for an Act relating to maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

CLOYD E. ROBINSON, Chairperson

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 249, a bill for an Act relating to interstate motor vehicle permits, providing for permanent and single trip interstate permits and revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 595, a bill for an Act relating to unemployment

compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program, begs leave to report it has had the same under consideration and recommends the same BE AMENDED as provided in Amendment S-3675; and when so amended the bill DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

NORMAN G. RODGERS, Chairperson

AMENDMENTS FILED

S-3655	H.F. 594	John S. Murray
S-3656	S.F. 396	Lucas J. DeKoster John N. Nystrom
S-3659	S.F. 401	Eugene M. Hill
S-3660	S.J.R. 12	Ray Taylor
S-3666	H.F. 491	E. Kevin Kelly
S-3667	H.F. 252	E. Kevin Kelly
S-3668	H.F. 63	Richard F. Drake Cloyd E. Robinson James V. Gallagher Dale L. Tieden Forrest F. Ashcraft
S-3670	H.F. 252	C. W. Hutchins
S-3671	H.F. 381	Eugene M. Hill

PRESENTATION OF VISITORS

President Neu welcomed the Honorable James W. Griffin, Sr., former member of the Senate and the House of Representatives from Pottawattamie County who was in the Senate chamber.

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

Twenty students from Orange Elementary School, Waterloo, Iowa, accompanied by Mrs. Mitchell, Mrs. Rittgers, Mrs. Oaks and Mrs. Wood. Senator Nolting.

Sixty students from the South Hamilton Community School

District, Jewell, Iowa, accompanied by Ivan Bust and Miss Peterson. Senator Nystrom.

Fifty-five students from Gilbert Elementary School, Gilbert, Iowa, accompanied by Mrs. Gleason. Senator Nystrom.

Twenty-eight students from Montour Elementary School, Montour, Iowa, accompanied by Mrs. Oleson. Senator Orr.

On motion of Senator Kinley, the Senate adjourned at 8:24 p.m., until 9:00 a.m., Thursday, May 19, 1977.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTIETH CALENDAR DAY
EIGHTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 19, 1977

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 Wednesday, May 18, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. W. Todd, Guthrie Center, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Curtis for the day on request of Senator Hultman.

INTRODUCTION OF BILL

SENATE FILE 410, by Senator Kelly, a bill for an act relating to the composition, organization, administration, supervision and funding of the judicial department of Iowa.

Read first time and PASSED ON FILE.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 595.

House File 595

On motion of Senator Nolting, House File 595, a bill for an Act relating to unemployment compensation law changes providing for

amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, and to assure federal funding of the administration of the Iowa unemployment compensation program, with report of committee on Labor and Industrial Relations recommending passage and with report of committee on Ways and Means recommending amendment and passage, were taken up, considered, and the reports of the committees adopted.

Senator Shaff took the chair at 9:34 a.m.

Senator Hultman offered amendment S-3675 filed by the committee on Ways and Means on May 18, 1977, to pages 1, 2 and 3 of the bill and moved its adoption.

Amendment S-3675 was adopted.

Senator Taylor offered amendment S-3683 to page 3 of the bill.

Senator Nolting raised the point of order that amendment S-3683 was not germane to the bill.

President Neu took the chair at 9:42 a.m.

The Chair ruled the point not well taken and amendment S-3683 in order.

Senator Shaff took the chair at 9:45 a.m.

Senator Taylor moved the adoption of amendment S-3683 and requested a record roll call.

On the question "Shall amendment S-3683 be adopted?" (H.F. 595) the vote was:

Rule 23 was invoked.

Ayes, 26:

Ashcraft

Bergman

Bisenius

Briles

Burroughs	Craft	DeKoster	Drake
Hansen	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Readinger
Schwengels	Shaff	Shaw	Taylor
Tieden	Van Gilst		

Nays, 23:

Calhoon	Carr	Coleman	Culver
Doderer	Gallagher	Glenn	Hill, E.M.
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Redmond	Robinson	Rodgers	Rush
Scott	Slater	Willits	

Absent or not voting, 1:

Curtis

Amendment S—3683 was adopted.

Senator Readinger offered amendment S—3685 by Senators Readinger and DeKoster to page 11 of the bill and moved its adoption.

Amendment S—3685 was 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. 595) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Calhoon
Carr	Coleman	Craft	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 5:

Briles
Shaw

Burroughs

Hultman

Ramsey

Absent or not voting, 1:

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 595 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 409.

Senate File 409

On motion of Senator Willits, Senate File 409, a bill for an Act appropriating funds to the office of the Code editor, 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. 409) the vote was:

Ayes, 46:

Ashcraft
Burroughs
Craft
Drake
Hill, E.M.
Hutchins
Merritt
Nolting
Priebe
Robinson
Shaff
Van Gilst

Bergman
Calhoon
Culver
Gallagher
Hill, P.B.
Junkins
Miller, A.V.
Nystrom
Ramsey
Rodgers
Shaw
Willits

Bisenius
Carr
DeKoster
Glenn
Hulse
Kelly
Miller, C.P.
Orr
Readinger
Schwengels
Slater

Briles
Coleman
Doderer
Hansen
Hultman
Kinley
Miller, E.R.
Palmer
Redmond
Scott
Tieden

Nays, none.

Absent or not voting, 4:

Curtis

Murray

Rush

Taylor

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

CONSIDERATION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for consideration House Concurrent Resolution 36.

House Concurrent Resolution 36

On motion of Senator Hill of Jasper, House Concurrent Resolution 36, a resolution to develop for the use of the general assembly and its members an interactive budgeting system which will provide for and encompass state budgeting and analysis procedures relating to the appropriation and expenditure of funds and to make an appropriation, filed May 13, 1977, and found on pages 1519-1520 of the Senate Journal, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk raised the point of order that under Article III, Section 31 of the Constitution of the State of Iowa, subject matter involving retroactive compensation requires passage by a two-thirds majority and since the House had not adopted House Concurrent Resolution 36 by a two-thirds majority, the Senate did not have authority to consider it.

President Neu took the chair at 10:50 a.m.

The Chair ruled the point not well taken.

Senator Hill of Polk rose on a point of parliamentary inquiry to ask if a two-thirds majority of the Senate would be required to adopt House Concurrent Resolution 36.

The Chair declared that a two-thirds majority would be required by the Senate since the resolution involves retroactive compensation for services rendered.

Senator Hill of Jasper asked and received unanimous consent that action on House Concurrent Resolution 36 be deferred and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 97

Senator Palmer and Senator DeKoster withdrew the motions to reconsider on Senate File 97 filed by them on February 18, 1977, and found on page 389 of the Senate Journal.

HOUSE AMENDMENT CONSIDERED

Senate File 337

Senator Nolting called up for consideration Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits, amended by the House, and moved that the Senate refuse to concur in House amendment S-3681 filed May 18, 1977, and found on pages 1705-1707 of the Senate Journal.

A non record roll call was requested.

The ayes were 45, nays 2.

The motion prevailed and the Senate REFUSED TO CONCUR in the House amendment.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 63.

House File 63

On motion of Senator Robinson, House File 63, a bill for an Act relating to maintenance of frequencies in use by the Iowa highway safety patrol on July 1, 1973, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Drake offered amendment S-3668 filed by Senators Drake, et al., on May 18, 1977, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S-3668 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?" (H.F. 63) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Coleman 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 to take up for consideration House File 569.

House File 569

On motion of Senator Burroughs, House File 569, a bill for an Act providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities, with report of committee

recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Burroughs moved that the bill 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. 569) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Curtis 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 406.

House File 406

On motion of Senator Doderer, House File 406, a bill for an Act relating to the investment of police and fire retirement system funds, 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. 406) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 3:

Curtis	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.

SENATE INSISTS

Senate File 333

Senator Murray called up for consideration Senate File 333, a bill for an Act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, amended by the House, further amended and concurred in by the Senate and moved that the Senate insist on its amendment to the House amendment to Senate File 333.

A non record roll call was requested.

The ayes were 44, nays 4.

The motion prevailed and the Senate insisted on its amendment to the House amendment to Senate File 333.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following CONFERENCE COMMITTEE on SENATE FILE 333 on the part of the Senate: Senators Murray, chairperson; Readinger; Rush; Willits and Glenn.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

May 18, 1977

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 Sheri Birge, West Des Moines, Polk County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for an initial term commencing July 1, 1977, 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 Jeanette Blackstone, Sioux City, Woodbury County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for an initial term commencing July 1,

1977, 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 Charles Eppers of Keokuk, Lee County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for an initial term commencing July 1, 1977, 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 Donald Lewis, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for an initial term commencing July 1, 1977, 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 Pat Mary Marshall, Cedar Rapids, Linn County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

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 Textor, Des Moines, Polk County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of William Van Tuyl of Pella, Marion County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Wyatt Yon, Storm Lake, Buena Vista County, Iowa, for appointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for an initial term commencing July 1, 1977, 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 Joseph Zagnoli, Woodward, Dallas County, Iowa, for appointment as a

member of the Job Service Advisory Council pursuant to Section 96.11, 1977 Code of Iowa, for an initial term commencing July 1, 1977, and ending June 30, 1979.

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 29, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 185, a bill for an Act making appropriations to the department of justice.

Also: That the House has on May 19, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 299, a bill for an Act making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds.

Also: That the House, on May 17, 1977, insisted on its amendment to Senate File 361, a bill for an Act relating to rules of appellate procedure in the courts, and that the members of the conference committee on the part of the House are: The Representative from Polk, Mr. Jesse, Chair; the Representative from Jones, Mr. Newhard; the Representative from Polk, Ms. Gentlemen; the Representative from Polk, Mr. Smalley; and the Representative from Woodbury, Mr. Doyle.

Also: That the House has on May 18, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 383, a bill for an Act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive.

Also: That the conference committee on the part of the House concerning House File 246, a bill for an act to establish a legislative auditor's office, are as follows: The Representative from Black Hawk, Ms. Brandt, Chair; the Representative from Des Moines, Mr. Monroe; the Representative from Appanoose; Mr. Brunow; the Representative from Hancock, Mr. Stromer; and the Representative from Scott, Mr. Harvey.

Also: That the House has on May 18, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 584, a bill for an Act making appropriations to the department of general services and the executive council for capital improvements.

DAVID L. WRAY, Chief Clerk

SENATE CONCURRENT RESOLUTION 25
By: Committee on Rules and Administration

1 *Be It Resolved by the Senate, The House of Representatives*
2 *Concurring, That Rule 3 of the Joint Rules of the Senate and*
3 *House of Representatives shall be amended to read as follows:*

4 **Rule 3**

5 **Sessions of a General Assembly**

6 *The election of officers, organization, hiring and compen-*
7 *sation of employees, and standing committees in each house*
8 *of the general assembly and action taken by each house shall*
9 *carry over from the first to the second regular session and*
10 *to any extraordinary session of the same general assembly.*
11 *The status of each bill and resolution shall be the same at*
12 *the beginning of [the second regular] each session as it was*
13 *immediately before adjournment of the [first] previous regular*
14 *or extraordinary session; however the rules of either house*
15 *may provide for re-referral of some or all bills and*
16 *resolutions to standing committees upon adjournment of [the*
17 *first] each session or at the beginning of [the second] a*
18 *subsequent regular or extraordinary session, except those*
19 *which have been adopted by both houses in different forms.*

20 *Upon final adoption of a concurrent resolution at any*
21 *extraordinary session affecting that session, or at a regular*
22 *session affecting any extraordinary session which may be held*
23 *before the next regular session, the creation of any calendar*
24 *by either house shall be suspended and the business of the*
25 *session shall consist solely of those bills or subject matters*
26 *stated in the resolution adopted. Bills named in the*
27 *resolution, or bills containing the subject matter provided*
28 *for in the resolution, may, at any time, be called up for*
29 *debate in either house by the majority leader of that house.*

30 **EXPLANATION**

Page 2

1 This amendment to the Joint Rules of the Senate and House
2 of Representatives provides for the organization of each
3 session to carry over to any subsequent extraordinary sessions
4 as well as a subsequent regular session of the same general
5 assembly.

6 The amendment also provides for the limitation of the
7 business of any special session by suspending calendar
8 procedures.

Read first time and PLACED ON CALENDAR.

SENATE CONCURRENT RESOLUTION 26

By: Committee on Rules and Administration

1 *Be It Resolved by the Senate, The House of Representa-*
2 *tives Concurring, That as provided by Joint Rule 3, the*
3 *business of any extraordinary session occurring before the*
4 *convening of the 1978 Session of the Sixty-seventh General*
5 *Assembly shall consist solely of the compensation of state*
6 *employees including the state budget certification date for*
7 *purposes of state collective bargaining, and, if any portion*
8 *of the laws of Iowa relating to the taxation of corporations*
9 *is declared void, unconstitutional or ineffective, the business*
10 *of any extraordinary session may also be the taxation of*
11 *corporations.*

EXPLANATION

12
13 In accordance with the procedures provided in Joint Rule
14 3, bills which may be considered by any extraordinary session
15 occurring before the 1978 regular session are limited to the
16 compensation of state employees and corporate taxation.

Read first time and PLACED ON CALENDAR.

SENATE CONCURRENT RESOLUTION 27

By: Committee on Rules and Administration

1 *Whereas, the 1977 Session of the Sixty-seventh General*
2 *Assembly will on May 19, 1977 completes its business; and*
3 *Whereas, it will require eleven working days for the staff*
4 *of the Senate and House of Representatives to enroll all bills*
5 *finally adopted by the General Assembly and to attend to other*
6 *details for the closing of the session; and*
7 *Whereas, no expenses of office or expenses of travel will*
8 *be incurred by the members of the Senate and House of Repre-*
9 *sentatives during the time when bills are being enrolled and other*
10 *details of closing the session are arranged; and*
11 *Whereas, it is necessary to fix the date for adjournment*
12 *of this session of the General Assembly and on that date*
13 *present bills passed by the General Assembly to the Governor*
14 *for his approval in accordance with Article III, Section 16*
15 *of the Constitution of Iowa; and*
16 *Whereas, it is desirable to change the past practice,*

17 necessitated by the physical impossibility of physically
18 delivering all adopted bills to the Governor on the last
19 session day, of delivering bills after the General Assembly
20 had adjourned and back dating their delivery to the last
21 session day; and

22 *Whereas*, it is also necessary to provide an earlier orga-
23 nization and more efficient operation of the interim business
24 of the General Assembly; and

25 *Whereas*, it is necessary to establish a more organized
26 preparation of the legislative agenda for the 1978 Session
27 of the General Assembly; *Now Therefore*,

28 *Be It Resolved by the Senate, The House of Representatives*
29 *Concurring*, That:

30

Division I

Page 2

1 1. Upon the adjournment of May 19, 1977, the Senate and
2 House of Representatives shall sit upon their adjournment
3 at 10:00 a.m. on June 6, 1977.

4 2. The Secretary of the Senate and Chief Clerk of the
5 House are directed to enroll all bills finally passed by the
6 Senate and House of Representatives which have not been
7 submitted to the Governor for his approval during the last
8 three days of the session prior to the adjournment of May
9 19, 1977 and they be made ready to present to the Governor
10 by a delegation from the Senate and from the House of
11 Representatives on June 6, 1977.

12 3. The Lieutenant Governor and the Secretary of the Senate
13 and the Speaker and Chief Clerk of the House are directed
14 neither to authorize nor sign warrants for expenses of office
15 or travel for members of the Senate and House of
16 Representatives pursuant to section two point ten (2.10) of
17 the Code for the period from May 20, 1977 through June 5,
18 1977. Nothing in this resolution shall preclude either the
19 payment for expenses of office or travel pursuant to section
20 two point ten (2.10) of the Code on June 6, 1977, nor the
21 payment of per diem and expenses pursuant to section two point
22 forty-four (2.44) of the Code of Iowa for the period from
23 May 20, 1977 to June 5, 1977 nor the period after June 5,
24 1977.

25 4. After the adjournment on May 19, 1977, the Secretary
26 of the Senate and Chief Clerk of the House are directed to
27 refuse to receive for filing any item, excepting only messages
28 from the other body and messages from the Governor.

29 5. The adjournment of the Senate and House of
30 Representatives on June 6, 1977 shall constitute the sine
31 die adjournment of the 1977 Session of the Sixty-seventh
32 General Assembly. The 1978 Session of the Sixty-seventh

33 General Assembly shall convene, as provided by the
34 Constitution, on January 9, 1978.
35 Division II

Page 3

1 1. Each standing committee and budget subcommittee of
2 the Senate and House of Representatives shall meet once prior
3 to July 15, 1977. The meeting dates shall be scheduled by
4 the Majority Leader of the Senate and the Speaker of the House
5 of Representatives. The meeting dates shall be published
6 by the Secretary of the Senate and Chief Clerk of the House
7 of Representatives.

8 2. At the meeting provided for in paragraph one (1) of
9 this division of this resolution, each committee and budget
10 subcommittee shall prepare and approve a "Plan of Interim
11 Work" which shall be submitted to the Legislative Council.
12 The Plan shall consist of:

13 a. A statement of the scope and purpose of special studies
14 or investigations which the committee proposes to conduct,
15 or to have conducted by a subcommittee with a named membership,
16 during the interim. The date upon which such study or investi-
17 gation shall be completed by filing a final report with the
18 Legislative Council shall be stated.

19 b. A statement of the number of meetings and the general
20 agenda which the committee proposes to hold for general com-
21 mittee business including the consideration and action upon
22 bills and resolutions referred to the committee.

23 c. A statement of the number of subcommittee meetings
24 which the committee proposes to authorize for the consideration
25 and action upon bills and resolutions referred to the
26 subcommittees. Each subcommittee shall be identified by the
27 bill which it is considering.

28 d. A statement of the amount of staff assistance which
29 will be required from the staff of the Senate and House of
30 Representatives, the Legislative Service Bureau and the
31 Legislative Fiscal Bureau. If special consultants or other
32 extraordinary assistance is required, the committee shall
33 state the nature and cost of assistance needed.

34 3. The Secretary of the Senate and Chief Clerk of the
35 House are authorized to create, at such times during the

Page 4

1 interim as it may be warranted, a Senate Calendar and a House
2 Calendar. Such calendars shall be organized as the rules
3 of each house otherwise provide. Each calendar shall list
4 bills which, under the rules of each house, remain on their
5 calendar at the end of each session and those bills reported

6 by a committee during the interim. Any dates upon which each
7 bill is eligible for debate shall be calculated from January
8 9, 1978.

9 4. The Legislative Council shall consider the Plan of
10 Interim Work which is submitted by each committee or budget
11 subcommittee. The council may amend any plan. Each committee
12 and budget subcommittee may at any time propose to the
13 Legislative Council changes in its Plan. The Legislative
14 Council may request any committee or budget subcommittee to
15 submit a progress report to the Council. Joint meetings of
16 the committees or subcommittees from each house are authorized.
17 All meetings shall be scheduled by the Majority Leader of
18 the Senate and the Speaker of the House of Representatives.
19 Meeting schedules shall be published periodically by the
20 Secretary of the Senate and Chief Clerk of the House of
21 Representatives.

22 5. As provided by section two point sixteen (2.16), Code
23 1977, any Senator or committee may prefile a legislative bill
24 as provided by this paragraph of this resolution. Individually
25 sponsored bills and resolutions shall be numbered, printed
26 and distributed by the Secretary of the Senate and Chief Clerk
27 of the House of Representatives but not referred or otherwise
28 acted upon until the General Assembly is again in session.
29 Nothing, however, shall prevent a standing committee from
30 considering a bill with an identical subject matter provided
31 such consideration shall be part of an approved Plan of Interim
32 Work. Committee sponsored bills and resolutions shall be
33 numbered, printed, distributed and placed on the calendar
34 as otherwise provided by this resolution. The Secretary of
35 the Senate and Chief Clerk of the House of Representatives

Page 5

1 are authorized to receive, number, print and distribute
2 amendments to any introduced bill. Nothing herein shall
3 require immediate distribution of any bill, resolution or
4 amendments if, the Secretary of the Senate and Chief Clerk
5 of the House of Representatives determine that it is more
6 efficient or economical to delay or consolidate distributions.

7 EXPLANATION

8 Division I of the resolution provides for the adjournment
9 of the General Assembly on the calendar day it actually occurs.
10 It eliminates the two or three week "clock stopping" at the
11 end of the session to permit the enrollment of bills to be
12 sent to the Governor. The definite date should remove any
13 doubt as to when the Governor's time begins to run for him
14 to approve or veto legislation. The matter of when interim
15 pay begins under the new system is provided for.

16 Division II provides for each standing and budget

17 subcommittee to initially determine its own agenda of interim
18 work. The Legislative Council must approve the plan of each
19 committee before it is effective.

20 A plan for the pre-filing of legislative bills, pursuant
21 to statutory authorization, is provided for.

22 A calendar would be created during the interim which would
23 show bills reported by committees during the interim and bills
24 remaining on the calendar at the end of the first session.

25 The interim calendar is intended to permit early debate on
26 the measures in the 1978 Session.

Read first time and PLACED ON CALENDAR.

SENATE RESOLUTION 14

By: Committee on Rules and Administration

1 *Be It Resolved by the Senate*, That the Rules of the Senate
2 as adopted on January 13, 1977, are amended as follows:

3 1. Rule four (4) shall be amended to read as follows:

4 Rule 4

5 Sessions of the General Assembly

6 The *election of officers, organization, hiring and*
7 *compensation of employees*, and committees of the senate shall
8 carry over from the first to the second regular sessions *and*
9 *to any extraordinary sessions* of the same general assembly.

10 All bills and resolutions introduced in the first regular
11 session of a general assembly and all appointments received
12 from the governor for senate confirmation, which are not
13 withdrawn, lost, or indefinitely postponed shall carry over
14 into the second regular session *and to any extraordinary*
15 *session* of the same general assembly. Except as provided
16 by this rule, they shall be automatically referred back to
17 committee upon the adjournment of [the first] *each* regular
18 *session and any extraordinary session*. The secretary of the
19 senate shall publish in the Journal a list of the bills
20 returned to committee under this rule. Within seven days
21 after the first committee meeting after the convening of the
22 second regular session, committees shall either authorize
23 the chair to refer such bills and resolutions to a subcommittee
24 for consideration or report them out to the floor and place
25 them on the calendar. The committee chair shall report to
26 the senate the bill or resolution number and the names of
27 the subcommittee members.

28 Bills and resolutions which have been voted upon on final
29 passage in [the first regular] *any* session shall remain on the
30 calendar in the same status as at the end of the [first regular]

Page 2

1 session *at any subsequent regular or extraordinary session*.

2 Appointments received from the governor for senate
3 confirmation shall not be returned to committee.

4 2. Rule twenty-seven (27) is amended to add the following
5 new paragraph:

6 *NEW PARAGRAPH.* No bill, joint resolution, concurrent reso-
7 lution or senate resolution shall be introduced at any
8 extraordinary session unless sponsored by a standing committee
9 or the committee of the whole.

10 3. Rule twenty-eight (28), unnumbered paragraph one (1),
11 is amended to read as follows:

12 Every senate bill and resolution shall be introduced by
13 one or more senators or by any standing committee of the
14 senate or the committee of the whole and shall at once be
15 given its first reading.

16 4. Rule thirty-two (32) is amended by adding the following
17 new unnumbered paragraph:

18 *NEW UNNUMBERED PARAGRAPH.* The vice-chairperson appointed
19 by this rule is the "ranking member" for the purposes of
20 section two point fourteen (2.14), parahraph one (1), Code
21 1977.

22 EXPLANATION

23 The Senate Rules are amended to provide for an extra-
24 ordinary session. It is provided that the organization from
25 the regular session carries over to an extraordinary session.
26 The introduction of bills at any extraordinary session by
27 individual senators is prohibited but is permitted by standing
28 committees and committees of the whole.

29 Rule 32 is modified to coordinate the change in name of
30 "ranking member" to "vice-chairperson" with the Code and makes
31 it clear that the provisions of section 2.14 of the Code apply
32 to the vice-chairperson.

Read first time and PLACED ON CALENDAR.

SENATE CONCURRENT RESOLUTION 28

By: Gallagher

1 *Whereas*, House File 187, relating to the regulation
2 of the sale and use of beverage containers, was amended,
3 passed, and reprinted by the House during the First
4 Session of the Sixty-seventh General Assembly; and

5 *Whereas*, House File 187 was amended to include
6 development and implementation of a comprehensive anti-
7 litter program and the imposition of a tax on products
8 commonly found to be a part of the litter problem; and

9 *Whereas*, the Senate is not expected to consider and
10 act upon House File 187 during the First Session of the
11 Sixty-seventh General Assembly; *Now Therefore*,

12 *Be It Resolved by the Senate, The House of Represen-*

13 *tatives Concurring*, That the legislative council autho-
14 rize the creation of a subcommittee of the senate com-
15 mittee on energy or a joint subcommittee of the house
16 and senate committees on energy to review and study
17 House File 187 during the 1977 interim; and

18 *Be It Further Resolved*, That a report of the recom-
19 mendations of the subcommittee or the joint subcommittee
20 including any recommended amendments or bill drafts be
21 submitted to the legislative council, the members of the
22 house and senate committees on energy, and the other
23 members of the Second Session of the Sixty-seventh
24 General Assembly meeting in 1978.

Read first time and PASSED ON FILE.

ADOPTION OF RESOLUTIONS

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 25.

Senate Concurrent Resolution 25

On motion of Senator Willits, Senate Concurrent Resolution 25, a resolution to amend Rule 3 of the Joint Rules, was taken up for immediate consideration.

Senator Willits moved the adoption of Senate Concurrent Resolution 25.

A non record roll call was requested.

The ayes were 47, nays 1.

The motion prevailed and the resolution was adopted.

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 26.

Senate Concurrent Resolution 26

On motion of Senator Willits, Senate Concurrent Resolution 26, a resolution relating to the business of an extraordinary session, was taken up for immediate consideration.

Senator Hansen offered amendment S-3695 to page 1 of the resolution, moved its adoption and requested a record roll call.

On the question "Shall amendment S-3695 be adopted?" (S.C.R. 26) the vote was:

Ayes, 20:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	DeKoster	Drake
Hansen	Hill, P.B.	Hulse	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Schwengels	Shaw	Taylor

Nays, 28:

Calhoon	Carr	Coleman	Culver
Doderer	Gallagher	Glenn	Hill, E.M.
Hultman	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Nolting	Orr	Palmer	Redmond
Robinson	Rodgers	Rush	Scott
Slater	Tieden	Van Gilst	Willits

Absent or not voting, 2:

Curtis	Shaff
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Amendment S-3695 lost.

Senator Willits moved the adoption of Senate Concurrent Resolution 26.

A non record roll call was requested.

The ayes were 44, nays 4.

The motion prevailed and the resolution was adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following CONFERENCE COMMITTEE on SENATE FILE 361 on the part of the Senate: Senators Glenn, chairperson; Redmond, Scott, Ramsey and DeKoster.

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Resolution 14.

Senate Resolution 14

On motion of Senator Junkins, Senate Resolution 14, a resolution to amend Rule 4 of the Senate rules, was taken up for immediate consideration.

Senator Willits moved the adoption of Senate Resolution 14.

A non record roll call was requested.

The ayes were 48, nays, none.

The motion prevailed and Senate Resolution 14 was adopted.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 584

Senator Willits called up for consideration House File 584, a bill for an Act making appropriations to the department of general services and the executive council for capital improvements, amended by the Senate, further amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 584

S-3691

- 1 Amend Senate amendment H-4241 to House File 584,
- 2 as follows:
- 3 1. Page 2, line 4, by striking the figure
- 4 "\$83,677" and inserting in lieu thereof the figure
- 5 "\$69,618".

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Willits 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. 584) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, 1:

Rodgers

Absent or not voting, 1:

Curtis

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 185

Senator Willits called up for consideration Senate File 185, a bill for an Act making appropriations to the department of justice, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 185

S-3692

- 1 Amend Senate File 185 as follows:
 2 1. Page 1, by inserting after line 12, the
 3 following:
 4 "The state comptroller shall not issue any warrants
 5 for the payment of funds appropriated by this
 6 subsection until such time as the office of attorney
 7 general complies with the provisions of sections
 8 seventeen A point three (17A.3) and seventeen A point
 9 nine (17A.9) of the Code."
 10 2. Page 1, by inserting after line 25 the
 11 following:
 12 "4. Prosecuting intern program.....\$35,000
 13 Funds appropriated by this
 14 subsection may be used to
 15 match federal funds. Counties
 16 participating in the prosecuting
 17 intern program shall provide funds
 18 that total the amount appropriated
 19 by this subsection."

Senator Willits asked and received unanimous consent that action on the House amendment to Senate File 185 be temporarily deferred for the preparation of an amendment.

Senate File 383

Senator Rush called up for consideration Senate File 383, a bill for an Act relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 383

S-3690

- 1 Amend Senate File 383, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking everything after the
 4 enacting clause and inserting in lieu thereof the
 5 following:
 6 "Section 1. Chapter twenty-five A (25A), Code
 7 1977, is amended by adding the following new section:

8 **NEW SECTION. EMPLOYEES DEFENDED AND INDEMNIFIED.**

9 The state shall defend and, except in cases of mal-
10 feasance in office or willful and wanton conduct,
11 shall indemnify and hold harmless any employee of the
12 state against any claim as defined in section twenty-
13 five A point two (25A.2), subsection five (5),
14 paragraph b, of the Code, including claims arising under
15 the Constitution, statutes, or rules of the United
16 States or of any state.

17 Sec. 2. Section twenty-five A point twenty-one
18 (25A.21), Code 1977, is repealed.

19 Sec. 3. The provisions of section one (1) of this
20 Act are retroactive to July 1, 1975."

The motion prevailed and the Senate concurred in the House amendment.

Senator Rush 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. 383) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C. P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 2:

Curtis Robinson

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 House File 594.

House File 594

On motion of Senator Carr, House File 594, a bill for an Act relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty, with report of committee on Human Resources recommending amendment and passage, and with report of committee on State Government recommending passage, was taken up, considered, and the reports of the committees adopted.

Senator Carr offered amendment S-3657 filed by the committee on Human Resources on May 18, 1977, to page 1 of the bill.

Senator Hill of Polk offered amendment S-3684 to amendment S-3657, moved its adoption and requested a non record roll call.

The ayes were 25, nays 21.

Amendment S-3684 to amendment S-3657 was adopted.

Senator Miller of Des Moines called up the following motion to reconsider, moved its adoption and requested a record roll call:

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment

S-3684 to amendment S-3657 to Senate File 594 was adopted by the Senate on May 19, 1977.

CHARLES P. MILLER

President pro tempore Coleman took the chair at 3:35 p.m.

On the question "Shall the motion to reconsider amendment S-3684 be adopted?" (H.F. 594) the vote was:

Ayes, 25:

Calhoon	Carr	Coleman	Culver
Doderer	Gallagher	Glenn	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Van Gilst			

Nays, 24:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Craft	DeKoster	Drake
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Kelly	Miller, E.R.	Murray
Nyström	Ramsey	Schwengels	Shaff
Shaw	Taylor	Tieden	Willits

Absent or not voting, 1:

Curtis

The motion prevailed and amendment S-3684 to amendment S-3657 was brought up for reconsideration.

Senator Hill of Polk moved the adoption of amendment S-3684 to amendment S-3657.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 24, nays 25.

Amendment S—3684 to amendment S—3657 lost.

President Neu took the chair at 3:55 p.m.

Senator Carr moved the adoption of amendment S—3657.

Amendment S—3657 was adopted.

Senator Murray offered amendment S—3655 filed by him on May 18, 1977, to page 15 of the bill and moved its adoption.

Amendment S—3655 was adopted.

Senator Carr offered amendment S—3698 to page 20 of the bill and moved its adoption.

Amendment S—3698 was adopted.

Senator Carr offered amendment S—3693 by Senators Carr, Murray and Rush to page 28 of the bill and moved its adoption.

Amendment S—3693 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. 594) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hulse	Hultman	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Tieden	Van Gilst	Willits	

Nays, 2:

Hill, P.B. Kelly

Absent or not voting, 1:

Curtis

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

BUSINESS PENDING
HOUSE AMENDMENT TO SENATE FILE 185

The Senate resumed consideration of House amendment S-3692 to Senate File 185 previously deferred.

Senator Ramsey offered amendment S-3697 by Senators Ramsey, Coleman and Hill of Polk to House amendment S-3692.

Senator Ramsey offered amendment S-3699 to amendment S-3697 to House amendment S-3692 and moved its adoption.

Amendment S-3699 to amendment S-3697 to House amendment S-3692 was adopted.

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, 1977, adopted the conference committee report and passed Senate File 162, a bill for an Act making an appropriation to the judicial department.

Also: That the House has on May 19, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 259, a bill for an Act permitting vendors in state liquor stores to accept checks from class "C" liquor control licenses as payment for business purchases.

Also: That the members of the Conference Committee on the part of the

House concerning Senate File 333, a bill for an Act to make certain clarifying and corrective revisions in and additions to chapter 229 of the Code, and certain related statutes, relating to hospitalization of the mentally ill, are as follows: The Representative from Jones, Mr. Newhard, Chair; the Representative from Polk, Mr. Nielsen; the Representative from Polk, Ms. Gentleman; the Representative from Scott, Mr. Higgins; and the Representative from Linn, Ms. Lipsky.

Also: That the House has on May 19, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 377, a bill for an Act relating to the development of air carrier service in the state by the state department of transportation.

Also: That the House has on May 19, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 402, a bill for an Act legalizing the organization and operation of the Missouri basin municipal electric cooperative association.

Also: That the House has on May 17, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 463, a bill for an Act relating to the operation of area education agencies.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 463, a bill for an Act relating to the operation of area education agencies and to make an appropriation.

Read first time and PASSED ON FILE.

HOUSE AMENDMENT TO SENATE FILE 259

S-3694

- 1 Amend Senate File 259, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting in lieu thereof the following:
- 5 "paragraph, a vendor may accept a check from, and
- 6 signed by, the holder of a retail liquor control
- 7 license as provided in section one hundred twenty-
- 8 three point thirty (123.30), subsection three (3),
- 9 Code 1977, in payment of alcoholic liquor purchased".

HOUSE AMENDMENT TO SENATE FILE 402

S-3696

- 1 Amend Senate File 402, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 27 through 31 and
- 4 inserting in lieu thereof the following: "of
- 5 chapter four hundred ninety-nine (499) of the Code."

On motion of Senator Kinley, the Senate recessed until 5:00 p.m.

The Senate reconvened, President Neu presiding.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that the following bills and resolutions be immediately messaged to the House: SENATE FILE 409; SENATE CONCURRENT RESOLUTION 25, 26; HOUSE FILES 63 and 594.

BUSINESS PENDING

HOUSE AMENDMENT TO SENATE FILE 185

The Senate resumed consideration of the House amendment to Senate File 185 and amendment S-3697 by Senator Ramsey.

Senator Hill of Polk moved the adoption of amendment S-3697 as amended to House amendment S-3692 and requested a non record roll call.

Rule 23 was invoked.

The ayes were 24, nays 19.

Amendment S-3697 as amended to House amendment S-3692 was adopted.

Senator Willits moved that the Senate concur in House amendment S-3692 as amended.

The motion prevailed and the Senate concurred in the House amendment 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. 185) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Kelly	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Curtis	Junkins	Merritt	Priebe
Shaff	Shaw		

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

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 27.

Senate Concurrent Resolution 27

On motion of Senator Willits, Senate Concurrent Resolution 27, a resolution to provide for adjournment of the general assembly on the calendar day it actually occurs; to provide for committees to initially determine their own agenda of interim work, was taken up for immediate consideration.

Senator Willits offered amendment S-3700 by Senator Junkins

to pages 1 and 2 of the resolution and moved its adoption.

Amendment S-3700 was adopted.

Senator Willits moved the adoption of Senate Concurrent Resolution 27 as amended.

A non record roll call was requested.

The ayes were 46, nays, none.

The motion prevailed and the resolution as amended was adopted.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 249.

House File 249

On motion of Senator Palmer, House File 249 a bill for an Act relating to interstate motor vehicle permits, providing for permanent and single trip interstate permits and revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rodgers offered amendment S-3689 to page 4 of the bill.

Senator Palmer raised the point of order that amendment S-3689 was not germane to the bill.

The Chair ruled the point well taken and amendment S-3689 out of order.

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. 249) the vote was:

Ayes, 49:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Van Gilst
Willits			

Nays, none.

Absent or not voting, 1:

Curtis

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 the following bill and resolution be immediately messaged to the House: SENATE FILE 185 and SENATE CONCURRENT RESOLUTION 27.

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

The Senate resumed session, 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 insisted on its amendment to Senate File 137, a bill for an Act relating to the establishment and operation of an agency for the regulation of

credit unions, and providing penalties, and the members of the conference committee on the part of the House, appointed May 19, 1977, are: The Representative from Polk, Mr. Chiodo, Chair; the Representative from Johnson, Mr. Small; the Representative from Story, Mr. Hines; the Representative from Dubuque, Mr. Tauke; and the Representative from Marshall, Mr. Brockett.

Also: That the House has insisted on its amendment to Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits, and the members of the conference committee on the part of the House, appointed May 19, 1977, are: The Representative from Linn, Mr. Horn, Chair; the Representative from Dubuque, Mr. Jochum, the Representative from Mahaska, Mr. Koogler; the Representative from Winnebago, Mr. Branstad; and the Representative from Polk, Mr. Smalley.

DAVID L. WRAY, Chief Clerk

SENATE RESOLUTION 15

By: Bisenius and Carr

1 *Whereas*, Andrew G. Frommelt has given twenty
 2 years of service to the State of Iowa as a member
 3 of the 55th through 63rd General Assemblies; and
 4 *Whereas*, Andrew Frommelt has served honorably
 5 as an individual member of the general assembly
 6 and as his party's leader in the general
 7 assembly; and
 8 *Whereas*, Andrew Frommelt has unselfishly given
 9 his time and effort to further the interests of
 10 the State of Iowa and to provide beneficial
 11 programs for the citizens of Iowa; and
 12 *Whereas*, it is proper that Andrew Frommelt be
 13 honored for his many years of service to the State
 14 of Iowa; *Now Therefore*,
 15 *Be It Resolved by the Senate*, That the Senate
 16 pay tribute to Andrew Frommelt and express its
 17 gratitude for the services rendered by these
 18 men; and
 19 *Be It Further Resolved*, That the Senate present
 20 to Andrew Frommelt a senate chair in appreciation
 21 for his service and that the Secretary of the
 22 Senate is directed to enroll a copy of this
 23 resolution and present it to former Senator
 24 Frommelt.

EXPLANATION

27 To pay tribute to Andrew G. Frommelt for his
 28 service to the Iowa Senate.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 29

By: Committee on Natural Resources

- 1 *Whereas*, Iowa has 25 percent of the grade A soil in the
 2 United States; and
 3 *Whereas*, one-half of the Iowa topsoil has been eroded and
 4 is presently being eroded at the rate of 200,000,000 tons
 5 per year; and
 6 *Whereas*, this erosion is equivalent to 400,000 acres per
 7 year; and
 8 *Whereas*, there are and have been insufficient funds to
 9 finance adequate cost share programs to solve the problem;
 10 and
 11 *Whereas*, there are going to be increased demands for food
 12 and fiber to supply the world's need; and
 13 *Whereas*, the livelihood of all citizens of Iowa is dependent
 14 on the sustained production of Iowa agriculture; *Now Therefore*,
 15 *Be It Resolved by the Senate, the House Concurring*, That
 16 the legislative council is authorized to create a study
 17 committee as provided by law, composed of members of the
 18 Natural Resources Subcommittee of the standing Committee on
 19 Budget of the Senate and the House of Representatives
 20 representing both political parties, to conduct a study during
 21 the 1977 interim to immediately assess the soil conservation
 22 problem and to study the need for additional appropriations
 23 and alternate methods of financing permanent soil conservation
 24 projects; and
 25 *Be It Further Resolved*, That the study committee shall
 26 prepare a report of its findings and recommendations and
 27 submit it to the legislative council and members of the Sixty-
 28 seventh General Assembly, 1978 Session, accompanied by
 29 legislative bill drafts to carry out the recommendations of
 30 the study committee.

Read first time and PLACED ON CALENDAR.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following CONFERENCE COMMITTEE on SENATE FILE 337 on the part of the Senate: Senators Nolting, chairperson; Robinson, Hutchins, DeKoster and Hulse.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: May 18, 1977, 8:11 a.m.

Members Present: C. Miller, Chairperson; Carr, Vice Chairperson; Murray, Ranking Member; Calhoon; Craft; P. Hill; A. Miller; E. Miller; Rush; Slater and Taylor.

Members Absent: none.

Members Excused: E. Hill.

Final Action: AMEND AND DO PASS.

House File 594, a bill for an Act relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty.

The vote was: AYES, 10; C. Miller, Carr, Murray, Calhoon, Craft, A. Miller, E. Miller, Rush, Slater and Taylor. NAYS, none. ABSENT OR NOT VOTING, 2; P. Hill and E. Hill.

Adjourned: 9:25 a.m.

JUDICIARY

Convened: May 19, 1977, 8:30 a.m.

Members Present: Glenn, Chairperson; Rush, Vice Chairperson; DeKoster, Ranking Member; Ashcraft; Coleman; Doderer; P. Hill; Ramsey; Redmond; Scott; Shaw and Willits.

Members Absent: none.

Other Business: Discussed House File 349—no final action.

Adjourned: 9:15 a.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: May 18, 1977, 1:12 p.m.

Members Present: Nolting, Chairperson; Calhoon, Vice Chairperson; Hulse, Ranking Member; Burroughs; Murray; Palmer and Robinson.

Members Absent: Nystrom.

Members Excused: Merritt.

Final Action: DO PASS.

House File 595, a bill for an Act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program.

The vote was: AYES, 7; Nolting, Calhoon, Hulse, Burroughs, Murray, Palmer and Robinson. NAYS, none. ABSENT OR NOT VOTING, 2; Merritt and Nystrom.

Adjourned: 1:45 p.m.

RULES AND ADMINISTRATION

Convened: May 17, 1977, 8:15 a.m.

Members Present: Kinley, Chairperson; Junkins, Vice Chairperson; Ramsey, Ranking Member; Hultman and Willits.

Members Absent: Coleman.

Other Business: Adopted grade and classification changes of various officers and employees of the Senate; discussed renovation of Senate and changes needed in rules for extraordinary session.

Adjourned: 8:55 a.m.

RULES AND ADMINISTRATION

Convened: May 18, 1977, 12:09 p.m.

Members Present: Kinley, Chairperson; Junkins, Vice Chairperson; Ramsey, Ranking Member; Hultman and Willits.

Members Absent: Coleman.

Other Business: Discussion of Senate Resolutions and committee amendments regarding extraordinary sessions. Adoption of sine die resolution.

Adjourned: 12:33 p.m.

STATE GOVERNMENT

Convened: May 18, 1977, 5:20 p.m.

Members Present: Doderer, Chairperson; Coleman, Vice Chairperson; Ashcraft; Carr; Culver; Drake; Glenn; Junkins; Kelly; Rush; Schwengels and Slater.

Members Absent: Nystrom, Ranking Member and Shaff.

Final Action: DO PASS.

House File 594, a bill for an Act relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons who abuse any chemical substance, repealing chapters 224 and 224A of the Code and providing a penalty.

The vote was: AYES, 12; Doderer, Coleman, Ashcraft, Carr, Culver, Drake, Glenn, Junkins, Kelly, Rush, Schwengels and Slater. NAYS, none. ABSENT OR NOT VOTING, 2; Nystrom and Shaff.

Adjourned: 5:40 p.m.

WAYS AND MEANS

Convened: May 18, 1977, 5:10 p.m.

Members Present: Rodgers, Chairperson; Nolting, Vice Chairperson; Craft, Ranking Member; E. Hill; Hultman; Junkins; Kelly; Priebe; Readinger; Redmond; Shaff and Van Gilst.

Members Absent: Palmer.

Members Excused: Curtis.

Final Action: AMEND AND DO PASS.

House File 595, a bill for an Act relating to the unemployment compensation law change and providing for amendments to the Iowa law to maintain the approval of the State law by the secretary of labor.

The vote was: AYES, 12; Rodgers, Nolting, Craft, E. Hill, Hultman, Junkins, Kelly, Priebe, Readinger, Redmond, Shaff and Van Gilst. NAYS, none. ABSENT OR NOT VOTING, 2; Palmer and Curtis.

Adjourned: 5:20 p.m.

BILL ASSIGNED TO COMMITTEE

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

H.F. 100 State Government

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 18, 1977, the Governor approved and transmitted to the Secretary of State the following bill:

H.F. 280—Relating to establishing a prosecutor internship program.

AMENDMENTS FILED

S-3686	H.F. 252	C. W. Hutchins Charles P. Miller Forrest V. Schwengels Berl E. Priebe
S-3687	H.F. 381	Ray Taylor
S-3688	H.F. 381	John S. Murray
S-3701	H.F. 564	Richard F. Drake
S-3702	H.F. 491	Richard F. Drake Robert M. Carr Stephen W. Bisenius

ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS

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 Job Services Advisory Council:

WILLIAM VAN TUYL, Pella, Marion County, Iowa, for a regular six-year term commencing July 1, 1977, and ending June 30, 1983;

WYATT YON, Storm Lake, Buena Vista County, Iowa, for a two-year term commencing July 1, 1977, and ending June 30, 1979;

PAT MARY MARSHALL, Cedar Rapids, Linn County, Iowa, for a six-year term commencing July 1, 1977, and ending June 30, 1983;

JEANETTE BLACKSTONE, Sioux City, Woodbury County, Iowa, for a four-year term commencing July 1, 1977, and ending June 30, 1981;

CHARLES EPPERS, Keokuk, Lee County, Iowa, for a four-year term commencing July 1, 1977, and ending June 30, 1981;

SHERI BIRGE, West Des Moines, Polk County, Iowa, for a two-year term commencing July 1, 1977, and ending June 30, 1979;

JOSEPH ZAGNOLI, Woodward, Dallas County, Iowa, for a two-year term commencing July 1, 1977, and ending June 30, 1979;

DONALD LEWIS, Council Bluffs, Pottawattamie County, Iowa, for a four-year term commencing July 1, 1977, and ending June 30, 1981;

THOMAS TEXTOR, Des Moines, Polk County, Iowa, for a six-year term commencing July 1, 1977, and ending June 30, 1983.

Senator Junkins, Chairperson
Senator Willits
Senator Nolting
Senator Murray
Senator Ramsey

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sheri Birge, West Des Moines, Polk County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial term commencing July 1, 1977, and ending June 30, 1979, begs leave to report it has made

investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jeanette Blackstone, Sioux City, Woodbury County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial term commencing July 1, 1977, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Charles Eppers, Keokuk, Lee County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial term commencing July 1, 1977, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald Lewis, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial term beginning July 1, 1977, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Pat Mary Marshall, Cedar Rapids, Linn County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas Textor, Des Moines, Polk County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William Van Tuyl, Pella, Marion County, Iowa, for appointment as a member of the Job Service Advisory Council under provisions of Section 96.11, Code 1977, for an initial six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Wyatt Yon, Storm Lake, Buena Vista County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial term commencing July 1, 1977, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph Zagnoli, Woodward, Dallas County, Iowa, for appointment as a member of the Job Service Advisory Council under the provisions of Section 96.11, Code 1977, for an initial term commencing July 1, 1977, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
EARL M. WILLITS
FRED W. NOLTING
JOHN S. MURRAY
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jerry J. Perpich, Des Moines, Polk County, Iowa, for appointment to the State Board of Accountancy under the provisions of Section 116.3, Code 1975, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
CLIFF BURROUGHS
ROLF V. CRAFT
GENE W. GLENN
GEORGE R. KINLEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ronald D. Brown, Muscatine, Muscatine County, Iowa,

for reappointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, Code 1977, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

BOB RUSH, Chairperson
RICHARD F. DRAKE
FORREST V. SCHWENGELS
BASS VAN GILST
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of N. Earl Ferris, Hampton, Franklin County, Iowa, for reappointment as a member of the State Board of Landscape Architectural Examiners under the provisions of Section 118A.3, Code 1975, for the regular three-year term commencing July 1, 1977, and ending June 30, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE F. DODERER, Chairperson
EUGENE M. HILL
JOHN N. NYSTROM
BOB RUSH
RAY TAYLOR

PRESENTATION OF VISITORS

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

Sixty students from Guthrie Center Junior High School, Guthrie Center, Iowa, accompanied by Richard Friedrich, Rich Hanson and Dale Menning. Senator Hutchins.

Twenty-five students from Riverview Elementary School, Webster City, Iowa, accompanied by Gretchen Anderson. Senator Nystrom.

On the motion of Senator Kinley, the Senate adjourned at 7:00 p.m., until 9:00 a.m., Friday, May 20, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-FIRST CALENDAR DAY
EIGHTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 20, 1977

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 19, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. U. Broers, Schleswig, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Curtis for the day on request of Senator 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 May 19, 1977, amended the Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENTS CONSIDERED

Senate File 259

Senator Hutchins called up for consideration Senate File 259, a

bill for an Act permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S-3694 filed May 19, 1977, and found on page 1746 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Hutchins 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. 259) the vote was:

Ayes, 38:

Ashcraft	Bergman	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Glenn
Hill, E.M.	Hulse	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rush	Scott
Shaff	Slater	Taylor	Tieden
Van Gilst	Willits		

Nays, 2:

Gallagher Hill, P.B.

Absent or not voting, 10:

Bisenius	Curtis	Drake	Hansen
Hultman	Nystrom	Ramsey	Rodgers
Schwengels	Shaw		

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

Senate File 402

Senator DeKoster called up for consideration Senate File 402, a

bill for an Act to legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken, amended by the House, and moved that the Senate concur in House amendment S-3696 filed May 19, 1977, and found on page 1747 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator DeKoster 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. 402) the vote was:

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Gallagher	Glenn	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Van Gilst	Willits

Nays, none.

Absent or not voting, 6:

Curtis
Ramsey

Drake
Shaw

Hansen

Nystrom

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 Neu presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following CONFERENCE COMMITTEE on SENATE FILE 137 on the part of the Senate: Senators Rush, chairperson; Culver, Robinson, Drake and Murray.

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, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 112, a bill for an Act requiring that each judicial district develop and maintain a community-based correctional program and providing for the administration, support and content of these programs.

Also: That the House has on May 19, 1977, concurred in the Senate amendment to the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 185, a bill for an Act making appropriations to the department of justice.

Also: That the House has on May 19, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 393, a bill for an Act relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements.

Also: That the House has on May 19, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 85, a bill for an Act relating to the number of times a person may change his or her name.

Also: That the House has on May 18, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 207, a bill for an Act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation.

Also: That the House has on May 6, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 544, a bill for an Act relating to snowmobiles.

Also: That the House has on May 19, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 595, a bill for an Act relating to unemployment compensation law changes providing for amendments to the law and to assure federal funding of the administration of the unemployment compensation program.

Also: That the House has on May 19, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 616, a bill for an Act amending the criminal code revision to define "incendiary device".

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 207, a bill for an Act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation.

Read first time and PASSED ON FILE.

HOUSE FILE 544, a bill for an Act relating to snowmobiles.

Read first time and PASSED ON FILE.

HOUSE FILE 616, a bill for an Act amending the criminal code revision to define "incendiary device."

Read first time and PASSED ON FILE.

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

AFTERNOON SESSION

The Senate resumed session, 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 20, 1977, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 280, a bill for an Act relating to the disposition of a decedent's property.

Also: That the House has on May 19, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 355, a bill for an Act changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 362, a bill for an Act to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties.

DAVID L. WRAY, Chief Clerk

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum

was present.

Roll call revealed a quorum present.

HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

House File 332

Senator Rodgers called up for consideration House File 332, a bill for an Act to provide additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, making appropriations, and making the Act retroactive, amended by the Senate, further amended by the House and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 332

S-3703

1 Amend the Senate amendment, H-4176, to House File
2 332, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 8, by striking the words "any
5 succeeding year" and inserting in lieu thereof the
6 word and figures "January 1, 1979".

7 2. Page 3, line 17, by striking the figure "1978"
8 and inserting in lieu thereof the figure "1979".

9 3. Page 3, by inserting after line 36 the following
10 new section:

11 "Sec. ____ . Section four hundred twenty-seven A
12 point thirteen (427A.13), Code 1977, is amended to
13 read as follows:

14 427A.13 APPROPRIATION. There is hereby
15 appropriated from the general fund of the state of
16 Iowa to the personal property tax replacement fund
17 the following sums, or so much thereof as may be
18 necessary, to carry out the provisions of this chapter
19 as amended by this division. For the fiscal year
20 beginning July 1, 1973, and ending June 30, 1974,
21 there is appropriated the sum of thirty-one million
22 nine hundred thousand dollars. For the fiscal year
23 beginning July 1, 1974, and ending June 30, 1975,
24 and each succeeding fiscal year, there is appropriated
25 the sum of thirty-five million seven hundred thousand
26 dollars. For each year of the fiscal period beginning

27 July 1, 1977 and ending June 30, 1979 the total
28 appropriation shall be thirty-eight million six hundred
29 thousand dollars and for each fiscal year for which
30 an increase in the additional personal property tax
31 credit becomes effective as provided in this division,
32 the appropriation under this section shall be increased
33 by three million eight hundred thousand dollars, and
34 such increased appropriation shall continue for each
35 succeeding fiscal year. For the fiscal year for which
36 the ninth increase in the additional personal property
37 tax credit becomes effective as provided in this
38 division, and for each succeeding fiscal year, the
39 total appropriation shall be sixty-eight million
40 dollars per year."

41 4. Page 4, line 5, by striking the word
42 "~~assessing~~" and inserting in lieu thereof the word
43 "~~assessing~~".

44 5. Page 4, by inserting after line 13 the following
45 new section:

46 "Sec. ____ . Section four hundred forty-one point
47 twenty-one (441.21), subsection one (1), unnumbered
48 paragraph seven (7), Code 1977, is amended to read
49 as follows:

50 Notwithstanding any other provision of this section,

Page 2

1 the actual value of any property shall not exceed
2 its fair and reasonable market value. *For agricultural*
3 *property, the assessed value as determined under this*
4 *section shall not exceed the actual value of such*
5 *property and the assessed value of residential property*
6 *as determined under this section shall not exceed*
7 *the fair and reasonable market value of such property."*

8 6. Page 4, line 21, by striking the word "such"
9 and inserting in lieu thereof the words "each class
10 of".

11 7. Page 4, line 22, by inserting after the word
12 "determined" the words "for each class of property".

13 8. Page 4, line 23, by striking the words "each
14 assessing jurisdiction in".

15 9. Page 4, line 29, by striking the words
16 "assessing jurisdiction" and inserting in lieu thereof
17 the word "state".

18 10. Page 4, line 32, by striking the word
19 "assessor" and inserting in lieu thereof the word
20 "assessors".

21 11. Page 4, line 33, by striking the words "seven

- 22 and one-half" and inserting in lieu thereof the word
 23 "six".
- 24 12. Page 4, line 38, by striking the words
 25 "assessing jurisdiction" and inserting in lieu thereof
 26 the word "state".
- 27 13. Page 4, line 39, by striking the words
 28 "assessor on the abstract" and inserting in lieu
 29 thereof the words "assessors on the abstracts".
- 30 14. Page 4, line 47, by inserting after the words
 31 "The dividend" the words "for each class of property".
- 32 15. Page 4, line 47, by inserting after the word
 33 "determined" the words "for each class of property".
- 34 16. Page 5, line 3, by striking the words "assessor
 35 on the abstract" and inserting in lieu thereof the
 36 words "assessors on the abstracts".
- 37 17. Page 5, line 4, by striking the words "seven
 38 and one-half" and inserting in lieu thereof the word
 39 "six".
- 40 18. Page 5, line 5, by inserting after the word
 41 "divisor" the words "for each class of property".
- 42 19. Page 5, lines 6 and 7, by striking the words
 43 "assessing jurisdiction" and inserting in lieu thereof
 44 the word "state".
- 45 20. Page 5, line 8, by striking the words "assessor
 46 on the abstract" and inserting in lieu thereof the
 47 words "assessors on the abstracts".
- 48 21. Page 5, by striking lines 15 through 20.
- 49 22. Page 5, line 26, by striking the word "assessed"
 50 and inserting in lieu thereof the word "assessed".

Page 3

- 1 23. Page 5, by inserting after line 33 the
 2 following:
- 3 "NEW UNNUMBERED PARAGRAPH. Beginning with
 4 valuations established as of January 1, 1978, the
 5 assessors shall report the aggregate taxable values
 6 and the number of dwellings located on agricultural
 7 land and the aggregate taxable value of all other
 8 structures on agricultural land. Beginning with
 9 valuations established as of January 1, 1980, such
 10 agricultural structures and agricultural dwellings
 11 located on agricultural land shall be valued at their
 12 market value as defined in this section and
 13 agricultural structures and agricultural dwellings
 14 shall each constitute a separate class of property."
- 15 24. Page 6, by inserting after line 6, the
 16 following new section:
- 17 "Sec. ____ . Chapter four hundred forty-five (445),

18 Code 1977, is amended by adding the following new
19 section:

20 *NEW SECTION.* When agricultural land or residential
21 property which is being or has been valued and assessed
22 under the provisions of section four hundred forty-
23 one point twenty-one (441.21) of the Code is no longer
24 used for the purpose for which it was valued and
25 assessed under the provisions of section four hundred
26 forty-one point twenty-one (441.21) of the Code, such
27 property shall be subject to an additional tax. The
28 tax shall be computed by multiplying the consolidated
29 levy for each of the five preceding years times the
30 fair and reasonable market value for each of the five
31 preceding years less the consolidated levy for the
32 preceding five years by the assessed value of the
33 property for the preceding five years. Such additional
34 taxes shall be entered against the property on the
35 tax list for the current year and shall constitute
36 a lien against the property in the same manner as
37 a lien for property taxes. The additional taxes shall
38 be collected in the same manner as all other property
39 taxes except that such taxes shall be credited to
40 the general fund of the city if such taxes are
41 collected on property located within the city or to
42 the general fund of the county if such tax is collected
43 on property located in the unincorporated area of
44 the county."

45 25. Page 6, by inserting after line 6 the following
46 new section:

47 Sec. ____ . The legislative council is directed to
48 create a ten-member study committee which shall include
49 members of the standing committees on ways and means
50 of the senate and house of representatives representing

Page 4

1 both political parties, which committee shall conduct
2 during the 1977 legislative interim a comprehensive
3 study of the present taxing system in this state.
4 The study shall include, but not be limited to, the
5 following:

6 1. The present system of state and local taxes
7 to determine the relative burden of the present tax
8 structure on the various segments of the state's
9 populace.

10 2. How different types and classes of property
11 should be valued and equalized for property tax
12 assessment purposes.

13 3. Whether budget limitations should be imposed

14 permanently on the political subdivisions of this
15 state.

16 4. Which taxes may presently bear too great a
17 burden of the taxes and which taxes may bear too small
18 a burden.

19 The study committee may employ consultants with
20 the approval of the legislative council, to assist
21 it in carrying out its duties and may request the
22 assistance of any state agency to obtain such data
23 and other information which the task force deems
24 necessary to carry out its duties. Expenses of the
25 study committee, including the cost for employing
26 persons or business firms to assist the committee
27 in its study shall be paid from funds available under
28 section two point twelve (2.12) of the Code.

29 The study committee shall transmit copies of its
30 final report to the governor and the members of the
31 Sixty-seventh General Assembly, 1978 Session, not
32 later than January 30, 1978. The final report shall
33 include findings of fact and its recommendations.

34 26. Page 6, by striking lines 7 through 50.

35 27. Page 7, by striking lines 1 through 7.

36 28. Page 7, lines 16 and 17, by striking the words
37 "creating a task force on taxation,"

38 29. Renumber sections and correct internal
39 references as may be necessary in accordance with
40 this amendment.

41 30. Amend the title, line 16, by inserting after
42 the word "property," the words "creating a legislative
43 study committee to study the present tax structure,".

A record roll call was requested.

On the question "Shall the motion to concur be adopted?"
(H.F. 332) the vote was:

Ayes, 25:

Bergman	Bisenius	Briles	Burroughs
Coleman	Craft	Culver	DeKoster
Drake	Hulse	Hultman	Hutchins
Junkins	Merritt	Miller, A.V.	Miller, E.R.
Priebe	Readinger	Rodgers	Schwengels
Scott	Shaff	Taylor	Tieden
Van Gilst			

Nays, 24:

Ashcraft	Calhoon	Carr	Doderer
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Kelly	Kinley	Miller, C.P.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Redmond	Robinson
Rush	Shaw	Slater	Willits

Absent or not voting, 1:

Curtis

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

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. 332) the vote was:

Ayes, 31:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hulse	Hultman	Hutchins	Junkins
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Scott	Shaff
Taylor	Tieden	Van Gilst	

Nays, 17:

Ashcraft	Carr	Doderer	Hansen
Hill, E.M.	Hill, P.B.	Kelly	Kinley
Miller, C.P.	Nolting	Orr	Palmer
Redmond	Robinson	Shaw	Slater
Willits			

Absent or not voting, 2:

Curtis

Rush

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

House File 85

Senator Doderer called up for consideration House File 85, a bill for an Act relating to the number of times a person may change his or her name, amended by the Senate further amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 85

S-3706

- 1 Amend Senate amendment H-4279 to House File 85
- 2 as follows:
- 3 1. Page 2, by striking lines 19 through 39.

President pro tempore Coleman took the chair at 4:15 p.m.

The motion prevailed and the Senate concurred in the House amendment 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. 85) the vote was:

Rule 23 was invoked.

Ayes, 26:

Carr	Coleman	Craft	Doderer
Gallagher	Glenn	Hill, P.B.	Hutchins
Junkins	Kelly	Kinley	Miller, A. V.
Miller, E.R.	Murray	Nolting	Orr
Palmer	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaw
Slater	Willits		

Nays, 20:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Culver	DeKoster	Drake
Hansen	Hill, E.M.	Hulse	Merritt
Miller, C.P.	Nystrom	Priebe	Ramsey
Schwengels	Taylor	Tieden	Van Gilst

Absent or not voting, 4:

Calhoon	Curtis	Hultman	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 595

Senator Nolting called up for consideration House File 595, a bill for an Act relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program, amended by the Senate, further amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 595

S-3705

- 1 Amend Senate amendment H-4282, to House File
- 2 595, as passed by the House and reprinted, as
- 3 follows:
- 4 1. Page 1, lines 15 and 16, by striking the
- 5 following: "July 1, 1977" and inserting in lieu
- 6 thereof the following: "December 31, 1977".
- 7 2. Page 1, by striking lines 28 through 42.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 595) the vote was:

Ayes, 30:

Ashcraft	Calhoon	Carr	Coleman
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hill, E.M.	Hutchins
Junkins	Merritt	Miller, A.V.	Miller, C.P.
Nolting	Orr	Palmer	Priebe
Readinger	Redmond	Robinson	Rodgers
Rush	Scott	Shaw	Slater
Van Gilst	Willits		

Nays, 17:

Bergman	Bisenius	Briles	Burroughs
Craft	Hansen	Hill, P.B.	Hulse
Hultman	Kelly	Murray	Nystrom
Ramsey	Schwengels	Shaff	Taylor
Tieden			

Absent or not voting, 3:

Curtis	Kinley	Miller, E.R.
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The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Nolting 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. 595) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hutchins	Junkins	Kelly
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Van Gilst
Willits			

Nays, 8:

Burroughs
Shaff

Craft
Shaw

Hultman
Taylor

Ramsey
Tieden

Absent or not voting, 1:

Curtis

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 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 42, a bill for an Act relating to county health centers.

Also: That the House has on May 20, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 118, a bill for an Act declaring the multiflora rose to be a noxious weed.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 238, a bill for an Act relating to business corporations.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 251, a bill for an Act amending the criminal code revision to allow museums to possess offensive weapons solely as relics.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 112, a bill for an Act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 291, a bill for an Act relating to the service records of deceased

veterans.

Also: That the House has on May 20, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 594, a bill for an Act providing for an Iowa department of substance abuse and prescribing the duties of the department.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 112, a bill for an Act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age.

Read first time and PASSED ON FILE.

HOUSE FILE 291, a bill for an Act relating to the service records of deceased veterans.

Read first time and PASSED ON FILE.

HOUSE AMENDMENTS CONSIDERED

Senate File 112

Senator Carr called up for consideration Senate File 112, a bill for an Act requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 112

S-3704

- 1 Amend Senate File 112, as follows:
- 2 1. Page 1, line 11, by striking the words "or
- 3 parole".

4 2. Page 1, by inserting after line 20 the following
5 new subsections:

6 "6. 'Project' means a locally functioning part
7 of a community-based correctional program, officed
8 and operating in a physical location separate from
9 the offices of the district department.

10 7. 'Project advisory committee' means a committee
11 of no more than seven persons which shall act in an
12 advisory capacity to the director on matters pertaining
13 to the planning, operation and other pertinent
14 functions of each project in the judicial district.
15 The members of the project advisory committee for
16 each such project shall be initially appointed by
17 the director from among the general public. No member
18 of the project advisory committee shall hold public
19 office or public employment during membership on such
20 committee. The terms of the initial members of the
21 project advisory committee shall be staggered to
22 permit the terms of just over half of the members
23 to expire in two years and those of the remaining
24 members to expire in one year. Subsequent appointments
25 to the project advisory committee shall be by vote
26 of a majority of the whole project advisory committee
27 for two-year terms."

28 3. Page 1, by striking lines 34 and 35 and
29 inserting in lieu thereof the following:

30 "1. The board of directors of each district
31 department shall be composed as follows:"

32 4. Page 2, by striking lines 1 through 35 and
33 inserting in lieu thereof the following:

34 "a. One member shall be chosen from and by the
35 board of supervisors of each county in the judicial
36 district and shall be so designated annually by the
37 respective boards of supervisors at the organiza-
38 tional meetings held under section three hundred
39 thirty-one point thirteen (331.13) of the Code.

40 b. One member shall be chosen from each of the
41 project advisory committees within the judicial
42 district, which person shall be designated annually,
43 no later than January fifteenth by and from the project
44 advisory committee.

45 c. A number of members equal to the number of
46 authorized board members from project advisory
47 committees shall be appointed by the judges of the
48 judicial district no later than January fifteenth
49 of each year.

50 Within thirty days after the members of the district

1 board have been so designated for the year, the
2 district board shall organize by election of a
3 chairperson, a vice chairperson and members of the
4 executive committee as required by subsection two
5 (2) of this section. The district board shall meet
6 at least quarterly during the calendar year but may
7 meet more frequently upon the call of the chairperson
8 or upon a call signed by a majority, determined by
9 weighted vote computed as in subsection four (4) of
10 this section hereinafter, of the members of the board.

11 2. Each district board shall have an executive
12 committee consisting of the chairperson and vice
13 chairperson and at least one but no more than five
14 other members of the district board. Either the
15 chairperson or the vice chairperson shall be a
16 supervisor, and the remaining representation on the
17 executive committee shall be divided as equally as
18 possible among supervisor members, project advisory
19 committee members, and judicially-appointed members.
20 The executive committee may exercise all of the powers
21 and discharge all of the duties of the district board,
22 as prescribed by this Act, except those specifically
23 withheld from the executive committee by action of
24 the district board.

25 3. The members of the district board and of the
26 executive committee shall be reimbursed from funds
27 of the district department for travel and other
28 expenses necessarily incurred in attending meetings
29 of those bodies, or while otherwise engaged on business
30 of the district department.

31 4. Each member of the district board shall have
32 one vote on the board. However, upon the request
33 of any supervisory members, the vote on any matter
34 before the board shall be taken by weighted vote.
35 In each such case, the vote of the supervisor
36 representative of the least populous county in the
37 judicial district shall have a weight of one unit,
38 and the vote of each of the other supervisor members
39 shall have a weight which bears the same proportion
40 to one unit as the population of the county that
41 supervisor member represents bears to the population
42 of the least populous county in the district. In
43 the event of weighted vote, the vote of each member
44 appointed from a project advisory committee and each
45 judicially appointed member shall have a weight of
46 one unit."

47 5. Page 3, by striking line 1.

48 6. Page 3, line 12, by inserting after the period
49 the words "For purposes of collective bargaining under
50 chapter twenty (20) of the Code, employees of the

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1 district board who are not exempt from chapter twenty
2 (20) of the Code shall be employees of the state,
3 and the employees of all of the district boards shall
4 be included within one collective bargaining unit."

5 7. Page 3, line 18, by striking the words
6 "reimbursement of" and inserting in lieu thereof the
7 words "advancement of funds to".

8 8. Page 4, line 13, by inserting after the word
9 "acceptable," the words "and with approval of the
10 director of the division of adult corrections of the
11 department of social services or that director's
12 designee".

13 9. Page 4, line 35, by inserting after the period
14 the words "Funds appropriated pursuant to the budget
15 requests of the respective district departments shall
16 be allocated on a quarterly basis, and the state
17 comptroller shall authorize advancement of the funds
18 so allocated to each district department's
19 administrative agent at the beginning of each fiscal
20 quarter."

21 10. Page 5, lines 1 and 2, by striking the words
22 "included but not limited to" and inserting in lieu
23 thereof the words "other than".

24 11. Page 7, by inserting after line 30 the
25 following sections:

26 "Sec. ____ . Section two hundred forty-seven point
27 twenty-four (247.24), Code 1977, is amended to read
28 as follows:

29 247.24 PAROLE AGENT AND PROBATION AGENT AS PEACE
30 [OFFICER] OFFICERS. Any agent or investigator appointed
31 or employed by the chief parole agent or by the
32 director of a judicial district department of
33 correctional services for the purpose of making
34 investigations and of apprehending and returning
35 persons granted a parole or probation under the
36 jurisdiction of the chief parole agent or of the
37 director of judicial district department of
38 correctional services to any institution, shall, while
39 engaged in such duty or work, have all the powers
40 of peace officers.

41 Sec. ____ . Section seven hundred eighty-nine A
42 point one (789A.1), subsection two (2), Code 1977,
43 is amended to read as follows:

44 2. By record entry at time of or after sentencing,
45 the court may suspend the sentence and place the
46 defendant on probation upon such terms and conditions

47 as it may require including commitment to an alternate
 48 jail facility or a community correctional residential
 49 treatment facility for a specific number of days to
 50 be followed by a term of probation as specified in

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1 section seven hundred eighty-nine A point two (789A.2)
 2 of the Code. A person so committed who has probation
 3 revoked shall be given credit for such time served."

4 12. Page 7, by inserting before line 31 the
 5 following sections:

6 "Sec. ____ . Chapter one thousand two hundred forty-
 7 five (1245), Acts of the Sixty-sixth General Assembly,
 8 1976 Session, chapter three (3), section one hundred
 9 two (102), is amended to read as follows:

10 SEC. 102. NEW SECTION. PRESENTENCE INVESTIGATION.

11 Upon a plea of guilty, a verdict of guilty, or a
 12 special verdict upon which a judgment of conviction
 13 of any public offense may be rendered, the court shall
 14 receive from the state, from the judicial district
 15 department of correctional services, and from the
 16 defendant any information which may be offered which
 17 is relevant to the question of sentencing. The court
 18 may consider information from other sources, and,
 19 if the offense is a felony, shall order that a
 20 presentence investigation be made. If the offense
 21 is not a felony, the court may, in its discretion,
 22 order that a presentence investigation be made whenever
 23 the maximum period of confinement which may be imposed
 24 is in excess of thirty days.

25 The court may withhold execution of any judgment
 26 or sentence for such time as shall be reasonably
 27 necessary for an investigation with respect to
 28 deferment of judgment or suspension of sentence and
 29 probation. The investigation shall be made by the
 30 [probation and parole service, or by another appropriate
 31 agency as determined by the court] *judicial district*
 32 *department of correctional services.*

33 Sec. ____ . Chapter one thousand two hundred forty-
 34 five (1425), Acts of the Sixty-sixth General Assembly,
 35 1976 Session, chapter three (3), section five hundred
 36 one (501), is amended to read as follows:

37 SECTION 501. NEW SECTION. PROBATION [AND PAROLE]
 38 SERVICE. Pursuant to designation by the court, [parole
 39 and] probation service shall be provided by [the
 40 department of social services or by a local agency
 41 established under chapter two hundred seventeen (217)
 42 of the Codé] *the judicial district department of*

43 *correctional services*. [Parole and probation] *Probation*
44 officers shall perform the duties assigned to them
45 by law and by the director of the [agency by which
46 they are employed] *judicial district department of*
47 *correctional services*.

48 Sec. ____ . Chapter one thousand two hundred forty-
49 five (1245), Acts of the Sixty-sixth General Assembly,
50 1976 Session, chapter three (3), section five hundred

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1 two (502), is amended to read as follows:
2 SEC. 502 *NEW SECTION. PAROLE OFFICERS AND*
3 *PROBATION OFFICERS*. Parole *officers* and probation
4 officers, while performing their duties as such, are
5 peace officers and have all the powers and authority
6 of peace officers. Parole *officers* and probation
7 officers shall investigate all persons referred to
8 them for investigation by the chief parole officer
9 or by any court to which they may be assigned or by
10 *the director of a judicial district department of*
11 *correctional services*. They shall furnish to each
12 person released under their supervision a written
13 statement of conditions. They shall keep informed
14 of each person's conduct and condition and shall use
15 all suitable methods to aid and encourage [him or her]
16 *the person* to bring about improvement in his or her
17 conduct or condition. Parole *officers* and probation
18 officers shall keep records of their work, shall make
19 reports as required by the court, and shall perform
20 other such duties as may be assigned to them by the
21 chief parole officer or the court or *the director*
22 *of a judicial district department of correctional*
23 *services*. They shall coordinate their work with that
24 of other social welfare agencies which offer services
25 of a corrective nature operating in the area to which
26 they are assigned.

27 Sec. ____ . Chapter one thousand two hundred forty-
28 five (1245), Acts of the Sixty-sixth General Assembly,
29 1976 Session, chapter three (3), section seven hundred
30 one (701), is amended to read as follows:

31 SECTION 701. *NEW SECTION. PROBATION*. Probation
32 is the procedure under which a defendant, against whom
33 a judgment of conviction of a public offense may be
34 entered, is released by the court subject to
35 supervision by [probation and parole] *a resident of*
36 *this state or by the judicial district department*
37 *of correctional services*.

38 Sec. ____ . Chapter one thousand two hundred forty-

39 five (1245), Acts of the Sixty-sixth General Assembly,
 40 1976 Session, chapter three (3), section seven hundred
 41 two (702), subsection one (1), unnumbered paragraph
 42 one (1) and subsection two (2), are amended to read
 43 as follows:

44 With the consent of the defendant, the court may
 45 defer judgment and place the defendant on probation
 46 upon such conditions as it may require, or defer
 47 sentence and [place] *assign* the defendant [as provided
 48 in section seven hundred nine (709) of this division]
 49 *to the judicial district department of correctional*
 50 *services. Upon a showing that such person is not*

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1 *cooperating with the program or is not responding*
 2 *to it, the court may withdraw the person from the*
 3 *program and impose any sentence authorized by law.*
 4 *Before taking such action, the court shall give the*
 5 *person an opportunity to be heard on any matter*
 6 *relevant to the proposed action. Upon fulfillment*
 7 *of the conditions of probation, the defendant shall*
 8 *be discharged without entry of judgment. Upon*
 9 *violation of the conditions of probation, the court*
 10 *may proceed as provided in division eight (VIII) of*
 11 *this chapter.*

12 2. By record entry at the time of or after
 13 sentencing, the court may suspend the sentence and
 14 place the defendant on probation upon such terms and
 15 conditions as it may require *including commitment*
 16 *to an alternate jail facility or a community*
 17 *correctional residential treatment facility for a*
 18 *specific number of days to be followed by a term of*
 19 *probation as specified in section seven hundred six*
 20 *(706) of this chapter. A person so committed who*
 21 *has probation revoked shall be given credit for such*
 22 *time served.*

23 Sec.— Chapter one thousand two hundred forty-
 24 five (1245), Acts of the Sixty-sixth General Assembly,
 25 1976 Session, chapter three (3), section seven hundred
 26 six (706), unnumbered paragraph two (2), is amended
 27 to read as follows:

28 [If the person is ordered placed under the custody,
 29 care and supervision of the probation and parole
 30 service, the term of probation shall be determined
 31 by the board of parole and the probation of the
 32 defendant shall be supervised by the probation and
 33 parole service.] The length of the probation shall
 34 not be less than one year and shall not be less than

35 two years if the offense is a felony. However, the
36 court may subsequently reduce the length of the
37 probation if the court determines that the purposes
38 of probation have been fulfilled [, as provided in
39 section seven hundred eight (708) of this division].
40 *The purposes of probation are to provide maximum*
41 *opportunity for the rehabilitation of the defendant*
42 *and to protect the community from further offenses*
43 *by the defendant and others.*

44 Sec. ____ . Chapter one thousand two hundred forty-
45 five (1245), Acts of the Sixty-sixth General Assembly,
46 1976 Session, chapter three (3), section seven hundred
47 seven (707), is amended to read as follows:

48 SEC. 707. NEW SECTION. SUPERVISION DURING
49 PROBATIONARY PERIOD. A person released on probation
50 shall be assigned to a [parole] *probation* officer.

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1 Both the person and his or her [parole] *probation* officer
2 shall be furnished with the conditions of the person's
3 probation and the regulations which the person will
4 be required to observe, in writing. The [parole]
5 *probation* officer shall explain these conditions and
6 regulations to the person, and shall supervise, assist,
7 and counsel the person during the term of his or her
8 probation.

9 When probation is granted, the court shall order
10 said person committed to the custody, care, and
11 supervision:

12 1. Of any suitable resident of this state; or
13 2. Of [any local agency established under chapter
14 two hundred seventeen (217) of the Code; or] *the*
15 *judicial district department of correctional services.*

16 [3. Of the probation and parole service. The chief
17 parole officer may also accept the custody, care and
18 supervision of any person granted probation or parole
19 from a sentence to a term in a county jail.]
20 Jurisdiction of these persons shall remain with the
21 sentencing court. [The chief parole officer shall
22 not, however, accept the custody, care and supervision
23 of any person who in the chief probation officer's
24 judgment could not be properly supervised.]

25 In each case wherein the court shall order said
26 person committed to the custody, care, and supervision
27 of the [probation and parole service] *judicial district*
28 *department of correctional services*, the clerk of
29 the district shall at once furnish the [chief parole
30 officer] *director of the judicial district department*

31 *of correctional services* with certified copies of
 32 the indictment or information, the minutes of testimony
 33 attached thereto, the judgment entry if judgment is
 34 not deferred, and the original mittimus. The county
 35 attorney shall at once advise the [chief parole officer]
 36 *director*, by letter, that the defendant has been
 37 placed under the supervision of the [probation and
 38 parole service] *judicial district department of*
 39 *correctional services* and give [to the chief parole
 40 officer] *him or her* a detailed statement of the facts
 41 and circumstances surrounding the crime committed
 42 and the record and history of the defendant as may
 43 be known to the county attorney. If the defendant
 44 is confined in the county jail at the time of sentence,
 45 the court may order the defendant held until
 46 arrangements are made by the [probation and parole
 47 service] *judicial district department of correctional*
 48 *services* for the defendant's employment and he or
 49 she has signed the necessary probation papers. If
 50 the defendant is not confined in the county jail at

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1 the time of sentence, the court may order the defendant
 2 to remain in the county wherein the defendant has
 3 been convicted and sentenced and report to the sheriff
 4 as to his or her whereabouts.

5 Sec.— . Chapter one thousand two hundred forty-
 6 five (1245), Acts of the Sixty-sixth General Assembly,
 7 1976 Session, chapter three (3), section seven hundred
 8 ten (710), is amended to read as follows:

9 SEC. 710. NEW SECTION. RELEASE AFTER COMPLETION.
 10 When the court has determined that any person ordered
 11 to participate in a locally administered correctional
 12 program, *pursuant to section seven hundred two (702),*
 13 *subsection one (1) of this division*, has successfully
 14 completed such program, the court shall order such
 15 person to be released on probation. [The provisions
 16 of sections six hundred three (603) through six hundred
 17 eight (608), inclusive, of this chapter, shall apply
 18 to such release.]

19 Sec.— . Chapter one thousand two hundred forty-
 20 five (1245), Acts of the Sixty-sixth General Assembly,
 21 1976 Session, chapter three (3), section eight hundred
 22 ten (810), is amended to read as follows:

23 SEC. 810. NEW SECTION. VIOLATION OF PROBATION.
 24 A [parole] *probation* officer or [other agency charged
 25 with the supervision of a probationer as authorized
 26 by sections one hundred seven (107) and five hundred
 27 one (501) of this chapter] *the judicial district*

28 *department of correctional services* having probable
29 cause to believe that any person released on probation
30 has violated the conditions of his or her probation
31 shall proceed by arrest or summons as in the case
32 of a parole violation. The functions of the magistrate
33 and the board of parole shall be performed by the
34 judge or magistrate who would have had jurisdiction
35 to try the original offense. Where the [parole]
36 probation officer proceeds by arrest, any magistrate
37 may receive the complaint, issue an arrest warrant,
38 or conduct the initial appearance, probable cause
39 hearing, and probation revocation hearing, or any
40 of them, may at the discretion of the court be merged
41 into a single hearing, when it appears that the alleged
42 violator will not be prejudiced thereby. If the
43 violation is established, the court may continue the
44 probation with or without an alteration of the
45 conditions of probation, or may revoke the probation
46 and may require the defendant to serve the sentence
47 imposed, or any lesser sentence, and, if imposition
48 of sentence was deferred, may impose any sentence
49 which might originally have been imposed.
50 Sec. ____ . Chapter one thousand two hundred forty-

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1 five (1245), Acts of the Sixty-sixth General Assembly,
2 1976 Session, chapter three (3), sections five hundred
3 four (504) and seven hundred nine (709) are repealed.”
4 13. Page 8, by inserting after line 17 the
5 following section:
6 “Sec. ____ . Item twelve (12) of this amendment
7 is effective on the date set forth in chapter one
8 thousand two hundred forty-five (1245), Acts of the
9 Sixty-sixth General Assembly, 1976 Session, chapter
10 four (4), section five hundred twenty-nine (529).”
11 14. Page 8, by inserting after line 17 the
12 following:
13 “Sec. 13. Section nineteen A point three (19A.3),
14 subsection eight (8), Code 1977, is amended to read
15 as follows:
16 8. Patients or inmates employed in state
17 institutions or persons on parole employed in work
18 experience positions in state government for a period
19 of time not to exceed one year.
20 Sec. 14. In addition to funds appropriated for
21 the Riverview release center at Newton by House File
22 four hundred sixty-four (464), as approved by the
23 Sixty-seventh General Assembly, 1977 Session, there
24 is appropriated to the department of social services

25 for the Riverview release center at Newton, for the
 26 fiscal year beginning July 1, 1977 and ending June
 27 30, 1978, the sum of one hundred fifty thousand
 28 (150,000) dollars, or so much thereof as is necessary.
 29 Funds appropriated by this section shall be available
 30 to the division of adult corrections for the purpose
 31 of establishing work adjustment and training positions
 32 for inmates housed at the Riverview release center
 33 at Newton in order to prepare the inmates vocationally
 34 for similar positions for a period not exceeding one
 35 year in the department of transportation and other
 36 state agencies. *This pilot project shall be known*
 37 *as the inmate employment program.*

38 The division of adult corrections shall evaluate
 39 the program established by this section and report
 40 to the house and senate committees on budget prior
 41 to February 28, 1978 as to progress of the program
 42 and recommendations in regard to it."

43 15. Page 8, by inserting before line 18 the
 44 following:

45 "Sec. ____ . Section two hundred forty-seven A point
 46 two (247A.2), Code 1977, is amended to read as follows:
 47 247A.2 PROGRAM. The department of social services
 48 shall establish a work release program under which
 49 inmates sentenced to an institution under the
 50 jurisdiction of the department may be granted the

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1 privilege of leaving actual confinement during
 2 necessary and reasonable hours for the purpose of
 3 working at gainful employment [in this state.] Under
 4 appropriate conditions the program may also include
 5 release for the purpose of seeking employment and
 6 attendance at an educational institution. In the
 7 case of inmates who have children in their homes under
 8 the age of eighteen years, the program may include
 9 child care and housekeeping in their homes."

10 16. Page 8, by inserting before line 18 the follow-
 11 ing:

12 "Sec. ____ . Chapter eighty-five (85), Code 1977,
 13 is amended by adding the following new section:
 14 **NEW SECTION. INMATES OF STATE PENAL OR CORREC-**
 15 **TIONAL FACILITIES.** The department of social services
 16 may elect to include as an employee for purposes of
 17 this chapter any person confined as an inmate at the
 18 riverview release center and who is participating
 19 in the inmate employment program. If an inmate in
 20 the performance of work sustains an injury arising
 21 out of and in the course of the work, the inmate shall

22 be awarded and paid compensation at the rates provided
23 in this chapter. If death results from such injury,
24 death benefits shall be awarded and paid to the
25 dependents of the inmate. If any such person is
26 awarded weekly compensation under the provisions of
27 this section and is still committed to a penal
28 institution, the person's compensation benefits under
29 section eighty-five point thirty-three (85.33) of
30 the Code or section eighty-five point thirty four
31 (85.34), subsection one (1), of the Code shall be
32 paid to the department and held in trust for the
33 inmate for so long as the inmate shall remain so
34 committed. However, the department shall deduct from
35 the benefits awarded the cost of maintaining the
36 inmate not to exceed the level the inmate was paying
37 under the inmate employment program. Weekly
38 compensation benefits awarded pursuant to section
39 eighty-five point thirty-four (85.34), subsection
40 two (2), of the Code shall be held in trust and paid
41 to such person as provided in this chapter upon final
42 discharge or parole, whichever occurs first. In the
43 event such person is recommitted to a penal institution
44 prior to receiving in full weekly benefits pursuant
45 to section eighty-five point thirty-three (85.33)
46 of the Code or section eighty-five point thirty-four
47 (85.34), subsection one (1), of the Code such benefits
48 shall again be paid to the department for so long
49 as the person shall remain so recommitted. Also,
50 weekly benefits under section eighty-five point thirty-

Page 11

1 four (85.34), subsection two (2), of the Code shall
2 be suspended and again held in trust until such person
3 is again released by final discharge or parole,
4 whichever first occurs. However, the industrial
5 commissioner may, if the industrial commissioner finds
6 that dependents of the person awarded weekly
7 compensation pursuant to section eighty-five point
8 thirty-three (85.33) of the Code or section eighty-
9 five point thirty-four (85.34), subsections one (1),
10 and two (2), of the Code would require welfare aid
11 as a result of terminating the compensation, order
12 such weekly compensation to be paid to a responsible
13 person for the use of dependents.

14 For the purposes of this section:

- 15 1. "Department" means the department of social
16 services.
- 17 2. "Penal institution" means any reformatory,
18 state penitentiary, release center, or other state

- 19 penal or correctional institution.”
- 20 17. Page 8, line 19, by striking the word “This”
- 21 and inserting in lieu thereof the words “Unless
- 22 otherwise specifically provided, this”.
- 23 18. Page 9, by inserting after line 3 the following
- 24 section:
- 25 “Sec. ____ . This Act shall be codified within the
- 26 Iowa Corrections Code.”
- 27 19. Title page, line 1, by inserting after the
- 28 word “Act” the words “relating to correction programs
- 29 by providing work adjustment and training positions
- 30 at the Riverview release center and”.
- 31 20. Title page, line 4, by inserting after the
- 32 word “programs,” the words “extending the word release
- 33 program,”.
- 34 21. Renumber sections as required.

The motion prevailed and the Senate concurred in the House amendment.

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. 112) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 3:

Curtis	Shaw	Van Gilst
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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.

Senate File 280

Senator Kelly called up for consideration Senate File 280, a bill for an Act relating to the disposition of a decedent's property, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 280

S-3709

- 1 Amend Senate File 280 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 4, line 3 by inserting after the word
- 4 "report" the words ", and if compliance with the
- 5 provisions of sections four hundred twenty-two point
- 6 twenty-seven (422.27), four hundred fifty point
- 7 fifty-eight (450.58), and six hundred thirty-three
- 8 point four hundred seventy-four (633.474), of the
- 9 Code, have been fulfilled and receipts and certi-
- 10 ficates are on file".

The motion prevailed and the Senate concurred in the House amendment.

Senator Kelly 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. 280) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Hutchins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott

Shaff
Tieden

Shaw
Willits

Slater

Taylor

Nays, none.

Absent or not voting, 4:

Briles

Curtis

Junkins

Van Gilst

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 5:30 p.m.

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.

MOTION TO RECONSIDER WITHDRAWN

Senator Schwengels withdrew the motion to reconsider Senate File 289, a bill for an Act to propose changes in the rules of criminal procedure, filed by him on May 11, 1977, found on page 1460 of the Senate Journal.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senate File 333

Senator Murray called up the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 333

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 333, a bill for an Act to make certain clarifying and corrective revisions in and additions to chapter two hundred twenty-nine (229) of the Code, and certain related statutes, relating to hospitalization of the mentally ill, respectfully make the following report:

1. That the Senate recede from its amendment H-4240 to the House amendment S-3619 to Senate File 333 as amended, passed and reprinted by the Senate.

2. That the House amendment S-3619 be amended as follows:

1. Page 2 of the amendment, lines 46 and 47, by striking the words and numerals "two (2) and three (3)" and inserting in lieu thereof the words and numerals "two (2), three (3) and four (4)".

2. Page 3 of the amendment, by striking lines 38 through 40 and inserting in lieu thereof the following:

___ . Page 3, by striking line 24 and inserting in lieu thereof the words "[enter a written order for] *direct that* the person [to] be detained in [custody] *the hospital*".

___ . Page 3, line 25, by striking the word "and" and inserting in lieu thereof the words "[and] or".

___ . Page 3, line 27, by striking the words "magistrate's order shall state" and inserting in lieu thereof the words "[magistrate's order] *chief medical officer shall prepare a report which shall state, in as much detail as reasonably possible,*".

3. Page 4 of the amendment, line 2, by striking the word "order" and inserting in lieu thereof the words "[order] *chief medical officer's report*".

4. Page 4 of the amendment, by striking lines 3 through 40 and inserting in lieu thereof the following:

" ___ . Page 4, by inserting after line 4 the following:

3. A chief medical officer who directs that a person be detained in a hospital under subsection two (2) of this section shall at once notify the nearest available magistrate as defined in section seven hundred forty-eight point one (748.1) of the Code, except that if the directive is made after midnight and before seven o'clock a.m. the magistrate shall be so notified not later than seven o'clock a.m. of the same day. Upon being so notified the magistrate shall immediately proceed to the hospital where the person is detained and inquire into the matter. Unless convinced upon initial inquiry that there are no grounds for further detention of the person, the magistrate shall in the manner prescribed by section two hundred twenty-nine point

eight (229.8), subsection one (1) of the Code insure that the person has or is provided legal counsel at the earliest practicable time, and shall arrange for the counsel to be present, if practicable, before proceeding further under this section. If the magistrate finds upon review of the report prepared by the chief medical officer under subsection two (2) of this section, and of such other information or evidence as the magistrate deems pertinent, that there is probable cause to believe that the person is seriously mentally impaired and because of that impairment is likely to physically injure himself or herself or others if not detained, the magistrate shall enter a written order for the person to be detained in custody at the hospital. The magistrate's order shall have attached to it a copy of the chief medical officer's report prepared under subsection two (2) of this section, and may state other information supporting the finding of probably cause to believe the person detained is seriously mentally impaired and likely to physically injury himself or herself or others if not detained. The order shall be filed with the clerk of the district court in the county where it is anticipated that an application will be filed under section two hundred twenty-nine point six (229.6) of the Code.

[3] 4. The chief medical officer of the hospital shall examine and may detain and care for the person [taken into] detained in custody under the magistrate's order for a period not to exceed forty-eight hours from the time the person was brought to the hospital as described in subsection two (2) of this section, excluding Saturdays, Sundays and holidays. The hospital may provide treatment'."

5. Page 5 of the amendment, by striking line 10 and inserting in lieu thereof the words "not immediately detained.

[4] 5. The cost of hospitalization at a public hospital of a person detained temporarily by the procedure prescribed in this section shall be paid in the same way as if the person had been admitted to the hospital by the procedure prescribed in sections 229.6 to 229.13."

On the Part of the Senate:

JOHN S. MURRAY, Chairperson
DAVID M. READINGER
BOB RUSH
EARL M. WILLITS

On the Part of the House:

SCOTT D. NEWHARD, Chairperson
JULIA B. GENTLEMAN
THOMAS J. HIGGINS
JOAN LIPSKY
CARL V. NIELSEN

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 333) the vote was:

Ayes, 17:

Bisenius

Briles

Coleman

DeKoster

Doderer	Hill, E.M.	Hulse	Miller, C.P.
Miller, E.R.	Murray	Ramsey	Readinger
Rush	Shaw	Taylor	Tieden
Willits			

Nays, 26:

Ashcraft	Bergman	Burroughs	Calhoon
Carr	Craft	Culver	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hultman	Hutchins	Kinley	Miller, A.V.
Nolting	Nystrom	Orr	Palmer
Redmond	Rodgers	Schwengels	Scott
Shaff	Slater		

Absent or not voting, 7:

Curtis	Junkins	Kelly	Merritt
Priebe	Robinson	Van Gilst	

The motion lost.

MOTIONS TO RECONSIDER ADOPTED

Senate File 93

Senator Miller of Cerro Gordo called up the motion to reconsider Senate File 93, a bill for an Act to permit pari-mutuel betting in Iowa; filed by him on May 11, 1977, found on page 1460 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 30, nays 15.

The motion prevailed.

Senator Kinley asked and received unanimous consent that Senate File 93 be REREFERRED to the committee on WAYS AND MEANS.

Senate File 75

Senator Willits called up the motion to reconsider Senate File 75, a bill for an Act relating to the private sale, control

distribution and taxation of wine containing not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties therefor, filed by him on May 5, 1977, and found on pages 1373-1374 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 27, nays 17.

The motion prevailed.

Senator Willits asked and received unanimous consent that SENATE FILE 75 be rereferred to the committee on WAYS AND MEANS.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senator Glenn called up the following conference committee report and moved its adoption.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 361

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 361, a bill for an Act relating to rules of appellate procedure in the courts, respectfully make the following report:

1. That the House recede from its amendment S-3595 to Senate File 361 as amended, passed and reprinted by the Senate.

On the Part of the Senate:

GENE W. GLENN, Chairperson
JAMES M. REDMOND
JOHN R. SCOTT
LUCAS J. DE KOSTER

On the Part of the House:

NORMAN G. JESSE, Chairperson
SCOTT D. NEWHARD
JULIA B. GENTLEMAN
DOUGLAS R. SMALLEY
DONALD V. DOYLE

A non record roll call was requested.

The ayes were 33, nays 9.

The motion prevailed and the conference committee report and the recommendation contained therein was 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. 361) the vote was:

Ayes, 41:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Coleman	Craft	Culver
DeKoster	Drake	Gallagher	Glenn
Hansen	Hill, E.M.	Hill, P.B.	Hulse
Hultman	Hutchins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 9:

Calhoon	Carr	Curtis	Doderer
Junkins	Merritt	Priebe	Shaff
Van Gilst			

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 386

On motion of Senator Robinson, Senate File 386, a bill for an Act relating to education funding providing for an increase in the maximum levy and a continuance of the guaranteed state aid to elementary and secondary school districts, was taken up for consideration.

President pro tempore Coleman took the chair at 7:10 p.m.

Senator Orr offered amendment S-3557 filed by Senators Orr, et al., on May 11, 1977, to strike everything after the enacting clause of the bill.

Senator Hutchins offered amendment S-3708 to amendment S-3557.

Senator Redmond took the chair at 7:25 p.m.

Senator Hutchins moved the adoption of amendment S-3708 to amendment S-3557.

A record roll call was requested.

On the question "Shall amendment S-3708 be adopted?" (S.F. 386) the vote was:

Ayes, 34:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Gallagher
Glenn	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nolting	Nystrom	Priebe
Ramsey	Redmond	Robinson	Rodgers
Schwengels	Scott	Shaff	Slater
Taylor	Tieden		

Nays, 12:

Doderer	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Kelly	Murray	Orr
Readinger	Rush	Shaw	Willits

Absent or not voting, 4:

Curtis	Drake	Palmer	Van Gilst
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Amendment S-3708 to amendment S-3557 was adopted.

Senator Murray moved that action on Senate File 386 be deferred.

A record roll call was requested.

On the question "Shall the motion to defer be adopted?" (S.F. 386) the vote was:

Rule 23 was invoked.

Ayes, 12:

Ashcraft	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Kelly	Murray	Nystrom
Orr	Readinger	Rush	Shaw

Nays, 34:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Drake	Gallagher
Glenn	Hultman	Hutchins	Junkins
Kinley	Merritt	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nolting	Palmer	Priebe
Ramsey	Redmond	Robinson	Rodgers
Schwengels	Scott	Slater	Taylor
Tieden	Willits		

Absent or not voting, 4:

Curtis	Doderer	Shaff	Van Gilst
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The motion lost.

Senator Orr moved the adoption of amendment S-3557 as amended.

Amendment S-3557 as amended 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. 386) the vote was:

Rule 23 was invoked.

Ayes, 35:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Drake

Gallagher	Glenn	Hulse	Hultman
Hutchins	Junkins	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nolting	Nystrom
Orr	Priebe	Ramsey	Redmond
Robinson	Rodgers	Schwengels	Scott
Slater	Taylor	Tieden	

Nays, 9:

Hansen	Hill, E.M.	Kelly	Kinley
Murray	Readinger	Rush	Shaw
Willits			

Absent or not voting, 6:

Curtis	Doderer	Hill, P.B.	Palmer
Shaff	Van Gilst		

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 386 passed the Senate on Friday, May 20, 1977.

JOAN ORR

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, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 31, a bill for an Act to create an alcoholism rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 630, a bill for an Act to appropriate funds to the department of health.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

SENATE FILE 411, by Senator Willits, a bill for an act codifying the doctrine of implied warranty of habitability and providing remedies.

Read first time and PASSED ON FILE.

SENATE FILE 412, by Senator Kinley, a bill for an act to authorize the establishment of a consolidated government for a county, providing for its organization and operation, and providing for the imposition of local taxes by the consolidated government.

Read first time and PASSED ON FILE.

SENATE FILE 413, by Committee on Budget, a bill for an act to establish a task force on taxation and making an appropriation therefor.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 630, a bill for an Act to appropriate funds to the department of health to be used to discharge the responsibilities of the department under House File three hundred fifty-four (354), Acts of the Sixty-seventh General Assembly, 1977 Session, and to establish the salaries of members of the state health facilities council established by that Act.

Read first time and PASSED ON FILE.

SENATE CONCURRENT RESOLUTION 30

By: Committee on Budget

- 1 WHEREAS, section two hundred sixty-two A point
- 2 three (262A.3) of the Code provides that the state
- 3 board of regents shall prepare and submit to the
- 4 general assembly for approval no later than seven
- 5 days after the convening of each regular annual session
- 6 of the general assembly a proposed ten-year building
- 7 program for each institution of higher learning under
- 8 the jurisdiction of said board, said program to contain

9 a list of the buildings and facilities which the board
10 deems necessary to further the educational objectives
11 of the institutions, with an estimate of the cost
12 of each of the buildings and facilities referred to
13 therein and an estimate of the maximum amount of bonds
14 which the board expects to issue under chapter two
15 hundred sixty-two A (262A) of the Code during each
16 year of the ensuing biennium; and

17 WHEREAS, the state board of regents prepared and
18 within seven days after the convening of the Sixty-
19 seventh General Assembly of the State of Iowa, First
20 Session, submitted to the Sixty-seventh General
21 Assembly, First Session, for approval such a proposed
22 ten-year building program for each institution
23 containing a list of the buildings and facilities
24 which the board deems necessary to further the
25 educational objectives of the institutions, together
26 with an estimate of the cost of each of the buildings
27 and facilities referred to therein and an estimate
28 of the maximum amount of bonds which the board expects
29 to issue under the provisions of chapter two hundred
30 sixty-two A (262A) of the Code for each year of the

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1 biennium beginning July 1, 1977 and ending June 30,
2 1979; and

3 WHEREAS, the projects contained in said building
4 program are deemed necessary for the proper performance
5 of the instructional, research and service functions
6 of the institutions; and

7 WHEREAS, section two hundred sixty-two A point
8 four (262A.4) of the Code provides that the state
9 board of regents after authorization by a
10 constitutional majority of each house of the general
11 assembly and approval by the governor may undertake
12 and carry out at the institutions of higher learning
13 under the jurisdiction of said board any project as
14 defined in chapter two hundred sixty-two A (262A)
15 of the Code; and

16 WHEREAS, chapter two hundred sixty-two A (262A)
17 of the Code authorizes the state board of regents
18 to borrow money and to issue and sell negotiable
19 revenue bonds to pay all or any part of the cost of
20 carrying out such projects at any institution payable
21 solely from and secured by an irrevocable pledge of
22 a sufficient portion of the student fees and charges
23 and institutional income received by the particular
24 institution; and

25 WHEREAS, to further the educational objectives

26 of the institutions the state board of regents requests
 27 authorization to undertake and carry out certain of
 28 said projects at this time and to finance the cost
 29 thereof by borrowing money and issuing negotiable
 30 bonds under the provisions of chapter two hundred

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1 sixty-two A (262A) of the Code, in a total amount
 2 not to exceed fifteen million five hundred fifteen
 3 thousand (15,515,000) dollars, the remaining cost
 4 of said projects to be financed by capital
 5 appropriations or by federal or other funds lawfully
 6 available therefor; NOW THEREFORE,

7 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 8 That the proposed ten-year building program submitted
 9 by the state board of regents for each institution
 10 of higher learning under its jurisdiction, including
 11 the estimate of the maximum amount of bonds which
 12 the board expects to issue under the provisions of
 13 chapter two hundred sixty-two A (262A) of the Code,
 14 be and is hereby approved as follows:

15 STATE BOARD OF REGENTS PROPOSED TEN YEAR
 16 BUILDING PROGRAM 1977-1987
 17 State University of Iowa

18 Project	Estimated 19 Total Cost
20 Lindquist center for measurement-	
21 phase II	\$ 5,640,000
22 Old armory replacement	11,680,000
23 Movable equipment	1,735,000
24 Macbride hall remodeling	825,000
25 Chemistry botany building remodeling	560,000
26 Fire escapes—two buildings	230,000
27 Eastlawn remodeling	485,000
28 Medical research center remodeling	310,000
29 Life-of-building formula remodeling	16,360,000
30 Boiler plant renovation	1,670,000

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1 Steam distribution improvements	1,690,000
2 Electrical substations for university	
3 hospitals	1,500,000
4 Storm sewer renovations	2,890,000
5 Water plan improvements	710,000
6 Chiller improvements	2,690,000
7 Eastside water system improvements	1,050,000
8 Miscellaneous and recurring	
9 utility needs	600,000

10	Lease/purchase of main frame computer	1,200,000
11	Undefined special projects	5,000,000
12	TOTAL	\$56,825,000
13	Iowa State University of Science and Technology	
14	Music building	3,385,000
15	Library addition—phase I	6,335,000
16	Horticulture addition	2,460,000
17	Library addition—phase II	6,100,000
18	Mechanical engineering and engineering	
19	science and mechanics	5,375,000
20	Agronomy addition	4,900,000
21	Movable equipment	2,840,000
22	Quadrangle remodeling—phase I	2,035,000
23	Beardshear hall remodeling	605,000
24	Curtiss hall remodeling	700,000
25	Quadrangle remodeling—phase II	3,300,000
26	Life-of-building formula remodeling	10,780,000
27	Centrifugal chiller and cooling tower	2,500,000
28	Water pollution control plan	
29	improvements	1,300,000
30	System expansion for new and	

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1	renovated buildings	1,200,000
2	General system repairs and	
3	alterations—utilities	3,400,000
4	Cooling tower addition and replacement	1,200,000
5	Power plant repairs	2,000,000
6	Miscellaneous utility projects	1,065,000
7	Electrical repairs	900,000
8	Undefined special projects	5,000,000
9	TOTAL	\$67,380,000
10	University of Northern Iowa	
11	Speech/art complex—phase II	4,105,000
12	Physical education center completion	7,680,000
13	Movable equipment	1,180,000
14	Gymnasium I remodeling	250,000
15	Life-of-building formula remodeling	5,965,000
16	Coal-fired boiler	6,905,000
17	Storm and sanitary sewer repairs	630,000
18	Electrical system improvements	920,000
19	Steam distribution improvements	1,850,000
20	Water line improvements	200,000
21	Miscellaneous utility needs	300,000
22	Pollution control devices	1,200,000
23	Hudson road improvements	300,000
24	Classroom building for business	3,678,000
25	Movable equipment for business	347,000

26	TOTAL	\$ 35,510,000
27	Total state board of regents' ten-year	
28	program 1977-1987	\$159,715,000
29	BE IT FURTHER RESOLVED, That during the biennium	
30	which commences July 1, 1977, and which ends June	

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1 30, 1979, the maximum amount of bonds which the state
 2 board of regents expects to issue under the provisions
 3 of chapter two hundred sixty-two A (262A) of the Code
 4 is fifteen million five hundred fifteen thousand
 5 (15,515,000) dollars, all or any part of which may
 6 be issued during the fiscal year ending June 30, 1978,
 7 and if all of that amount should not be issued during
 8 the fiscal year ending June 30, 1978, any remaining
 9 balance may be issued during the fiscal year ending
 10 June 30, 1979, and this plan of financing is hereby
 11 approved; and

12 BE IT FURTHER RESOLVED, That the state board of
 13 regents be and is hereby authorized to undertake and
 14 carry out the following projects and to pay all or
 15 any part of the cost of carrying out such projects
 16 by borrowing money and issuing negotiable revenue
 17 bonds under the provisions of chapter two hundred
 18 sixty-two A (262A) of the Code in a total amount not
 19 to exceed fifteen million five hundred fifteen thousand
 20 (15,515,000) dollars:
 21 State University of Iowa
 22 Reconstruction of boiler No. 8
 23 Replace electrical substation serving university
 24 hospitals
 25 Boilers No. 5 and No. 6—controls and instrumentation
 26 Medical research center—electrical renovations
 27 Steam distribution—complete westside loop system
 28 Miscellaneous utilities and remodeling projects
 29 Iowa State University
 30 Centrifugal chiller and cooling tower

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1 Miscellaneous general utility and remodeling projects
 2 University of Northern Iowa
 3 Coal-fired boiler replacement and auxiliaries—
 4 phases I and II
 5 Miscellaneous general utility and remodeling projects

Read first time and PLACED ON CALENDAR.

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

The Senate resumed session, 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 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 195, a bill for an Act increasing fees for permits to carry weapons.

Also: That the House has on May 20, 1977, concurred in Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 312, a bill for an Act requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal.

Also: That the House has on May 20, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 407, a bill for an Act appropriating funds to the state board of public instruction to plan for an addition to a building.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 408, a bill for an Act to legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 409, a bill for an Act appropriating funds to the office of the Code editor.

DAVID L. WRAY, Chief Clerk

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, Senator Kinley called up

the following Reports of Investigating Committees:

As a member of the Department of Environmental Quality Board of Certification for Waterworks Operators, Robert William Tonn, filed May 12, 1977, and found on page 1503 of the Senate Journal.

As a member of the Advisory Investment Board of the Iowa Public Employees Retirement System, Betty S. Maxheimer, filed May 13, 1977, and found on page 1528 of the Senate Journal.

As a member of the State Board of Engineering Examiners, Dawn F. Chapman, filed May 16, 1977, and found on page 1636 of the Senate Journal.

As a member of the Job Service Advisory Council, Sheri Birge, filed May 19, 1977, and found on pages 1757-1758 of the Senate Journal.

As a member of the Job Service Advisory Council, Jeanette Blackstone, filed May 19, 1977, and found on page 1758 of the Senate Journal.

As a member of the Job Service Advisory Council, Charles Eppers, filed May 19, 1977, and found on page 1758 of the Senate Journal.

As a member of the Job Service Advisory Council, Donald Lewis, filed May 19, 1977, and found on pages 1758-1759 of the Senate Journal.

As a member of the Job Service Advisory Council, Pat Mary Marshall, filed May 19, 1977, and found on page 1759 of the Senate Journal.

As a member of the Job Service Advisory Council, Thomas Textor, filed May 19, 1977, and found on page 1759 of the Senate Journal.

As a member of the Job Service Advisory Council, William Van

Tuyl, filed May 19, 1977, and found on page 1759 of the Senate Journal.

As a member of the Job Service Advisory Council, Wyatt Yon, filed May 19, 1977, and found on page 1760 of the Senate Journal.

As a member of the Job Service Advisory Council, Joseph Zagnoli, filed May 19, 1977, and found on page 1760 of the Senate Journal.

As a member of the State Board of Accountancy, Jerry J. Perpich, filed May 19, 1977, and found on page 1760 of the Senate Journal.

As a member of the State Board of Engineering Examiners, Ronald D. Brown, filed May 19, 1977, and found on pages 1760-1761 of the Senate Journal.

As a member of the State Board of Landscape Architectural Examiners, N. Earl Ferris, filed May 19, 1977, and found on page 1761 of the Senate Journal.

Senator Kinley asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Kinley moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Kinley moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

ROBERT WILLIAM TONN

Ayes, 45:

Ashcraft

Bergman

Bisenius

Burroughs

Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Robert William Tonn as a member of the Department of Environmental Quality Board of Certification for Waterworks Operators confirmed for the regular three-year term ending June 30, 1980.

BETTY S. MAXHEIMER

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Betty S. Maxheimer as a member of the Advisory Investment Board of the Iowa Public Employees Retirement System confirmed for the regular six-year term ending June 30, 1983.

DAWN F. CHAPMAN

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Dawn F. Chapman as a member of the State Board of Engineering Examiners confirmed for the regular three-year term ending June 30, 1980.

SHERI BIRGE

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff

Shaw
Willits

Slater

Taylor

Tieden

Nays, none.

Absent or not voting, 5:

Briles
Van Gilst

Curtis

Hill, P.B.

Palmer

President Neu declared the appointment of Sheri Birge as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1979.

JEANETTE BLACKSTONE

Ayes, 45:

Ashcraft
Calhoon
Culver
Gallagher
Hulse
Kelly
Miller, C.P.
Nystrom
Readinger
Rush
Shaw
Willits

Bergman
Carr
DeKoster
Glenn
Hultman
Kinley
Miller, E.R.
Orr
Redmond
Schwengels
Slater

Bisenius
Coleman
Doderer
Hansen
Hutchins
Merritt
Murray
Priebe
Robinson
Scott
Taylor

Burroughs
Craft
Drake
Hill, E.M.
Junkins
Miller, A.V.
Nolting
Ramsey
Rodgers
Shaff
Tieden

Nays, none.

Absent or not voting, 5:

Briles
Van Gilst

Curtis

Hill, P.B.

Palmer

President Neu declared the appointment of Jeanette Blackstone as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1981.

CHARLES EPPERS

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Charles Eppers as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1981.

DONALD LEWIS

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Donald Lewis as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1981.

PAT MARY MARSHALL

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Pat Mary Marshall as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1983.

THOMAS TEXTOR

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Thomas Textor as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1983.

WILLIAM VAN TUYL

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of William Van Tuyl as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1983.

WYATT YON

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Wyatt Yon as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1979.

JOSEPH ZAGNOLI

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Joseph Zagnoli as a member of the Job Service Advisory Council confirmed for an initial term ending June 30, 1979.

JERRY J. PERPICH

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Jerry J. Perpich as a member of the State Board of Accountancy confirmed for the regular three-year term ending June 30, 1980.

RONALD D. BROWN

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of Ronald D. Brown as a member of the State Board of Engineering Examiners confirmed for the regular three-year term ending June 30, 1980.

N. EARL FERRIS

Ayes, 45:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting

Nystrom	Orr	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Briles	Curtis	Hill, P.B.	Palmer
Van Gilst			

President Neu declared the appointment of N. Earl Ferris as a member of the State Board of Landscape Architectural Examiners confirmed for the regular three-year term ending June 30, 1980.

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 Silas S. Ewing, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Board of Parole, pursuant to Sections 247.1 and 247.2, Code 1975, for the regular six-year term commencing July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
 WILLIAM D. PALMER
 RICHARD R. RAMSEY
 BOB RUSH
 ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Redmond moved the appointment of Silas S. Ewing 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, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, none.

Voting Present, 1:

Rush

Absent or not voting, 4:

Curtis	Hutchins	Miller, C.P.	Van Gilst
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President Neu declared the appointment of Silas S. Ewing as a member of the Iowa Board of Parole confirmed for the regular six-year term ending June 30, 1983.

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 Maurice A. Van Nostrand, of Des Moines, Polk County, Iowa for reappointment as a member of the Iowa State Commerce Commission pursuant to Section 474.1, Code 1975, for the regular six-year term beginning July 1, 1977, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

EUGENE M. HILL, Chairperson
 WARREN E. CURTIS
 PHILIP B. HILL
 WILLIAM D. PALMER
 CLOYD E. ROBINSON

The motion prevailed and the report was adopted.

Senator Hill of Jasper moved the appointment of Maurice Van Nostrand as a member of the Iowa State Commerce Commission be confirmed by the Senate.

On the question "Shall he be appointed be confirmed?" the vote was:

Rule 23 was invoked.

Ayes, 44:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Glenn	Hansen	Hill, E.M.	Hill, P.B.
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Taylor	Willits

Nays, 2:

Carr	Slater
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Absent or not voting, 4:

Curtis	Gallagher	Tieden	Van Gilst
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President Neu declared the appointment of Maurice A. Van Nostrand as a member of the Iowa State Commerce Commission confirmed for the regular six-year term ending June 30, 1983.

Senator Kinley 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 Cyrus L. Beye, M.D., Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Medical 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.

GEORGE R. KINLEY, Chairperson
 IRVIN L. BERGMAN
 JAMES CALHOON
 E. KEVIN KELLY
 MILO MERRITT

The motion prevailed and the report was adopted.

Senator Kinley moved the appointment of Cyrus L. Beye, M.D., 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, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Taylor
Willits			

Nays, none.

Absent or not voting, 5:

Curtis	Robinson	Rodgers	Tieden
Van Gilst			

President Neu declared the appointment of Cyrus L. Beye, M.D., as a member of the State Board of Medical Examiners confirmed for the regular three-year term ending June 30, 1979.

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 Kenneth R. Carrell, D.O., Columbus Junction, Louisa County, Iowa, for reappointment as a member of the State Board of Medical Examiners pursuant to 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.

WILLIAM D. PALMER, Chairperson
 WARREN E. CURTIS
 RICHARD F. DRAKE
 FRED W. NOLTING
 BOB RUSH

The motion prevailed and the report was adopted.

Senator Palmer moved the appointment of Kenneth R. Carrell, D.O., 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, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 3:

Curtis	Rush	Van Gilst
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President Neu declared the appointment of Kenneth R. Carrell, D.O., as a member of the State Board of Medical Examiners confirmed for the regular three-year term ending June 30, 1979.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate File 413.

Senate File 413

On motion of Senator Palmer, Senate File 413, a bill for an Act to establish a task force on taxation and making an appropriation therefor, was taken up for immediate consideration.

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. 413) the vote was:

Ayes, 34:

Ashcraft	Bergman	Briles	Calhoon
Carr	Coleman	Culver	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hultman	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Nolting	Orr
Palmer	Priebe	Redmond	Robinson
Rodgers	Rush	Scott	Shaw
Slater	Willits		

Nays, 13:

Bisenius	Burroughs	Craft	DeKoster
Hulse	Miller, E.R.	Nystrom	Ramsey
Readinger	Schwengels	Shaff	Taylor
Tieden			

Absent or not voting, 3:

Curtis	Murray	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 that SENATE FILE 413 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 381.

House File 381

On motion of Senator Doderer, House File 381, a bill for an Act relating to agreements entered into between doctors and hospitals in the provision of pathology and radiology services, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Murray withdrew amendment S-3688 filed by him on May 19, 1977, to page 1 of the bill.

Senator Taylor offered amendment S-3687 filed by him on May 19, 1977, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 27, nays 17.

Amendment S-3687 was adopted.

Senator Kinley asked and received unanimous consent that action on House File 381 be deferred and that the bill be returned to the regular calendar as UNFINISHED BUSINESS under Senate Rule 6.

ADOPTION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 30.

Senate Concurrent Resolution 30

On motion of Senator Palmer, Senate concurrent Resolution 30, a resolution relating to the maximum amount of bonds which the board of regents expects to issue and to undertake and carry out projects and issuing negotiable revenue bonds, was taken up for immediate consideration.

Senator Palmer moved the adoption of Senate Concurrent Resolution 30.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 30) the vote was:

Ayes. 34:

Ashcraft	Bisenius	Briles	Burroughs
Calhoon	Carr	Culver	DeKoster
Doderer	Drake	Hansen	Hill, P.B.
Hulse	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Ramsey	Readinger	Redmond
Rodgers	Schwengels	Scott	Shaff
Slater	Willits		

Nays, 11:

Bergman	Coleman	Craft	Gallagher
Glenn	Hill, E.M.	Hultman	Kelly
Priebe	Taylor	Tieden	

Absent or not voting, 5:

Curtis	Robinson	Rush	Shaw
Van Gilst			

The motion prevailed and Senate Concurrent Resolution 30 was adopted.

Senator Kinley asked and received unanimous consent that SENATE CONCURRENT RESOLUTION 30 be IMMEDIATELY MESSAGED to the House, which request was complied with.

HOUSE AMENDMENT CONSIDERED

Senate File 31

Senator Miller of Marshall called up for consideration Senate File 31, a bill for an Act to create an alcoholism rehabilitation fund, financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 31

S-3713

- 1 Amend Senate File 31 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, lines 2 and 3, by striking the word
- 4 "alcoholism" and inserting in lieu thereof the words
- 5 "substance abuse".
- 6 2. Page 1, line 3, by striking the words "The
- 7 alcoholism" and inserting in lieu thereof the words
- 8 "The substance abuse".
- 9 3. Page 1, line 5, by striking the word
- 10 "alcoholism" and inserting in lieu thereof the words
- 11 "substance abuse".
- 12 4. Page 1, line 9, by striking the word
- 13 "alcoholism" and inserting in lieu thereof the words
- 14 "substance abuse".
- 15 5. Page 1, line 22, by striking the word
- 16 "alcoholism" and inserting in lieu thereof the words
- 17 "substance abuse".
- 18 6. Page 1, line 24, by striking the word
- 19 "alcoholism" and inserting in lieu thereof the words
- 20 "substance abuse".
- 21 7. Page 1, by striking lines 32 through 35
- 22 and inserting in lieu thereof the following: "the
- 23 state. The tax".
- 24 8. Page 2, lines 6 and 7, by striking the word
- 25 "alcoholism" and inserting in lieu thereof the words
- 26 "substance abuse".
- 27 9. Page 2, line 9, by striking the word
- 28 "alcoholism" and inserting in lieu thereof the words
- 29 "substance abuse".
- 30 10. Page 2, line 11, by striking the word "section"
- 31 and inserting in lieu thereof the word "sections".
- 32 11. Page 2, line 12, by inserting after the figure
- 33 "(2)" the words and figure and "and three (3)".
- 34 12. Page 2, lines 12 and 13, by striking the words
- 35 "division on alcoholism" and inserting in lieu thereof
- 36 the words "department of substance abuse".
- 37 13. Page 2, line 14, by striking the word "section"
- 38 and inserting in lieu thereof the word "sections".
- 39 14. Page 2, line 15, by inserting after the figure
- 40 "(2)" the words and figure "and three (3)".
- 41 15. Page 2, by striking lines 19 through 21.
- 42 16. Page 2, line 22, by striking the word
- 43 "alcoholism" and inserting in lieu thereof the words
- 44 "substance abuse".
- 45 17. Page 2, line 34, by striking the words
- 46 "division on alcoholism" and inserting in lieu thereof

47 the words "department of substance abuse".
48 18. Page 2, line 35, by striking the word
49 "alcoholics" and inserting in lieu thereof the words
50 "substance abusers".

Page 2

1 19. Page 3, line 2, by striking the word
2 "alcoholic" and inserting in lieu thereof the words
3 "substance abuser".
4 20. Page 3, lines 5 and 6, by striking the words
5 "alcoholics by the Iowa division on alcoholism" and
6 inserting in lieu thereof the words "substance abusers
7 by the Iowa department of substance abuse".
8 21. Page 3, line 8 by inserting after the
9 word "Act" the words "except those moneys specified
10 in section four, subsection 2 of this Act,".
11 22. Page 3, line 10, by striking the word
12 "alcoholism" and inserting in lieu thereof the words
13 "substance abuse".
14 23. Page 3, by inserting after line 12 the
15 following sections:
16 "Sec. ____ . Section one hundred twenty-three
17 point ninety-six (123.96), Code 1977, is amended
18 by striking subsections one (1) and two (2).
19 Sec. ____ . The director of the Iowa beer and
20 liquor control department shall increase the price
21 of every alcoholic beverage sold in state liquor
22 stores effective January 1, 1978, by marking up the
23 price being charged for each such beverage on Decem-
24 ber 31, 1977, by the percentage determined by the
25 director under this section. The director shall
26 determine the percentage of markup by dividing (a)
27 the gross revenue derived during the fiscal year
28 ending June 30, 1977 from the special tax imposed
29 by subsection one (1) of section one hundred twenty-
30 three point ninety-six (123.96) of the Code by (b)
31 the gross revenue derived during the fiscal year
32 ending June 30, 1977 from sales of alcoholic bever-
33 ages in state liquor stores, but not including any
34 revenue derived from the special tax imposed upon
35 such sales.
36 It is the purpose and intent of the general
37 assembly that the price increases for alcoholic
38 beverages that are required by this section shall
39 supplant the revenues previously derived from the
40 special tax. The beer and liquor control department
41 shall not cause any adjustments in the prices of
42 alcoholic liquors after January 1, 1978, if such

43 adjustments reasonably could be expected to decrease
 44 the total revenue from the sale of alcoholic liquors."
 45 24. Amend the title, line 1, by striking the word
 46 "alcoholism" and inserting in lieu there of the words
 47 "substance abuse".
 48 25. Amend the title, line 4, by striking the word
 49 "alcoholics" and inserting in lieu thereof the words
 50 "substance abusers".

Page 3

1 26. By renumbering and correcting internal
 2 references as necessary.

The motion prevailed and the Senate concurred in the House amendment.

Senator Miller of Marshall 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. 31) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Glenn	Hansen	Hulse
Hultman	Hutchins	Junkins	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Rush	Schwengels	Scott	Shaff
Shaw	Taylor	Tieden	Willits

Nays, 6:

Gallagher	Hill, E.M.	Hill, P.B.	Kelly
Nolting	Rodgers		

Absent or not voting, 4:

Curtis	Robinson	Slater	Van Gilst
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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.

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, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 297, a bill for an Act appropriating funds for the enforcement of welfare fraud laws.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 33, 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.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE FILE 414, by Committee on Budget, a bill for an act to appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the Sixty-seventh General Assembly, 1977 Session.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 33, 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 PASSED ON FILE.

MOTION TO RECONSIDER LOST

Senator Hutchins called up the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 386 passed the Senate on May 20, 1977.

C. W. HUTCHINS

A non record roll call was requested.

The ayes were 9, nays 36.

The motion lost.

The Chair declared the motion to reconsider the vote by which Senate File 386 passed the Senate on May 20, 1977, filed by Senator Orr, out of order.

HOUSE AMENDMENT CONSIDERED

Senate File 297

Senator DeKoster called up for consideration Senate File 297, a bill for an Act appropriating funds for the enforcement of welfare fraud laws, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 297

S-3718

- 1 Amend Senate File 297 as follows:
- 2 1. Page 1, by striking lines 14 and 15 and
- 3 inserting in lieu thereof the words "of enforcing
- 4 sections two hundred thirty-nine point fourteen
- 5 (239.14), two hundred forty-nine point eleven (249.11),
- 6 and two hundred forty-nine A point seven (249A.7)
- 7 of the Code in cooperation".
- 8 2. Page 1, lines 26 and 27, by striking the words
- 9 "relating to welfare fraud" and inserting in lieu
- 10 thereof the words "as provided for in subsection one
- 11 (1) of this section".
- 12 3. Page 1, line 30, by striking the words "welfare
- 13 fraud" and inserting in lieu thereof the words "aid
- 14 to dependent children, medical assistance, and
- 15 supplemental assistance".
- 16 4. Page 1, line 33, by inserting after the period
- 17 the words "It is the intent of the general assembly
- 18 that the first priority for investigation and

19 prosecution for which funds are provided by this Act
20 shall be for fraudulent claims or practices by health
21 care vendors and providers.”

22 5. Page 2, by inserting after line 1 the follow-
23 ing:

24 “Sec. 4. Chapter one thousand two hundred forty-
25 five (1245), Acts of the Sixty-sixth General Assembly,
26 1976 Session, chapter one (1), section one thousand
27 four hundred eight (1408), unnumbered paragraph
28 one (1), is amended to read as follows:

29 A person who does any of the following acts is
30 guilty of a fraudulent practice. [A fraudulent prac-
31 tice is an aggravated misdemeanor.]

32 Sec. 5. Chapter one thousand two hundred forty-
33 five (1245), Acts of the Sixty-sixth General Assembly,
34 1976 Session, chapter one (1), Division fourteen
35 (XIV), is amended by adding the following new sections
36 after section one thousand four hundred eight (1408):

37 Sec. 1409. *NEW SECTION. FRAUDULENT PRACTICE*
38 *IN THE FIRST DEGREE.* Fraudulent practice in the first
39 degree is a fraudulent practice where the amount of
40 money or value of property or services involved
41 exceeds five thousand dollars.

42 Fraudulent practice in the first degree is
43 a class C felony.

44 Sec. 1410. *NEW SECTION. FRAUDULENT PRACTICE*
45 *IN THE SECOND DEGREE.* Fraudulent practice in the
46 second degree is the following:

47 1. A fraudulent practice where the amount of
48 money or value of property or services involved
49 exceeds five hundred dollars but does not exceed
50 five thousand dollars.

Page 2

1 2. A fraudulent practice where the amount of
2 money or value of property or services involved
3 does not exceed five hundred dollars by one who
4 has been convicted of a fraudulent practice twice
5 before.

6 Fraudulent practice in the second degree is
7 a class D felony.

8 Sec. 1411. *NEW SECTION. FRAUDULENT PRACTICE*
9 *IN THE THIRD DEGREE.* Fraudulent practice in the
10 third degree is the following:

11 1. A fraudulent practice where the amount of
12 money or value of property or services involved
13 exceeds one hundred dollars but does not exceed
14 five hundred dollars.

15 2. A fraudulent practice as set forth in sub-
16 sections two (2), eight (8), and nine (9) of sec-
17 tion one thousand four hundred eight (1408) of this
18 chapter.

19 3. A fraudulent practice where it is not
20 possible to determine an amount of money or value
21 of property and service involved.

22 Fraudulent practice in the third degree is an
23 aggravated misdemeanor.

24 Sec. 1412. *NEW SECTION. FRAUDULENT PRACTICE*
25 *IN THE FOURTH DEGREE.* Fraudulent practice in the
26 fourth degree is a fraudulent practice where the
27 amount of money or value of property or services
28 involved exceeds fifty dollars but does not
29 exceed one hundred dollars.

30 Fraudulent practice in the fourth degree is
31 a serious misdemeanor.

32 Sec. 1413. *NEW SECTION. FRAUDULENT PRACTICE*
33 *IN THE FIFTH DEGREE.* Fraudulent practice in the
34 fifth degree is a fraudulent practice where the
35 amount of money or value of property or services
36 involved does not exceed fifty dollars.

37 Fraudulent practice in the fifth degree is
38 a simple misdemeanor.

39 Sec. 1414. *NEW SECTION. VALUE FOR PURPOSES*
40 *OF FRAUDULENT PRACTICES.* The value of property
41 or service is its normal market or exchange value,
42 if any, within the community at the time the fraud-
43 ulent practice is committed.

44 If money or property or service is obtained
45 by a series of acts from the same person or loca-
46 tion, or from different persons by a series of
47 acts which occur in approximately the same loca-
48 tion or time period so that the fraudulent prac-
49 tices are attributable to a single scheme, plan,
50 or conspiracy, such acts may be considered a single

Page 3

1 fraudulent practice and the value may be the total
2 value of all money, property, and service involved.

3 Sec. 6. Chapter one thousand two hundred
4 forty-five (1245), Acts of the Sixty-sixth General
5 Assembly, 1976 Session, chapter four (4), section
6 two hundred fifty-six (256) amending section two
7 hundred forty-nine point eleven (249.11), Code
8 1975, is amended to read as follows:

9 SEC. 256. Section two hundred forty-nine
10 point eleven (249.11), Code 1975, is amended to

11 read as follows:

12 249.11 FRAUD. Any person who obtains
13 assistance under this chapter by misrepresentation
14 or by failure with fraudulent intent to bring forth
15 all of the facts required of an applicant for
16 assistance under this chapter, or any person who
17 shall knowingly make false statements concerning
18 an applicant's eligibility for assistance under
19 this chapter, is guilty of a [simple misdemeanor]
20 *fraudulent practice.*

21 Sec. 7. Section two hundred forty-nine A
22 point seven (249A.7), Code 1977, is amended to
23 read as follows:

24 249A.7 PENALTY. [Any] A person who [shall obtain]
25 *obtains* assistance or payments for medical
26 assistance under this chapter by misrepresentation
27 or failure, with fraudulent intent, to bring forth
28 all the facts required of an applicant for aid
29 under the provisions of this chapter and [any] a
30 person who [shall] knowingly [make] *makes* false state-
31 ments concerning the applicant's eligibility for
32 aid under this chapter shall be guilty of a
33 [misdemeanor, punishable as such] *fraudulent practice.*

34 Sec. 8. Sections four (4) through eight (8)
35 of item five (5) of this amendment are effective
36 on the date set forth in chapter one thousand two
37 hundred forty-five (1245), Acts of the Sixty-sixth
38 General Assembly, 1976 Session, chapter four (4),
39 section five hundred twenty-nine (529)."

40 6. By renumbering and correcting internal
41 references.

42 7. Amend the title, line 1, by inserting
43 after the word "Act" the words "relating to
44 fraudulent practices and".

45 8. Title page, lines 1 and 2, by striking
46 the words "welfare fraud" and inserting in lieu
47 thereof the words "aid to dependent children,
48 medical assistance, and supplemental assistance".

The motion prevailed and the Senate concurred in the House amendment.

Senator DeKoster 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. 297) the vote was:

Ayes, 46:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hutchins
Junkins	Kelly	Kinley	Merritt
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Robinson	Rodgers	Rush	Schwengels
Scott	Shaw	Slater	Taylor
Tieden	Willits		

Nays, none.

Absent or not voting, 4:

Curtis	Hultman	Shaff	Van Gilst
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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.

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

The Senate resumed session, 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 20, 1977, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 57, a bill for an Act requiring competitive bid specifications of state agencies and governmental subdivisions and setting forth bidding procedures for purchase of goods.

Also: That the House has on May 13, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 622, a bill for an Act appropriating funds for capital projects at institutions under the control of the state board of regents.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 622, a bill for an Act appropriating funds for capital projects at institutions under the control of the state board of regents.

Read first time and PASSED ON FILE.

QUORUM CALL

Senator Hultman 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.

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, 1977, amended and adopted the following joint resolution in which the concurrence of the Senate is asked:

Senate Joint Resolution 11 to authorize an interim study of the public retirement systems in this state and to make an appropriation.

Also: That the House has insisted on its amendment to Senate File 197, a bill for an Act relating to and appropriating funds to various regulatory and finance agencies and departments, and the members of the conference committee on the part of the House, appointed May 20, 1977, are: The Representative from Chickasaw, Mr. Griffee, Chair; the Representative from Linn, Mr. Wells; the Representative from Linn, Mr. Horn; the Representative from Crawford, Mr. Crabb; and the Representative from Clayton, Mr. Halvorson.

Also: That the House has insisted on its amendment to Senate File 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, and the members of the conference committee on the part of the House, appointed May 20, 1977, are: The Representative from Chickasaw, Mr. Griffee, Chair; the Representative from Iowa, Ms. Svoboda; the

Representative from Polk, Mr. Connors; the Representative from Marshall, Mr. West; and the Representative from Black Hawk, Mr. Wulff.

Also: That the House has on May 20, 1977, adopted the conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the Senate is asked:

House File 210, a bill for an Act to provide for a state land use policy.

DAVID L. WRAY, Chief Clerk

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senator Priebe called up the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 210

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 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, respectfully make the following report:

1. That the Senate recede from its amendment H-3931 to House File 210 as amended, passed and reprinted by the House.

2. That House File 210 as amended, passed and reprinted by the House be amended as follows:

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

Section 1. *NEW SECTION.* LEGISLATIVE INTENT. It is the intent of the general assembly of the state of Iowa to provide for the development of land preservation policy recommendations for the consideration of the general assembly through a process that emphasizes the participation and recommendations of citizens and local governments. The general assembly intends to provide for the development of recommendations which will provide for the orderly use and development of land and related natural resources in Iowa, preserve private property rights, preserve the use of prime agricultural land for agricultural production, preserve, guide the development of critical areas, key facilities and large-scale development, and provide for

the future housing, commercial, industrial and recreational needs of the state.

Sec. 2. *NEW SECTION. DEFINITIONS.* As used in this Act unless the context otherwise requires:

1. "State critical area" means an area where substantial evidence indicates that uncontrolled or incompatible development could result in damage to the environment, life or property, or an area where the long-term public interest is of more than local significance. Such areas shall include but are not limited to:

a. "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or aesthetic values or natural systems which are of more than local significance including shorelands of rivers, lakes, and streams, rare or valuable ecosystems and geological formations, significant wildlife habitats, and unique scenic or historic sites.

b. "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property including flood plains and areas frequently subject to weather disasters, and areas of unstable geological formations.

c. "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern including watershed lands, aquifers and aquifer recharge areas, and forest lands.

2. "Key facility" means a public facility which is expected to result in development and urbanization exceeding local impact, including but not limited to major airports, major highway interchanges including interchanges with frontage roads, access streets and other limited access highways, major recreational land and facilities and major facilities for the development, generation or transmission of energy.

3. "Large-scale development" means any private development which is likely to generate issued of more than local significance because of its magnitude or because of its location with respect to its surroundings.

4. "Local critical area" means any fragile or historic lands or sites, natural hazard lands, or renewable resource lands of local significance where substantial evidence indicates that the uncontrolled or incompatible development could result in damage to the environment, life or property or the long-term public interest.

5. "Land preservation policy" means a definite course of action selected after evaluation of alternative courses in order to effectuate wise and prudent decisions for the preservation of land.

Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND PRESERVATION POLICY COMMISSION CREATED.

1. There is created a temporary land preservation policy commission composed of the following members:

a. Three members appointed by and from the district soil conservation commissioners.

b. Three members appointed by and from the county board of supervisors.

c. Three members appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint two members of the members appointed under this paragraph.

However, if a city contains more than one-half of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under subparagraph c of this subsection shall be three members appointed by and from the mayor and councilpersons of that city and three members appointed by and from the convention of mayors and councilpersons and the members appointed under subparagraph b of this subsection shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors.

2. The temporary county land preservation policy commission shall meet and organize by the election of a chairperson and vice chairperson from among its members within sixty days of the effective date of this Act. A majority of the members of the temporary county land preservation commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary county land preservation policy commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the performance of the member's official duties. The reimbursement shall be made by the unit of government of which the temporary county land preservation policy commissioner is a member or which appointed the member.

3. The temporary county land preservation policy commission shall submit its recommendations to the state land preservation policy commission as to a state land preservation policy and a land preservation policy for that county within one year of the effective date of this Act. The recommendation for the state land preservation policy should address the issues contained in the statement of legislative intent of this Act. Within nine months of the effective date of this Act, the temporary county land preservation policy commission shall hold at least three public hearings to receive testimony from citizens of the county as to what provisions shall be included in the recommendations to

the state land preservation policy commission. The temporary county land preservation policy commission shall give public notice of the date, time and location of each public hearing in a newspaper having general circulation within the county not later than two weeks before the date of each public hearing.

4. The state agricultural extension service shall assist temporary county land preservation commission policy commissions with technical, informational, and clerical assistance.

5. In developing its policy recommendations, the temporary land preservation policy commission shall consider the following:

a. The preservation of agricultural land for the production of food and fiber.

b. A review of the available resources, growth trends and land use issues of the county.

c. A review of the present comprehensive plans, ordinances, regulations and policies of the local units of government that have an impact on the use of land.

d. The development of a local land preservation policy for:

(1) Solid waste disposal, sewage treatment and an adequate water supply.

(2) Siting of industrial, commercial, educational, cultural, residential and recreational facilities.

(3) Designation and appropriate use of critical areas.

(4) Coordination of a countywide transportation with the state transportation system.

e. State land preservation guidelines for state agencies.

f. Suggestions for the content of a state land preservation policy and methods for implementation.

g. The implementation of a county land preservation policy.

h. The preservation of private property rights.

6. The chairperson of the temporary county land preservation policy commission of each county shall file with the executive secretary of the temporary state land preservation policy commission a written report by July 1, 1978 containing the following:

a. The extent to which the county and the cities in the county have adopted zoning ordinances and have prepared comprehensive plans to be implemented by the zoning ordinances.

b. Whether the county has established a county conservation board and the extent to which it has adopted a plan for the conservation and recreation needs of the county.

c. The extent to which the county and the cities and private agencies of the county have implemented or pending plans for the disposal of solid waste.

d. The extent to which a survey of the soil of the county has been conducted.

e. The extent to which a comprehensive plan for the conservation of soil resources and the control and preservation of soil erosion has been prepared and implemented.

7. The temporary county land preservation policy commissions shall be dissolved effective January 1, 1979.

Sec. 4. *NEW SECTION.* TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION CREATED.

1. Prior to the congressional district convention, the members of the temporary county land preservation policy commission shall appoint one-third of its membership to attend the convention. One member shall be appointed by and from the members appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one member shall be appointed by and from the members appointed under subparagraph b of that subsection, and one member for each three members appointed under subparagraph c of that subsection shall be appointed by and from those members. Nine months from the effective date of this Act, the members of the temporary county land preservation policy commissions in the counties located within each congressional district who have been appointed to attend the convention shall convene and elect three members to the temporary state land preservation policy commission. Of the three members, one shall be elected by the members of the temporary county land preservation policy commission appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one by the members appointed under subparagraph b of that subsection, and one by the members appointed under subparagraph c of that subsection. The state agricultural extension service shall provide assistance in making the arrangements for the conventions. Each member present of each temporary county land preservation policy commission shall have one vote at the convention.

2. Within thirty days of the last election of a member of the temporary state land preservation policy commission, the temporary state land preservation policy commission shall convene and organize by the election from its members of a chairperson and a vice chairperson. A majority of the

members of the temporary state land preservation policy commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary state land preservation policy commission is entitled to receive a forty dollar per diem and shall be reimbursed for actual and necessary expenses.

3. The temporary state land preservation policy commission shall receive the recommendations of the temporary county land preservation policy commissions and, within twenty months of the effective date of this Act, shall file with the secretary of the senate and the chief clerk of the house its written recommendations to the general assembly. The temporary state land preservation policy commission may be granted an extension of time not to exceed six months for the filing of its recommendations by the passage of a concurrent resolution by the general assembly. The recommendations shall include a state land preservation policy and the method by which the state land preservation policy should be implemented. The latter recommendation shall include whether it is necessary or desirable for an existing or new state agency to be given the responsibility for monitoring, reviewing or supervising the implementation of the state land preservation policy.

4. In developing its policy recommendations, the temporary state land preservation policy commission shall consider the following:

- a. The preservation of agricultural land for food and fiber production.
- b. The effect of current laws on land use decisions.
- c. The recommendation of a state policy for the guidance and direction of state agencies in the use of land.
- d. The criteria for the designation and preservation of critical areas.
- e. The designation of key facilities.
- f. The designation of large-scale development which will have impact beyond county boundaries.
- g. The control of urban sprawl and the orderly and efficient transition of land from rural to urban use.
- h. The balance of anticipated energy resources and consumption.
- i. The protection of private property rights.

5. The temporary state land preservation commission shall, prior to making its recommendations to the general assembly, hold public hearings and provide the citizens with information regarding the extent of land use planning and regulation by this state, other states, and the federal government

and other information important to stimulate public interest in land preservation policy determination.

6. Each state agency and agency of a political subdivision of the state shall cooperate, within time, personnel and budgetary limitations, in providing information, data, surveys and studies as requested by the temporary state land preservation policy commission. The legislative council shall, prior to the election of the temporary state land preservation policy commission, appoint an executive secretary of the commission. Prior to the organization of the temporary state land preservation policy commission, the executive secretary shall compile and develop information which will be of assistance to the commission in executing its duties. The temporary state land preservation policy commission shall be administratively attached to the department of soil conservation. The department of soil conservation shall provide support services to the temporary state land preservation policy commission.

7. The temporary state land preservation policy commission shall give notice of each of its meetings to the secretary of agriculture, the director of the state agricultural extension service, the director of the state conservation commission, the director of the Iowa natural resources council, the executive director of the department of environmental quality, the director of the office for planning and programming, the state geologist, the director of the Iowa development commission, the director of the department of transportation, the chairman of the city development board, the chairman of the Iowa state commerce commission, the director of the energy policy council, or their respective designees, a member of a temporary county land preservation policy commission designated by the league of Iowa municipalities, and a member of a temporary county land preservation policy commission designated by the Iowa state association of counties.

8. The temporary state land preservation policy commission may apply for, receive and expend any private or public funds for the purposes of carrying out this Act.

9. The temporary state land preservation commission shall use the state water plan, the state standard soil survey and the state recreational needs plan in conducting a comprehensive land inventory. The inventory shall also show the changes in the use of land in the state during the preceding five years.

10. The temporary state land preservation policy commission shall be dissolved upon final action by the general assembly of the recommendations presented by the temporary state land preservation policy commission or upon the adjournment of the session of the general assembly to which the recommendations are presented, whichever occurs first.

2. Amend the title, by striking lines 1 through 5 and inserting in lieu thereof the following:

"An Act to provide for the development of a state land preservation policy."

On the Part of the Senate:

BERL E. PRIEBE, Chairperson
LOWELL L. JUNKINS
MILO MERRITT
RICHARD R. RAMSEY
ROGER SHAFF

On the Part of the House:

MARY O'HALLORAN, Chairperson
JAMES L. MIDDLESWART
CARROLL PERKINS
SEMOR C. TOFTE
ANDREW VARLEY

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 210) the vote was:

Ayes, 39:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoon	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, P.B.	Hulse
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, E.R.	Murray
Nolting	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Willits	

Nays, 7:

Briles	Craft	Hill, E.M.	Hultman
Nystrom	Taylor	Tieden	

Absent or not voting, 4:

Curtis	Miller, C.P.	Robinson	Van Gilst
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The motion prevailed and the conference committee report and the recommendation and amendments contained therein 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. 210) the vote was:

Ayes, 36:

Ashcraft	Bergman	Burroughs	Calhoon
Carr	Coleman	Culver	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, P.B.	Hulse	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, E.R.	Murray	Nolting	Orr
Palmer	Priebe	Readinger	Redmond
Rodgers	Rush	Schwengels	Scott
Shaff	Shaw	Slater	Willits

Nays, 10:

Bisenius	Briles	Craft	DeKoster
Hill, E.M.	Hultman	Nystrom	Ramsey
Taylor	Tieden		

Absent or not voting, 4:

Curtis	Miller, C.P.	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.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on SENATE FILE 197 on the part of the Senate: Senators Hill of Jasper, chairperson; Scott, Miller of Cerro Gordo, Taylor and Miller of Marshall.

The Chair announced the following conference committee on SENATE FILE 234 on the part of the Senate: Senators Hill of Jasper, chairperson; Scott, Miller of Cerro Gordo, Ashcraft and Hulse.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate File 414.

Senate File 414

On motion of Senator Junkins, Senate File 414, a bill for an Act to appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the Sixty-seventh General Assembly, 1977 Session, was taken up for immediate 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. 414) the vote was:

Ayes, 40:

Ashcraft	Bergman	Bisenius	Burroughs
Calhoun	Carr	Coleman	Culver
DeKoster	Doderer	Drake	Gallagher
Glenn	Hansen	Hill, P.B.	Hulse
Hutchins	Junkins	Kelly	Merritt
Miller, A. V.	Miller, E.R.	Murray	Nolting
Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Tieden	Willits

Nays, 5:

Briles	Craft	Hultman	Nystrom
Taylor			

Absent or not voting, 5:

Curtis	Hill, E.M.	Kinley	Miller, C.P.
Van Gilst			

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 214**

Senator Palmer called up for consideration Senate File 214, 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-3245, filed March 28, 1977, and found on pages 815-818 of the Senate Journal.

Senator Palmer offered amendment S-3722 to House amendment S-3245 by Senators Palmer and Hill of Polk and called for a division of the amendment, page 1, lines 4 through 16, lines 41 through 50 and page 2, lines 1 through 16 to be considered as division S-3722A of the amendment; page 1, lines 17 through 40 to be considered as division S-3722B of the amendment.

Senator Palmer moved the adoption of division S-3722A of the amendment to House amendment S-3245.

Division S-3722A of the amendment to House amendment S-3245 was adopted.

Senator Palmer moved the adoption of division S-3722B of the amendment to House amendment S-3245.

A non record roll call was requested.

Rule 23 was invoked.

The ayes were 34, nays 8.

Division S-3722B of the amendment to House amendment S-3245 was adopted.

With the adoption of amendment S-3722 to House amendment S-3245, the following amendments to House amendment S-3245 were ruled out of order:

Amendment S-3313, filed by Senators Hutchins and Scott on April 7, 1977.

Amendment S-3508, filed by Senator Doderer on May 5, 1977.

Amendment S—3715 by Senator Willits.

Amendment S—3716 by Senators Nystrom and Hansen.

Amendment S—3723 by Senator Willits.

Senator Palmer moved that the Senate concur in the House amendment as amended.

The motion prevailed and the Senate concurred in the House amendment as amended.

Senator Palmer 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. 214) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rush	Schwengels	Scott
Shaff	Slater	Taylor	Tieden
Willits			

Nays, none.

Absent or not voting, 5:

Curtis	Robinson	Rodgers	Shaw
Van Gilst			

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

BILL ASSIGNED TO COMMITTEE

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

H.F. 622 Budget

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 622, a bill for an Act appropriating funds for capital projects at institutions under the control of the state board of regents, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 622.

House File 622

On motion of Senator Palmer, House File 622, a bill for an Act appropriating funds for capital projects at institutions under the control of the state board of regents, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Palmer offered amendment S-3721 to page 1 of the bill and moved its adoption.

Amendment S-3721 was adopted.

Senator Murray offered amendment S-3724 to page 1 of the bill.

Senator Murray offered amendment S-3725 to amendment S-3724 and moved its adoption.

Amendment S-3725 to amendment S-3724 was adopted.

Senator Murray moved the adoption of amendment S-3724 as amended.

A non record roll call was requested.

The ayes were 42, nays 4.

Amendment S-3724 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. 622) the vote was:

Ayes, 45:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nolting	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Redmond
Rush	Schwengels	Scott	Shaff
Shaw	Slater	Taylor	Tieden
Willits			

Nays, 1:

Merritt

Absent or not voting, 4:

Curtis	Robinson	Rodgers	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.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senator Hill of Jasper called up the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 234

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 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners, respectfully make the following report:

1. That the Senate concur in the House amendment S-3312 to Senate File 234.

On the Part of the Senate:

EUGENE M. HILL, Chairperson
MERLIN D. HULSE
JOHN R. SCOTT
ALVIN V. MILLER
FORREST F. ASHCRAFT

On the Part of the House:

WILLIAM V. GRIFFEE, Chairperson
LINDA A. SVOBODA
JOHN H. CONNORS
HENRY C. WULFF

The motion prevailed and the conference committee report and the recommendation contained therein 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. 234) the vote was:

Ayes, 41:

Ashcraft
Burroughs
Craft
Gallagher
Hultman
Kinley
Murray
Palmer
Redmond

Bergman
Calhoon
Culver
Glenn
Hutehins
Miller, A.V.
Nolting
Priebe
Rush

Bisenius
Carr
DeKoster
Hill, P.B.
Junkins
Miller, C.P.
Nystrom
Ramsey
Schwengels

Briles
Coleman
Drake
Hulse
Kelly
Miller, E.R.
Orr
Readinger
Scott

Shaw
Willits

Slater

Taylor

Tieden

Nays, 2:

Merritt

Shaff

Absent or not voting, 7:

Curtis
RobinsonDoderer
RodgersHansen
Van Gilst

Hill, E.M.

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 407

Senator Hill of Polk called up for consideration Senate File 407, a bill for an Act appropriating funds to the state board of public instruction to plan for an addition to a building, amended by the House, and moved that the Senate refuse to concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 407

S-3717

- 1 Amend Senate File 407 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. There is appropriated from the general
- 5 fund of the state to the capitol planning commission
- 6 the following amounts or so much thereof as may be
- 7 necessary:
- 8 1. For the preparation of
- 9 a full schematic architectural
- 10 and engineering design for an
- 11 addition of approximately thirty-
- 12 five thousand square feet floor
- 13 space to the existing vocational
- 14 rehabilitation center located
- 15 in the capitol complex, includ-
- 16 ing space programming, prede-
- 17 sign of structural, mechanical
- 18 and electrical systems, and

19 preparation of cost estimates
 20 for the projects \$25,000
 21 2. For the preparation of
 22 a full schematic architectural
 23 and engineering design for
 24 construction in the east capi-
 25 tol courtyard area as a part
 26 of the Capitol Mall project,
 27 and for preliminary study of
 28 an additional three hundred car
 29 underground parking garage \$30,000
 30 Sec. 2. The director of the department of general
 31 services shall cooperate with the capitol planning
 32 commission in the preparation of the plans for which
 33 funds are appropriated by this Act. The capitol
 34 planning commission shall make periodic reports to
 35 the legislativ e council regarding the development
 36 of such plans, and shall make a formal report on such
 37 plans to the 1978 Session of the Sixty-seventh General
 38 Assembly.
 39 Sec. 3. The governor, the director of the
 40 department of general services, the capitol planning
 41 commission or the state comptroller are authorized
 42 to obtain and accept federal funds available for use
 43 in carrying out the projects authorized by this Act.
 44 Sec. 4. The capitol planning commission may retain
 45 architectural services or employ technical assistants
 46 or both, in order to carry out the provisions of this
 47 Act.
 48 Sec. 5. Any unobligated balance remaining on June
 49 30, 1978 of the funds appropriated by this Act shall
 50 revert to the general fund as provided by section

Page 2

1 eight point thirty-three (8.33) of the Code.”
 2 2. Title page, line 1, by striking all after
 3 the word “to” and all of line 2 and inserting in lieu
 4 thereof the words “the capitol planning commission
 5 for the study and planning of certain projects.”

The motion prevailed and the Senate REFUSED TO CONCUR
 in the House amendment.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 615, a bill for an Act appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required Joint Rule 16.

WILLIAM D. PALMER, Chairperson

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 615.

House File 615

On motion of Senator Hill of Polk, House File 615, a bill for an Act appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board, 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. 615) the vote was:

Ayes, 47:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Rodgers	Rush	Schwengels
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, none.

Absent or not voting, 3:

Curtis

Robinson

Van Gilst

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

HOUSE AMENDMENTS CONSIDERED

Senate Joint Resolution 11

Senator Doderer called up for consideration Senate Joint Resolution 11, a resolution to authorize an interim study of the Iowa public employees' retirement system and to make an appropriation, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE JOINT RESOLUTION 11

S-3720

- 1 Amend Senate Joint Resolution 11 as follows:
- 2 1. Page 1, line 3, by inserting after the
- 3 word "Government" the words "and other members
- 4 of the General Assembly".
- 5 2. Page 1, by inserting after line 22 the
- 6 following section:
- 7 "Sec. — . Section ninety-seven B point fifty-
- 8 nine (97B.59), Code 1977, is amended to read as
- 9 follows:
- 10 97B.59 ACTUARY EMPLOYED. The [department]
- 11 *legislative council* shall employ an actuary as
- 12 [its] *the department's* technical advisor. The
- 13 compensation of the actuary and of other employees
- 14 shall be fixed by the department within
- 15 appropriations made therefor."

Senator Doderer offered amendment S-3726 to House amendment S-3720 and moved its adoption.

Amendment S-3726 to House amendment S-3720 was adopted.

Senator Hill of Polk rose on a point of parliamentary inquiry to question whether a statute in the Code of Iowa could be amended by a joint resolution.

The Chair ruled the point well taken and stated that under Senate Rule 30, paragraph 3, a statute in the Code of Iowa could not be amended by a joint resolution.

Senator Doderer moved that the Senate refuse to concur in the House amendment.

The motion prevailed and the Senate REFUSED TO CONCUR in the House amendment.

Senate File 118

Senator Readinger called up for consideration Senate File 118, a bill for an Act declaring the multiflora rose to be a noxious weed, amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 118

S-3710

- 1 Amend Senate File 118 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "*gardens*" the words "*, or in any county whose board*
- 5 *of supervisors has by resolution declared it not to*
- 6 *be a noxious weed*".

The motion prevailed and the Senate concurred in the House amendment.

Senator Readinger 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. 118) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hulse	Hultman	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A. V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Ramsey
Readinger	Redmond	Rodgers	Rush
Schwengels	Scott	Shaff	Slater
Taylor	Tieden	Willits	

Nays, 3:

Hill, P.B.	Priebe	Shaw
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Absent or not voting, 4:

Curtis	Hill, E.M.	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.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senator Nolting called up the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 337

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 337, as amended, passed and reprinted, a bill for an Act to provide a funding system for unemployment compensation benefits, respectfully make the following report:

1. That the House recede from the House amendment S-3681 to Senate File 337, as amended, passed and reprinted by the Senate.
2. That Senate File 337 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, line 15, by inserting after the word "rank." the following: "Provided that an employer shall not contribute an amount sufficient to reduce the rate of contribution of the employer to a zero contribution rate."

2. Strike page 4, line 18 through page 5, line 3, and insert in lieu thereof the following:

1	4.8%	.8	.6	0	0	0	0	0	0	0
2	9.5%	1.0	.7	.5	.3	0	0	0	0	0
3	14.3%	1.2	.8	.6	.5	.4	0	0	0	0
4	19.0%	1.4	1.0	.7	.6	.5	.3	0	0	0
5	23.8%	1.6	1.2	.8	.8	.6	.4	.2	0	0
6	28.6%	1.8	1.4	1.0	.9	.7	.5	.2	.1	0
7	33.3%	2.0	1.6	1.2	1.0	.8	.6	.3	.2	.1
8	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2	.1
9	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3	.2
10	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
11	52.4%	3.2	2.6	2.1	1.5	1.2	1.0	.7	.5	.2
12	57.1%	3.5	2.9	2.5	1.7	1.3	1.1	.8	.6	.2
13	61.9%	3.8	3.3	2.8	2.0	1.5	1.3	.9	.7	.3
14	66.6%	4.2	3.7	3.1	2.4	1.7	1.5	1.1	.9	.5
15	71.4%	4.6	4.1	3.5	2.9	1.9	1.7	1.3	1.0	.5
16	76.2%	5.0	4.5	3.9	3.4	2.3	1.9	1.7	1.0	.7
17	80.9%	5.5	5.0	4.4	4.0	3.0	2.5	2.0	1.5	.8
18	85.7%	6.0	5.5	5.0	4.5	3.7	3.1	2.5	2.0	1.0
19	90.4%	6.0	6.0	5.5	5.0	4.4	3.8	3.2	2.5	1.8
20	95.2%	6.0	6.0	6.0	5.5	5.0	4.5	4.0	3.0	2.5
21	100.0%	6.0	6.0	6.0	6.0	5.5	5.0	4.5	4.0	4.0"

3. Page 5, line 26, by inserting after the figure "0.75." the words "Provided further that during any rate year in which a rate table in rate tables four through nine is effective an employer assigned a contribution rate under the provisions of this paragraph shall not be required to contribute to the unemployment compensation trust fund if the employer's percentage of excess is seven point five percent or greater for the rate year and the employer has not been charged with benefit payments for any time within the forty calendar quarters immediately preceding the rate computation date for the rate year."

4. Page 5, by striking lines 27 through 30.

5. Page 7, by inserting after line 32 the following:

"NEW SECTION. The Iowa department of job service shall annually submit a status report on the unemployment compensation trust fund to the general assembly."

On the Part of the Senate:

FRED W. NOLTING, Chairperson
 LUCAS J. DE KOSTER
 MERLIN D. HULSE
 C. W. HUTCHINS
 CLOYD E. ROBINSON

On the Part of the House:

WALLY E. HORN, Chairperson
 THOMAS J. JOCHUM
 FRED KOOGLER
 DOUGLAS R. SMALLEY

The motion prevailed and the conference committee report and the recommendation and amendments contained therein was 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?" (S.F. 337) the vote was:

Ayes, 43:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hutchins	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Shaff
Shaw	Slater	Willits	

Nays, 5:

Craft	Hultman	Schwengels	Taylor
Tieden			

Absent or not voting, 2:

Curtis	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.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 57

Senator Carr called up for consideration House File 57, a bill for an Act requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids and setting forth bidding procedures for purchase of goods from Iowa state industries, amended by the Senate, further amended by the House, and moved that the Senate concur in the following amendment:

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 57

S-3719

1 Amend the Senate amendment H-4280 to House File
2 57 as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 10 the fol-
5 lowing:

6 "In addition, the industries board in consultation
7 with the state director shall submit to the 1978
8 Session of the Sixty-seventh General Assembly, on
9 or before the date it convenes, a report stating:

10 1. What types of industrial endeavors it is appro-
11 priate for Iowa state industries to maintain in order
12 to further the objectives stated in section one (1)
13 of this Act and to meet the needs of the state; and

14 2. Whether, and to what extent, it is necessary
15 to maintain the requirements of section eight (8)
16 of this Act regarding mandatory purchases from Iowa
17 state industries by the state and its political
18 subdivisions, in order for Iowa state industries to
19 achieve and maintain viability."

20 2. Page 3, line 15, by striking the words "subject
21 to" and inserting in lieu thereof the words "listed
22 in".

23 3. Page 3, lines 24 and 25, by striking the words
24 "subject to and are seeking to comply with" and insert-
25 ing in lieu thereof the words "listed in".

26 4. Page 4, line 10, by striking the words "town-
27 ship trustees,".

28 5. Page 4, by striking lines 14 through 23 and
29 inserting in lieu thereof the following:

30 "Sec. 8. *NEW SECTION. PURCHASE OF PRODUCTS.*

31 1. No product appearing in the price lists pre-
32 pared pursuant to section seven (7) of this Act shall
33 be purchased by any department or agency of state
34 government from any other source, except:

35 a. When the purchase is made under emergency cir-
36 cumstances, which shall be explained in writing by

37 the public body or officer who made or authorized
 38 the purchase if the state director so requests; or
 39 b. When Iowa state industries is unable to fur-
 40 nish needed articles, comparable in both quality and
 41 price to those available from alternative sources,
 42 within a reasonable length of time. Any disputes
 43 arising between a purchasing authority and Iowa state
 44 industries regarding similarity of articles, or com-
 45 parability of quality or price, or the availability
 46 of the product shall be referred to the director of
 47 the department of general services, whose decision
 48 shall be subject to appeal as provided in section
 49 eighteen point seven (18.7) of the Code.
 50 2. The state director shall adopt and update as

Page 2

1 necessary rules setting specific delivery schedules
 2 for each of the products manufactured by Iowa state
 3 industries. These delivery schedules shall not ap-
 4 ply where a different delivery schedule is specifi-
 5 cally negotiated by Iowa state industries and a
 6 particular purchaser."
 7 6. Page 6, line 38, by inserting after the period
 8 a closing quotation mark (").
 9 7. Page 6, by striking line 39.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Carr 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. 57) the vote was:

Ayes, 41:

Bergman	Bisenius	Briles	Burroughs
Calhoun	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hulse	Hultman	Junkins
Kelly	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nolting

Orr	Palmer	Priebe	Ramsey
Readinger	Redmond	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Willits			

Nays, 7:

Ashcraft	Hutchins	Nystrom	Shaff
Shaw	Taylor	Tieden	

Absent or not voting, 2:

Curtis	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.

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, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 5, a bill for an Act to provide for board of directors meetings of non-profit corporations by conference telephone or similar communications equipment.

Also: That the House has on May 20, 1977, receded from its amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 163, a bill for an Act making appropriations to various executive and legislative departments and other councils and commissions.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 239, a bill for an Act relating to nonprofit corporations.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 301, a bill for an Act making appropriations to the Iowa braille and sightsaving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the board of regents.

Also: That the House has on May 20, 1977, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 302, a bill for an Act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 311, a bill for an Act relating to the authority of the state conservation commission to provide fire protection for its property.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 379, a bill for an Act relating to the platting of land.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 390, a bill for an Act relating to the authority of public members of examining boards.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 395, a bill for an Act relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public.

Also: That the House has on May 20, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 30, relating to the maximum amount of bonds which the board of regents expects to issue and to undertake and carry out projects and issuing negotiable revenue bonds.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 593, a bill for an Act relating to procedures for nomination of candidates and for preparing for, conducting and canvassing elections.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE FILE 593, a bill for an Act relating to procedures for nomination of candidates and for preparing for, conducting and

canvassing elections, establishing a state elections council and a state department of elections, separating the office of state commissioner of elections from that of the secretary of state, and prescribing penalties.

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.

MOTION TO RECONSIDER ADOPTED

Senator Palmer called up the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 622 passed the Senate on May 20, 1977.

WILLIAM D. PALMER

A non record roll call was requested.

The ayes were 46, nays, none.

The motion prevailed.

Senator Palmer moved to reconsider the vote by which House File 622 went to its last reading, which motion prevailed.

House File 622

On motion of Senator Palmer, House File 622, a bill for an Act appropriating funds for capital projects at institutions under the control of the state board of regents, was taken up for reconsideration.

Senator Palmer offered amendment S-3727 to the title page of the bill and moved its adoption.

Amendment S-3727 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. 622) the vote was:

Ayes, 48:

Ashcraft	Bergman	Bisenius	Briles
Burroughs	Calhoon	Carr	Coleman
Craft	Culver	DeKoster	Doderer
Drake	Gallagher	Glenn	Hansen
Hill, E.M.	Hill, P.B.	Hulse	Hultman
Hutchins	Junkins	Kelly	Kinley
Merritt	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nolting	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Redmond	Robinson	Rodgers	Rush
Schwengels	Scott	Shaff	Shaw
Slater	Taylor	Tieden	Willits

Nays, none.

Absent or not voting, 2:

Curtis Van Gilst

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

Senator Hill of Jasper called up the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE SENATE FILE 197

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 197, a bill for an Act relating to and appropriating funds to various regulatory and finance agencies and departments, respectfully make the following report:

1. That the House recede from its amendment S-3223 and that Senate

File 197 be amended as follows:

Page 1, by inserting after line 17 the following:

“The department shall conduct a pilot program which shall provide for extending the hours of operation of liquor stores designated by the department until ten p.m. on days when such liquor stores are in operation.”

On the Part of the Senate:

EUGENE M. HILL, Chairperson
ELIZABETH R. MILLER
RAY TAYLOR
ALVIN V. MILLER
JOHN R. SCOTT

On the Part of the House:

WILLIAM B. GRIFFEE, Chairperson
JAMES D. WELLS
WALLY E. HORN
FRANK CRABB
ROGER A. HALVORSON

The motion prevailed and the recommendation and amendment contained therein 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. 197) the vote was:

Ayes, 43:

Bergman	Bisenius	Briles	Burroughs
Calhoon	Carr	Coleman	Craft
Culver	DeKoster	Doderer	Drake
Gallagher	Glenn	Hansen	Hill, E.M.
Hill, P.B.	Hultman	Hutchins	Junkins
Kelly	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nolting	Nystrom
Orr	Palmer	Priebe	Readinger
Redmond	Robinson	Rodgers	Rush
Scott	Shaff	Shaw	Slater
Taylor	Tieden	Willits	

Nays, 4:

Ashcraft	Hulse	Merritt	Schwengels
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Absent or not voting, 3:

Curtis	Ramsey	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.

HOUSE AMENDMENT CONSIDERED

Senate File 302

Senator Nolting called up for consideration Senate File 302, a bill for an Act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse, amended by the House, and moved that the Senate refuse to concur in the following amendment:

HOUSE AMENDMENT TO SENATE FILE 302

S-3728

- 1 Amend Senate File 302 as follows:
- 2 1. Page 1, line 16, by striking the figure
- 3 "96,000" and inserting in lieu thereof the figure
- 4 "196,000".
- 5 2. Page 1, by inserting after line 21 the
- 6 following:
- 7 " _____. For the retired senior volunteer
- 8 program \$50,000".
- 9 3. Page 1, by striking line 28 and inserting in
- 10 lieu thereof the following:
- 11 "treatment \$870,000
- 12 c. For an alcohol education program to be
- 13 conducted by the department of public instruction
- 14 under contract with the department of alcoholism
- 15 and drug abuse \$30,000
- 16 4. By relettering the section to conform with
- 17 this amendment.

Senator Ramsey moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 302) the vote was:

Rule 23 was invoked.

Ayes, 22:

Ashcraft

Bergman

Bisenius

Briles

Burroughs	Craft	DeKoster	Doderer
Drake	Hansen	Hill, P.B.	Hulse
Hultman	Kelly	Miller, E.R.	Murray
Nystrom	Ramsey	Schwengels	Shaw
Taylor	Tieden		

Nays, 25:

Calhoon	Carr	Coleman	Culver
Gallagher	Glenn	Hill, E.M.	Hutchins
Junkins	Kinley	Merritt	Miller, A.V.
Miller, C.P.	Nolting	Orr	Palmer
Priebe	Readinger	Redmond	Robinson
Rodgers	Rush	Scott	Slater
Willits			

Absent or not voting, 3:

Curtis	Shaff	Van Gilst
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The motion lost and the Senate refused to concur in the House amendment.

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

STUDY BILLS RECEIVED

S.S.B. 295 State Government Budget Subcommittee

Establish a task force on taxation and make an appropriation therefor.

S.S.B. 296 State Government Budget Subcommittee

Ten-year building program of board of regents.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 410	Judiciary
S.C.R. 28	Energy
S.R. 15	Rules and Administration

H.F. 33 Budget
H.F. 463 Education

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Friday morning, May 20, 1977.

Had I been present, I would have voted "aye" on Senate File 259 and Senate File 402.

WILLARD R. HANSEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber during the vote on House File 85 on Friday, May 20, 1977.

Had I been present, I would have voted "aye".

JAMES CALHOON

MR. PRESIDENT: I was not in the Senate chamber to vote on the final passage of the property tax relief bill, House File 332, because I was in the House chamber in my capacity as Chairman of the Senate's conference committee on Senate File 137. Several pages were instructed to notify me in time to be present for final passage but they were not able to locate me before the vote was taken.

Had I been present, I would have voted "nay" on the final passage of House File 332.

BOB RUSH

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing S-3718, the House Amendment to Senate File 297, into Senate File 297, the internal references on page 3, lines 34 and 35 were corrected from "Sections four (4) through eight (8) of item five (5) of this amendment" to "Sections three (3) through seven (7) of this Act".

STEVEN C. CROSS, Secretary of the Senate

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on Budget to which was referred House File 33, 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, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

WILLIAM D. PALMER, Chairperson

Senator Doderer submitted the following reports:

MR. PRESIDENT: Your committee on State Government to which was referred House File 32, a bill for an Act relating to the membership, terms of office, and organization of the capitol planning commission, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MR. PRESIDENT: Your committee on State Government to which was referred House File 100, a bill for an Act relating to the safeness and suitability of jails, begs leave to report it has had the same under consideration and recommends the same DO PASS.

The committee determined that a fiscal note was not required under Joint Rule 16.

MINNETTE F. DODERER, Chairperson

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 399

Cities
C. Miller, Chairperson
Gallagher
Readinger

SENATE CONCURRENT RESOLUTION 17

Rules and Administration
Willits, Chairperson
Ramsey
Coleman

HOUSE FILE 63

Transportation
Robinson, Chairperson
Gallagher
Drake

HOUSE FILE 64

State Government
Slater, Chairperson
Carr
Nystrom

HOUSE FILE 364

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Curtis
Hulse
Scott

HOUSE FILE 491

Ways and Means
Van Gilst, Chairperson
Shaff
E. Hill
Redmond
Readinger

HOUSE FILE 582

State Government
Drake, Chairperson
Coleman
Nystrom

HOUSE FILE 595

Ways and Means
Nolting, Chairperson
Palmer
Readinger

HOUSE CONCURRENT RESOLUTION 36

Budget—Budget Subcommittee
on Regulatory and Finance
E. Hill, Chairperson
C. Miller
Curtis
Hulse
Scott

S.S.B. 287

Judiciary
Ashcraft, Chairperson
DeKoster
Rush

S.S.B. 288

Cities
Slater, Chairperson
A. Miller
Schwengels

AMENDMENTS FILED

S—3711	S.F. 396	Lucas J. DeKoster
S—3712	H.F. 491	Richard F. Drake Robert M. Carr Stephen W. Bisenius
S—3714	H.F. 491	Richard F. Drake Robert M. Carr
S—3729	H.F. 381	Bob Rush
S—3730	H.F. 381	Eugene M. Hill

PRESENTATION OF VISITORS

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

Twenty students from Wesley-St. Benedict Grade School, Wesley, Iowa, accompanied by Mary Bellinghausen. Senator Priebe.

Eighty-five students from Fort Madison High School, Fort Madison, Iowa, accompanied by Larry Miller. Senator Junkins.

Fifty-five students from L D F Junior-Senior High School, Le Grand, Iowa, accompanied by Leona Hutton and Lyle Baer. Senator Miller of Marshall.

PETITIONS

The following petitions were presented and placed on file:

By Senator Gallagher from seventy-seven residents of Benton County favoring legislation to establish a moratorium on the issuance of irrigation permits.

By Senator Hill of Jasper from eighteen residents of Story County urging rescission of the Equal Rights Amendment.

By Senator Glenn from seven hundred eighty-three residents of Iowa favoring the Equal Rights Amendment.

By Senator Calhoun from twenty-five residents of Buena Vista County favoring the Equal Rights Amendment.

The Senate reconvened, Senator Willits 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 20, 1977, receded from its amendment to, and adopted the following Joint Resolution in which the concurrence of the House was asked:

Senate Joint Resolution 11 authorizing an interim study of the public retirement systems in this state and making an appropriation.

Also: That the House has on May 20, 1977, adopted the conference committee report and passed Senate File 197, a bill for an Act appropriating funds to various regulatory and finance agencies and departments.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 213, a bill for an Act increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly and providing a retirement option for members of the general assembly.

Also: That the House has on May 20, 1977, concurred in Senate

amendment to the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 214, 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 20, 1977, adopted the conference committee report and passed Senate File 234, a bill for an Act making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 267, a bill for an Act establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board.

Also: That the House has on May 20, 1977, receded from its amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 302, a bill for an Act appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

Also: That the House has on May 20, 1977, adopted the conference committee report and passed Senate File 337, a bill for an Act to provide a funding system for unemployment compensation benefits.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 351, a bill for an Act establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 371, a bill for an Act extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 414, a bill for an Act to appropriate funds for the purpose of providing funds to implement the provisions of House File 210 of the Sixty-seventh General Assembly, 1977 session.

Also: That the House has on May 20, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 25 providing for an amendment to the joint rules of the Sixty-seventh General Assembly.

Also: That the House has on May 20, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 26 providing for the business of any extraordinary session occurring before the convening of the 1978 session of the Sixty-seventh general assembly.

Also: That the House has on May 20, 1977, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 27 providing for adjournment of the general assembly on the calendar day it actually occurs; providing for committees to initially determine their own agenda of interim work and adjournment sine die.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 547, a bill for an Act relating to birth certificates for adopted persons not born in Iowa.

Also: That the House has on May 20, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 582, a bill for an Act to permit optional membership in the Iowa public employees' retirement system.

Also: That the House has on May 20, 1977, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 622, a bill for an Act appropriating funds for capital projects at institutions under the control of the state board of regents.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

SENATE JOINT RESOLUTION 13, by Committee on Rules

and Administration, a joint resolution naming an honorary poet laureate for the state of Iowa.

Read first time and PLACED ON CALENDAR.

HOUSE MESSAGE CONSIDERED

HOUSE FILE 547, a bill for an Act relating to birth certificates for adopted persons not born in Iowa.

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. 411	Judiciary
S.F. 412	County Government
H.F. 112	Judiciary
H.F. 207	State Government
H.F. 291	State Government
H.F. 544	Natural Resources
H.F. 547	Human Resources
H.F. 593	State Government
H.F. 616	Judiciary
H.F. 630	Budget

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that the following corrections have been made in S-3713, the House Amendment to Senate File 31, before it was incorporated into the text of Senate File 31.

1. Page 1, line 13, by inserting the word "an" before the word "alcoholism".
2. Page 1, line 14, by inserting "a" before the word "substance".
3. Page 2, by inserting after the word "four" the number "(4)".
4. Page 2, by inserting after the word "subsection" the word "two".
5. Page 2, line 46, by inserting the word "an" before the word "alcoholism".
6. Page 2, line 47, by inserting "a" before the word "substance".

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling the conference committee report to Senate File 197, in paragraph one (1) "S-3223" was corrected to read "S-3423".

MR. PRESIDENT: In accordance with Senate Resolution 6, I have engrossed the new rule into the Permanent Rules of the Senate. The new rule will be Rule 32. Because of the insertion of the new rule, the following corrections in rule numbers and internal cross-references have been made:

1. The former Rules 32 through 58 have been renumbered as Rule 33 through 59.

2. The cross-reference in the rule now numbered Rule 41 has been changed from "Rule 36" to "Rule 37".

3. The cross-reference in paragraph one (1) of the rule now numbered Rule 45 has been changed from "Rule 43" to "Rule 44".

STEVEN C. CROSS, Secretary of the Senate

Pursuant to Senate Concurrent Resolution 27, duly adopted, the Senate adjourned until 10:00 a.m., Monday, June 13, 1977.

Note: For explanation of brackets and italics, see page 526 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED FIFTY—FIFTH CALENDAR DAY
NINETIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, June 13, 1977

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend LaVerne Wingert, pastor of the St. Mary's Catholic Church, Avoca, Iowa.

The Journal of Friday, May 20, 1977, was approved.

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, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 290, a bill for an Act relating to the sale of beer on Sunday.

Also: That the House on May 20, 1977 failed to adopt the Conference Committee Report on Senate File 361, a bill for an Act relating to rules of appellate procedure in the courts, and that the members of the second Conference Committee on the part of the House are: The Representative from Polk, Mr. Nielsen, Chair; the Representative from Scott, Mr. Higgins; the Representative from Black Hawk, Mr. Garrison; the Representative from Clinton, Mr. Pelton; and the Representative from Winnebago, Mr. Branstad.

Also: That the House has on May 20, 1977, passed the following bill in which the concurrence of the House was asked:

Senate File 394, a bill for an Act relating to the barrel tax rebate contained in chapter 123 of the Code.

Also: That the House on May 21, 1977, insisted on its amendment to Senate File 407, a bill for an Act appropriating funds to the state board of public instruction to plan for an addition to a building, and that the members of the Conference Committee on the part of the House are: The Representative from Polk, Mr. Jesse, Chair; the Representative from Warren, Mr. Davitt; the Representative from Wapello, Mr. Poncy; the Representative

from Marshall, Mr. Brockett; and the Representative from O'Brien, Mr. Menke.

Also: That the House has on May 3, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 248, a bill for an Act relating to a complete revision of the juvenile justice laws.

Also: That the House has on April 21, 1977, passed the following bill in which the concurrence of the Senate is asked:

House File 387, a bill for an Act to prohibit any requirement that persons taking merit examinations for social worker positions with the department of social services be graduates of university or college programs accredited by certain professional bodies.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE FILE 248, a bill for an Act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalites.

Read first time and PASSED ON FILE.

HOUSE FILE 387, a bill for an Act to prohibit any requirement that persons taking merit examinations for social worker positions with the department of social services be graduates of university or college programs accredited by certain professional bodies.

Read first time and PASSED ON FILE.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the appointment of the CONFERENCE COMMITTEE on SENATE FILE 407 on the part of the Senate: Senators Van Gilst, chairperson; Robinson, Hutchins, Hill of Polk and Nystrom.

The Chair announced the appointment of the SECOND CONFERENCE COMMITTEE on SENATE FILE 333 on the part of the Senate: Senators Hill of Jasper, chairperson; Redmond, Hill of Polk, Carr and DeKoster.

The Chair announced the appointment of the SECOND CONFERENCE COMMITTEE on SENATE FILE 361 on the part of the Senate: Senators Rush, chairperson; Willits, Coleman, Shaw and Murray.

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 27 as amended.

The motion prevailed and the President appointed as such committee Senators Scott, chairperson; Ashcraft, Rodgers, Nolting and Murray.

COMMITTEE TO NOTIFY THE HOUSE

Senator Hultman 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 27 as amended.

The motion prevailed and the President appointed as such committee Senators Drake, chairperson; Doderer, Miller of Marshall, Readinger and Van Gilst.

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 Drake 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 Scott 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 and submitted the following report:

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

MR. PRESIDENT: Your committee appointed to deliver to the Governor bills and resolutions finally adopted in the last three calendar days of the session, respectfully reports that the following bills and resolutions have been 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 June, 1977:

Senate Joint Resolution 11, Senate Files 5, 31, 42, 112, 118, 162, 163, 167, 185, 195, 197, 213, 214, 233, 234, 238, 239, 251, 259, 267, 280, 290, 297, 299, 301, 302, 311, 312, 318, 337, 344, 351, 355, 362, 363, 371, 377, 379, 383, 390, 393, 394, 395, 402, 408, 409, 414 and Senate Concurrent Resolution 30.

JOHN SCOTT, Chairperson

Also: That the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

The Honorable Arthur A. Neu
President of the Senate
Sixty-seventh General Assembly
State Capitol
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

For the first time in 13 years this day does not mark the official end of legislative business for the year. Sine die adjournment normally suggests that action on priority legislative items and appropriations is concluded. 1977 is different.

Iowa's first experience with collective bargaining negotiations has necessitated the special legislative session which I have called for June 21 to conclude appropriations.

You began the appropriations process this year by utilizing a new committee approach to budget-making, concentrating almost exclusively on appropriations work during the first half-dozen weeks of this assembly.

In the spirit of that approach, and to help your efforts, my budget recommendations were delivered during the first week of the session. While the merits of the committee budgeting technique have been disputed, the net result—the number of dollars so far appropriated—is known. After much talk of cutting my budget, this legislature followed the familiar pattern and exceeded my recommendations by \$13 million. While we can appreciate some of these increases, the total added burden will strain the state's resources.

This year's session also saw activity on other fronts—and I welcome this opportunity to share my observations.

This General Assembly did not lack advice as to what should be debated and passed. The session began with several priority lists, varying from a recitation of lofty goals and platitudes . . . often easy to support, difficult to implement, and awesome to finance, to, if you will, the detailed researched list of proposals I sent you on January 11. I believed then, as I do now, that affordable and workable solutions are difficult to find. I think you, too, have discovered that to be true.

The most visible issue during last year's campaign and the beginning of this legislative session was PROPERTY TAXES. Most legislators cited it as a primary concern. I detailed a 15-point plan to halt the unchecked growth in property assessments and to improve local government financing procedures. Unfortunately, much of that package was not adopted. Local option taxation was left undone as well as such items as recertification of assessors and full disclosure on the sale of property. These proposals are simply too important to Iowans to file away in the "Almost Got Done" archives. They deserve your attention next year.

You did send me a bill that will limit property assessments and avoid a predictably dramatic increase at the next equalization order. You have been severely and sometimes unfairly criticized for the complexity and scope of your actions on property taxes. Yet it is important to note that without some form of relief Iowa homeowners and farmers would experience another round of startling valuation increases this fall.

One of your greatest accomplishments this year could have been the LAND USE bill. The House invested long hours developing a land use bill emphasizing local control, recognizing the need for state guidelines and immediately protecting critical land areas. The final version does not measure up to the quality, effectiveness or impact of the original House bill.

You forfeited an opportunity to assure the protection of our land. Nevertheless, you did respond to several initiatives I had in my January 11 Message, and for that I thank you.

You adopted the uniform CHILD CUSTODY statute, thus offering some protection to youngsters and parents from the trauma of uncertain jurisdictional outcomes. After this winter's severe energy crisis, the obvious benefits of including energy and thermal efficiency standards in the STATE BUILDING CODE became apparent, and you took action in that area. Prompted by a close call, you quickly moved to protect our people and land by passing a HAZARDOUS SUBSTANCE SPILLS CONTROL bill. Years of repeated requests were finally heeded as you adopted a MOBILE HOME TIEDOWN requirement. Assisting the disadvantaged, you provided INCREASED ADC BENEFITS to help keep pace with inflation. An improved public health nursing program will encourage IN-HOME HEALTH CARE for Iowa's aged. And, the funding mechanism for our UNEMPLOYMENT INSURANCE TRUST FUND was replaced with one which will keep the fund solvent and provide more reliable flow of revenue.

Other measures could have been adopted to enhance the legislature's record of achievement. The public demand for full access to government activities warranted inclusion of collective bargaining negotiations in the OPEN MEETINGS LAW. Bipartisan support from the League of Iowa Municipalities should again remind you of the need for a WASHINGTON OFFICE for the State of Iowa . . . and that need is still with us.

The tragedy of highway accidents should compel action on my proposal to strengthen DRUNK DRIVING statutes. UNIFORM BIDDING REQUIREMENTS for local governments, consolidation of the DEPARTMENT OF ENVIRONMENTAL QUALITY, and the systematic screening of LICENSING BOARDS are other proposals which should have been considered, modified if necessary, but certainly passed during 1977. They were never brought up. You can give them consideration in the 1978 session.

Two very visible issues remain with us. The first is that of HIGHWAY FUNDING. The House moved ambitiously and sent a bill to the Senate. Although the distribution formula is in question, House members should be recognized for their willingness to address this problem area. The Senate needs to match their resolve. The returnable BOTTLE AND CAN bill is another story. Seldom is an issue more clear cut with a definable answer based on experience. We know the results of the bill I originally recommended—the Oregon version. Unfortunately that simple and effective bill was cobbled up. The Senate will have a chance to correct it.

In addition, you approved several other priority items in one house only. Half of a bill is not half of a solution—but it is an investment of half the legislative resources necessary to address the problem. This investment should not be wasted by failure to complete action in both houses. We look forward to completed work to revise our JUVENILE JUSTICE laws, RESTRUCTURE THE STATE FAIR AND LAW ENFORCEMENT ACADEMY BOARDS, and strengthen the protection of MINORITY STOCKHOLDERS.

Others have joined in judging the record of this first session—editorial

writers, representatives of special interest groups and those to whom you are ultimately accountable—the people of Iowa.

You have asked all of these people to refrain from hasty conclusions. You have asked for time. You have asked them to postpone their judgments until the gavel falls on the second session next year.

This request obviously points to opportunities and obligations to act in 1978. Cynics tell us that election year legislatures rarely accomplish much of significance. They say that campaigning triumphs over courage, rhetoric over reason and ballots over boldness. You can prove them wrong.

In many instances, your agenda for next year is already set. Much of your time is needed to complete partially finished legislation, unmet priorities and another round of appropriations.

As you adjourn this session, you have my appreciation and thanks for the constructive efforts you have made. You know that the issues you will face in the special session and in the next regular session demand timely consideration and responsible action.

As you accept the challenge, you can be poised to step forward and build upon this year's beginning—to forge a record of achievement for which you can all be proud.

Thank you and best regards.

Sincerely,
ROBERT D. RAY
Governor

BILLS ASSIGNED TO COMMITTEE

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

H.F. 248	Judiciary
H.F. 387	Human Resources

BILLS RETURNED TO COMMITTEE

Pursuant to Senate Rule 4, the following bills which remain on the calendar upon the adjournment of the 1977 Regular Session of the Sixty-seventh General Assembly will be returned to committee:

S.J.R. 12	Education
S.J.R. 13	Rules and Administration
S.F. 252	Education
S.F. 373	State Government
S.F. 389	Commerce
S.F. 401	Commerce
S.F. 403	County Government
S.F. 404	County Government
S.C.R. 23	Cities
S.C.R. 29	Natural Resources
H.F. 32	State Government
H.F. 33	Budget
H.F. 100	State Government
H.F. 252	State Government
H.F. 381	Human Resources
H.F. 545	Commerce
H.C.R. 36	Budget

ANNOUNCEMENTS BY THE PRESIDENT OF THE SENATE

May 25, 1977

President Neu announced the appointment, in accordance with Section 18A.1, 1977 Code of Iowa, of Senator Warren E. Curtis to the Capitol Planning Commission for a regular four-year term commencing May 1, 1977, and ending April 30, 1981.

June 2, 1977

President Neu announced the appointment, in accordance with Section 97B.8, 1977 Code of Iowa, of Senator Warren E. Curtis to the Advisory Investment Board of the Iowa Public Employees' Retirement System (IPERS) for a two-year term commencing July 1, 1977, and ending June 30, 1979.

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 bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval

on this 31st day of May, 1977:

Senate Files 7, 35, 41, 65, 161, 180, 205, 224, 274, 279, 296, 307, 334, 364, 370, 385 and 388.

Also:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been 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 June, 1977:

Senate Files 140, 156, 319, 329 and 349.

Also:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been 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 June, 1977:

Senate File 289.

STEVEN C. CROSS, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on June 3, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 35—To abolish certain liens created under former Section one hundred twenty-three B point ten (123B.10) of the Code.

S.F. 41—Relating to the management of state records.

S.F. 65—Relating to the privileges of licensed insurance agents.

S.F. 161—Making appropriations to state agencies and their divisions which have responsibilities related to natural resource management and research.

S.F. 180—Relating to the regulation of premium rates for credit life and credit accident and health insurance.

S.F. 205—Relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

S.F. 224—Relating to city development.

S.F. 279—Relating to the appointment and the duties of a county weed commissioner.

S.F. 296—Relating to the membership and duties of the state advisory council for vocational education and local advisory committees for vocational education.

S.F. 307—Relating to vacating and closing highways.

S.F. 364—Making an appropriation to the department of social services.

S.F. 370—Making appropriations for capital improvements, land acquisition, and equipment purchase for the department of public defense and department of transportation.

S.F. 388—Repealing certain standing appropriations and providing an effective date.

Also:

That on June 7, 1977, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 334—Relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers.

S.F. 385—Authorizing local government to suspend or modify building and housing code requirements.

Also:

That on June 10, 1977, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 274—Relating to uniform child-custody jurisdiction.

COMMUNICATIONS FROM THE SECRETARY OF STATE

June 7, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 155, was published in the Ankeny Press-Citizen, Ankeny, Iowa, on May 26, 1977, and in The Cedar Valley Daily Times, Vinton, Iowa, on May 24, 1977.

I further certify that House File 280, was published in The Anamosa Eureka, Anamosa, Iowa, on May 26, 1977, and in The Forest City Summit, Forest City, Iowa, on May 26, 1977.

I further certify that House File 449, was published in The Hawk Eye, Burlington, Iowa, on May 23, 1977, and in The Garner Leader & Signal & Garner Herald, Garner, Iowa, on May 25, 1977.

Also:

June 13, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 317, was published in the Ottumwa Courier, Ottumwa, Iowa, on May 23, 1977, and in The Sioux County Index-Reporter, Hull, Iowa, on May 26, 1977.

I further certify that House File 277, was published in the Coon Rapids Enterprise, Coon Rapids, Iowa, on May 5, 1977, and in the Evening Democrat, Fort Madison, Iowa, on May 5, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

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 was in session on May 20, 1977, and all day on May 21, 1977, and the House Journal indicates the change in calendar days as shown on page 2613 of the House Journal. However, the House did not reconvene in a new session day on May 21, 1977, and all action and communications on the calendar days of May 20, 1977 and May 21, 1977 are officially recorded and dated as happening on the session day of May 20, 1977.

DAVID L. WRAY, Chief Clerk

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that typographical, spelling or clerical corrections have been made in the following bills and resolution:

SENATE FILE 5

1. Page 1, line 4, by adding before the word "UNNUMBERED" the word "NEW".

SENATE FILE 41

1. Page 2, line 2, the word "clasifications" was stricken and "classifications" inserted.

SENATE FILE 112

1. Page 6, line 12, of the bill as amended, passed and reprinted by the Senate, by changing "pre-trial" to "pretrial".

2. Page 6, line 12, of the bill as amended, passed and reprinted by the Senate, by changing "pre-sentence" to "presentence".

3. In the House Amendment, S-3704, page 5, line 2, the words "NEW SECTION" were changed to "NEW SECTION".

4. Page 8, line 1, of the bill as amended, passed and reprinted by the Senate, by changing "pre-trial" to "pretrial".

5. In the bill as introduced, page 8, line 25, by changing "one (1)" to "two (2)".

6. In the House amendment, S-3704, page 9, lines 6 and 7 by striking the words "Item twelve (12) of this amendment is" and inserting in lieu thereof the words "Sections thirteen (13) through twenty-two (22) of this Act are".

7. In the House amendment, S-3704, page 9, lines 36 and 37, by striking the underlining.

8. In the House amendment, S-3704, page 10, line 18, the word "riverview" was changed to "Riverview".

SENATE FILE 163

1. Page 1, line 4, by changing "necessay" to "necessary".

SENATE FILE 167

1. In H-4250, the Senate Amendment to the House Amendment to the bill, the language shown within the quotation marks on page 1, lines 11 through 13 was inserted after the period on page 10, line 10 of Senate File 167.

2. In H-4250, the Senate Amendment to the House Amendment to the bill, page 1, line 17, the word "[oprator]" was changed to "[operator]".

3. In S-3611, the House Amendment to the bill, page 1, line 14, the period “.” was changed to “.”.

4. In the bill as introduced, page 6, line 1, by adding a comma after “(7)”.

5. In the bill as introduced, page 12, line 1, by changing “dicharged” to “discharged”.

6. In the bill as introduced, page 22, line 7, by adding after “(321.186)”, the words “of the Code”.

7. In S-3611, the House Amendment to the bill, page 5, line 45, by changing “and” to “an”.

8. In the bill as introduced, page 24, line 1, by changing “February” to “February”.

9. In S-3611, the House Amendment to the bill, page 10, line 9, by changing “.” to “.”.

10. In the bill as amended, passed and reprinted by the Senate, page 27, line 17, the word “section” was changed to “sections”.

SENATE FILE 195

1. Page 1, line 17, the word “sections” was changed to “section”.

2. Page 1, line 20, the word “officer” was changed to “officer”.

SENATE FILE 213

1. In the bill as introduced, page 2, line 20, by deleting the colon.

SENATE FILE 214

1. In H-4357, the Senate Amendment to the House Amendment to Senate File 214, page 1, line 2, the language “line 2” was stricken and “line 1” inserted in lieu thereof.

2. In Senate File 214 as amended by the Senate, page 1, line 18, “a” was stricken and “b” inserted in lieu thereof.

3. In Senate File 214 as amended by the Senate, page 7, line 24, “d” was stricken and “e” inserted in lieu thereof.

4. In the bill as introduced, page 2, line 2, by deleting the period.

SENATE FILE 280

1. Page 2, line 30, of the bill as introduced by adding after “(633.293)” the words “of the Code”.

SENATE FILE 289

1. In the bill as amended, passed and reprinted by the Senate, page 13, line 29, by adding after the word “inserting” the word “in”.

2. In S-3515, the House Amendment to the bill, page 2, line 37, by changing “4” to “[d] 4”.

3. In the bill as amended, passed and reprinted by the Senate, page 19, line 35, by changing “4” to “[4] 5”.

4. In S-3515, the House Amendment to the bill, page 2, line 43, by adding after the word "Rule" the word "fifteen".

5. In the bill as amended, passed and reprinted by the Senate, page 35, lines 3 and 4, by changing "eighty-two (82) through ninety-one (91)" to "eighty-one (81) through ninety (90)".

6. In the bill as amended, passed and reprinted by the Senate, page 38, line 27, by changing "Division Fourteen" to "division fourteen".

7. In the bill as amended, passed and reprinted by the Senate, page 39, lines 24 and 25, by changing "ninety-four (94) through one hundred seven (107)" to "ninety-two (92) through one hundred five (105)".

SENATE FILE 290

1. In the bill as introduced, page 2, line 11, "*ten p.m.*" was changed to "*ten p.m.*".

SENATE FILE 312

1. In H-4210, the Senate Amendment to the House Amendment to the bill, page 1, line 8, by changing the period to a semi-colon.

2. In the bill as introduced, page 5, line 9, by changing the period to a semi-colon.

3. In the bill as introduced, page 5, line 21, by adding after the comma the word "section".

4. In the bill as introduced, page 6, line 6, by changing the colon to a semi-colon.

5. In the bill as introduced, page 8, line 17, by changing "sections" to "section".

6. In the bill as introduced, page 8, line 18, by changing "section" to "sections".

7. In the bill as introduced, page 8, line 34, by changing the period to a semi-colon.

8. In the bill as introduced, page 16, line 7, by changing "incompetency" to "incompetency".

9. In S-3462, the House Amendment to the bill, page 12, line 27, by changing "3" to "[3] two (2) of this section".

10. In S-3462, the House Amendment to the bill, page 12, line 40, by changing "3" to "[3] two (2) of this section".

SENATE FILE 318

1. In the bill as introduced, page 19, line 4, by changing "to" to "two".

2. In the bill as introduced, page 25, line 5, by changing "thouand" to "thousand".

3. In S-3302, a Senate Amendment to the bill as introduced, page 4, line 1, by adding a comma after "(740.8)".

4. In S-3302, a Senate Amendment to the bill as introduced, page 4, line 23, by changing "NEW SECTION" to "NEW SECTION".

5. In the bill as amended, passed and reprinted by the Senate, page 1, line

18, by changing "twenty-seven (27)" to "twenty-eight (28)".

6. In the bill as amended, passed and reprinted by the Senate, page 9, lines 18 and 19, by changing "twenty-nine (29) through seventy-six (76)" to "thirty (30) through seventy-eight (78)".

7. In the bill as amended, passed and reprinted by the Senate, page 26, line 22, by striking "eighty (80) through ninety-one (91)" and inserting "eighty-two (82) through ninety-four (94)".

8. In the bill as amended, passed and reprinted by the Senate, page 32, by striking line 5 and inserting in lieu thereof the following "sections ninety-seven (97) through one hundred three (103), and sections one hundred five (105) through one hundred eleven (111)".

9. In S-3620, the House Amendment to the bill, page 3, line 46, by changing "135C.21" to "one hundred thirty-five C point twenty-one (135C.21)".

SENATE FILE 329

1. In Senate amendment S-3304, page 2, line 14, by adding after "(279.19)", the words "of the Code".

2. In Senate amendment S-3304, page 2, line 22, by adding after "(279.23)", the words "of the Code".

3. In Senate amendment S-3304, page 2, line 25, by adding after "(279.23)", the words "of the Code".

4. In the bill as introduced, page 10, line 21, by adding after the comma the words "Code 1977."

SENATE FILE 333

1. Page 2, line 1, "maintenace" was changed to "maintenance".

SENATE FILE 334

1. Page 2, line 30, of the bill as introduced, the word "trailers." was stricken and the word "trailers_s." was inserted.

SENATE FILE 337

1. In the bill as introduced, page 1, line 9, by changing "fifteen" to "fifteenth".

2. In the bill as introduced, page 5, line 19, by changing "Annual Payroll." to "ANNUAL PAYROLL'."

3. In the bill as introduced, page 6, line 2, by changing "Taxable Wages." to "TAXABLE WAGES'."

4. In the bill as introduced, page 7, line 7, by changing "Computation date." to "COMPUTATION DATE'."

SENATE FILE 349

1. Page 1, line 5, the words "NEW SECTION" were corrected to read

"NEW SECTION".**SENATE FILE 351**

1. In the bill as introduced, page 1, line 11, by changing "cattlemens" to "cattlemen's".
2. In the bill as introduced, page 1, line 21, by changing the semi-colon and inserting a period.
3. In the bill as introduced, page 1, line 23, by changing the comma to a semi-colon.
4. In the bill as introduced, page 1, line 29, by changing "three year" to "three-year".
5. In the bill as introduced, page 2, line 23, by adding after "(17A)" the words "of the Code".
6. In S-3511, page 1, line 5, by changing "State University" to "state university".

SENATE FILE 363

1. In S-3618, the House Amendment to Senate File 363, page 1, lines 16 through 20, were underlined.
2. In S-3618, the House Amendment to Senate File 363, page 1, lines 26 through 28, were underlined.
3. In S-3618, the House Amendment to Senate File 363, page 2, line 19, the words "except that notice need not be" were underlined.
4. In S-3618, the House Amendment to Senate File 363, page 2, lines 20 and 21 were underlined.
5. In the title, line 13, "session" was changed to "Session".

SENATE FILE 379

1. Page 1, line 18, by changing "z" to ".".
2. Page 4, line 5, by changing "decription" to "description".

SENATE FILE 383

1. Page 1, line 13, "if" was changed to "of".

SENATE FILE 402

1. Page 1, line 30, "Unjon Republic" was changed to "Union-Republican".

SENATE CONCURRENT RESOLUTION 30

1. Page 3, line 15, "TEN YEAR" was changed to "TEN-YEAR".
2. Page 6, line 29, by adding after the word "University" the words "of Science and Technology".

STEVEN C. CROSS, Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 357

Human Resources
A. Miller, Chairperson
Rush
E. Miller
(appointed April 28, 1977)

SENATE RESOLUTION 7

Rules and Administration
Coleman, Chairperson
Junkins
Hultman
(Appointed March 8, 1977)

HOUSE FILE 252

State Government
Junkins, Chairperson
Drake
Culver
(appointed April 27, 1977)

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 27, duly adopted, the day of June 13, 1977, having arrived, President Neu declared the 1977 Regular Session of the Sixty-seventh General Assembly adjourned sine die.

SUPPLEMENT
TO THE
SENATE JOURNAL
SIXTY-SEVENTH GENERAL ASSEMBLY
1977 REGULAR SESSION



AMENDMENTS FILED

During The

Sixty-seventh General Assembly

1977 Regular Session

S-3001

1 Amend the Report of the Credentials Committee by
 2 striking everything after line 1 and inserting in lieu
 3 thereof the following:
 4 "to report that we find the persons named in the at-
 5 tached duplicate copy of the Certification of the Sec-
 6 retary of State duly elected to and entitled to seats
 7 in the Senate of the Sixty-seventh General Assembly
 8 with the exception of the Senator-elect from the
 9 twenty-fourth district."

PHILIP B. HILL
 ROGER J. SHAFF

S-3002

1 Amend Senate Concurrent Resolution 4 as follows:
 2 1. Page 8, lines 17 and 18 by striking the
 3 words "ranking majority member" and insert in lieu
 4 thereof the words "vice-chairperson".
 5 2. Page 10, line 22, by inserting after the word
 6 "committee" the words "or budget subcommittee".
 7 3. Page 10, line 25, by striking the words
 8 "ranking majority or minority member" and insert in
 9 lieu thereof the words "vice-chairperson or ranking
 10 member".
 11 4. Page 10, line 27, by striking the word
 12 "committee" and inserting in lieu thereof the words
 13 "standing committee or budget subcommittee".

LOWELL L. JUNKINS

S-3003

1 Amend Senate Concurrent Resolution 4, as follows:
 2 1. Page 12, line 23, by inserting after the word
 3 "provide" the words "; however, no employee with an
 4 intermittent classification will be employed for more
 5 than ten months in any one year".

JOHN N. NYSTROM

S-3005

1 Amend Senate Concurrent Resolution 1 as
 2 follows:

Division S—3005A

- 3 1. Page 6, line 34, by striking the word “will”
 4 and inserting in lieu thereof the word “might”.

Division S—3005B

- 5 2. Page 7, line 2, by adding after the word
 6 “the” the word “aggregate”.

E. KEVIN KELLY

S—3006

- 1 Amend Senate Concurrent Resolution 4 as follows:

Division S—3006A

- 2 1. Page 7, line 34, by striking the word and
 3 figures “April 1, 1977” and inserting in lieu thereof
 4 the words “adjournment of the first regular session
 5 of the 67th General Assembly”.
 6 2. Page 8, line 7, by striking the word and
 7 figures “April 1, 1977” and inserting in lieu thereof
 8 the words “adjournment of the first regular session
 9 of the 67th General Assembly”.

Division S—3006B

- 10 3. Page 13, by striking lines 2 through 7 and
 11 inserting in lieu thereof the following:
 12 “The procedure may be informal and oral except that
 13 the secretary or chief clerk shall give his or her
 14 final conclusion in writing.
 15 An employee may appeal an adverse ruling of the
 16 secretary or clerk to the Senate Rules and Administration
 17 Committee or the House Administration Committee which
 18 shall consider the”.

JAMES M. REDMOND

S—3007

- 1 Amend Senate Concurrent Resolution 4, as follows:
 2 1. Page 13, line 22, by adding after the word
 3 “Capitol.” the words “The secretary to the senator or
 4 representative who is the chairman of the chaplain’s
 5 committee shall be granted one pay step in addition
 6 to the step for which that secretary is otherwise

7 qualified.”

LOWELL L. JUNKINS

S—3008

1 Amend Senate Concurrent Resolution 1, page 1, by
 2 inserting after line 15 the following:
 3 “The general assembly shall convene in regular
 4 session, on the second Monday in January and shall
 5 adjourn no later than one hundred twenty calendar
 6 days thereafter. However, upon the affirmative
 7 vote of a majority of the members of the senate and
 8 house voting by roll call vote upon the proposition,
 9 the session shall be extended for a seven-day period.
 10 Additional seven-day extensions may be voted by the
 11 senate and house.”

RICHARD R. RAMSEY
 WILLARD R. HANSEN
 FORREST V. SCHWENGELS
 ELIZABETH SHAW

S—3009

1 Amend Senate Concurrent Resolution 4, page 3,
 2 by striking line 2 and inserting in lieu thereof
 3 “excess of 80 hours in a two-week pay period shall
 4 either be”.

PHILIP B. HILL

S—3010

1 Amend Senate Concurrent Resolution 4, page 3,
 2 by striking lines 27 through 34.

PHILIP B. HILL

S—3011

1 Amend Senate Concurrent Resolution 4 as follows:
 2 1. Page 7, by striking lines 22 through 24 and
 3 inserting in lieu thereof the following:
 4 “each position on the next legislative day; however,
 5 no changes shall be made effective during the interim.
 6 Any action by the Senate or House to disapprove”.

WARREN E. CURTIS

S-3012

- 1 Amend Senate Concurrent Resolution 1 as follows:
- 2 1. Page 4, by striking lines 29 through 34 and
- 3 by inserting in lieu thereof the following: "The
- 4 presiding officer of the Senate shall appoint five
- 5 members to a conference committee. The papers shall
- 6 remain with the".

CALVIN O. HULTMAN

S-3013

- 1 Amend Senate Concurrent Resolution 1 as follows:
- 2 1. Page 4, line 32, by striking the words
- 3 "after consultation with".
- 4 2. Page 4, line 33, by striking the word "also".
- 5 3. Page 6, line 2, by striking the words
- 6 "after consultation with".
- 7 4. Page 6, line 3, by striking the word "also".

ELIZABETH SHAW
RICHARD R. RAMSEY

S-3014

- 1 Amend Senate Concurrent Resolution 4 as follows:
- 2 1. Page 1, line 17, by adding after the word
- 3 "committee." the words "The committees shall report the
- 4 exact compensation assigned to each position on the
- 5 next legislative day, or, if such action is during the
- 6 interim, on the first day the senate or house shall
- 7 convene. Any action by the senate or house to disapprove
- 8 or amend the report shall be effective the day after the
- 9 action."

LOWELL L. JUNKINS

S-3015

- 1 Amend Senate Concurrent Resolution 1 as follows:
- 2 1. Page 1, by inserting after line 27 the follow-
- 3 ing rule:
- 4 "Rule ____
- 5 Adjournment of Sessions
- 6 The following schedule shall govern the adjournment
- 7 of regular sessions of a general assembly:
- 8 During the first sixty legislative days of the
- 9 first regular session and the first thirty legislative

10 days of the second regular session of a general
 11 assembly a concurrent resolution may be passed setting
 12 an adjournment date not less than twenty legislative
 13 days following passage of the concurrent resolution
 14 by both houses of the general assembly.

15 If a concurrent resolution setting a different
 16 date is not passed prior to the sixtieth legislative
 17 day of the first regular session, or the thirtieth
 18 legislative day of the second regular session, the
 19 first session of a general assembly shall adjourn
 20 the eightieth legislative day and the second regular
 21 session shall adjourn sine die on the fiftieth
 22 legislative day of the session.

23 The general assembly may, by concurrent resolution
 24 passed by a majority vote of the membership of both
 25 houses, alter or suspend any of the requirements
 26 contained in this rule and set an earlier or later
 27 adjournment date.

28 The sixteenth legislative day preceding the date
 29 set for adjournment is the final day committees may
 30 report bills to the house in which they originated,
 31 except appropriation bills.

32 The eleventh legislative day preceding the date
 33 set for adjournment is the final day either house
 34 may pass bills originating in that house, except
 35 appropriation bills.

36 The fifth legislative day preceding the date set
 37 for adjournment is the final day committees may report
 38 bills originating in the other house, except
 39 appropriation bills.

40 Appropriation bills may be reported by a committee
 41 on appropriations or its successor committee through
 42 the fifth legislative day preceding the date set for
 43 adjournment, and may be passed by either house through
 44 the second legislative day preceding the date set
 45 for adjournment.

46 The day set for adjournment and the day preceding
 47 it shall be devoted solely to conference committee
 48 meetings and reports, consideration of amendments
 49 of the other house, and final consideration of
 50 appropriation bills which have passed both houses

Page 2

1 in some form.

2 A "legislative day" as used in this rule means
 3 any day both houses of the general assembly are in
 4 session during any part of the day."

- 5 2. By renumbering rules as necessary.

WILLARD R. HANSEN
 RICHARD R. RAMSEY
 PHILIP B. HILL

S-3016

- 1 Amend the Junkins amendment S-3002 to Senate
 2 Concurrent Resolution 4, as follows:
 3 1. Page 1, line 6, by inserting before the word
 4 "or" the words ", ethics committee".
 5 2. Page 1, line 13, by inserting after the word
 6 "standing" the words "or ethics".

LOWELL L. JUNKINS

S-3018

- 1 Amend the Kelly amendment, S-3005, to Senate
 2 Concurrent Resolution 1, as follows:
 3 1. Page 1, line 4, by striking the word "might"
 4 and inserting in lieu thereof the word "reasonably
 5 could".

JAMES M. REDMOND
 E. KEVIN KELLY

S-3019

- 1 Amend the Junkins amendment S-3014, to Senate
 2 Concurrent Resolution 4 as follows:
 3 1. Page 1, lines 5 through 7, by striking the
 4 words ", or, if such action is during the interim,
 5 on the first day the senate or house shall convene"
 6 and inserting in lieu thereof the words ". No changes
 7 shall be made effective during the interim".

PHILIP B. HILL

S-3020

- 1 Amend Senate File 1, page 1, by striking lines
 2 7 through 13 and inserting in lieu thereof the
 3 following:
 4 "For planning, specifications, preparation of
 5 contracts and construction of the demonstration
 6 solar energy unit which will convert solar energy

7	to steam for the use in heating and cooling the	
8	statehouse complex	\$200,000"

WARREN E. CURTIS

S-3021

- 1 Amend Senate Resolution 1 as follows:
- 2 1. Page 1, line 24, by adding after the word "he"
- 3 the words "or she".
- 4 2. Page 1, line 26, by adding after the word "him"
- 5 the words "or her".
- 6 3. Page 1, lines 26 and 27, by adding after the
- 7 words "influence his" the words "or her".
- 8 4. Page 1, line 27, by adding after the words "of
- 9 his" the words "or her".
- 10 5. Page 2, line 4, by adding after the word "his"
- 11 the words "or her".
- 12 6. Page 2, line 6, by adding after the word "his"
- 13 the words "or her".
- 14 7. Page 2, line 10, by adding after the word "he"
- 15 the words "or she".
- 16 8. Page 2, line 13, by adding after the word "he"
- 17 the words "or she".
- 18 9. Page 2, line 15, by adding after the word "he"
- 19 the words "or she".
- 20 10. Page 2, line 15, by adding after the word "his"
- 21 the words "or her".
- 22 11. Page 2, line 16, by adding after the word "his"
- 23 the words "or her".
- 24 12. Page 2, line 21, by adding after word "his"
- 25 the words "or her".
- 26 13. Page 2, line 22, by adding after the word "his"
- 27 the words "or her".
- 28 14. Page 2, line 25, by adding after the word "his"
- 29 the words "or her".
- 30 15. Page 2, line 27, by adding after the word "his"
- 31 the words "or her".
- 32 16. Page 2, line 29, by adding after the word "his"
- 33 the words "or her".
- 34 17. Page 2, line 31, by adding after the word "his"
- 35 the words "or her".
- 36 18. Page 3, line 1, by adding after the word "his"
- 37 the words "or her".
- 38 19. Page 3, line 8, by adding after the word "he"
- 39 the words "or she".
- 40 20. Page 3, line 9, by adding after the word "he"
- 41 the words "or she".
- 42 21. Page 3, line 10, by adding after the word "his"
- 43 the words "or her".

- 44 22. Page 3, line 15, by adding after the word "he"
- 45 the words "or she".
- 46 23. Page 3, line 15, by adding after the word "his"
- 47 the words "or her".
- 48 24. Page 4, line 8, by adding after the word "he"
- 49 the words "or she".
- 50 25. Page 4, line 23, by adding after the word "his"

Page 2

- 1 the words "or her".

MILO MERRITT

S-3022

- 1 Amend Senate Resolution 3, page 19, line 16,
- 2 by striking the word "appropriations" and inserting
- 3 in lieu thereof the word "budgets".

CALVIN O. HULTMAN

S-3024

- 1 Amend Senate Resolution 3, page 14, line 33
- 2 by striking the word "appropriations" and inserting
- 3 in lieu thereof the word "budget".

CALVIN O. HULTMAN

S-3025

- 1 Amend Senate Resolution 3, page 5, line 8,
- 2 by striking the word "appropriations" and inserting
- 3 in lieu thereof the word "budget".

CALVIN O. HULTMAN

S-3026

- 1 Amend Senate Resolution 3, page 4, line 24 by
- 2 striking the word "deferred" and inserting in lieu
- 3 thereof the word "deferred".

CALVIN O. HULTMAN

S-3027

- 1 Amend Senate Resolution 2 as follows:
- 2 1. Page 9, by striking lines 19 through 35.

- 3 2. Page 10, striking lines 1 through 6.

ROGER J. SHAFF

S-3030

- 1 Amend Senate Resolution 2 as follows:
2 1. Page 9 by striking lines 27 through 29 and
3 inserting in lieu thereof the following:
4 "1. The total expenses incurred to encourage the
5 passage or defeat of legislation, excepting therefrom
6 salaries or direct compensation for services of the
7 registered person. Said expenses shall include:"
8
9 2. Page 10, line 2 by striking the figure "3"
10 and inserting in lieu thereof the figure "2".

LUCAS J. DE KOSTER

S-3031

- 1 Amend Senate Resolution 3, page 14, line 24 by
2 inserting after the word "period" the words "between
3 sessions of one General Assembly".

LUCAS J. DE KOSTER

S-3034

- 1 Amend Senate Resolution 3, as follows:
2 1. Page 9, line 11, by striking the word
3 "Debate" and inserting in lieu thereof the words
4 "No debate".
5 2. Page 9, line 12, by striking the word
6 "but" and inserting in lieu thereof the word "and".

JOHN N. NYSTROM

S-3035

- 1 Amend Senate Resolution 3, page 3, line 3, by
2 striking the word "claendar" and inserting the word
3 "calendar".

RAY TAYLOR

S-3036

- 1 Amend Senate Resolution 3, page 13, line 28,

- 2 by inserting after the word "debated" the following:
 3 "unless it is sponsored by at least twenty senators".

RAY TAYLOR

S-3041

- 1 Amend Senate Resolution 3, as follows:
 2 1. Page 23, line 19, by adding after the
 3 word "interns" the words ", immediate families of
 4 senators, doctor of the day, minister of the day,
 5 and their immediate families".

ROGER J. SHAFF
 DALE L. TIEDEN
 WARREN E. CURTIS

S-3042

- 1 Amend Senate Resolution 3 as follows:

Division S-3042A

- 2 1. Page 22, line 13, by inserting after the
 3 word "meeting" the words "was scheduled and the time
 4 it".

Division S-3042B

- 5 2. Page 22, line 16, by inserting after the
 6 word "The" the words "roll call".

DALE L. TIEDEN

S-3043

- 1 Amend Senate Resolution 2 as follows:
 2 1. Page 1, lines 21 and 22 by striking the word
 3 and figure "eight (8)" and inserting in lieu thereof
 4 the word and figure "nine (9)".
 5 2. Page 2, line 24 by striking the word and figure
 6 "eight (8) and inserting in lieu thereof the word
 7 and figure "nine (9)".
 8 3. Page 3, line 29 by striking the figure "3"
 9 and inserting in lieu thereof the figure "4".
 10 4. Page 4, line 1 by striking the figure "3"
 11 and inserting in lieu thereof the figure "4".
 12 5. Page 4, lines 31 and 32 by striking the words
 13 and figures "nine (9) or ten (10)" and inserting in
 14 lieu thereof the words and figures "ten (10) or
 15 eleven (11)".

- 16 6. Page 6, line 30 by striking the word and figure
 17 "nine (9)" and inserting in lieu thereof the word
 18 and figure "ten (10)".
- 19 7. Page 8, line 11 by striking the words and fig-
 20 ures "eight (8), nine (9), and ten (10)" and insert-
 21 ing in lieu thereof the words and figures "nine (9),
 22 ten (10), and eleven (11)".
- 23 8. Page 9, line 20 by striking the figure "3" and
 24 inserting in lieu thereof the figure "4".
- 25 9. Page 11, line 10, by striking the words and
 26 figures "eight (8), nine (9) and ten (10)" and insert-
 27 ing in lieu thereof the words and figures "nine (9),
 28 ten (10) and eleven (11)."
- 29 10. Page 11, line 23 by striking the words and
 30 figures "seven (7) through eleven (11) and twenty-two
 31 (22)" and inserting in lieu thereof the words and fig-
 32 ures "eight (8) through twelve (12) and twenty-three
 33 (23)".

MILO MERRITT

S-3044

- 1 Amend Senate Resolution 2 as follows:
- 2 1. Page 3, line 25, by striking the figure "4"
 3 and inserting in lieu thereof the figure "5".
- 4 2. Page 4, line 5, by striking the figure "5" and
 5 inserting in lieu thereof the figure "6".
- 6 3. Page 4, line 13, by striking the figure "6" and
 7 inserting in lieu thereof the figure "7".
- 8 4. Page 4, line 17, by striking the figure "7" and
 9 inserting in lieu thereof the figure "8".
- 10 5. Page 4, line 24, by striking the figure "8" and
 11 inserting in lieu thereof the figure "9".
- 12 6. Page 5, line 26, by striking the figure "9" and
 13 inserting in lieu thereof the figure "10".
- 14 7. Page 6, line 22, by striking the figure "10" and
 15 inserting in lieu thereof the figure "11".
- 16 8. Page 7, line 9, by striking the figure "11" and
 17 inserting in lieu thereof the figure "12".
- 18 9. Page 8, line 6, by striking the figure "12" and
 19 inserting in lieu thereof the figure "13".
- 20 10. Page 9, line 2, by striking the figure "13" and
 21 inserting in lieu thereof the figure "14".
- 22 11. Page 9, line 11, by striking the figure "14" and
 23 inserting in lieu thereof the figure "15".
- 24 12. Page 9, line 19, by striking the figure "15" and
 25 inserting in lieu thereof the figure "16".
- 26 13. Page 10, line 7, by striking the figure "16" and
 27 inserting in lieu thereof the figure "17".

- 28 14. Page 10, line 11, by striking the figure "17" and
 29 inserting in lieu thereof the figure "18".
 30 15. Page 10, line 15, by striking the figure "18" and
 31 inserting in lieu thereof the figure "19".
 32 16. Page 10, line 18, by striking the figure "19" and
 33 inserting in lieu thereof the figure "20".
 34 17. Page 10, line 25, by striking the figure "20" and
 35 inserting in lieu thereof the figure "21".
 36 18. Page 11, line 4, by striking the figure "21" and
 37 inserting in lieu thereof the figure "22".
 38 19. Page 11, line 19, by striking the figure "22" and
 39 inserting in lieu thereof the figure "23".
 40 20. Page 11, line 30, by striking the figure "23" and
 41 inserting in lieu thereof the figure "24".
 42 21. Page 12, line 14, by striking the figure "24" and
 43 inserting in lieu thereof the figure "25".
 44 22. Page 12, line 22, by striking the figure "25" and
 45 inserting in lieu thereof the figure "26".
 46 23. Page 12, line 26, by striking the figure "26" and
 47 inserting in lieu thereof the figure "27".
 48 24. Page 12, line 29, by striking the figure "27" and
 49 inserting in lieu thereof the figure "28".
 50 25. Page 12, line 33, by striking the figure "28" and

Page 2

- 1 inserting in lieu thereof the figure "29".

MILO MERRITT

S-3045

- 1 Amend Senate Resolution 3, page 20, by
 2 striking lines 27 and 28.

RICHARD F. DRAKE

S-3046

- 1 Amend Senate Resolution 3, page 14, by striking
 2 lines 16 through 22.

RICHARD F. DRAKE

S-3047

- 1 Amend Senate Resolution 3 as follows:
 2 1. Page 18, line 19 by inserting after the word
 3 "amendments;" the word "or".
 4 2. Page 18, by striking lines 20 and 21.

- 5 3. Page 18, line 22 by striking the figure "4"
 6 and inserting in lieu thereof the figure "3".
 7 4. Page 18, by striking lines 33 and 34.

LUCAS J. DE KOSTER

S-3049

- 1 Amend Senate Resolution 3 as follows:

Division S-3049A

- 2 1. Page 3, line 3, by striking the word
 3 "claendar" and inserting in lieu thereof the word
 4 "calendar".

Division S-3049B

- 5 2. Page 3, line 24, by inserting after the
 6 word "leader" the words "provided they are eligible
 7 under Rule 7".

Division S-3049C

- 8 3. Page 3, line 26, by striking the word
 9 "Ready" and inserting in lieu thereof the word
 10 "Regular".
 11 4. Page 3, by striking lines 28 and 29 and
 12 inserting in lieu thereof the following: "The bills
 13 and resolutions reported out each day shall be placed
 14 in the order of their file numbers and following those
 15 reported out on previous days. Priority shall be
 16 given to senate over house bills and resolutions and
 17 to joint resolutions over bills. Bills and resolutions
 18 on the regular calendar shall be considered in the
 19 order they are listed, provided they are eligible
 20 under Rule 7."

Division S-3049D

- 21 5. Page 3, line 30, by inserting after the
 22 word "leader" the words " , or in the absence of the
 23 majority leader the assistant majority leaders,".

Division S-3049F

- 24 6. Page 3, line 30, by inserting after the
 25 word "select" the words "from among the first twenty".

Division S—3049B (cont'd.)

- 26 7. Page 3, line 31, by striking the word
 27 "ready" and inserting in lieu thereof the word
 28 "regular".
 29 8. Page 3, line 31, by inserting after the
 30 word "and" the words "from the bills selected".
 31 9. Page 3, line 34, by inserting after the
 32 word "week," the words "A bill or resolution on the
 33 debate calendar may be debated only when eligible
 34 under Rule 7."
 35 10. Page 4, line 2, by inserting after the
 36 word "to" the words "its former place on".
 37 11. Page 4, line 2, by striking the word
 38 "ready" and inserting in lieu thereof the word
 39 "regular".

Division S—3049E

- 40 12. Page 4, line 4, by striking the word
 41 "Thursday" and inserting in lieu thereof the word
 42 "Wednesday".
 43 13. Page 4, line 4, by inserting after the
 44 word "leader" the words ", or in the absence of the
 45 majority leader the assistant majority leaders,".

Division S—3049B (cont'd.)

- 46 14. Page 4, line 8, by striking the word
 47 "ready" and inserting in lieu thereof the word
 48 "regular".
 49 15. Page 4, line 10, by striking the word
 50 "Friday" and inserting in lieu thereof the word

Page 2

- 1 "Thursday".
 2 16. Page 4, line 13, by inserting before
 3 the word "legislative" the words "first or second".
 4 17. Page 4, line 14, by inserting after
 5 the word "day" the word "after".
 6 18. Page 4, line 14, by inserting after
 7 the word "calendar." the words "Any bill stricken
 8 from the proposed noncontroversial calendar shall
 9 be returned to its former place on the regular
 10 calendar."
 11 19. Page 4, line 24, by striking the word
 12 "deferred" and inserting in lieu thereof the word
 13 "deferred".

- 14 20. Page 4, line 27, by striking the words
 15 "on on which" and inserting in lieu thereof the words
 16 "on which".
- 17 21. Page 4, line 31, by striking the word
 18 "ready" and inserting in lieu thereof the word
 19 "regular".
- 20 22. Page 4, by inserting after line 31 the
 21 following rule:
- 22 "Rule —
 23 Steering Committee
- 24 The senate may authorize the appointment
 25 of a steering committee. The majority leader, the
 26 president pro tempore, and the two assistant majority
 27 leaders shall appoint the majority party members to
 28 the steering committee. The president shall appoint
 29 the minority party members to the steering committee.
 30 The function of the steering committee shall be to
 31 create its own calendar from the bills and resolutions
 32 on the regular calendar. Bills and resolutions on
 33 the steering committee calendar shall have priority
 34 over bills and resolutions on all other calendars,
 35 except the budget calendar."
- 36 23. Page 5, by striking line 8 and inserting
 37 in lieu thereof the words "budget committee shall".
- 38 24. Page 6, line 30, by inserting after
 39 the word "affixed" the words "and the document
 40 containing the signature filed at the secretary of
 41 the senate's desk".
- 42 25. Page 8, line 1, by inserting after the
 43 word "Motions" the words "Debatable and".
- 44 26. Page 12, lines 1 and 2, by striking
 45 the words "that he or she has".
- 46 27. Page 13, by striking lines 25 through
 47 28, inclusive.
- 48 28. Page 13, by striking line 31.
- 49 29. Page 13, line 32, by striking the words
 50 "leaders no" and inserting in lieu thereof the word

Page 3

- 1 "no".
- 2 30. Page 13, line 32, by inserting after
 3 the word "resolution" the words ", except bills and
 4 joint resolutions cosponsored by the majority and
 5 minority floor leaders,".
- 6 31. Page 14, line 33, by striking the word
 7 "appropriations" and inserting in lieu thereof the
 8 word "budget".
- 9 32. Page 16, by striking lines 8, 9, and
 10 10 and inserting in lieu thereof the following:

11 "All rules applicable to bills shall apply
12 to resolutions, except as otherwise provided in the
13 rules."

14 33. Page 18, line 14, by inserting after
15 the word "bill" the words "or bill draft".

16 34. Page 18, line 17, by inserting after
17 the word "bill" the words "or bill draft".

18 35. Page 18, line 18, by inserting after
19 the word "bill" the words "or bill draft".

20 36. Page 18, line 30, by inserting after
21 the word "bills" the words "or bill drafts".

22 37. Page 19, line 16, by striking the word
23 "appropriations" and inserting in lieu thereof the
24 word "budget".

25 38. Page 28, by striking lines 1 and 2 and
26 inserting in lieu thereof the following:

27 "Within five days after the investigating
28 committee is appointed, any senator may submit written
29 questions to".

30 39. By renumbering rules as necessary.

GEORGE R. KINLEY
LOWELL L. JUNKINS
EARL M. WILLITS
C. JOSEPH COLEMAN

S-3050

1 Amend S-3049 to Senate Resolution 3 as
2 follows:

3 1. Page 1, by striking lines 21 through 23
4 and inserting in lieu thereof the following:

5 "5. Page 3, line 30 by striking the words
6 'majority leader' and inserting in lieu thereof
7 the following: 'steering committee, consisting of
8 three appointees of the majority leader and two
9 appointees of the minority leader'."

CALVIN O. HULTMAN

S-3053

1 Amend the Kinley, et al., amendment, S-3049, to
2 Senate Resolution 3 as follows:

3 1. Page 1, line 6 by inserting before the
4 word "provided", the words "after consultation
5 with the minority leader".

LUCAS J. DE KOSTER

S-3054

- 1 Amend the Kinley, et al., amendment, S-3049, to
- 2 Senate Resolution 3 as follows:
- 3 1. Page 1, by inserting after line 4 the
- 4 following:
- 5 " —. Page 3, by inserting after line 11 the
- 6 following:
- 7 'g. Unfinished Business'."
- 8 2. Page 1, by striking lines 11 through 20.
- 9 3. Page 2, by striking lines 14 through 19 and
- 10 inserting in lieu thereof the following:
- 11 " —. Page 4, by striking lines 26 through 31
- 12 and inserting in lieu thereof the words 'the bill
- 13 shall be placed on the unfinished business calendar.' "
- 14 4. Renumber the amendment as necessary.

RICHARD F. DRAKE

S-3055

- 1 Amend Senate Resolution No. 3, page 11, line
- 2 14, by inserting after the word "votes" the following:
- 3 "; however, no votes shall be signaled from the balcony
- 4 of the Senate chamber "

ELIZABETH SHAW

S-3056

- 1 Amend the Kinley, et al., amendment, S-3049, to
- 2 Senate Resolution 3 as follows:
- 3 1. Page 1, by striking lines 40 through 45
- 4 and inserting in lieu thereof the following:
- 5 " —. Page 4, by striking lines 4 through 7
- 6 and inserting in lieu thereof the word 'Any'."
- 7 2. Renumber the amendment as necessary.

ELIZABETH SHAW

S-3057

- 1 Amend Senate Resolution No. 3 as follows:
- 2 1. Page 27, by striking line 7 and inserting
- 3 in lieu thereof the words "of a general assembly a
- 4 personally selected secretary."
- 5 2. Page 27, line 11, by striking the words
- 6 "voting at their assigned desk".
- 7 3. Page 27, line 13, by striking the word "a"
- 8 and inserting in lieu thereof the word "said".

ELIZABETH SHAW

S-3058

- 1 Amend Senate Resolution 3, page 17, line 22,
- 2 by adding after the word "party." the words "No
- 3 member of the budget committee may be a member of a
- 4 budget subcommittee."

JOHN S. MURRAY

S-3059

- 1 Amend the Kinley, et al., amendment, S-3049, to
- 2 Senate Resolution 3 as follows:
- 3 1. Page 2, strike lines 24 and 25, and insert
- 4 in lieu thereof the words "A steering committee
- 5 shall be appointed no later than 4:00 p.m. on Friday
- 6 of the eighth week of the first regular session
- 7 of a general assembly. After adjournment of the
- 8 first regular session, a steering committee shall
- 9 be appointed no later than 4:00 p.m. on Friday of
- 10 the fourth week of the second regular session of
- 11 a general assembly. The majority leader, the"

DALE L. TIEDEN

S-3060

- 1 Amend Senate Resolution 3, page 17, line 24, by
- 2 inserting after the word "subcommittees" the follow-
- 3 ing: "and shall prepare, review, revise and submit
- 4 a proposed legislative budget which shall be
- 5 published no later than February 14th of each legis-
- 6 lative session."

WILLARD R. HANSEN

S-3061

- 1 Amend Senate Concurrent Resolution 6, page 2,
- 2 by striking lines 30 and 31.

GEORGE R. KINLEY
 LOWELL L. JUNKINS
 EARL M. WILLITS
 C. JOSEPH COLEMAN

HOUSE AMENDMENT TO
 SENATE CONCURRENT RESOLUTION 4

S-3063

- 1 Amend Senate Concurrent Resolution 4 as
- 2 follows:
- 3 1. Page 8, line 30, by striking the words "or
- 4 the equivalent".
- 5 2. Page 8, by striking lines 31 and 32 and
- 6 inserting in lieu thereof the words "80 words per
- 7 minute using shorthand, speed writing, recording
- 8 devices or any similar method of transcribing."

S-3065

- 1 Amend S-3063, the House amendment to Senate
- 2 Concurrent Resolution 4 as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. By striking lines 3 through 8 and insert in
- 5 lieu thereof the following:
- 6 "1. Page 8, by striking lines 30 through 32 and
- 7 inserting in lieu thereof the words 'a stenographic
- 8 performance examination of 80 words per minute using
- 9 either manual or machine dictation which will be
- 10 transcribed with 80% accuracy.'"

LOWELL L. JUNKINS
 RICHARD R. RAMSEY
 MINNETTE F. DODERER

S-3066

- 1 Amend Senate Concurrent Resolution 7 by striking
- 2 line 4 and inserting in lieu thereof the words "Monday,
- 3 April 11, 1977, at 12:00 noon".

PHILIP B. HILL
 WILLARD R. HANSEN
 ROGER J. SHAFF
 CLIFF BURROUGHS
 LUCAS J. DE KOSTER
 JAMES E. BRILES

S-3067

- 1 Amend Senate File 53 as follows:

Division S-3067A

- 2 1. Page 2, line 4, by inserting after the word
- 3 "project," the word "or".

Division S—3067B

- 4 2. Page 2, line 5, by striking the word "funds,"
 5 and inserting in lieu thereof the words "funds and".

Division S—3067A (cont'd.)

- 6 3. Page 2, line 6, by striking the word "county"
 7 and inserting in lieu thereof the word "county,".

PHILIP B. HILL
 C. W. HUTCHINS

S—3069

- 1 Amend Senate File 53 as follows:
 2 1. Page 2, line 14, by striking the words
 3 "seventy-five thousand" and inserting in lieu there-
 4 of the words "fifty thousand".

ROGER J. SHAFF

HOUSE AMENDMENT TO SENATE FILE 32

S—3070

- 1 Amend Senate File 32, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 7 through 18 and
 4 inserting in lieu thereof the following:
 5 "Sec. 2. Section four hundred twenty-two point
 6 seven (422.7), Code 1977, is amended by adding the
 7 following new subsections:
 8 NEW SUBSECTION. For the tax year beginning on
 9 or after January 1, 1976, the sick-pay exclusion as
 10 provided by section one hundred five d (105(d)) of
 11 the Internal Revenue Code of 1954 shall be computed
 12 under the provisions of the Internal Revenue Code
 13 of 1954 as amended to and including January 1, 1976.
 14 NEW SUBSECTION. For tax years beginning on or
 15 after January 1, 1977, and succeeding tax years,
 16 individual taxpayers and married taxpayers who file
 17 a joint federal income tax return and who elect to
 18 file a joint return, separate returns or separate
 19 filing on a combined return for Iowa income tax
 20 purposes, may avail themselves of the sick-pay
 21 exclusion and shall compute the amount of sick-pay
 22 exclusion subject to the limitations for joint federal
 23 income tax return filers provided by section one
 24 hundred five d (105(d)) of the Internal Revenue Code

25 of 1954.”.

26 2. Page 3, line 35, by striking the words “as
27 amended by chapter one thousand two”.

28 3. Page 4, by striking lines 1 and 2.

29 4. Page 4, line 3, by striking the words “three
30 hundred thirty-seven (337),”.

31 5. Page 5, line 24, by striking the words “as
32 amended by chapter one thousand”.

33 6. Page 5, by striking lines 25 and 26.

34 7. Page 5, line 27, by striking the words “three
35 hundred forty-three (343),”.

S-3071

1 Amend Senate File 60 as follows:

2 1. Page 1, by striking lines 10 through 13 and
3 inserting in lieu thereof the words “owner and the
4 signed registration card. The purchaser or the
5 transferee shall not be required to list a social
6 security number as part of the application for a
7 registration transfer and a new title.”

8 2. Page 2, by striking lines 7 and 8 and inserting
9 in lieu thereof the words “The distinguishing number
10 assigned to a license shall not be the licensee’s
11 social security number. The department”.

12 3. Page 2, by striking lines 20 through 24.

FRED NOLTING
PHILIP B. HILL

S-3073

1 Amend Senate File 41 as follows:

2 1. Page 2, line 25, by striking the words “three
3 years” and inserting in lieu thereof the words “[three
4 years] *one year*”.

5 2. Page 2, line 28, by striking the words “three
6 yers” and inserting in lieu thereof the words “[three
7 years] *one year*”.

8 3. Page 3, by striking lines 3 and 4, and insert-
9 ing in lieu thereof the words “subsection six (6),
10 Code 1977, is amended to read as follows:

11 6. [A member of the general assembly] *The auditor*
12 *of state* serving as ex officio nonvoting member
13 [appointed by the legislative council].”

FORREST F. ASHCRAFT

S-3074

1 Amend Senate File 61 as follows:

Division S-3074A

- 2 1. Page 1, line 9 by striking the figure "1977"
 3 and inserting in lieu thereof the figure "1978".
 4 2. Page 1, line 11 by striking the figure "1977"
 5 and inserting in lieu thereof the figure "1978".
 6 3. Page 1, line 12 by striking the figure "1977"
 7 and inserting in lieu thereof the figure "1978".

Division S-3074C

- 8 4. Page 1 by inserting after line 13:
 9 "Sec. 3. The Director of Revenue shall notify the
 10 residents of Iowa affected by this Act. This notice
 11 shall contain an explanation of this Act's effect on
 12 those residents."

Division S-3074B

- 13 5. Page 1 by striking lines 14 through 18.

FORREST V. SCHWENGELS

S-3076

- 1 Amend the Senate amendment S-3071 to Senate File
 2 60 as follows:
 3 1. By striking line 12 and inserting in lieu
 4 thereof the following:
 5 "3. Page 2, by adding after line 19 the following:
 6 'Sec. 3. Section three hundred twenty-one point
 7 twenty (321.20), subsection one (1), Code 1977, is
 8 amended to read as follows:
 9 1. The name, [social security number if available,]
 10 bona fide residence and mailing address of the owner
 11 or if the owner is a firm, association or corporation,
 12 the application shall contain the business address and
 13 employer identification number of the owner if
 14 available.'
 15 4. Page 2, by striking lines 20 through 24.
 16 5. By renumbering sections to conform to this
 17 amendment."

FRED W. NOLTING
 PHILIP B. HILL

S-3077

- 1 Amend Senate File 41 as follows:
- 2 1. Page 2, line 11, by striking the word "his"
- 3 and inserting in lieu thereof the word "[his]".
- 4 2. Page 2, by striking line 12 and inserting in
- 5 lieu thereof the following: "*her* custody without
- 6 [his] *her* consent except in obedi-".
- 7 3. Page 2, line 24, by striking the words "his
- 8 or" and inserting in lieu thereof the word "[his]".
- 9 4. Page 2, line 27, by striking the words "his
- 10 or" and inserting in lieu thereof the word "[his]".

COMMITTEE ON STATE GOVERNMENT
MINNETTE F. DODERER, Chairperson

S-3078

- 1 Amend the amendment to Senate File 41 (S-3073),
- 2 page 1, line 12, by adding after the word "*state*"
- 3 the words "*or designee*".

COMMITTEE ON STATE GOVERNMENT
MINNETTE F. DODERER, Chairperson

S-3079

- 1 Amend Senate File 74, page 4, by striking
- 2 line 16.

PHILIP B. HILL

S-3080

- 1 Amend Senate File 74 as follows:
- 2 1. Page 1, line 6, by striking the words "[hundred
- 3 fifty thousand] *one million*" and inserting in lieu
- 4 thereof the words "*seven hundred fifty thousand*".
- 5 2. Page 1, line 7, by striking the words "[four
- 6 hundred thousand] *one million*" and inserting in lieu
- 7 thereof the words "[four] *seven hundred fifty thousand*".
- 8 3. Page 1, line 28, by striking the words "[three
- 9 hundred thousand] *two million*" and inserting in lieu
- 10 thereof the words "[three] *one million five hundred*
- 11 *thousand*".
- 12 4. Page 2, lines 2 and 3, by striking the words
- 13 "[three hundred thousand] *two million*" and inserting
- 14 in lieu thereof the words "[three] *one million five*
- 15 *hundred thousand*".

16 5. Page 2, lines 12 and 13, by striking the words
 17 "[two hundred thousand] *one million*" and inserting in
 18 lieu thereof the words "[two] *seven hundred fifty*
 19 *thousand*".

20 6. Page 2, line 24, by striking the words "[three
 21 hundred thousand] *one million*" and inserting in lieu
 22 thereof the words "[three] *seven hundred fifty thousand*".

23 7. Page 2, line 34, by striking the words "[two
 24 hundred thousand] *two million*" and inserting in lieu
 25 thereof the words "[two] *one million five hundred*
 26 *thousand*".

27 8. Page 3, line 12, by striking the words "[two
 28 hundred thousand] *one million*" and inserting in lieu
 29 thereof the words "[two] *seven hundred fifty thousand*".

30 9. Page 3, lines 14 and 15, by striking the words
 31 "[three hundred thousand] *one million*" and inserting
 32 in lieu thereof the words "[three *seven hundred fifty*
 33 *thousand*".

34 10. Page 3, line 24, by striking the words "[three
 35 hundred thousand] *two million*" and inserting in lieu
 36 thereof the words "[three] *one million five hundred*
 37 *thousand*".

PHILIP B. HILL

S-3081

1 Amend Senate File 87 as follows:

2 1. Page 1, line 25, by striking the words
 3 "conservation commission" and inserting in lieu thereof
 4 the words "soil conservation committee".

5 2. Page 1, lines 26 and 27, by striking the words
 6 "director of the state conservation commission" and
 7 inserting in lieu thereof the words "administrator
 8 of the state soil conservation committee".

9 3. Page 3, line 14, by striking the words "state
 10 conservation".

11 4. Amend the title, by striking line 4 and
 12 inserting in lieu thereof the words "soil conservation
 13 committee".

RAY TAYLOR

S-3082

1 Amend Senate File 70 as follows:

2 1. Page 1, lines 18 and 19, by striking the
 3 words "the motor vehicle of a handicapped person",
 4 and inserting in lieu thereof the words "a motor

5 vehicle operated by a handicapped person who has
6 purchased and who displays a special identification
7 device for handicapped persons pursuant to the
8 provisions of section six hundred one E point six
9 (601E.6)".

JOHN SCOTT

S-3083

1 Amend Senate File 70, page 1, line 22, by
2 striking the word and figure "two (2)" and inserting
3 in lieu thereof the word and figure "three (3)".

JAMES E. BRILES

S-3084

1 Amend Senate File 70 as follows:
2 1. Page 1, line 21, by striking the word
3 "owned".

PHILIP B. HILL

S-3085

1 Amend House Concurrent Resolution 4 as follows:
2 1. Page 1, line 15, by inserting after the
3 word "disapproved" the words "insofar as it applies
4 to interstate highways and to highways within five
5 miles of interstate highways".

TOM SLATER

S-3086

1 Amend House Concurrent Resolution 4 as follows:
2 1. Page 1, by adding after line 15 the following:
3 "*Be It Further Resolved*, That the department of
4 transportation shall issue permits for the movement
5 of combinations of vehicles operated pursuant to rules
6 adopted under section three hundred seven point ten
7 (307.10), subsection five (5), of the Code, which
8 provides for the operation of vehicles in excess of
9 the length limitations imposed in section three hundred
10 twenty-one point four hundred fifty-seven (321.457) of
11 the Code, but not exceeding sixty-five feet in length.
12 An annual permit to operate a truck tractor or a road
13 tractor in a combination of three vehicles in excess
14 of sixty feet but not exceeding sixty-five feet in

15 length shall be obtained from the department upon payment
16 of an annual permit fee of two hundred and fifty dollars.
17 This permit fee shall be in addition to all fees imposed
18 by section three hundred twenty-one point one hundred
19 twenty-three (321.123) of the Code. To operate such a
20 three vehicle combination during the period beginning
21 May 1, 1976, and ending December 31, 1976, a permit shall
22 be obtained from the department upon payment of a fee of
23 one hundred sixty dollars. Upon payment of the fee, the
24 department shall issue a decal which shall be displayed
25 in the lower right-corner of the windshield, or in such
26 other location as may be designated by the department,
27 on the vehicle for which the fee has been paid. A single
28 trip permit may be obtained, in lieu of an annual permit,
29 to operate such a combination of three vehicles in excess
30 of sixty feet but not exceeding sixty-five feet for a
31 single trip within the state upon application to the
32 department and payment of a fee of twenty dollars."

ROBERT M. CARR

S-3087

1 Amend the Carr amendment S-3086 to House
2 Concurrent Resolution 4 as follows:
3 1. Page 1, lines 19 through 23, by striking
4 the words "To operate such a three vehicle combination
5 during the period beginning May 1, 1976, and ending
6 December 31, 1976, a permit shall be obtained from the
7 department upon payment of a fee of one hundred sixty
8 dollars."

ROBERT M. CARR

S-3088

1 Amend the amendment S-3077 to Senate File 41 as
2 follows:
3 1. Page 1, by striking lines 2 through 10 and
4 inserting in lieu thereof the following:
5 1. Page 2, lines 11 and 12, by striking the
6 words "his or her custody without his or her consent
7 except in obedi-" and inserting in lieu thereof the
8 words "[his] the director's custody without [his] consent
9 except in obedi-".
10 2. Page 2, line 24, by striking the words "his
11 or her" and inserting in lieu thereof the words
12 "[his] the director's".

- 13 3. Page 2, line 27, by striking the words "his
14 or her" and inserting in lieu thereof the words "[his]
15 the director's".

MINNETTE F. DODERER
LOWELL L. JUNKINS

S-3089

- 1 Amend Senate File 98 as follows:
2 1. Page 1, by striking line 14.

MINNETTE F. DODERER

S-3090

- 1 Amend Senate File 41 as follows:
2 1. Page 2, line 25, by striking the words "three
3 years" and inserting in lieu thereof the words "[three
4 years] one year".
5 2. Page 2, line 28, by striking the words "three
6 yers" and inserting in lieu thereof the words "[three
7 years] one year".
8 3. Page 3, by striking lines 3 and 4, and inserting
9 in lieu thereof the words "subsection six (6), Code
10 1977, is amended to read as follows:
11 6. [A member of the general assembly] *The auditor*
12 *of state* [serving as ex officio nonvoting member
13 appointed by the legislative council]."

FORREST F. ASHCRAFT

S-3091

- 1 Amend Senate File 120 as follows:
2 1. Page 1, line 6, by inserting after the
3 word "commission", the following: "with the
4 concurrence of the state soil conservation
5 committee".
6 2. Page 1, line 9, by inserting after
7 the word "commission", the following: "with
8 the concurrence of the state soil conservation
9 committee".

ROGER J. SHAFF

S-3092

- 1 Amend Senate File 95 as follows:
2 1. Page 1, by inserting before line 1 the follow-

- 3 ing new section:
 4 "Section 1. Section three hundred twenty-one point
 5 one hundred seventy-nine (321.179), Code 1977, is
 6 amended to read as follows:
 7 321.179. SPECIAL RESTRICTIONS ON CHAUFFEURS. No
 8 person who is under the age of eighteen years shall
 9 drive any motor vehicle while in use as a carrier of
 10 flammables or combustibles, or as a public or common
 11 carrier of persons, [except a school bus]."
 12 2. By renumbering the sections as necessary.

GENE W. GLENN

S-3093

- 1 Amend Senate File 76 as follows:
 2 1. Page 1, by inserting after line 3 the
 3 following new section:
 4 "Sec. 2. Section two hundred ninety-nine point
 5 two (299.2), subsection three (3), Code 1977, is
 6 amended to read as follows:
 7 3. Who is excused for sufficient reason by [any
 8 court of record or judge] a juvenile court."

COMMITTEE ON EDUCATION
 JOAN ORR, Chairperson

S-3094

- 1 Amend House Concurrent Resolution 10, as follows:
 2 1. Page 1, Line 17, by inserting after the word "at"
 3 the words "Gull Point State Park on".

COMMITTEE ON NATURAL RESOURCES
 BERL E. PRIEBE, Chairperson

S-3095

- 1 Amend Senate File 120, page 1, by inserting
 2 after line 24 the following:
 3 "*If the commission determines that the construc-*
 4 *tion of a transmission line over property owned by*
 5 *the state conservation commission or a county con-*
 6 *servation board is practicable and reasonable and*
 7 *approves the route, the property owned by the state*
 8 *conservation commission or a county conservation*
 9 *board shall be subject to the condemnation under*
 10 *chapter four hundred seventy-two (472) of the Code.*"

RAY TAYLOR

S-3096

1 Amend Senate File 98 by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:

4 "Section 1. Section two hundred eighteen point
5 ninety-eight (218.98), Code 1977, is amended to read
6 as follows:

7 218.98 CANTEEN MAINTAINED. The directors of
8 divisions in the department of social services in
9 control of state institutions may maintain a canteen
10 at any institution under their jurisdiction and control
11 for the sale to persons confined therein of toilet
12 articles, candy, tobacco products, notions, and other
13 sundries, and may provide the necessary facilities,
14 equipment, personnel, and merchandise therefor. Such
15 directors shall specify what commodities will be sold
16 therein. [The sale prices of the articles offered
17 for sale shall be fixed by such directors at such
18 amounts as will, as far as possible, render each such
19 canteen self-supporting.] The department may establish
20 and maintain a permanent operating fund for each
21 canteen. The fund shall consist of the receipts from
22 the sale of commodities at the canteen."

ROBERT M. CARR

S-3097

1 Amend Senate File 119, page 1, by striking lines
2 18 through 21 and inserting in lieu thereof the
3 following: "ten years beyond the maturity date of the
4 loan [and provided further that, in event of default, the
5 real estate described in such leasehold interest could
6 be subjected to the satisfaction of the debt with the
7 same priority]."

PHILIP B. HILL
BERL E. PRIEBE

S-3098

1 Amend the amendment to Senate File 41 (S-3090),
2 page 1, line 12, by adding after the word "state"
3 the words "or designee".

MINNETTE F. DODERER

S-3099

1 Amend Senate File 7 as follows:

2 1. Page 1, line 11, inserting after the words,
3 "and under an express written contract." the following
4 sentence, "*The detailed plans and specifications*
5 *for such improvements shall be on file and open to*
6 *public inspection in the office of the auditor of*
7 *the county in which the work is to be done before*
8 *advertisement for bids.*"

9 2. Page 1, line 27 by striking the word "one"
10 and inserting in lieu thereof the word "five".

11 3. Page 1, line 28, by inserting after the word
12 "repairs", the words "not exceeding two thousand
13 dollars".

14 4. Page 1, lines 32 and 33, by striking the words
15 "and section three hundred thirty-two point eight
16 (332.8) of the Code".

COMMITTEE ON COUNTY GOVERNMENT
JAMES M. REDMOND, Chairperson

S-3100

1 Amend Senate File 112 as follows:

Division S-3100B

2 1. Page 2, line 34, by striking the words "Have
3 authority to adopt" and inserting in lieu thereof
4 the word "Adopt".

Division S-3100A

5 2. Page 3, line 1, by inserting after the word
6 "program" the words "pursuant to the provisions of
7 chapter seventeen A (17A) of the Code".

Division S-3100B (cont'd.)

8 3. Page 5, line 33, by inserting after the word
9 "rules" the words "pursuant to chapter seventeen A
10 (17A) of the Code".

CALVIN O. HULTMAN

S-3101

1 Amend Senate File 112 as follows:

Division S—3101A

- 2 1. Page 2, by striking from line 34 the words
 3 "Have authority to adopt" and inserting in lieu
 4 thereof the word "Adopt".

Division S—3101B

- 5 2. Page 7, line 14, by striking the entire line.
 6 3. Page 7, line 26, by striking the words "the
 7 state classified service," and inserting in lieu thereof
 8 the words "community corrections services".
 9 4. Page 7, line 31, by inserting after the word
 10 "services" the words "or through creation of this act".

ROBERT M. CARR
 JOHN S. MURRAY

S—3102

- 1 Amend Senate File 156 as follows:
 2 1. Page 3, line 28, by striking the figure
 3 "207,900" and inserting in lieu thereof the figure
 4 "210,000".
 5 2. Page 4, line 5, by inserting after the word
 6 "dollars" the words "except that in a county where
 7 there are two definitely separate county extension
 8 offices, each such society shall receive state aid
 9 in such amount as it would be entitled to if it were
 10 the only society in the county".

CALVIN O. HULTMAN
 LOUIS P. CULVER

S—3103

- 1 Amend Senate File 112 as follows:
 2 1. Page 1, by adding after line 2, the following
 3 new subsection:
 4 " — "Administrative agent" means the county
 5 selected by the district board to perform accounting,
 6 budgeting, personnel, facilities management, insurance,
 7 payroll and other supportive services on the behalf of
 8 the district board."
 9 2. Page 5, by adding after line 1, the following
 10 new subsection:
 11 "3. The administrative agent shall perform only
 12 those administrative functions assigned to it by the
 13 district board and shall not perform any activity

- 14 unless especially directed to do so by the district
 15 board.”
 3. Renumbering the subsections where necessary.

JOHN S. MURRAY

S—3104

- 1 Amend Senate File 112 as follows:
 2 1. Page 2, by striking from lines 5 and 6 the
 3 words “once each quarter” and inserting in lieu thereof
 4 the word “twice”.
 5 2. Page 2, line 6, by inserting after the word
 6 “year” the words “but may meet quarterly upon the call
 7 of the chairperson.”

RICHARD R. RAMSEY

S—3105

- 1 Amend Senate File 149 as follows:
 2 1. Page 1, by inserting after line 20 the
 3 following new section:
 4 “Sec. — . Section five hundred ninety-
 5 eight point twenty-three (598.23), unnumbered para-
 6 graph three (3), Code 1977, is repealed.”

CALVIN O. HULTMAN

S—3106

- 1 Amend Senate File 112 as follows:
 2 1. Page 2, line 23, by striking the words “However,
 3 upon the request of any member, the”.
 4 2. Page 2, by striking lines 24 through 31.

RICHARD R. RAMSEY

HOUSE AMENDMENT TO SENATE FILE 61

S—3107

- 1 Amend Senate File 61, as passed by the Senate as
 2 follows:
 3 1. Page 1, by inserting after line 9 the following:
 4 “*The taxes imposed under this Act shall be*
 5 *terminated upon either of two conditions:*
 6 *1. When universal compulsory military service*
 7 *is reinstated by the United States Congress, or*

- 8 2. *When a state of war is declared to exist by*
- 9 *the United States Congress.*"
- 10 2. Page 1, line 10, by striking the word
- 11 "effective" and inserting in lieu thereof the word
- 12 "retroactive".

S-3108

- 1 Amend Senate File 156, page 2, by striking
- 2 lines 25 through 29 and inserting in lieu thereof
- 3 the following:
- 4 "1. a. For salaries and sup-
- 5 port of not more than forty-
- 6 eight permanent full-time posi-
- 7 tions, including one permanent
- 8 full-time position for domestic
- 9 support of the European office,
- 10 and maintenance and miscellaneous
- 11 purposes \$1,640,601"

ELIZABETH SHAW

S-3109

- 1 Amend Senate File 120 by striking everything after
- 2 the enacting clause and inserting in lieu thereof the
- 3 following:
- 4 "Section 1. Section four hundred seventy-eight
- 5 point eighteen (478.18), Code 1977, is amended to read
- 6 as follows:
- 7 478.18 SUPERVISION OF CONSTRUCTION-LOCATION.
- 8 The state commerce commission shall have power of
- 9 supervision over the construction of said transmission
- 10 line and over its future operation and maintenance.
- 11 *The [Said] transmission line shall be constructed near*
- 12 *and parallel to the right of way of the railways of the*
- 13 *state or along the division lines of the lands,*
- 14 *according to the government survey thereof, wherever*
- 15 *the same is practicable and reasonable, and so as not*
- 16 *to interfere with the use by the public of the highways*
- 17 *or streams of the state, nor unnecessarily interfere with*
- 18 *the use of any lands by the occupant thereof, except that*
- 19 *adherence to such a route is not required when deviations*
- 20 *therefrom are approved by both the state commerce commission*
- 21 *and the state soil conervation committee".*

DALE L. TIEDEN

S-3110

- 1 Amend Senate File 163 as follows:
- 2 1. Page 1, by striking lines 31 through 33.

CALVIN O. HULTMAN

S-3111

- 1 Amend Senate File 149, page 1, line 11, by
- 2 inserting after the word "employer" the words "*only*
- 3 *for those amounts that represent child support and*
- 4 *only*".

JOHN S. MURRAY

S-3112

- 1 Amend Senate File 163 as follows:
- 2 1. Page 1, by striking lines 34 and 35 through
- 3 page 2, line 2.

CALVIN O. HULTMAN

S-3113

- 1 Amend Senate File 163, page 1, by inserting
- 2 after line 13 the following:
- 3 "c. For salaries, support,
- 4 maintenance and miscellaneous
- 5 purposes of the governor's office
- 6 in Washington, D.C. \$72,000".

ELIZABETH SHAW

S-3114

- 1 Amend Senate File 149 as follows:
- 2 1. Page 1, by striking lines 16 and 17 and
- 3 inserting in lieu thereof the following: "reimbursement
- 4 sufficient to cover the actual cost of the expense
- 5 created by the deduction, which reimbursement shall
- 6 be paid out of funds appropriated to the Department
- 7 of Social Services. The employer shall notify the
- 8 Department annually on forms provided by the
- 9 Department of costs incurred for this purpose and
- 10 the Department shall reimburse the employer upon
- 11 receipt of the statement of expenses from the employer."

CLOYD ROBINSON

S-3115

- 1 Amend Senate File 156 as follows:
- 2 1. Page 2, by striking lines 7 through 11 and
- 3 inserting in lieu thereof the following:
- 4 "9. a. If there is an unencumbered balance of funds
- 5 in the commercial feed fund on June thirtieth of any
- 6 fiscal year equal to or exceeding three hundred fifty
- 7 thousand dollars, the secretary of agriculture shall
- 8 reduce the per ton fee provided for in subsection
- 9 one (1) of section one hundred ninety-eight point
- 10 nine (198.9) of the Code for the next fiscal year
- 11 in such amount as will result in an ending estimated
- 12 balance for June thirtieth of the next fiscal year
- 13 of three hundred fifty thousand dollars.
- 14 b. If there is an unencumbered balance of funds
- 15 in the fertilizer fund on June thirtieth of any fiscal
- 16 year equal to or exceeding three hundred fifty thousand
- 17 dollars, the secretary of agriculture shall reduce
- 18 the per ton fee provided for in subsection one (1)
- 19 of section two hundred point eight (200.8) of the
- 20 Code for the next fiscal year in such amount as will
- 21 result in an ending estimated balance for the June
- 22 thirtieth of the next fiscal year of three hundred
- 23 fifty thousand dollars."
- 24 2. Page 6, by striking lines 3 through 18.
- 25 3. By renumbering the remaining section.

BERL E. PRIEBE
LOWELL L. JUNKINS

S-3116

- 1 Amend the Hultman amendment, S-3112, to Senate
- 2 File 163 as follows:
- 3 1. Page 1, by inserting after line 1 the follow-
- 4 ing:
- 5 "1. Page 1, line 11 by striking the figure
- 6 \$409,237 and inserting in lieu thereof the figure
- 7 \$388,737".
- 8 2. Page 1, line 2 by striking the figure
- 9 "1." and inserting in lieu thereof the figure "2.".

EARL M. WILLITS

S-3117

- 1 Amend Senate File 149, page 1, by striking line
- 2 16 and inserting in lieu thereof the following:

3 "reimbursement sufficient to cover the actual cost
4 of the expense created by the deduction,"

BOB RUSH

S-3118

1 Amend Senate File 7 as follows:
2 1. Page 1, lines 9 through 11 by striking the
3 words "once each week for three consecutive weeks
4 in all of the official newspapers of the county in
5 which the work is to be done and under an express
6 written contract." and inserting in lieu thereof the
7 words "*as provided in section twenty-three point
8 eighteen (23.18), Code 1977.*"

JAMES M. REDMOND

HOUSE AMENDMENT TO SENATE
AMENDMENT TO HOUSE CONCURRENT RESOLUTION 4

S-3119

1 Amend Senate amendment H-3085 to House
2 Concurrent Resolution 4 as follows:
3 1. Page 1, by striking lines 1 through 5.

S-3120

1 Amend Senate File 163 as follows:
2 1. The title, line 2, by adding after the
3 word "departments" the words "and other councils
4 and commissions".

EARL M. WILLITS

S-3121

1 Amend Senate File 154 as follows:
2 1. Page 1, line 4, by striking the figure
3 "411.1" and inserting in lieu thereof the figure
4 "441.1".

PHILIP B. HILL

S-3122

1 Amend Senate File 159 as follows:
2 1. Page 1, by striking lines 1 through 19 and

- 3 inserting in lieu thereof the following:
 4 "Section 1. Section eighty B point six (80B.6),
 5 Code 1977, is amended by striking subsections two
 6 (2), three (3), and nine (9)."
 7 2. Page 2, by striking lines 6 through 9 and
 8 inserting in lieu thereof the following:
 9 "Sec. 4. This Act is effective January 1, 1978."

C. JOSEPH COLEMAN

S—3123

- 1 Amend Senate File 159 as follows:
 2 1. Page 1, by striking lines 5 through 19 and
 3 inserting in lieu thereof the following:
 4 "1. There is created the Iowa law enforcement academy
 5 council which shall consist of seven members. Five
 6 members shall be appointed by the governor with the
 7 consent of two-thirds of the senate. One member shall
 8 be appointed from the house of representatives by the
 9 speaker of the house for a two-year term. One member
 10 shall be appointed from the senate by the lieutenant
 11 governor for a four-year term.
 12 2. The gubernatorial appointees shall be
 13 appointed to four-year terms commencing January 1, 1978,
 14 except that three of those initial appointments shall
 15 be made for two years only. All succeeding gubernatorial
 16 appointments shall be for four years. The appointees
 17 chosen pursuant to the provisions of this paragraph shall
 18 be electors of the state. When considering persons for
 19 appointment to the council, the governor shall consider
 20 persons with knowledge or educational interests in law
 21 enforcement.
 22 3. The membership of the council shall consist
 23 of no more than four persons belonging to the same
 24 political party.
 25 4. Vacancies occurring on the council shall be
 26 made for the unexpired term according to the provisions of
 27 this section."
 28 2. Page 1, lines 29 through 31, by striking the
 29 words "[Legislative members of the council shall receive
 30 payment pursuant to section 2.10 and section 2.12.]" and
 31 inserting in lieu thereof the words "Legislative members
 32 of the council shall receive payment pursuant to section
 33 2.10 and section 2.12".

JAMES V. GALLAGHER

S-3124

- 1 Amend Senate File 186, page 1, line 9, by
- 2 striking the figure "\$4,500" and inserting in lieu
- 3 thereof the figure "\$8,000".

RAY TAYLOR

S-3125

- 1 Amend Senate File 167 as follows:
- 2 1. Page 2, line 31, by striking the word "*resistra-*
- 3 *tion*" and inserting in lieu thereof the word "*registra-*
- 4 *tion*".
- 5 2. Page 3, by striking lines 22 through 24 and
- 6 inserting in lieu thereof the following: "have plainly
- 7 stamped or stenciled the registration number of the
- 8 dealer from whom the vehicle was purchased and the
- 9 date of delivery of the vehicle. A dealer shall not
- 10 issue a card".
- 11 3. Page 3, line 34, by inserting after the word
- 12 "delivery" the words "of the vehicle".
- 13 4. Strike page 4, line 34, through page 5, line
- 14 2, and insert in lieu thereof the following: "the
- 15 copies of records. *Records of vehicle certificates*
- 16 *of title may be destroyed seven years after the date*
- 17 *of issue.*"
- 18 5. Page 5, by striking lines 26 through 29 and
- 19 inserting in lieu thereof the following: "*of vehicle*
- 20 *certificates of title for vehicles that are delinquent*
- 21 *for five or more consecutive years may be destroyed*
- 22 *by the county treasurer. Photostatic.*"
- 23 6. Page 6, line 17, by striking the word "*removal*"
- 24 and inserting in lieu thereof the word "*transfer*".
- 25 7. Page 6, line 25, by striking the word "*emblems*"
- 26 after the word "*which*" and inserting in lieu thereof
- 27 the word "[*emblems*]".
- 28 8. Page 7, line 32, by striking the word "*director*"
- 29 and inserting in lieu thereof the words "[*director*]
- 30 *county treasurer*".
- 31 9. Page 8, line 19, by striking the word "*registra-*
- 32 *tion*". and inserting in lieu thereof the word
- 33 "*special*".
- 34 10. Page 9, line 8, by striking the word "*for*"
- 35 and inserting in lieu thereof the word "*of*".
- 36 11. Page 9, line 24, by striking the words
- 37 "*purchaser or*" and inserting in lieu thereof the words
- 38 "[*purchaser or*]".
- 39 12. Page 9, lines 28 and 29 by striking the words

- 40 "purchaser or the" and inserting in lieu thereof the words
 41 "[purchaser or the]".
 42 13. Page 9, lines 31 and 32 by striking the words
 43 "purchaser or the" and inserting in lieu thereof the
 44 words "[purchaser or the]".
 45 14. Page 10, line 14, by striking the words "or
 46 purchaser" and inserting in lieu thereof the words
 47 "[or purchaser]".
 48 15. Page 10, line 34, by striking the words
 49 "purchaser or" and inserting in lieu thereof the words
 50 "[purchaser or] *the*".

Page 2

- 1 16. Page 11, line 19, by striking the word "there-
 2 of" and inserting in lieu thereof the word "[thereof]".
 3 17. Page 13, line 15, by striking the word "his"
 4 and inserting in lieu thereof the word "[his]".
 5 18. Page 14, line 6, by striking the word "thereto"
 6 and inserting in lieu thereof the word "[thereto] *to*
 7 *the vehicle*".
 8 19. Page 14, line 8, by striking the words
 9 "purchaser or" and inserting in lieu thereof the words
 10 "[purchaser or]".
 11 20. Page 14, line 27, by striking the words and
 12 figures "section 321.85" and inserting in lieu thereof
 13 the words and figures [section 321.85] *sections three*
 14 *hundred twenty-one point seventy-two (321.72) and*
 15 *three hundred twenty-one point seventy-three (321.73)*
 16 *of the Code*".
 17 21. Page 15, line 11, by striking the word "duly"
 18 and inserting in lieu thereof the word "[duly]".
 19 22. Page 16, line 9, by striking the word "thereon"
 20 and inserting in lieu thereof the word "[thereon]".
 21 23. Page 17, by inserting after line 17 the follow-
 22 ing:
 23 "*Special plates may be validated in the same man-*
 24 *ner as regular registration plates under this chapter*
 25 *at an annual fee of ten dollars*".
 26 24. Page 17, lines 30 and 31, by striking the
 27 words "motor vehicle or trailer" and inserting in
 28 lieu thereof the words "[motor] vehicle [or trailer]".
 29 25. Page 18, line 31, by striking the word "for"
 30 after the word "claim".
 31 26. Page 20, by striking line 27 and inserting
 32 in lieu thereof the following: "trucks, truck trac-
 33 tors, motorcycles, motorized bicycles, travel trailers,
 34 mobile homes, semitrailers and trailers. The"
 35 27. Page 20, line 34, by inserting after the word

- 36 "Special" the word "truck".
 37 28. Page 29, lines 34 and 35 by striking the words
 38 and figures "five (5), and subsection seven (7), para-
 39 graphs a and b" and inserting in lieu thereof the
 40 words and figure "and five (5)".
 41 29. Page 30, line 8, by inserting after the figure
 42 "(321.52)," the words and figures "three hundred
 43 twenty-one point fifty-seven (321.57), three hundred
 44 twenty-one point fifty-eight (321.58), three hundred
 45 twenty-one point sixty (321.60)".

RICHARD F. DRAKE
 CLOYD E. ROBINSON
 FORREST F. ASHCRAFT
 GENE W. GLENN
 C. W. HUTCHINS
 C. JOSEPH COLEMAN
 MINNETTE DODERER

S-3126

- 1 Amend the Drake, et al., amendment, S-3125,
 2 to Senate File 167 as follows:
 3 1. Page 2, by inserting after line 36 the following:
 4 " . Page 26, line 23, by striking the words and
 5 figure 'thirty-six (36)' and inserting in lieu thereof
 6 the words and figure 'thirty-eight (38)'".
 7 2. Renumber the amendment as necessary.

RICHARD F. DRAKE

S-3127

- 1 Amend Senate File 167 as follows:
 2 1. Page 8, by striking lines 18 through 21 and
 3 inserting in lieu thereof the following: "attached
 4 to the front [thereof] of the truck tractor. The
 5 registration plates issued to a dealer shall be
 6 attached on the front and rear of the vehicle when
 7 operated on the highways of this state."
 8 2. Page 10, by striking line 18 and inserting
 9 in lieu thereof the following: "[vehicle, or] displays
 10 [his] dealer plates [thereon] on".
 11 3. Page 16, line 10, by striking the words "[or
 12 plates]" and inserting in lieu thereof the words "or
 13 plates".
 14 4. Page 16, line 18, by striking the words "[or
 15 plates]" and inserting in lieu thereof the words "or
 16 plates".

- 17 5. Page 17, line 11, by striking the words “[or
18 pair of plates]” and inserting in lieu thereof the
19 words “or pair of plates”.
20 6. Page 17, line 13, by striking the words “[or
21 pair of plates]” and inserting in lieu thereof the
22 words “or pair of plates”.
23 7. Page 17, lines 14 and 15, by striking the words
24 “[or pair of special plates]” and inserting in lieu
25 thereof the words “or pair of special plates”.

FORREST F. ASHCRAFT

S-3128

- 1 Amend Senate File 185 as follows:
2 1. Page 1, line 30, by striking the words
3 “and special”.

EARL M. WILLITS

S-3129

- 1 Amend Senate File 185 as follows:
2 1. Page 1, line 17, by striking the figure
3 “273,000” and inserting in lieu thereof the figure
4 “287,712”.

RICHARD R. RAMSEY

S-3130

- 1 Amend Senate File 185 as follows:
2 1. Page 1, by striking line 26 through page 2,
3 line 8.

RICHARD R. RAMSEY
IRVIN L. BERGMAN
LOUIS P. CULVER
RICHARD F. DRAKE
LUCAS J. DE KOSTER

S-3131

- 1 Amend Senate File 186, page 2, line 16, by
2 striking the figure “685,000” and inserting in lieu
3 thereof the figure “901,000”.

ELIZABETH SHAW

S-3132

- 1 Amend Senate File 186, page 1, line 14, by
- 2 striking the figure "\$211,000" and inserting in
- 3 lieu thereof the figure "\$231,000".

JOHN S. MURRAY

S-3133

- 1 Amend Senate File 186 as follows: Page 1, line
- 2 14, by striking the figure "211,000" and inserting
- 3 in lieu thereof the figure "189,900".

NORMAN RODGERS

S-3134

- 1 Amend Senate File 31 as follows:
- 2 1. Page 1, line 29 by striking the word "and".
- 3 2. Page 3, by striking line 10.

COMMITTEE ON WAYS AND MEANS
NORMAN RODGERS, Chairperson

S-3135

- 1 Amend Senate File 197 as follows:
- 2 1. Page 1, line 17, by striking the figure
- 3 "11,467,899" and inserting in lieu thereof the
- 4 figure "11,495,182".
- 5 2. Page 3, line 20, by striking the word
- 6 "twelve" and inserting in lieu thereof the words
- 7 "twenty-four".
- 8 3. Page 3, lines 21 and 22, by striking the
- 9 words "and addition of two new stores in communi-
- 10 ties presently without a liquor store".

LUCAS J. DE KOSTER

S-3137

- 1 Amend Senate File 213 as follows:
- 2 1. Page 4, by striking line 30 through page 5,
- 3 line 9.
- 4 2. Renumber the sections as necessary.

CALVIN O. HULTMAN
LUCAS J. DE KOSTER

S-3138

1 Amend Senate File 214 as follows:

Division S-3138A

- 2 1. Page 5, line 33, by striking the figure
3 "150,000" and inserting in lieu thereof the figure
4 "350,000".

Division S-3138B

- 5 2. Page 7, by striking all of lines 21 through
6 23.
7 3. Page 7, by striking the letter "e" and in-
8 serting in lieu thereof the letter "d".
9 4. Page 13, by striking all of line 2.
10 5. Page 13, by striking the letter "b" and in-
11 serting in lieu thereof the letter "a".

LUCAS J. DE KOSTER

S-3139

1 Amend Senate File 167 as follows:

- 2 1. Page 2, by inserting after line 4 the following:
3 "Sec. —. Section three hundred twenty-one point
4 one (321.1), subsection sixteen (16), Code 1977, is
5 amended by adding the following new paragraph:
6 *NEW PARAGRAPH.* All self-propelled machinery
7 operated at speeds of less than thirty miles per hour,
8 specifically designed for, or especially adapted to
9 be capable of, incidental over-the-road and primary
10 off-road usage, and used exclusively for the
11 application of plant food materials or agricultural
12 chemicals, and not specifically designed or intended
13 for transportation of such chemicals and materials.
14 Such machinery shall be operated in compliance with
15 section three hundred twenty-one point four hundred
16 sixty-three (321.463) of the Code."
17 2. Renumber sections and correct internal
18 references as necessary in conformance with this
19 amendment.

RICHARD F. DRAKE
DALE L. TIEDEN
CLOYD E. ROBINSON
C.W. HUTCHINS

S-3140

- 1 Amend Senate File 167, page 21, by inserting after
- 2 line 18 the following: "All motor vehicle registration
- 3 plates shall be treated with a retro-reflective
- 4 material according to specifications prescribed by
- 5 the director."

FRED W. NOLTING
 RAY TAYLOR
 FORREST V. SCHWENGELS
 CLIFF BURROUGHS
 MILO MERRITT
 LOUIS P. CULVER
 ALVIN V. MILLER
 BASS VAN GILST
 STEPHEN W. BIENIUS
 MERLIN D. HULSE
 DALE L. TIEDEN
 JAMES V. GALLAGHER

S-3141

- 1 Amend the Drake, et al., amendment, S-3125, to
- 2 Senate File 167 as follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "_. Page 3, line 17, by striking the word
- 6 'vehicle' and inserting in lieu thereof the word
- 7 'vehicle'."
- 8 2. Page 1, by inserting after line 27 the
- 9 following:
- 10 "_. Page 7, by inserting after line 23 the
- 11 figure and words '7. Individualized registration
- 12 plates.'
- 13 3. Page 1, by inserting after line 35 the
- 14 following:
- 15 "_. Page 9, line 15, by striking the word ','
- 16 and inserting in lieu thereof the word 'or'."
- 17 4. Page 2, by inserting after line 10, the
- 18 following:
- 19 "_. Page 14, line 13, by striking the word
- 20 'issue' and inserting in lieu thereof the word 'issue'."
- 21 5. Renumber the amendment as necessary.

RICHARD F. DRAKE
 CLOYD E. ROBINSON
 DALE L. TIEDEN
 C.W. HUTCHINS

S-3141 Revised

- 1 Amend the Drake, et al., amendment, S-3125, to
 2 Senate File 167 as follows:
- 3 1. Page 1, by inserting after line 4 the
 4 following:
 5 " _ Page 3, line 17, by striking the word
 6 'vehicle' and inserting in lieu thereof the word
 7 'vehicle'."
- 8 2. Page 1, by inserting after line 27 the
 9 following:
 10 " _ Page 7, by inserting after line 23 the
 11 figure and words '7. Individualized registration
 12 plates.'
- 13 3. Page 1, by inserting after line 35 the
 14 following:
 15 " _ Page 9, line 15, by striking the word ','
 16 and inserting in lieu thereof the word 'or'."
- 17 4. Page 2, by inserting after line 10, the
 18 following:
 19 " _ Page 14, line 13, by striking the word
 20 'issue' and inserting in lieu thereof the word 'issue'."
- 21 5. Renumber the amendment as necessary.

RICHARD F. DRAKE
 CLOYD E. ROBINSON
 DALE L. TIEDEN
 C.W. HUTCHINS

S-3142

- 1 Amend Senate File 167 as follows:
 2 1. Page 7, lines 4 and 5, by striking the words
 3 "[five] *twenty-five*" and inserting in lieu thereof the word
 4 "five".

E. KEVIN KELLY

S-3143

- 1 Amend Senate File 167 as follows:
 2 1. Page 2, line 32 by inserting after the word
 3 "number." the following: "*Registration plates issued*
 4 *for a county sheriff's patrol vehicles shall display*
 5 *one seven pointed gold star on a green background*
 6 *followed by the letter 'S' and the call number of*
 7 *the vehicle.*"
- 8 2. The title, page 1, line 5, by inserting after the
 9 word "vehicles," the words "gold stars on a green back-

10 ground for registration plates of county sheriff's
 11 patrol vehicles,".

FORREST V. SCHWENGELS

S-3144

1 Amend Senate File 167 as follows:
 2 1. Page 21, by inserting after line 28 the
 3 following:
 4 "Sec. __ . Section three hundred twenty-one point
 5 one hundred seventy-eight (321.178), subsection two
 6 (2), Code 1977, is amended to read as follows:
 7 2. YOUTHS NOT ATTENDING SCHOOL—NO DRIVER'S
 8 TRAINING REQUIRED. Any person under the age of
 9 eighteen who is not attending a public or private
 10 school in which an approved driver's education course
 11 is offered or available, shall not be required to
 12 complete an approved driver's education course prior
 13 to being entitled to receive a one-year probationary
 14 operator's license from the department. Any person
 15 who re-enters any private or public school prior to
 16 age eighteen shall be required to attend an approved
 17 driver's education course, *however, the department*
 18 *shall not suspend or revoke the motor vehicle license*
 19 *issued to the person prior to the person's re-entry*
 20 *into a public or private school, except for violations*
 21 *of this chapter."*
 22 2. Renumber the sections and correct internal
 23 references as necessary in conformance with this
 24 amendment.

ELIZABETH SHAW
 C. JOSEPH COLEMAN

S-3145

1 Amend Senate File 167 by striking page 18, line
 2 21, through page 19, line 6, and inserting in lieu
 3 thereof the following:
 4 "1. If the motor vehicle is destroyed by fire
 5 or accident, or junked and its identity as a motor
 6 vehicle entirely eliminated, or removed and
 7 continuously used beyond the boundaries of this state,
 8 the owner in whose name the motor vehicle was
 9 registered at the time of such destruction, dismantling
 10 or removal from the state shall return the plates
 11 to the county treasurer or the department, *unless*
 12 *the registration plates are retained and property*

13 *attached to another motor vehicle, and within thirty*
 14 *days thereafter make affidavit of such destruction,*
 15 *dismantling, or removal and make claim for refund.*
 16 *With reference to the destruction or dismantling of*
 17 *a vehicle, the affidavit shall be accompanied by the*
 18 *certificate of title, if titled in Iowa, as provided*
 19 *in section 321.52. With reference to the removal*
 20 *of a vehicle from this state as provided herein, the*
 21 *affidavit shall contain a statement indicating the*
 22 *foreign registration number of such vehicle, the name*
 23 *and address of the official of the foreign state to*
 24 *whom the Iowa certificate of title, if any, has been*
 25 *surrendered, and the number of the foreign certificate*
 26 *of title issued for such vehicle if registered in*
 27 *a title law state."*

BERL E. PRIEBE
 JAMES CALHOON
 E. KEVIN KELLY
 TOM SLATER

S-3146

1 Amend Senate File 167 as follows:

2 1. Page 1, by inserting after the line 18 the
 3 following:

4 "Section — . Chapter three hundred twenty-one
 5 (321) Code 1977, is amended by adding the following new
 6 section.

7 **NEW SECTION. LICENSE RENEWAL BY MAIL.** An operator
 8 or chauffeur possessing a valid operator's or chauffeur's
 9 license displaying a color photograph of the licensee
 10 may renew the license by mail for a period not to exceed
 11 four years. The department shall mail to each operator
 12 or chauffeur at least ninety days prior to the expiration
 13 date of the licensee's license a notice of renewal and
 14 appropriate renewal forms. An applicant upon returning
 15 the forms properly completed and accompanied by appropriate
 16 fees shall be issued a renewal card to be signed by the
 17 licensee and carried with the operator or chauffeur license.
 18 The renewal card shall indicate the extended date of
 19 termination of the operator's or chauffeur's license and
 20 such other information the department. An applicant
 21 restricted to corrective lenses shall assign a statement
 22 that his or her vision is corrected to at least twenty-
 23 forty (20/40). An applicant who falsely states that his
 24 or her vision is properly corrected, upon conviction, shall
 25 be guilty of a simple misdemeanor and upon conviction
 26 punished as provided by law."

- 27 2. Page 21, by inserting after line 18 the
28 following:
29 "Sec. __ . Section three hundred twenty-one point
30 one hundred seventy four (321.174), Code 1977, is amended
31 to read as follows:
32 321.174 OPERATORS AND CHAUFFEURS LICENSED. No person,
33 except those hereinafter expressly exempted shall drive any
34 motor vehicle upon a highway in this state unless such
35 person has a valid license as an operator or chauffeur
36 issued by the department. No person shall operate a motor
37 vehicle as a chauffeur unless he holds a valid chauffeur's
38 license. *A valid operator's or chauffeur's license includes*
39 *the current renewal card issued to the operator or chauffeur*
40 *for license renewals obtained by mail."*
41 3. Page 22, by inserting after line 12 the following:
42 "Sec. __ . Section three hundred twenty-one point one
43 hundred eighty-nine (321.189), subsection one (1), Code 1977,
44 is amended to read as follows:
45 1. MOTOR VEHICLE LICENSE. The department shall upon
46 payment of the required fee, issue to every applicant
47 qualifying therefor an operator's, motorized bicycle or chauffeur's
48 license as applied for, which license shall bear thereon a
49 distinguishing number assigned to the licensee, the full name,
50 date of birth, occupation, sex, residence address, a colored

Page 2

- 1 photograph and a brief description of the licensee,
2 and the usual signature of the licensee. *The department*
3 *may renew an operator's and chauffeur's license by mail*
4 *for a period not to exceed four years.* If a person
5 desires to obtain an operator's or chauffeur's license
6 in the form authorized by this section prior to the
7 person's renewal date, such license may be issued as a
8 voluntary replacement upon payment of the required fee.
9 The number of places where licenses are available shall
10 not be reduced because of procedures or equipment required
11 in placing colored photographs on licenses or permits.
12 The department shall provide a space on every license
13 where the licensee may affix a decal or sticker indicating
14 that the licensee is a donor under the Uniform Anatomical
15 Gift Act and a space shall be provided where the
16 licensee may affix a symbol indicating the presence of a
17 medical condition. The license may contain such other
18 information as the department may by rule require. No
19 license shall be valid unless it bears the usual signature
20 of the licensee. The distinguishing number assigned to a
21 licensee shall not be the licensee's social security
22 number. The department shall not retain a positive or

23 negative photograph of the licensee. The licensee may
 24 affix a decal or sticker on the license in the space
 25 provided which indicates that the licensee is a donor
 26 under the Uniform Anatomical Gift Act. The decal shall
 27 not be larger than one-half inch in diameter. The use
 28 of the decal or sticker on the license shall be authorized
 29 only if the licensee has complied with the provisions for
 30 making a gift under the Uniform Anatomical Gift Act and shall
 31 be effective only if the licensee carries on or about the
 32 licensee's person a duly signed and executed donor card
 33 as authorized by the Uniform Anatomical Gift Act."

34 4. Page 22, line 16, by inserting after the word
 35 "license" the words "*or renewal*".

36 5. Page 22, line 18, by inserting after the word
 37 "license" the words "*or renewal*".

38 6. Page 23, line 2, by inserting after the word
 39 "of" the words "*ninety days prior to expiration if renewal*
 40 *is made by mail and*".

41 7. Page 23, line 13, by inserting after the word
 42 "made" the words "*by mail or*".

43 8. Page 23, line 21, by inserting after the word
 44 "department." the words "*unless such renewal is made by*
 45 *mail*".

46 9. Page 24, line 7, by inserting after the word
 47 "department." the words "*unless renewal is made by mail*".

48 10. Page 24, line 8, by inserting after the word
 49 "made" the words "*by mail or*".

50 11. The title, page 1, line 20, by inserting after

Page 2

1 the word "license," the words "providing for notice
 2 of expiration and renewal by mail of operators'
 3 and chauffeurs' licenses,".

4 12. Renumber the sections and internal references
 5 as necessary.

JAMES M. REDMOND

S-3147

1 Amend the Redmond amendment, S-3146, to Senate
 2 File 167 as follows:

3 1. Page 1, line 20, by inserting after the word
 4 "department" the words "may determine necessary".

JAMES M. REDMOND

S-3148

- 1 Amend the Nolting, et al., amendment S-3140, to
 2 Senate File 167 as follows:
 3 1. Page 1, line 2, by striking the word "All"
 4 and inserting in lieu thereof the words "The entire
 5 surface area of all".
 6 2. Page 1, line 3, by striking the word "retro-".

STEPHEN W. BISENIUS

S-3149

- 1 Amend Senate File 167 as follows:
 2 1. Page 1, line 20, by striking the word "section"
 3 and inserting in lieu thereof the "sections".
 4 2. Page 1, by inserting after line 28 the
 5 following:
 6 "NEW SECTION. LICENSE RENEWAL BY MAIL. An operator
 7 or chauffeur possessing a valid operator's or
 8 chauffeur's license displaying a color photograph
 9 of the licensee may renew the license by mail for
 10 a period not to exceed four years. The department
 11 shall mail to each operator or chauffeur at least
 12 ninety days prior to the expiration date of the
 13 licensee's license a notice of renewal and appropriate
 14 renewal forms. An applicant upon returning the forms
 15 properly completed accompanied by appropriate fees
 16 shall be issued a renewal card to be signed by the
 17 licensee and carried with the operator or chauffeur
 18 license. The renewal card shall indicate the extended
 19 date of termination of the operator's or chauffeur's
 20 license and such other information the department
 21 may determine necessary. An applicant restricted
 22 to corrective lenses shall sign a statement that his
 23 or her vision is corrected to at least 20/40 in the
 24 better eye. An applicant who falsely states his or
 25 her vision is properly corrected, upon conviction,
 26 shall be punished as provided in section three hundred
 27 twenty-one point four hundred eighty-two (321.482)
 28 of the Code."
 29 3. Page 21, by inserting after line 18 the
 30 following:
 31 "Sec. 2. Section three hundred twenty-one point
 32 one hundred seventy-four (321.174), Code 1977, is
 33 amended to read as follows:
 34 321.174 OPERATORS AND CHAUFFEURS LICENSED. No
 35 person, except those hereinafter expressly exempted
 36 shall drive any motor vehicle upon a highway in this
 37 state unless such person has a valid license as an

38 operator or chauffeur issued by the department. No
39 person shall operate a motor vehicle as a chauffeur
40 unless he holds a valid chauffeur's license. *A valid*
41 *operator's or chauffeur's license includes the current*
42 *renewal card issued to the operator or chauffeur for*
43 *license renewals obtained by mail."*

44 4. Page 22, by inserting after line 12 the
45 following:

46 "Sec. — . Section three hundred twenty-one point
47 one hundred eighty-nine (321.189), subsection one
48 (1), Code 1977, is amended to read as follows:

49 1. MOTOR VEHICLE LICENSE. The department shall
50 upon payment of the required fee, issue to every

Page 2

1 applicant qualifying therefor an operator's, motorized
2 bicycle or chauffeur's license as applied for, which
3 license shall bear thereon a distinguishing number
4 assigned to the licensee, the full name, date of
5 birth, occupation, sex, residence address, a colored
6 photograph and a brief description of the licensee,
7 and the usual signature of the licensee. *The*
8 *department may renew an operator's and chauffeur's*
9 *license by mail for a period not to exceed four years.*
10 If a person desires to obtain an operator's or
11 chauffeur's license in the form authorized by this
12 section prior to the person's renewal date, such
13 license may be issued as a voluntary replacement upon
14 payment of the required fee. The number of places
15 where licenses are available shall not be reduced
16 because of procedures or equipment required in placing
17 colored photographs on licenses or permits. The
18 department shall provide a space on every license
19 where the licensee may affix a decal or sticker
20 indicating that the licensee is a donor under the
21 Uniform Anatomical Gift Act and a space shall be
22 provided where the licensee may affix a symbol
23 indicating the presence of a medical condition. The
24 license may contain such other information as the
25 department may by rule require. No license shall
26 be valid unless it bears the usual signature of the
27 licensee. The distinguishing number assigned to a
28 licensee shall not be the licensee's social security
29 number. The department shall not retain a positive
30 or negative photograph of the licensee. The licensee
31 may affix a decal or sticker on the license in the
32 space provided which indicates that the licensee is
33 a donor under the Uniform Anatomical Gift Act. The

- 34 decal shall not be larger than one-half inch in
 35 diameter. The use of the decal or sticker on the
 36 license shall be authorized only if the licensee has
 37 complied with the provisions for making a gift under
 38 the Uniform Anatomical Gift Act and shall be effective
 39 only if the licensee carries on or about the licensee's
 40 person a duly signed and executed donor card as
 41 authorized by the Uniform Anatomical Gift Act."
 42 5. Page 22, line 16, by inserting after the word
 43 "license" the words "*or renewal*".
 44 6. Page 22, line 18, by inserting after the word
 45 "license" the words "*or renewal*".
 46 7. Page 23, line 2, by inserting after the word
 47 "anniversary" the words "*or ninety days prior to*
 48 *expiration if renewal is made by mail*".
 49 8. Page 23, line 5, by striking the words "thirty-
 50 day" and inserting in lieu thereof the words "[thirty-

Page 3

- 1 day]".
 2 9. Page 23, line 13, by inserting after the word
 3 "made" the words "*by mail or*".
 4 10. Page 23, line 21, by inserting after the word
 5 "department" the words "*unless such renewal is made*
 6 *by mail*".
 7 11. Page 24, line 7, by inserting after the word
 8 "department" the words "*unless renewal is made by*
 9 *mail*".
 10 12. Page 24, line 8, by inserting after the word
 11 "made" the words "*by mail or*".
 12 13. Amend the title, line 2, by inserting after
 13 the word "transfer," the words "renewal of motor
 14 vehicle licenses by mail,".
 15 14. Renumber sections and correct internal
 16 references as necessary in conformance with this
 17 amendment.

JAMES M. REDMOND

S-3151

- 1 Amend Senate File 167 as follows:
 2 1. Page 2, by striking lines 5 through 35.
 3 2. Page 3, by striking lines 1 through 12.
 4 3. Renumber sections and correct internal
 5 references as may be necessary in accordance with
 6 the amendment.

JAMES M. REDMOND
BASS VAN GILST
CLOYD E. ROBINSON

S-3152

1 Amend Senate File 167 as follows:

2 1. Page 20, by inserting after line 11 the
3 following:

4 "Sec. ____ Section three hundred twenty-one point
5 one hundred fifty-two (321.152), Code 1977, is amended
6 to read as follows:

7 321.152 FEE FOR COUNTY. Each county treasurer
8 shall be allowed to retain for deposit in the county
9 general fund, [seventy-five] *one dollar and twenty-five*
10 *cents* for each annual or semiannual vehicle
11 registration and each duplicate registration card
12 or plate issued; sixty-five percent of all fees
13 collected for certificates of title, notations of
14 lien or encumbrance and a certified copy of a
15 certificate of title. The moneys retained shall be
16 deducted, and reported to the department, when the
17 county treasurer transfers the money collected under
18 the provisions of this chapter; provided, however,
19 that no such deduction shall be lawful unless the
20 county treasurer has complied with the provisions
21 of sections 321.24 and 321.153."

22 2. Amend the title by inserting after line 15
23 the words "an increase in the portion of the regis-
24 tration fee retained by the county treasurer,".

25 3. Renumber sections and correct internal refer-
26 ences as necessary in conformance with this amendment.

BERL E. PRIEBE

S-3153

1 Amend the Redmond amendment, S-3149, to Senate
2 File 167 as follows:

3 1. Page 2, line 5, by striking the word
4 "occupation," and inserting in lieu thereof the word
5 "[occupation],".

JAMES M. REDMOND

S-3154

1 Amend Senate File 167 as follows:

2 1. Page 9, line 32, by striking the words

- 3 "shall not be required to" and inserting in lieu
4 thereof the words "may [shall not be required to]"

DALE L. TIEDEN

S-3155

- 1 Amend amendment S-3131 to Senate File 186
2 as follows:
3 1. Line 3, by striking the figure "901,000".
4 and inserting in lieu thereof the figure "716,000".

EARL M. WILLITS

S-3157

- 1 Amend Senate File 167 as follows:
2 1. Page 7, by striking lines 18 through 23 and
3 inserting in lieu thereof the following:
4 "registration plates. [The county treasurer shall fur-
5 nish the department an alphabetically arranged list of
6 those to whom special plates have been issued..] *The*
7 *county treasurer shall validate special plates in*
8 *the same manner as regular registration plates, upon*
9 *payment of five dollars in addition to the regular annual*
10 *registration fee.*"
11 2. Page 8, by striking lines 4 and 5 and inserting
12 in lieu thereof the following:
13 "b. *The county treasurer shall validate* personalized
14 registration plates [shall be validated] in the same manner
15 as regular registration plates are validated".

RICHARD F. DRAKE
CLOYD E. ROBINSON

S-3158

- 1 Amend Senate File 213 as follows:
2 1. Page 3, by striking line 8 through page 4,
3 line 18.
4 2. Renumber the sections as necessary.

CALVIN O. HULTMAN
FORREST F. ASHCRAFT
MERLIN D. HULSE
ROGER J. SHAFF
PHILIP B. HILL
CLIFF BURROUGHS
ELIZABETH R. MILLER
STEPHEN W. BISENIUS

ROLF V. CRAFT
 DALE L. TIEDEN
 FORREST V. SCHWENGELS
 JAMES E. BRILES
 RICHARD R. RAMSEY
 RAY TAYLOR

S-3159

- 1 Amend Senate File 213 as follows:
 2 1. Page 1, line 33, by inserting before the word
 3 "year" the word "fiscal".
 4 2. Page 1, lines 33 and 34, by striking the word
 5 and figures "January 1, 1979" and inserting in lieu
 6 thereof the word and figures "July 1, 1977".
 7 3. Page 2, line 1, by striking the word "calendar"
 8 and inserting in lieu thereof the word "fiscal".
 9 4. Page 2, line 1, by striking the word and figures
 10 "January 1, 1979" and inserting in lieu thereof the
 11 word and figures "July 1, 1977".
 12 5. Page 2, line 2, by inserting before the word
 13 "year" the word "fiscal".

EARL M. WILLITS
 DALE L. TIEDEN
 NORMAN G. RODGERS

S-3160

- 1 Amend the Priebe amendment, S-3152, to Senate
 2 File 167 as follows:
 3 1. Page 1, by striking lines 9 through 15 and
 4 inserting in lieu thereof the following:
 5 "general fund, [seventy-five cents] *two point six*
 6 *per-cent (2.6%) of the total collection* for each annual
 7 or semiannual vehicle registration and each duplicate
 8 registration card or plate issued; sixty-five percent
 9 (65%) of all fees collected for certificates of title
 10 *and certified copies of certificates of title; and one*
 11 *hundred percent (100%) of all fees collected for*
 12 *notation of security interests* [notations of lien or
 13 encumbrance and certified copy of a certificate of
 14 title.] The monies retained shall be".

RICHARD F. DRAKE
 DALE L. TIEDEN
 C. W. HUTCHINS

S-3161

1 Amend Senate File 167, page 17, by striking lines
 2 19 through 26 and inserting in lieu thereof the
 3 following: "four (321.104), Code 1977, is amended by
 4 adding the following new subsection:
 5 *NEW SUBSECTION.* For a dealer to sell or transfer
 6 a mobile home without delivering to the purchaser or
 7 transferee a certificate of title, a manufacturer's
 8 or importer's certificate properly assigned to the
 9 purchaser, or to transfer a mobile home without
 10 disclosing to the purchaser the owner of the mobile
 11 home in a manner prescribed by the department pursuant
 12 to rules."

DALE L. TIEDEN
 BERL E. PRIEBE
 RICHARD F. DRAKE

S-3162

1 Amend Senate File 185 as follows:
 2 1. Page 1, by inserting after line 17 the follow-
 3 ing:
 4 "At least twenty-five percent of the foregoing
 5 appropriation for the area prosecutors program shall
 6 be expended for the purpose of, and at least two of
 7 the area prosecutors employed pursuant to this
 8 appropriation shall be assigned to work on, the
 9 prosecution of fraud occurring in any of the programs
 10 of public assistance administered by the department
 11 of social services."

BERL E. PRIEBE

S-3163

1 Amend House File 327 as amended and passed by the
 2 House as follows:
 3 Page 8, line 14, by striking the word and figure
 4 "five (5),".

ROBERT M. CARR
 CLOYD E. ROBINSON
 RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE FILE 160

S-3164

- 1 Amend Senate File 160 as follows:
 2 1. Page 1, by striking lines 21 through 23.
 3 2. Page 1, by inserting after line 28 the
 4 following:
 5 "Sec. ____ . Chapter eight B (8B), Code 1977, is
 6 repealed."
 7 3. Renumber the remaining section.
 8 4. Title page, line 1, by inserting after the
 9 word "Act" the words "relating to and".

HOUSE AMENDMENT TO SENATE FILE 163

S-3165

- 1 Amend Senate File 163, as passed by the Senate,
 2 as follows:
 3 1. Page 1, by inserting after line 13 the
 4 following:
 5 "The state comptroller shall not issue any
 6 warrants for the payment of funds appropriated
 7 by this paragraph of this subsection until such
 8 time as all agencies under the direct control
 9 of the governor comply with the provisions of
 10 sections seventeen A point three (17A.3) and
 11 seventeen A point nine (17A.9) of the Code."

S-3166

- 1 Amend Senate File 180 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "sixty" the word "*five*".

WARREN E. CURTIS
 WILLIAM D. PALMER

S-3167

- 1 Amend Senate File 180 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section five hundred nine point
 5 seventeen (509.17), is amended by adding thereto the
 6 following new subsection:
 7 *NEW SUBSECTION.* No insurer shall pay any
 8 compensation to any creditor for the sale of any
 9 policy, certificate, or other contract of credit life

10 or credit accident and health insurance which exceeds
11 forty percent of the charges or premium. Creditor as
12 used in this subsection means the lender of money or
13 vendor or lessor of goods, services or property for
14 which payment is arranged through a credit transaction,
15 or any successor to the interest of any such lender,
16 vendor or lessor, and any affiliate, associate, sub-
17 sidiary or holding company of any of them, or any
18 director, officer, or employee of any of them."

ROLF V. CRAFT

S-3168

1 Amend Senate File 214 as follows:
2 1. Page 10, by inserting after line 12 the
3 following:
4 "Sec. __ . Section two hundred sixty-six point
5 twenty (266.20), Code 1977, is amended to read as
6 follows:
7 266.20 GASTRO ENTERITIS RESEARCH APPROPRIATION.
8 There is appropriated to the Iowa State University
9 of science and technology college of veterinary
10 medicine from the general fund of the state the sum
11 of [seventy] *two hundred* thousand dollars annually,
12 or so much thereof as is necessary, which shall be
13 used for research to determine methods for the
14 prevention and cure for [transmissible gastro enteritis
15 and other enterie] diseases affecting [swine] *domesticated*
16 *farm animals*. Funds appropriated by this section
17 shall become available on July 1 of each year and
18 any unencumbered balances of such funds remaining
19 on June 30 of each year shall revert to the general
20 fund of the state. Such funds may be expended for
21 salaries, support, maintenance, and miscellaneous
22 purposes but shall not be used for capital improve-
23 ments. The college of veterinary medicine may accept
24 funds, grants and gifts from any public or private
25 source which shall be in addition to funds appropriated
26 by this section and used to carry out the purposes
27 of this section."
28 2. Renumber the remaining sections.

BERL E. PRIEBE
DALE L. TIEDEN

S-3169

1 Amend Senate File 213 as follows:

Division S—3169E

- 2 1. Page 3, line 9, by striking the words and
3 figure "and three (3)" and inserting in lieu thereof
4 the words and figures "three (3), five (5), and six
5 (6)".

Division S—3169A

- 6 2. Page 3, line 19, by striking the words "[twenty]
7 *thirty*" and inserting in lieu thereof the word
8 "*twenty*".
9 3. Page 3, line 25, by striking the words "[ten]
10 *fifteen*" and inserting in lieu thereof the word "*ten*".

Division S—3169C

- 11 4. Page 4, line 8, by striking the words "sixty
12 dollars per diem and" and inserting in lieu thereof
13 the words "[sixty dollars per diem and]".
14 5. Page 4, line 10, by striking the words ", per
15 diem," and inserting in lieu thereof the words "[,
16 per diem,]".

Division S—3169B

- 17 6. Page 4, by inserting after line 18 the follow-
18 ing:
19 "5. The state comptroller shall pay the travel
20 and expenses of the members of the general assembly
21 and the lieutenant governor [semi-monthly] commencing
22 with the first pay period after the names of such
23 persons are officially certified. The salaries of
24 the members of the general assembly and lieutenant
25 governor shall be paid [in twelve equal installments
26 after each pay period of the first six months of each
27 calendar year] *during each month of the year at the*
28 *same time state employees are paid*. The presiding
29 officers of the two houses of the general assembly
30 shall jointly certify to the state comptroller the
31 names of the members, officers, and employees of their
32 respective houses and the salaries and mileage to
33 which each is entitled. Travel and expense allowances
34 shall be paid upon the submission of vouchers to the
35 state comptroller indicating a claim for the same.
36 Such vouchers shall be submitted no more frequently
37 than once each month.

Division S—3169C (cont'd)

38 6. In addition to the salaries and expenses
39 authorized by this section, members of the general
40 assembly shall be paid [forty dollars per day, except
41 the speaker of the house who shall be paid sixty
42 dollars per day, and] necessary travel and actual
43 expenses incurred in attending meetings for which
44 [per diem or] expenses are authorized by law for members
45 of the general assembly who serve on statutory boards,
46 commissions, or councils, and for standing or interim
47 committee or subcommittee meetings subject to the
48 provisions of section 2.14, or when on authorized
49 legislative business when the general assembly is
50 not in session. However, if a member of the general

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Division S—3169C (cont'd.)

1 assembly or the lieutenant governor is engaged in
2 authorized legislative business at a location other
3 than at the seat of government during the time the
4 general assembly is in session, payment may be made
5 for the actual transportation and lodging costs
6 incurred because of the business. Such [per diem or]
7 expenses shall be paid promptly from funds appropriated
8 pursuant to section 2.12.

9 Sec. —. Section two point twelve (2.12),
10 unnumbered paragraph two (2), Code 1977, is amended
11 to read as follows:

12 There is hereby appropriated out of any funds in
13 the state treasury not otherwise appropriated, such
14 sums as may be necessary, for each house of the general
15 assembly for the payment of any unpaid expense of
16 the general assembly incurred during or in the interim
17 between sessions of the general assembly, including
18 but not limited to salaries and necessary travel and
19 actual expenses of members and expenses of stand-
20 ing and interim committees or subcommittees and [per
21 diem or] expenses for members of the general assembly
22 who serve on statutory boards, commissions, or councils
23 for which [per diem or] expenses are authorized by law.
24 The state comptroller is hereby authorized and directed
25 to issue warrants for such items of expense upon
26 requisition of the president and secretary of the
27 senate for senate expense or the speaker and chief
28 clerk of the house for house expense.

29 Sec. —. Section two point fourteen (2.14),

30 subsection five (5), Code 1977, is amended to read
31 as follows:

32 5. When the general assembly is not in session,
33 a member of the general assembly shall be paid [forty
34 dollars per day and his] necessary travel and actual
35 expenses incurred in attending meetings of a standing
36 committee or subcommittee [of which he is a member
37 in addition to his regular compensation.] Such
38 compensation and expenses shall be allowed only if
39 the member attends a meeting of the committee or
40 subcommittee for at least four hours.

41 Sec. __. Section two point forty-four (2.44),
42 Code 1977, is amended to read as follows:

43 2.44 EXPENSES OF COUNCIL AND SPECIAL INTERIM
44 COMMITTEES. Members of the legislative council shall
45 be reimbursed for actual and necessary expenses
46 incurred in the performance of their duties[, and shall
47 receive a per diem of forty dollars] for each day in
48 which engaged in the performance of such duties.
49 However, such [per diem compensation and] expenses shall
50 not be paid when the general assembly is actually

Page 3

Division S—3169C (cont'd.)

1 in session at the seat of government. Such expenses
2 [and per diem] shall be paid in the manner provided
3 for in section 2.12.

4 Members of special interim study committees which
5 may from time to time be created and members of the
6 legislative fiscal committee who are not members of
7 the legislative council shall be entitled to receive
8 the same expenses [and compensation] provided for the
9 members of the legislative council.

10 Sec. __. Section two point sixty-six (2.66), Code
11 1977, is amended to read as follows:

12 2.66 OFFICE AND SUPPLIES—EXPENSES. The office
13 of the service bureau shall be located in the
14 statehouse. Supplies, postage, and equipment may
15 be requisitioned from the department of general
16 services. Expenses of the legislative service bureau
17 shall be paid upon the approval of the director of
18 the bureau and, if an extraordinary expense, upon
19 the approval of the legislative council or its [chairman]
20 *chairperson*. Funds appropriated for [per diem and]
21 expenses of the legislative council, legislative
22 fiscal committee, and special interim study committees
23 shall be paid and administered in the manner provided
24 by the legislative council.

25 Sec. —. Section eighteen A point five (18A.5),
26 Code 1977, is amended to read as follows:

27 18A.5 COMPENSATION AND EXPENSES. The
28 *nonlegislative* members of the commission shall be
29 reimbursed for their actual and necessary expenses
30 and shall be paid a forty-dollar per diem while in
31 attendance at any meeting of the commission held at
32 the seat of government and shall be reimbursed for
33 their expenses for going to and from the seat of
34 government to attend a meeting. All per diem and
35 expense moneys paid to the nonlegislative [commissioners]
36 *members of the commission* shall be paid from funds
37 appropriated to the commission. Service of the dir-
38 ector of the department of general services and the
39 state architect upon this commission shall be an
40 additional duty conferred by statute. Legislative
41 members of the commission shall receive payment *for*
42 *expenses* pursuant to section 2.10 and section 2.12.

43 Sec. —. Section twenty-eight B point four (28B.4),
44 Code 1977, is amended to read as follows:

45 28B.4 REPORT. The commission shall report to
46 the governor and to the legislature within fifteen
47 days after the convening of each general assembly,
48 and at such other times as it deems appropriate.
49 Its members and the members of all committees which
50 it establishes shall be reimbursed for their travel

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Division S—3169C (cont'd.)

1 and other necessary expenses in carrying out their
2 obligations under this chapter and legislative members
3 shall be paid [a per diem of forty dollars] *expenses*
4 for each day in which engaged in the performance of
5 their duties, such [per diem and] legislators' expenses
6 to be paid from funds appropriated by sections 2.10
7 and 2.12. Expenses of administrative officers, state
8 officials, or state employees who are members of the
9 Iowa commission on interstate co-operation or a
10 committee appointed by the commission shall be paid
11 from funds appropriated to the agencies or departments
12 which such persons represent except as may otherwise
13 be provided by the general assembly. Expenses of
14 citizen members who may be appointed to committees
15 of the commission may be paid from funds as authorized
16 by the general assembly. Expenses of the secretary
17 or employees of the secretary and support services
18 in connection with the administration of the commission

19 shall be paid from funds appropriated to the
20 legislative service bureau unless otherwise provided
21 by the general assembly. Expenses of commission
22 members shall be paid upon approval of the [chair
23 man] *chairperson* or the secretary of the commission.
24 Sec. ____ . Section sixty-eight B point ten (68B.10),
25 unnumbered paragraph two (2), Code 1977, is amended
26 to read as follows:

27 The two individuals appointed by the chief justice
28 of the supreme court shall receive a per diem of forty
29 dollars and [travel] *actual and necessary expenses* [at
30 the same rate as paid members of interim committees]
31 *including travel* for attending meetings of the ethics
32 committee. Members of the general assembly shall
33 receive [a per diem of forty dollars and travel] *actual*
34 *and necessary expenses including travel* at the same
35 rate as paid members of interim committees for
36 attending meetings held when the general assembly
37 is not in session. The per diem *for members appointed*
38 *by the chief justice* and expenses shall be paid from
39 funds appropriated by section 2.12.

40 Sec. ____ . Section eighty B point eight (80B.8),
41 Code 1977, is amended to read as follows:

42 80B.8 COMPENSATION AND EXPENSES. The members
43 of the council, [who are not] *except* employees of the
44 state or a political subdivision *or members of the*
45 *general assembly*, shall be paid a forty-dollar per
46 diem. All members of the council shall be reimbursed
47 for necessary and actual expenses incurred in attending
48 meetings and in the performance of their duties.
49 All per diem and expense moneys paid to nonlegislative
50 members shall be paid from funds appropriated to the

Page 5

Division S-3169C (cont'd.)

1 Iowa law enforcement academy. Legislative members
2 of the council shall receive payment pursuant to sec-
3 tion 2.10 and section 2.12.

4 Sec. ____ . Section ninety-three point five (93.5),
5 Code 1977, is amended to read as follows:

6 93.5 COMPENSATION AND EXPENSES. Council members
7 [who are not], *except* employees of the state *and*
8 *legislative members*, shall receive a per diem at the
9 rate of forty dollars for each day devoted to council
10 business and all nonlegislative members shall be
11 reimbursed for actual expenses incurred in carrying
12 out their duties as members of the council.

13 Legislative members shall receive payment pursuant
 14 to section 2.10 and section 2.12.

15 Sec. ____ . Section ninety-seven B point eight
 16 (97B.8), Code 1977, is amended to read as follows:

17 97B.8 ADVISORY INVESTMENT BOARD. A board shall
 18 be established to be known as the "Advisory Investment
 19 Board of the Iowa Public Employees' Retirement System",
 20 hereinafter called the "board", whose duties shall
 21 be to advise and confer with the department in matters
 22 relating to the investment of the trust funds of the
 23 Iowa public employees' retirement system. The powers
 24 of the board shall be purely advisory and the de-
 25 partment shall not be bound in the making of any
 26 investment by the recommendations of the board. The
 27 board shall consist of seven members. Five of the
 28 members shall be appointed by the governor, one of
 29 whom shall be an executive of a domestic life insurance
 30 company, one an executive of a state or national bank
 31 operating within the state of Iowa, the third shall
 32 be an executive of a major industrial corporation
 33 located within the state of Iowa, and two shall be
 34 active members of the system, one of whom shall be
 35 an employee of a school district, county school system,
 36 joint county system or merged area and one of whom
 37 shall not be an employee of a school district, county
 38 school system, joint county system or merged area.
 39 The president of the senate shall appoint one member
 40 from the membership of the senate and the speaker
 41 of the house of representatives shall appoint one
 42 member from the membership of the house. The two
 43 members appointed by the president of the senate and
 44 the speaker of the house of representatives and the
 45 two active members of the system appointed by the
 46 governor shall be ex officio members of the board.
 47 The members who are executives of a domestic life
 48 insurance company, a state or national bank and a
 49 major industrial corporation shall be paid their
 50 actual expenses incurred in performance of their

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Division S—3169C (cont'd.)

1 duties and shall receive in addition thereto the sum
 2 of forty dollars for each day of service not exceeding
 3 forty days per year. Legislative members shall receive
 4 [the sum of forty dollars] for each day of service [and]
 5 their actual expenses incurred in the performance
 6 of their duties. The [per diem and] expenses of the

7 legislative members shall be paid from funds
 8 appropriated under section 2.12. The members who
 9 are active members of the system shall be paid their
 10 actual expenses incurred in the performance of their
 11 duties as members of the board and performance of
 12 their duties as members of the board shall not affect
 13 their salaries, vacation or leaves of absence for
 14 sickness or injury. The appointive terms of the
 15 members appointed by the governor shall be for a
 16 period of six years dating from July [1] *first* of the
 17 year in which they are appointed. In the event of
 18 vacancy, through resignation or any other cause, in
 19 the membership of the board, the governor shall have
 20 the power of appointment. Appointees to this board
 21 shall be subject to confirmation by a two-thirds vote
 22 of the senate, but in the event of interim
 23 appointments, such confirmation shall be necessary
 24 at the next session of the senate."

Division S—3169D

25 7. Page 4, by striking lines 19 through 35.
 26 8. Page 5, by striking lines 1 through 9 and
 27 inserting in lieu thereof the following section:
 28 "Sec. ____ . Section ninety-seven C point two (97C.2),
 29 subsection three (3), Code 1977, is amended to read
 30 as follows:
 31 3. The term "employee" includes elective and
 32 appointive officials of the state or any political
 33 subdivision thereof, except [members of the general
 34 assembly,] elective officials in positions, the
 35 compensation for which is on a fee basis, elective
 36 officials of school districts, elective officials
 37 of townships, and elective officials of other political
 38 subdivisions who are in part-time positions; provided
 39 that no member of a county board of supervisors shall
 40 be deemed to be an elective official in a part-time
 41 position, but every member of a county board of
 42 supervisors shall be deemed to be an employee within
 43 the purview of this chapter and shall be eligible
 44 to receive all of the benefits provided by this chapter
 45 to which [he] *the member* may be entitled as an employee."

Division S—3169C (cont'd.)

46 9. Page 5, by inserting after line 9 the following
 47 sections:
 48 "Sec. ____ . Section two hundred forty-nine A point
 49 four (249A.4), subsection eight (8), unnumbered
 50 paragraph two (2), Code 1977, is amended to read as

Page 7

Division S—3169C (cont'd.)

1 follows:

2 For each council meeting, other than those held
3 during the time the general assembly is in session,
4 each legislative member of the council shall be
5 reimbursed for actual traveling and other necessary
6 expenses [and shall receive a per diem of forty dollars]
7 for each day in attendance[, as shall the public].
8 *Public representatives, regardless of whether the*
9 *general assembly is in session shall receive a per*
10 *diem of forty dollars and actual travel and other*
11 *necessary expenses.*

12 Sec. ____ . Section two hundred forty-nine B point
13 six (249B.6), Code 1977, is amended to read as follows:

14 249B.6 EXPENSES. Members of the commission,
15 *except members of the general assembly*, while engaged
16 in their official duties shall be reimbursed for their
17 actual and necessary expenses and be paid a forty-
18 dollar per diem. Legislative members of the commission
19 shall receive payment pursuant to section 2.10 and
20 section 2.12.

21 Sec. ____ . Section two hundred sixty-one point four
22 (261.4), Code 1977, is amended to read as follows:

23 261.4 FUNDS—COMPTROLLER—COMPENSATION AND EXPENSES
24 OF COMMISSION. The state comptroller shall keep an
25 accounting of all funds received and expended by the
26 commission. The members of the commission, except
27 those members who are employees of the state *or members*
28 *of the general assembly*, shall be paid a forty-dollar
29 per diem and shall be reimbursed for actual and
30 necessary expenses. *Members of the general assembly*
31 *shall be reimbursed for actual and necessary expenses.*
32 All per diem and expense moneys paid to nonlegislative
33 members shall be paid from funds appropriated to the
34 commission. Legislative members of the commission
35 shall receive payment pursuant to section 2.10 and
36 section 2.12.

37 Sec. ____ . Section three hundred four point four
38 (304.4), Code 1977, is amended to read as follows:

39 304.4 EXPENSES. The nonlegislative members of
40 the commission shall serve without compensation but
41 may receive their actual expenses incurred in the
42 performance of their duties. Legislative members
43 shall receive [per diem and] *payment for expenses*
44 pursuant to section 2.10 and section 2.12.

45 Sec. ____ . Section seven hundred fifty point eight

46 (750.8), unnumbered paragraph two (2), Code 1977,
 47 is amended to read as follows:
 48 Members shall be appointed prior to the adjournment
 49 of the first regular session of each general assembly
 50 and shall serve for terms ending upon the convening

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Division S—3169C (cont'd.)

1 of the following general assembly or when their
 2 successors are appointed. Vacancies shall be filled
 3 in the same manner as original appointments and shall
 4 be for the remainder of the unexpired term of the
 5 vacancy. The members of the committee shall be
 6 reimbursed for actual and necessary expenses incurred
 7 in the performance of their duties [and shall receive
 8 forty dollars] for each day in which engaged in the
 9 performance of such duties. However, such [per diem
 10 compensation and] expenses shall not be paid when the
 11 general assembly is actually in session at the seat
 12 of government. Expenses [and per diem] shall be paid
 13 from funds appropriated pursuant to section 2.12."

Division S—3169D (cont'd.)

14 10. Page 5, by striking lines 10 and 11 and
 15 inserting in lieu thereof the following:
 16 "Sec. ____ . Sections one (1) and two (2) of this
 17 Act are effective July 1, 1977. All other sections
 18 of this Act are effective January 8, 1979. The
 19 federal-state agreement entered into with the federal
 20 security administrator pursuant to this Act shall
 21 be effective January 8, 1979."

Division S—3169F

22 11. By renumbering sections as necessary.

EARL M. WILLITS
 WILLIAM D. PALMER
 ELIZABETH SHAW

S—3170

1 Amend the Craft amendment, S—3767, to Senate
 2 File 180 as follows:
 3 1. Page 1, line 5, by inserting after the

4 figure "(509.17)," the word and figure "Code 1977,"

ROLF V. CRAFT

S-3171

- 1 Amend Senate File 213 as follows:
- 2 1. Page 3, line 13, by inserting after the word
- 3 "[eight]" the words "*ten thousand dollars commencing*
- 4 *January 8, 1979 and*".
- 5 2. Page 3, line 14, by inserting after the word
- 6 "dollars" the words "*commencing January 12, 1981*".
- 7 3. Page 3, line 17, by inserting after the word
- 8 "[nine]" the words "*eleven thousand five hundred dollars*
- 9 *commencing January 8, 1979 and*".
- 10 4. Page 3, line 17, by inserting after the word
- 11 "dollars" the words "*commencing January 12, 1981*".
- 12 5. Page 4, line 2, by inserting after the word
- 13 "[twelve]" the words "*fifteen thousand dollars commencing*
- 14 *January 8, 1979 and*".
- 15 6. Page 4, line 2, by inserting after the word
- 16 "dollars" the words "*commencing January 12, 1981*".
- 17 7. Page 4, line 15, by inserting after the word
- 18 "[twelve]" the words "*fifteen thousand dollars commencing*
- 19 *January 8, 1979 and*".
- 20 8. Page 4, line 15, by inserting after the word
- 21 "dollars" the words "*commencing January 12, 1981*".
- 22 9. Page 5, line 10, by striking the words "Sections
- 23 three (3) and four (4)" and inserting in lieu thereof
- 24 the words "Except as otherwise provided in sections
- 25 three (3) and four (4) of this Act, sections three (3),
- 26 four (4), and five (5)".

ELIZABETH SHAW

S-3172

- 1 Amend Senate File 233 as follows:
- 2 1. Page 2, by striking lines 6 through 18.

E. KEVIN KELLY
 MINNETTE F. DODERER
 WILLARD R. HANSEN
 LOWELL L. JUNKINS

S-3173

- 1 Amend House File 327, as amended, passed and

- 2 reprinted by the House as follows:
 3 1. Page 3, line 25, by striking the figure
 4 "3,462,000" and inserting in lieu thereof the figure
 5 "3,562,000".
 6 2. Page 4, by striking lines 21 through 27.
 7 3. Renumber the sections and correct internal
 8 references as necessary in conformance with this
 9 amendment.

RAY TAYLOR

S-3174

- 1 Amend House File 327, as amended, passed and
 2 reprinted by the House, page 4, line 10, by striking
 3 the figure "2,729,000" and inserting in lieu thereof
 4 the figure "2,856,000".

RAY TAYLOR
 FORREST F. AHS CRAFT

S-3175

- 1 Amend House File 327, as amended, passed and
 2 reprinted by the House as follows:

Division S-3175A

- 3 1. Page 3, line 25, by striking the figure
 4 "\$3,462,000" and inserting in lieu thereof the figure
 5 "\$3,499,300".

Division S-3175B

- 6 2. Page 4, line 10, by striking the figure
 7 "\$2,729,000" and inserting in lieu thereof the figure
 8 "\$2,791,800".

RICHARD R. DRAKE

S-3176

- 1 Amend Senate File 234 as follows:
 2 1. Page 1, line 11, by striking the figure
 3 "28,055" and inserting in lieu thereof the figure
 4 "29,183".
 5 2. Page 1, line 15, by striking the figure
 6 "13,719" and inserting in lieu thereof the figure
 7 "17,700".

8 3. Page 1, by striking lines 16 through 23.

RAY TAYLOR
TOM SLATER
DALE L. TIEDEN
CLOYD ROBINSON

S-3177

1 Amend Senate File 233, page 1, line 25 by
2 striking the figure "213,190" and inserting in
3 lieu thereof the figure "227,190".

ELIZABETH SHAW
LUCAS J. DE KOSTER

S-3178

1 Amend House File 327 as amended, passed and reprinted
2 by the House as follows:
3 1. Page 3, line 8, by striking the words "other than
4 state" and inserting in lieu thereof the words "any other".

JOHN N. NYSTROM

S-3179

1 Amend Senate File 214, page 8, by inserting
2 after line 7, the following new subsection:
3 "c. For enrollment increases, to be
4 distributed by the State Board of Regents to
5 offset added enrollment at one or more of the
6 three State universities \$1,000,000."

JOHN S. MURRAY
JOHN N. NYSTROM

HOUSE AMENDMENT TO SENATE FILE 162

S-3180

1 Amend Senate File 162 as follows:
2 1. Page 2, by inserting after line 20 the
3 following:
4 "Sec. 3. Notwithstanding section six hundred two
5 point eighteen (602.18) of the Code, the number of
6 district judges shall not exceed eighty-nine during
7 the period commencing with the effective date of this
8 section and ending at such time as the general assembly

9 shall specify a different maximum number of district
10 judges.

11 Sec. 4. This Act, being deemed of immediate impor-
12 tance, shall take effect and be in force from and
13 after its publication in the Sumner Gazette, a
14 newspaper published in Sumner, Iowa, and in the Sioux
15 Center News, a newspaper published in Sioux Center,
16 Iowa.

17 Sec. 5. Sections one (1) and two (2) of this Act
18 shall take effect July 1, 1977."

S—3181

1 Amend House File 327 as amended, passed, and
2 reprinted by the House as follows:

Division S—3181A

3 1. Page 4, line 10, by striking the figure
4 "2,729,000" and inserting in lieu thereof the figure
5 "2,834,000".

Division S—3181B

6 2. Page 4, by inserting after line 10 the
7 following:
8 "Notwithstanding any other provision of this
9 section, the funds appropriated by this subsection
10 shall be composed of \$2,729,000 appropriated from
11 the general fund of the state and \$105,000 appropriated
12 from the road use tax fund."

Division S—3181A (cont'd.)

13 3. Page 6, line 5, by striking the figure
14 "6,928,000" and inserting in lieu thereof the figure
15 "6,823,000".

JAMES M. REDMOND

S—3182

1 Amend Senate File 31 as follows:

2 1. Page 1, line 3, by inserting after the words
3 "holism rehabilitation" the words "and prevention".

4 2. Page 1, line 3, by inserting after the words
5 "alcoholism rehabilitation" the words "and prevention".

6 3. Page 1, line 5, by inserting after the word
7 "bilitation" the words "and prevention".

- 8 4. Page 1, line 8, by inserting after the word
 9 "rehabilitation" the words "and prevention".
 10 5. Page 1, line 21, by inserting after the word
 11 "rehabilitation" the words "and prevention".
 12 6. Page 1, line 23, by inserting after the word
 13 "rehabilitation" the words "and prevention".
 14 7. Page 2, line 5, by inserting after the word
 15 "rehabilitation" the words "and prevention".
 16 8. Page 2, line 8, by inserting after the word
 17 "rehabilitation" the words "and prevention".
 18 9. Page 2, line 21, by inserting after the word
 19 "rehabilitation" the words "and prevention".
 20 10. Page 3, line 7, by inserting after the word
 21 "rehabilitative" the words "and preventive".
 22 11. Page 3, line 12, by inserting after the word
 23 "Rehabilitation" the words "and Prevention".
 24 12. Page 3, line 17, by inserting after the word
 25 "rehabilitation" the words "and prevention".
 26 13. The title, line 1, by inserting after the word
 27 "rehabilitation" the words "and prevention".

ELIZABETH MILLER

S-3183

- 1 Amend House File 231, as passed by the House, as
 2 follows:
 3 1. Page 1, lines 18, 19, and 20, by striking the
 4 words "bank as defined by section five hundred twenty-
 5 four point one hundred three (524.103), subsection
 6 five (5), of the Code" and inserting in lieu thereof
 7 the words "county treasurer".
 8 2. Page 1, line 21, by striking the word "bank"
 9 and inserting in lieu thereof the words "county
 10 treasurer".
 11 3. Page 1, line 23, by striking the word "bank"
 12 and inserting in lieu thereof the words "county
 13 treasurer".
 14 4. Amend the title, line 2, by striking the word
 15 "banks" and inserting in lieu thereof the words "county
 16 treasurers".

JAMES M. REDMOND

S-3184

- 1 Amend the House Amendment S-3164, to Senate
 2 File 160, as follows:

- 3 1. Page 1, by striking lines 3 through 6.

LOWELL L. JUNKINS
FORREST V. SCHWENGELS

S—3185

- 1 Amend the House Amendment, S—3180, to Senate
2 File 162 as follows:
3 1. Page 1, by striking lines 2 through 18,
4 and inserting in lieu thereof the following:
5 1. Page 1, line 23, by striking the figure
6 “6,874,899” and inserting in lieu thereof the figure
7 “6,981,639”.

EARL M. WILLITS

S—3186

- 1 Amend Senate File 214 as follows:
2 Page 2, line 17, by striking the figure
3 “500,000” and inserting in lieu thereof the figure
4 “1,000,000”.

ROLF V. CRAFT
DALE L. TIEDEN
MILO MERRITT

S—3187

- 1 Amend Senate File 214 as follows:
2 1. Page 7, by striking lines 21 through 23.
3 2. Renumber the remaining paragraphs as
4 necessary.

CALVIN O. HULTMAN

S—3188

- 1 Amend Senate File 214 as follows:
2 1. Page 7, by inserting after line 26 the follow-
3 ing section:
4 “Sec. ____ . Boards of directors of school districts
5 which offer fewer than five different wage-earning
6 preparatory vocational programs shall coordinate their
7 vocational and technical training needs with the board
8 of directors of the area school in which the district
9 is located.
10 The boards of local school districts and area

11 schools shall encourage the development of programs
 12 offered students of high school age under section
 13 two hundred eighty A point one (280A.1), subsection
 14 five (5), of the Code to avoid duplication. Whenever
 15 possible, attendance centers shall be established
 16 by the area schools and multiple local school districts
 17 to serve vocational and technical training needs of
 18 pupils enrolled in school districts to promote economic
 19 efficiency. Consideration shall be given to geographic
 20 location in relation to travel time of pupils and
 21 adjustment of class time schedules of school districts
 22 to facilitate participation by pupils.

23 For the purpose of this section, 'vocational and
 24 technical training needs' means wage-earning prepara-
 25 tory vocational programs.

26 Pupils attending courses offered by an area school
 27 under the provisions of this section shall not be
 28 counted in the full-time equivalent enrollment of
 29 the area school."

30 2. By renumbering sections to conform with this
 31 amendment.

JOAN ORR
 STEPHEN W. BIENIUS
 ROBERT M. CARR
 TOM SLATER

S-3189

- 1 Amend Senate File 214 as follows:
 2 1. Page 1, by striking lines 14 through 17.
 3 2. Page 1, line 18, by striking the letter
 4 "b." and inserting in lieu thereof "a."

RICHARD F. DRAKE
 WILLIAM D. PALMER
 FORREST V. SCHWENGELS

S-3190

- 1 Amend Senate File 213, page 5, line 10, by insert-
 2 ing after the figure "(4)" the words and figure "and
 3 five (5)".

EARL M. WILLITS

S-3191

- 1 Amend the Craft amendment, S-3186, to Senate File

- 2 214 as follows:
 3 1. Page 1, line 5, by adding the
 4 following:
 5 "Page 2, by inserting after line 17 the following:
 6 'Each accredited private institution defined by
 7 section two hundred sixty-one point nine subsection
 8 five (261.9-5) of the Code whose full-time resident
 9 students receive tuition grants pursuant to sections
 10 two hundred sixty-one point sixteen (261.16) and two
 11 hundred sixty-one point twenty-five subsection one (261.25-1)
 12 of the Code shall submit to the legislative fiscal
 13 bureau by January one (1) of each fiscal year a financial
 14 audit conducted by an independent third party. The
 15 submission required by this paragraph shall be made for
 16 each fiscal year in which any student of an accredited
 17 private institution receives a tuition grant.'"
 18 2. Number the amending operations as necessary.

JAMES M. REDMOND

S-3192

- 1 Amend the Craft amendment, S-3186, to Senate
 2 File 214 as follows:
 3 1. Page 1, line 5, by adding the following:
 4 "Page 2, by inserting after line 17 the following:
 5 'Each accredited private institution defined by
 6 section two hundred sixty-one point nine subsection
 7 five (261.9-5) of the Code whose full-time resident
 8 students receive tuition grants pursuant to section
 9 two hundred sixty-one point sixteen (261.16) and two
 10 hundred sixty-one point twenty-five subsection one
 11 (261.25-1) of the Code shall submit to the higher
 12 education facilities commission bureau by September
 13 one (1) of each fiscal year a financial audit conducted
 14 by an independent third party. The submission required
 15 by this paragraph shall be made for each fiscal year in
 16 which any student of an accredited private institution
 17 receives a tuition grant. In the event that any private
 18 college fails to provide an audit as required by this
 19 section, the executive director of the higher education
 20 facilities commission shall notify the college that it shall
 21 not be eligible for participation in the tuition grant
 22 program until the required audit has been submitted to
 23 the commission.'"
 24 2. Number the amending operations as necessary.

JAMES M. REDMOND

S-3193

- 1 Amend Senate File 214, page 4, line 15, by
- 2 striking the figure "2,475,000" and inserting in
- 3 lieu thereof the figure "2,525,000".

ELIZABETH SHAW
ELIZABETH R. MILLER

S-3194

- 1 Amend Senate File 231 as follows:
- 2 Page 2, line 14, by striking the word "divising"
- 3 and inserting in lieu thereof the word "devising".

PHILIP B. HILL

S-3195

- 1 Amend Senate File 221 as follows:
- 2 1. Page 3, line 16, by inserting after the word
- 3 "reappointment" the words "or has satisfactorily
- 4 completed the continuing education program provided
- 5 for in this section".
- 6 2. Page 3, by inserting after line 16 the
- 7 following: "*In lieu of becoming recertified by*
- 8 *examination under section four hundred forty-one point*
- 9 *five (441.5) of the Code, an assessor may qualify*
- 10 *for recertification by participating in a continuing*
- 11 *education program conducted by the department of*
- 12 *revenue. The department shall implement a continuing*
- 13 *education program for assessors which shall be designed*
- 14 *to emphasize assessment procedures used to value*
- 15 *property and the laws of this state, and which shall*
- 16 *be based on the subject matter specified in section*
- 17 *four hundred forty-one point five (441.5), subsection*
- 18 *three (3), of the Code. The director of revenue shall*
- 19 *implement a point system which shall provide that*
- 20 *upon the successful completion of each course, as*
- 21 *demonstrated by attendance at all sessions of said*
- 22 *course and the attaining of a grade of at least seventy*
- 23 *percent on an examination administered at the*
- 24 *conclusion of said course, the assessor shall be*
- 25 *awarded a certain number of points and that upon*
- 26 *receiving a specified number of points during his*
- 27 *or her current term of office, the assessor shall*
- 28 *be certified to his or her conference board as being*
- 29 *eligible for reappointment to his or her present*
- 30 *position. The name of the assessor shall also be*

31 *placed on the register of eligible candidates and*
 32 *the register shall indicate that the assessor is*
 33 *recertified by participating in the continuing*
 34 *education program conducted by the department of*
 35 *revenue and not by reexamination. The recertification*
 36 *shall be valid for a period of two years from the*
 37 *date certification is granted by the director. In*
 38 *developing a continuing education program, the director*
 39 *of revenue may designate courses which are mandatory*
 40 *and courses which are discretionary. An assessor*
 41 *shall not be allowed to obtain credit for a course*
 42 *which has been offered and which the assessor has*
 43 *previously satisfactorily completed during his or*
 44 *her current term of office, except those courses*
 45 *designated by the director of revenue. The director*
 46 *of revenue shall adopt rules pursuant to chapter*
 47 *seventeen A (17A) of the Code to implement the*
 48 *continuing education program."*

LOWELL L. JUNKINS
 C. W. HUTCHINS
 FORREST V. SCHWENGELS

S-3196

1 Amend Senate File 244 as follows:
 2 1. Page 2, by striking line 11 and inserting in
 3 lieu thereof the words "[notwithstanding the provisions
 4 of section 18.76]".
 5 2. Page 2, by striking lines 32 and 33 and
 6 inserting in lieu thereof the words "[the legislative
 7 council] according to the recommendations prepared
 8 by the superintendent *and approved by the legislative*
 9 *council."*
 10 3. Page 3, lines 2 and 3, by striking the words
 11 "*when directed by the supreme court to include*
 12 *them"*.
 13 4. Page 3, line 23, by inserting after the word
 14 "[board]" the words "*Code editor in consultation with*
 15 *the"*.
 16 5. Page 4, lines 19 and 20, by striking the words
 17 "*printing division"* and inserting in lieu thereof
 18 the words "*[printing division] Code editor in consul-*
 19 *tation with the superintendent of printing"*.

MINNETTE F. DODERER

S-3197

1 Amend Senate File 244 as follows:

2 1. Page 5, by inserting after line 25 the following
3 sections:

4 "Sec. ____ . Section seventeen A point four (17A.4),
5 subsection one (1), paragraph a, Code 1977, is amended
6 to read as follows:

7 a. Give notice of its intended action by submitting
8 two copies of the notice to the *administrative Code*
9 editor to be published in the 'Iowa Administrative
10 Code' created pursuant to section 17A.6. Any notice
11 of intended action shall be published at least thirty-
12 five days in advance of the action. The notice shall
13 include a statement of either the terms or substance
14 of the intended action or a description of the subjects
15 and issues involved, and the time when, the place
16 where, and the manner in which interested persons
17 may present their views thereon.

18 Sec. ____ . Section seventeen A point five (17A.5),
19 subsection one (1), Code 1977, is amended to read
20 as follows:

21 1. Each agency shall file in the office of the
22 [secretary of state three] *administrative Code editor*
23 two certified copies of each rule adopted by it.
24 [Two copies of each rule shall be forwarded to the
25 Code editor.] The [secretary of state] *administrative*
26 *Code editor* shall keep a permanent register of the
27 rules open to public inspection.

28 *There is established the position of administrative*
29 *Code editor. The administrative Code editor shall*
30 *be appointed by the governor and shall serve at the*
31 *pleasure of the governor. The office of the*
32 *administrative Code editor shall be within the office*
33 *of the governor. The administrative Code editor shall*
34 *be responsible for editing and publishing the Iowa*
35 *administrative Code, in consultation with the*
36 *superintendent of printing.*

37 Sec. ____ . Section seventeen A point five (17A.5),
38 subsection two (2), paragraph b, Code 1977, is amended
39 to read as follows:

40 b. Subject to applicable constitutional or
41 statutory provisions, a rule becomes effective
42 immediately upon filing with the [secretary of state]
43 *administrative Code editor*, or at a subsequent stated
44 date prior to indexing and publication, or at a stated
45 date less than thirty-five days after filing, indexing
46 and publication, if the agency finds:"

47 2. Page 5, by striking line 30 and inserting in
48 lieu thereof the following:

49 "1. The *administrative Code editor in consultation*
50 *with the superintendent of printing shall cause"*

Page 2

- 1 3. Page 5, line 33, by striking the words “[Code
 2 editor]” and inserting in lieu thereof the words
 3 “*administrative Code editor in consultation with the*”.
- 4 4. Page 6, line 4, by striking the words “[Code
 5 editor]” and inserting in lieu thereof the words
 6 “*administrative Code editor in consultation with the*”.
- 7 5. Page 6, by striking line 7, and inserting in
 8 lieu thereof the following:
 9 “2. The *administrative Code editor* may omit”.
- 10 6. Page 6, line 20, by inserting after the word
 11 “*the*” the words “*administrative Code editor and the*”.
- 12 7. Page 6, line 28, by striking the words
 13 “*superintendent of printing*” and inserting in lieu
 14 thereof the words “*administrative Code editor*”.
- 15 8. Page 6, by inserting after line 30 the following
 16 section:
 17 “Sec. ____ . Chapter seventeen A (17A), Code 1977,
 18 is amended by adding the following new section:
 19 **NEW SECTION. FILING OF RULES.** The administrative
 20 Code editor shall prescribe a uniform style and form
 21 by which an agency shall prepare and file a rule
 22 pursuant to this chapter of the Code which shall
 23 correlate each rule to a uniform numbering system
 24 devised by the administrative Code editor. The
 25 administrative Code editor shall notify an agency
 26 whose rule is not in the proper style and form. If
 27 the rule is not properly redrafted within six months
 28 of notification, it shall be void.”
- 29 9. Page 7, by striking lines 4 through 14.
- 30 10. Page 7, line 30, by striking the word
 31 “department”.
- 32 11. Page 7, by striking line 31 and inserting
 33 in lieu thereof the words “office of administrative
 34 Code editor. The administrative Code editor”.
- 35 12. Page 7, line 32, by striking the word
 36 “services”.
- 37 13. By numbering and renumbering sections as
 38 necessary.

JAMES M. REDMOND
 E. KEVIN KELLY

S-3198

- 1 Amend the Redmond and Kelly amendment, S-3197,
 2 to Senate File 244 as follows:
 3 1. Page 1, by striking lines 21 through 46,

- 4 and inserting in lieu thereof the following:
 5 "1. Each agency shall file in the office of
 6 the secretary of state three certified copies of each
 7 rule adopted by it. Two copies of each rule shall be
 8 forwarded to the *administrative* Code editor. The
 9 secretary of state shall keep a permanent register of
 10 the rules open to public inspection."
 11 2. Page 2, lines 26 through 28, by striking the
 12 words "If the rule is not properly redrafted within
 13 six months of notification, it shall be void" and
 14 inserting in lieu thereof the words "[if the rule is
 15 not properly redrafted within six months of notification,
 16 it shall be void]".

MINNETTE F. DODERER
 JAMES M. REDMOND

S-3199

Division S-3199D

- 1 Amend House File 367 as amended and passed by the
 2 House as follows:

Division S-3199A

- 3 1. Page 1, line 11, by striking the letter "a."
 4 2. Page 1, by striking lines 15 through 35.
 5 3. Page 2, by striking line 1.

Division S-3199B

- 6 4. Page 3, by striking lines 20 through 28.

Division S-3199C

- 7 5. Page 7, by striking lines 18 through 35.
 8 6. Page 8, by striking lines 1 and 2.

Division S-3199D (cont'd.)

- 9 7. By renumbering sections as required by this
 10 amendment.

COMMITTEE ON BUDGET
 WILLIAM D. PALMER, Chairperson

S-3200

- 1 Amend Senate File 213 as follows:
- 2 1. Page 1, line 14, by striking the figure
3 "30,000" and inserting in lieu thereof the figure
4 "27,000".
- 5 2. Page 1, line 18, by striking the figure
6 "40,000" and inserting in lieu thereof the figure
7 "35,000".
- 8 3. Page 1, line 22, by striking the figure
9 "30,000" and inserting in lieu thereof the figure
10 "27,000".
- 11 4. Page 1, line 24, by striking the figure
12 "55,000" and inserting in lieu thereof the figure
13 "48,000".
- 14 5. Page 1, line 28, by striking the figure
15 "30,000" and inserting in lieu thereof the figure
16 "27,000".
- 17 6. Page 1, line 32, by striking the figure
18 "30,000" and inserting in lieu thereof the figure
19 "27,000".
- 20 7. Page 2, line 25, by striking the figure
21 "50,000" and inserting in lieu thereof the figure
22 "45,000".
- 23 8. Page 2, line 27, by striking the figure
24 "45,000" and inserting in lieu thereof the figure
25 "42,000".
- 26 9. Page 2, line 29, by striking the figure
27 "43,500" and inserting in lieu thereof the figure
28 "40,000".
- 29 10. Page 2, line 31, by striking the figure
30 "42,500" and inserting in lieu thereof the figure
31 "39,000".
- 32 11. Page 2, line 33, by striking the figure
33 "42,000" and inserting in lieu thereof the figure
34 "37,500".
- 35 12. Page 3, line 1, by striking the figure
36 "40,000" and inserting in lieu thereof the figure
37 "36,000".
- 38 13. Page 3, line 3, by striking the figure
39 "33,000" and inserting in lieu thereof the figure
40 "28,500".
- 41 14. Page 3, line 5, by striking the figure
42 "33,000" and inserting in lieu thereof the figure
43 "28,500".
- 44 15. Page 3, line 7, by striking the figure
45 "8,750" and inserting in lieu thereof the figure
46 "8,000".

GENE W. GLENN

S-3201

- 1 Amend the Redmond and Kelly amendment, S-3197,
2 to Senate File 244 as follows:
- 3 1. Page 1, by striking lines 21 through 27,
4 and inserting in lieu thereof the following:
5 "1. Each agency shall file in the office of
6 the secretary of state three certified copies of each
7 rule adopted by it. Two copies of each rule shall be
8 forwarded to the *administrative* Code editor. The
9 secretary of state shall keep a permanent register of
10 the rules open to public inspection."
11 2. Page 1, by striking lines 37 through 46.
12 3. Page 2, lines 26 through 28, by striking the
13 words "If the rule is not properly redrafted within
14 six months of notification, it shall be void." and
15 inserting in lieu thereof the words "[If the rule is
16 not properly redrafted with six months of notification,
17 it shall be void.]"

MINNETTE F. DODERER
JAMES M. REDMOND

S-3202

- 1 Amend Senate File 222 as follows:
2 1. Page 1, by striking lines 5 through 17 and
3 inserting in lieu thereof the following:
4 "1. There is created a state fair board consist-
5 ing of eleven directors who shall be elected or
6 appointed as follows:
7 a. One director shall be elected from each con-
8 gressional district by the convention as provided
9 under section one hundred seventy-three point five
10 (173.5) of the Code.
11 b. Three directors shall be appointed by the
12 governor with the consent of two-thirds of the members
13 of the senate from the state at large; however, not
14 more than one of the directors at large shall be
15 appointed from the same congressional district.
16 c. One director shall be a member of the house
17 of representatives appointed by the speaker of the
18 house and one director shall be a member of the senate
19 appointed by the president of the senate. The
20 legislative directors of the board shall be nonvoting
21 directors."
22 2. Page 1, by striking lines 23 through 27 and
23 inserting in lieu thereof the following: "(173.2),
24 Code 1977, is amended by striking the section and
25 inserting in lieu thereof the following:

26 173.2 CONVENTION. A convention shall be held
27 at the capitol on the third Wednesday of January of
28 each year to elect directors of the state fair board.
29 The convention shall be composed of the directors
30 of the state fair board and a representative of each
31 county fair elected by the governing body of each
32 county fair."

33 3. Page 2, by striking lines 1 and 2 and insert-
34 ing in lieu thereof the following: "inclusive, and
35 186 [and which are entitled to representation in the
36 convention as provided in section 173.2]."

37 4. Page 2, line 10, by striking the words "*the*
38 *nominees recommended as*".

39 5. Page 2, line 12, by inserting after the word
40 "board." the words "*The legislative directors of the*
41 *board shall not be entitled to vote.*"

42 6. Page 2, by striking lines 16 through 20 and
43 inserting in lieu thereof the following:

44 "173.5 ELECTIONS TO BE MADE. The convention shall
45 elect a successor to each congressional district
46 director whose term expires at noon on the day
47 following the adjournment of the convention."

48 7. Page 2, by striking lines 24 through 35, and
49 inserting in lieu thereof the following:

50 "173.6 TERMS OF OFFICE.

Page 2

1 1. The terms of office of the directors appointed
2 by the governor shall be three years commencing at
3 the same time as the terms of directors elected by
4 the convention held in the year of appointment.
5 However, of the directors appointed to the initial
6 board, the governor shall appoint one director to
7 a one-year term, one director to a two-year term,
8 and one director to a three-year term. A director
9 at large shall not be appointed to serve more than
10 three consecutive three-year terms.

11 2. The terms of office of directors elected by
12 the convention shall be three years commencing at
13 noon on the day following the adjournment of the
14 convention at which the director is elected. However,
15 of the directors elected to the initial board, the
16 convention shall elect two directors to a one-year
17 term, two directors to a two-year term, and two
18 directors to a three-year term. A congressional
19 district director shall not be elected to serve more
20 than three consecutive three-year terms.

21 3. The terms of office of the directors who are

22 members of the general assembly shall be two years
23 commencing at the same time as the terms of the
24 directors elected by the convention held in the year
25 of appointment. However, the two legislative direc-
26 tors appointed to the initial board shall serve a
27 one-year term.

28 Sec.—. Section one hundred seventy-three point
29 seven (173.7), Code 1977, is amended by striking the
30 section and inserting in lieu thereof the following:

31 173.7 VACANCIES.

32 1. Any vacancy occurring in the office of an
33 appointed director shall be filled by appointment
34 of the governor, president of the senate, or speaker
35 of the house, as applicable, for the unexpired term
36 subject to the same qualifications as the original
37 appointment. Any vacancy to the office of director
38 at large occurring while the general assembly is not
39 in session shall be filled by appointment of the
40 governor, which appointment shall expire thirty days
41 after the general assembly next convenes. Within
42 the thirty-day period, the governor shall transmit
43 an appointment to the senate.

44 2. If, after the adjournment of the convention,
45 a vacancy occurs in the office of any director elected
46 by the convention, the governor shall fill the vacancy
47 by appointment of a qualified resident of the appropri-
48 ate congressional district. The appointee shall serve
49 until noon of the day following the adjournment of
50 the next convention. The convention shall elect a

Page 3

1 successor to fill the unexpired portion of the term.”

2 8. Page 3, by striking lines 1 through 7.

3 9. Page 3, by striking lines 10 through 12, and
4 inserting in lieu thereof the following:

5 “173.8 COMPENSATION AND EXPENSES. A [member]
6 director of the board [elected at the annual conven-
7 tion], *except directors who are members of the general*
8 *assembly*, shall be paid a forty dollar per diem [and].
9 *Each director shall be”.*

10 10. Page 3, line 22, by inserting after the word
11 “its” the word “nonlegislative”.

12 11. Page 4, line 3, by inserting before the word
13 “directors” the word “nonlegislative”.

14 12. Page 4, by striking lines 18 and 19.

15 13. Page 4, lines 23 and 24, by striking the word
16 and figures “December 31, 1977” and inserting in lieu
17 thereof the words “noon of the day following the

- 18 adjournment of the convention held in January, 1978".
 19 14. By renumbering sections to conform to this
 20 amendment.

BERL E. PRIEBE
 C. W. HUTCHINS

S-3203

- 1 Amend Senate File 213 as follows:
 2 Page 5, line 11, by inserting after the period
 3 the following: "However, the provisions of sections
 4 three (3) and four (4) of this Act shall not become
 5 effective until completion of the personal property
 6 tax phaseout when all personal property is exempt
 7 from property taxation and personal property is no
 8 longer listed or assessed for property tax purposes,
 9 and until the aid to dependent children program
 10 provides such aid at one hundred percent of need."

CALVIN O. HULTMAN

S-3204

- 1 Amend the Willits amendment (S-3169) to Senate
 2 File 213 as follows:
 3 1. Page 1, by striking lines 6 through 10.

GEORGE R. KINLEY

S-3205

- 1 Amend Senate File 213 as follows:
 2 1. Page 3, line 14, by striking the word
 3 "twelve" and inserting in lieu thereof the word
 4 "nine".
 5 2. Page 3, line 14 by inserting after the
 6 word "thousand" the words "six hundred".
 7 3. Page 3, line 19 by striking the word
 8 "thirty" and inserting in lieu thereof the words
 9 "twenty-five".
 10 4. Page 3, line 25 by striking the word
 11 "fifteen" and inserting in lieu thereof the word
 12 "twelve".
 13 5. Page 3, line 25 by inserting after the
 14 word "dollars" the words "fifty cents".
 15 6. Page 4, line 2 by striking the word
 16 "eighteen" and inserting in lieu thereof the word
 17 "fourteen".

- 18 7. Page 4, line 2 by inserting after the
 19 word "thousand" the words "*four hundred*".
 20 8. Page 4, line 15 by striking the word
 21 "*eighteen*" and inserting in lieu thereof the
 22 word "*fourteen*".
 23 9. Page 4, line 15 by inserting after the
 24 word "thousand" the words "*four hundred*".

ROGER J. SHAFF

S-3206

- 1 Amend Senate File 213 as follows:
 2 1. Page 5, by inserting after line 11 the
 3 following:
 4 "Sec. ____ . Chapter forty-one (41), Code 1977,
 5 is amended by adding the following new section:
 6 **NEW SECTION. COMPOSITION OF GENERAL ASSEMBLY.**
 7 1. Effective January 1, 1983, the general assembly
 8 shall be composed of a senate of forty members and
 9 a house of representatives of eighty members. Each
 10 member of the general assembly shall be elected from
 11 a single-member district. Each senate district shall
 12 be composed of two entire representative districts.
 13 2. Subsection one (1) of this section shall be
 14 implemented in the redistricting of the general
 15 assembly required by article three (III), section
 16 thirty-five (35), constitution of the state of Iowa,
 17 as amended in 1968. It is the intent of the general
 18 assembly that that redistricting shall provide for
 19 the terms of office of each senator elected to the
 20 general assembly in 1980 for a term of four years
 21 commencing January 1, 1981, or subsequently elected
 22 to fill a vacancy in a four-term term which began
 23 on that date, to be terminated on December 31, 1982,
 24 and for twenty senators to be elected in 1982 for
 25 terms of two years and twenty senators to be elected
 26 in that year for terms of four years, all commencing
 27 on January 1, 1983."
 28 2. Title page, line 6, by inserting after the
 29 word "assembly" the words ", reducing the number of
 30 members in the general assembly,".
 31 3. Renumber the remaining section.

JOAN ORR

S-3207

- 1 Amend Senate File 213 as follows:

- 2 1. Page 5, by inserting after line 9 the
3 following:
4 "Sec. ____ . Chapter two A (2A), Code 1977, is
5 repealed."

JAMES M. REDMOND

S-3208

- 1 Amend the amendment (S-3169) to Senate File 213
2 as follows:
3 Page 1, by striking lines 19 through 37 and insert-
4 ing in lieu thereof the following:
5 "5. The state comptroller shall pay the travel
6 and expenses of the members of the general assembly
7 and the lieutenant governor semimonthly commencing
8 with the first pay period after the names of such
9 persons are officially certified. The salaries of
10 the members of the general assembly and lieutenant
11 governor shall be paid [in twelve equal installments
12 after each pay period of the first six months of each
13 calendar year.] *pursuant to any of the following*
14 *alternative methods:*
15 a. *During each month of the year at the same time*
16 *state employees are paid.*
17 b. *During each pay period during the first six*
18 *months of each calendar year.*
19 c. *During the first six months of each calendar*
20 *year by allocating two-thirds of the annual salary*
21 *to each pay period during such time period and one-*
22 *third of the annual salary to each pay period during*
23 *the second six months of a calendar year.*
24 *Each member of the general assembly and the lieutenant*
25 *governor shall file with the state comptroller a*
26 *statement as to the method the member selects for*
27 *receiving payment of salary. The presiding officers*
28 *of the two houses of the general assembly shall joint-*
29 *ly certify to the state comptroller the names of the*
30 *members, officers, and employees of their respective*
31 *houses and the salaries and mileage to which each*
32 *is entitled. Travel and expense allowances shall*
33 *be paid upon the submission of vouchers to the state*
34 *comptroller indicating a claim for the same. Such*
35 *vouchers shall be submitted no more frequently than*
36 *once each month."*

EARL M. WILLITS

S-3209

- 1 Amend the Willits, et al., amendment, S-3169, to
- 2 Senate File 213 as follows:
- 3 1. Page 6, by striking lines 25 through 27,
- 4 and inserting in lieu thereof the following:
- 5 " ____ . Page 5, by adding after line 9 the following
- 6 section:"

EARL M. WILLITS

S-3210

- 1 Amend the Willits amendment (S-3169) to Senate
- 2 File 213 as follows:
- 3 1. Page 1, by striking lines 38 through 50 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. ____ . Section two point ten (2.10), subsec-
- 6 tion six (6), Code 1977, is amended to read as follows:
- 7 6. In addition to the salaries and expenses
- 8 authorized by this section, members of the general
- 9 assembly shall be paid forty dollars per day, except
- 10 the speaker of the house who shall be paid sixty
- 11 dollars per day, and necessary travel and actual
- 12 expenses incurred in attending meetings for which
- 13 per diem or expenses are authorized by law for members
- 14 of the general assembly who serve on statutory boards,
- 15 commissions, or councils, and for standing or interim
- 16 committee or subcommittee meetings subject to the
- 17 provisions of section 2.14, or when on authorized
- 18 legislative business when the general assembly is
- 19 not in session. However, if a member of the general
- 20 assembly or the lieutenant governor is engaged in
- 21 authorized legislative business at a location other
- 22 than at the seat of government during the time the
- 23 general assembly is in session, payment may be made
- 24 for the actual transportation and lodging costs
- 25 incurred because of the business. Such per diem or
- 26 expenses shall be paid [promptly] from funds appropriated
- 27 pursuant to section 2.12.
- 28 *A member of the general assembly entitled to receive*
- 29 *a per diem payment shall not be paid prior to July*
- 30 *first of the year in which a meeting is held for which*
- 31 *per diem is payable."*
- 32 2. By striking pages 2 through 5.
- 33 3. Page 6, by striking lines 1 through 24.
- 34 4. Page 6, by striking lines 46 through 50.
- 35 5. By striking page 7.

36 6. Page 8, by striking lines 1 through 13.

MINNETTE F. DODERER

S-3211

1 Amend the amendment (S-3169) to Senate File 213
2 as follows:

3 Page 1, by striking lines 19 through 37 and insert-
4 ing in lieu thereof the following:

5 "5. The state comptroller shall pay the travel
6 and expenses of the members of the general assembly
7 and the lieutenant governor [semimonthly] commencing
8 with the first pay period after the names of such
9 persons are officially certified. The salaries of
10 the members of the general assembly and lieutenant
11 governor shall be paid [in twelve equal installments
12 after each pay period of the first six months of each
13 calendar year.] *pursuant to any of the following
14 alternative methods:*

15 a. *During each month of the year at the same time
16 state employees are paid.*

17 b. *During each pay period during the first six
18 months of each calendar year.*

19 c. *During the first six months of each calendar
20 year by allocating two-thirds of the annual salary.
21 to each pay period during such time period and one-
22 third of the annual salary to each pay period during
23 the second six months of a calendar year.*

24 *Each member of the general assembly and the lieutenant
25 governor shall file with the state comptroller a
26 statement as to the method the member selects for
27 receiving payment of salary. The presiding officers
28 of the two houses of the general assembly shall joint-
29 ly certify to the state comptroller the names of the
30 members, officers, and employees of their respective
31 houses and the salaries and mileage to which each
32 is entitled. Travel and expense allowances shall
33 be paid upon the submission of vouchers to the state
34 comptroller indicating a claim for the same. Such
35 vouchers shall be submitted no more frequently than
36 once each month."*

EARL M. WILLITS

S-3212

1 Amend Senate File 213 as follows:

2 1. Page 3, line 19, by striking the words

3 "[twenty] thirty" and inserting in lieu thereof the

- 4 word "twenty".
 5 2. Page 3, line 25, by striking the words "[ten]
 6 *fifteen*" and inserting in lieu thereof the word
 7 "ten".

CALVIN O. HULTMAN

S-3213

- 1 Amend House File 331 as passed by the House
 2 as follows:
 3 1. Page 1, by striking lines 1 through 8.

MINNETTE F. DODERER
 RICHARD F. DRAKE

S-3215

- 1 Amend the Shaff amendment, S-3205, to Senate
 2 File 213, as follows:
 3 1. Page 1, by striking lines 7 through 12 and
 4 inserting in lieu thereof the following:
 5 3. Page 3, line 24, by inserting after the word
 6 "senate" the words, "[.], *except that in the event*
 7 *the length of the first regular session of the general*
 8 *assembly exceeds one hundred twenty calendar days and the*
 9 *second regular session exceeds one hundred calendar days,*
 10 *such payments shall be made only for one hundred twenty*
 11 *calendar days for the first session and one hundred*
 12 *calendar days for the second session.*"
 13 2. Renumber the amending operations as necessary.

WILLARD R. HANSEN
 LOWELL L. JUNKINS
 FRED W. NOLTING
 FORREST V. SCHWENGELS

S-3216

- 1 Amend House File 367, as amended and passed by
 2 the House, page 3, line 3, by striking the figure
 3 "685,000" and inserting in lieu thereof the figure
 4 "901,000".

ELIZABETH SHAW

S-3217

- 1 Amend Senate File 244 as follows:

2 1. Page 1, by striking lines 16 through 22 and
3 inserting in lieu thereof the following:

4 "Sec. ____ . Section two point fifty-eight (2.58),
5 Code 1977, is amended to read as follows:

6 2.58 SERVICE BUREAU. There is hereby created
7 a legislative service bureau which shall operate under
8 the direction and control of the legislative council.

9 The administrative head of the legislative service
10 bureau shall be the director of the bureau. The
11 bureau shall cooperate with and serve all members
12 of the general assembly, the legislative council,
13 and committees of the general assembly. It shall
14 upon proper request of members and committees of the
15 general assembly prepare research reports upon any
16 governmental matter. Such research reports and the
17 findings therein shall not contain any recommendations.
18 The bureau shall assist and serve any standing or
19 interim committee of the general assembly upon request,
20 approved by the legislative council. The bureau shall
21 draft and prepare bills for committees and individual
22 members of the general assembly. Research and bill
23 drafting requests made between sessions shall be in
24 the manner provided for by the legislative council.
25 *The bureau shall be responsible for the editing and*
26 *publication of the code of Iowa and the Acts of the*
27 *general assembly.* The legislative council shall have
28 the sole power and duty to allocate the work load
29 of the bureau but may delegate such duty to the
30 legislative service bureau director.

31 Sec. ____ . Section two point fifty-nine (2.59),
32 Code 1977, is amended by adding the following new
33 subsection:

34 *NEW SUBSECTION.* To employ a Code editor, pursu-
35 ant to subsection two (2) of this section, to be in
36 charge of the Code editing functions of the bureau."

37 2. Page 1, line 27, by striking the word and
38 figure "forty-two (2.42)" and inserting in lieu thereof
39 the word and figure "fifty-nine (2.59)".

40 3. Page 1, lines 30 and 31, by striking the words
41 "by the legislative council" and inserting in lieu
42 thereof the words and figure "pursuant to section
43 two point fifty-nine (2.59) of the Code".

44 4. Page 1, line 34, by striking the words "legis-
45 lative council" and inserting in lieu thereof the
46 words "director of the legislative service bureau".

47 5. By numbering and renumbering sections to conform
48 with this amendment.

S-3218

1 Amend Senate File 262 as follows:

2 1. Page 1, by striking lines 1 and 2 and inserting
3 in lieu thereof the following:

4 "Section 1. There is appropriated from the general
5 fund of the state for the fiscal year beginning July
6 1, 1977 and ending June 30, 1978 to the following
7 board the following amount, or so much thereof as
8 may be necessary, to be used for the following
9 purposes:

10 1977-1978
11 Fiscal Year

12 BOARD OF WATCHMAKING EXAMINERS

13 For salary, support, mainte-
14 nance and miscellaneous purposes \$6,751

15 Sec. 2. All federal grants to and the federal
16 receipts of the agency receiving funds under this
17 Act are appropriated for the purpose set forth in
18 the federal grants or receipts."

19 2. Title page, line 1, by striking the word
20 "repealing" and inserting in lieu thereof the words
21 "making an appropriation to".

22 3. Title page, lines 1 and 2, by striking the
23 words "and provisions for certifying watchmakers".

CHARLES P. MILLER
FORREST V. SCHWENGELS
MERLIN D. HULSE
IRVIN L. BERGMAN

S-3219

1 Amend House File 367, as amended and passed by
2 the House, page 1, line 14, by striking the figure
3 "\$211,000" and inserting in lieu thereof the figure
4 "\$231,000".

JOHN S. MURRAY

S-3220

1 Amend House File 367 as amended and passed by
2 the House as follows: Page 1, line 14, by striking
3 the figure "211,000", and inserting in lieu thereof
4 the figure "189,900".

NORMAN G. RODGERS

S-3221

- 1 Amend House File 367, as amended, passed and
- 2 reprinted by the House, page 5, line 4, by
- 3 striking the figure "2,134,731" and by inserting
- 4 in lieu thereof the figure "2,144,731".

E. KEVIN KELLY
MINNETTE F. DODERER

S-3222

- 1 Amend Senate File 266 as follows:
- 2 Page 1, line 10, by striking the figure "127,809"
- 3 and inserting in lieu thereof the figure "120,096".

EUGENE M. HILL
WILLIAM D. PALMER

S-3223

- 1 Amend House File 367 as amended and passed
- 2 by the House as follows:
- 3 1. Page 3, after line 19 insert the following:
- 4 "No more than \$70,000 of the funds appropriated by
- 5 this subsection will be used for the establishment
- 6 and maintenance of an office of the Governor in
- 7 Washington, D.C."

RAY TAYLOR

S-3224

- 1 Amend House File 367 as amended and passed by
- 2 the House, page 1, line 9, by striking the figure
- 3 "\$4,500" and inserting in lieu thereof the figure
- 4 "\$8,000".

RAY TAYLOR

S-3225

- 1 Amend Senate File 31 as follows:

Division S-3225A

- 2 1. Page 1, lines 30 through 33 by striking the
- 3 words "In the case of a sale to a person licensed

4 to sell alcoholic beverages, the tax shall be collected
5 at the same time as the special tax imposed by section
6 one hundred twenty-three point ninety-six (123.96)
7 of the Code.”

Division S—3225B

8 2. Page 3, by inserting after line 9 the following:

9 “Sec. ____ . Section one hundred twenty-three point
10 ninety-six (123.96), Code 1977, is amended by striking
11 subsections one (1) and two (2).

12 Sec. ____ . The director of the Iowa beer and liquor
13 control department shall increase the price of every
14 alcoholic beverage sold in state liquor stores
15 effective January 1, 1978, by marking up the price
16 being charged for each such beverage on December 31,
17 1977, by the percentage determined by the director
18 under this section. The director shall determine
19 the percentage of markup by dividing (a) the gross
20 revenue derived during the fiscal year ending June
21 30, 1977 from the special tax imposed by subsection
22 one (1) of section one hundred twenty-three point
23 ninety-six (123.96) of the Code by (b) the gross
24 revenue derived during the fiscal year ending June
25 30, 1977 from the special tax imposed by subsection
26 liquor stores, but not including any revenue derived
27 from the special tax imposed upon such sales.

28 It is the purpose and intent of the general assem-
29 bly that the price increases for alcoholic beverages
30 that are required by this section shall supplant the
31 revenues previously derived from the special tax.
32 The beer and liquor control department shall not cause
33 any adjustments in the prices of alcoholic liquors
34 after January 1, 1978, if such adjustments reasonably
35 could be expected to decrease the total revenue from
36 the sale of alcoholic liquors.”

Division S—3225A (cont'd.)

37 3. By renumbering sections and correcting internal
38 references.

DALE L. TIEDEN
ROBERT M. CARR

S—3226

1 Amend the Shaw amendment, S—3216, to House

- 2 File 367, as passed by the House as follows:
 3 1. Page 1, line 4, by striking the figure
 4 "901,000" and inserting in lieu thereof the figure
 5 "716,000".

EARL M. WILLITS

S-3227

- 1 Amend Senate File 215 as follows:
 2 1. Page 1, by striking lines 2 through 12 and
 3 inserting in lieu thereof the following:
 4 "1. Any accident or health, or accident and sick-
 5 ness policy issued, renewed, or amended in this state
 6 on or after the effective date of this Act, under
 7 the authority of chapters five hundred nine (509),
 8 five hundred fourteen (514), or five hundred fourteen
 9 A (514A) of the Code, shall offer to each insured
 10 that purchases coverage for mental, emotional, or
 11 nervous disorders or conditions, the".
 12 2. By renumbering subsections as appropriate.
 13 3. The title page, by striking lines 1 through
 14 3 and inserting in lieu thereof the following: "An
 15 Act providing for treatment by a qualified psychologist
 16 in health insurance policies providing benefits for
 17 the treatment of mental, emotional and nervous dis-
 18 orders and conditions."

CHARLES P. MILLER

S-3228

- 1 Amend Senate File 258 as follows:
 2 1. Page 1, by striking lines 4 through 6 and
 3 inserting in lieu thereof the following:
 4 "NEW SUBSECTION. The installation of smoke
 5 detection systems only in all new buildings which
 6 have two or more rooms for regular sleeping purposes
 7 and are intended for human occupancy or use."
 8 2. Page 1, line 12, by inserting after the word
 9 "state" the word "only".

JAMES V. GALLAGHER
 NORMAN G. RODGERS
 MINNETTE F. DODERER
 GEORGE R. KINLEY
 LOUIS P. CULVER

S-3229

- 1 Amend Senate File 267 as follows:
- 2 1. Page 5, line 17, by striking the figure
- 3 "24,200" and inserting in lieu thereof the figure
- 4 "26,600".

RICHARD F. DRAKE
CALVIN O. HULTMAN

S-3231

- 1 Amend House File 414, as amended and passed by
- 2 the House as follows:
- 3 1. Page 2, by striking line 35 through page 3
- 4 line 15.

FRED W. NOLTING

S-3232

- 1 Amend Senate File 222 as follows:

Division S-3232A

- 2 1. Page 1, by striking lines 4 through 35 and
- 3 inserting in lieu thereof the following:
- 4 "173.1 STATE FAIR BOARD CREATED—MEMBERSHIP.
- 5 There is created a state fair board consisting of
- 6 five directors. The directors shall be appointed
- 7 by the governor as follows:
- 8 1. One director shall be appointed from each of
- 9 the following districts:
- 10 a. District one shall consist of the following
- 11 counties: Adair, Adams, Audubon, Boone, Carroll,
- 12 Cass, Clarke, Crawford, Dallas, Decatur, Fremont,
- 13 Greene, Guthrie, Harrison, Madison, Mills, Monona,
- 14 Montgomery, Page, Polk, Pottawattamie, Ringgold,
- 15 Taylor, Shelby and Union.
- 16 b. District two shall consist of the following
- 17 counties: Buena Vista, Calhoun, Cherokee, Clay,
- 18 Dickinson, Emmet, Hamilton, Hancock, Humboldt, Ida,
- 19 Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth,
- 20 Pocahontas, Sac, Sioux, Story, Webster, Winnebago,
- 21 Woodbury, and Wright.
- 22 c. District three shall consist of the following
- 23 counties: Appanoose, Cedar, Davis, Des Moines, Henry,
- 24 Iowa, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa,
- 25 Lucas, Mahaska, Marion, Monroe, Muscatine, Poweshiek,

26 Scott, Van Buren, Wapello, Warren, Washington, and
27 Wayne.

28 d. District four shall consist of the remaining
29 counties in this state.

30 2. One director shall be appointed from the state
31 at large.

32 Sec. 2. Section one hundred seventy-three point
33 two (173.2), Code 1977, is amended by striking the
34 section and inserting in lieu thereof the following:

35 173.2 TERM OF OFFICE—VACANCY.

36 1. The term of office of the directors shall be
37 three years commencing on the first of January follow-
38 ing the expiration of the term of office for which
39 appointed except that of the directors appointed to
40 the initial board, the governor shall appoint one
41 director for a term expiring on December 31, 1978,
42 two directors for terms expiring on December 31, 1979,
43 and two directors for terms expiring on December 31,
44 1980.

45 2. A director shall not serve more than two full
46 terms. If a director is appointed to fill a vacancy,
47 the term of the vacancy shall not be considered a
48 full-term appointment.

49 3. If a vacancy occurs, a successor from the same
50 district or from the state at large, as the case may

Page 2

Division S—3232A (cont'd.)

1 be, shall be appointed by the governor to serve for
2 the remainder of the unexpired term.

3 Sec. 3. Section one hundred seventy-three point
4 three (173.3), Code 1977, is amended by striking the
5 section and inserting in lieu thereof the following:

6 173.3 ORGANIZATION—PRESIDENT AND VICE PRESIDENT.

7 The state fair board shall organize annually during
8 the month of January and select a president and vice
9 president from among its membership. The president
10 and vice president shall be elected to a term of one
11 year. Meetings of the board shall be held at the
12 call of the president or as otherwise provided by
13 the board.

14 Sec. 4. Section one hundred seventy-three point
15 four (173.4), Code 1977, is amended by striking the
16 section and inserting in lieu thereof the following:

17 173.4 EXECUTIVE DIRECTOR. The state fair board
18 shall appoint an executive director who shall serve
19 at the pleasure of the board. The board shall specify

20 the duties and responsibilities of the executive
 21 director and determine the salary of the executive
 22 director.

23 Sec. 5. Section one hundred seventy-three point
 24 five (173.5), Code 1977, is amended by striking the
 25 section and inserting in lieu thereof the following:

26 173.5 PER DIEM AND EXPENSES. Each director of
 27 the state fair board shall be paid a forty-dollar
 28 per diem and shall be reimbursed for actual and
 29 necessary expenses incurred while engaged in official
 30 duties. All per diem and expenses paid to a director
 31 shall be paid from funds of the state fair board.

32 Sec. 6. Section one hundred seventy-three point
 33 six (173.6), Code 1977, is amended by striking the
 34 section and inserting in lieu thereof the following:

35 173.6 STATE FAIR EXPENSES. All expenses incurred
 36 in maintaining the state fair ground and in conducting
 37 the annual state fair on the grounds, including the
 38 compensation and expenses of the officers, directors,
 39 and employees of the state fair board, shall be paid
 40 from state fair receipts unless a specific
 41 appropriation has been provided by the general assembly
 42 for such purpose.

43 Sec. 7. Section one hundred seventy-three point
 44 seven (173.7), Code 1977, is amended by striking the
 45 section and inserting in lieu thereof the following:

46 173.7 POWERS AND DUTIES OF THE BOARD. The
 47 directors of the state fair board shall be respon-
 48 sible for establishing the policies governing the
 49 annual state fair, the premium lists, the control
 50 of the state fair grounds including the buildings

Page 3

Division S-3232A (cont'd.)

1 and equipment thereof, the concessions operated at
 2 the state fair, and all other aspects related to the
 3 state fair and the state fair grounds. These policies
 4 shall be established as rules in accordance with
 5 chapter seventeen A (17A) of the Code.

6 Sec. 8. Section one hundred seventy-three point
 7 eight (173.8), Code 1977, is amended by striking the
 8 section and inserting in lieu thereof the following:

9 173.8 RESTRICTIONS ON BOARD ACTIVITIES.

10 1. A director of the state fair board shall not
 11 be employed or allowed to serve in any capacity as
 12 and administrator of any function of the state fair.

13 A director shall not receive or accept any benefits
 14 from the state fair except those benefits available
 15 to the general public or except as specifically
 16 provided in this chapter.

17 2. A director shall not receive free tickets to
 18 any event sponsored by the state fair board. If the
 19 state fair board determines that it is necessary that
 20 the directors observe events sponsored by the state
 21 fair board, they shall appoint at a regular public
 22 meeting specific directors to observe specific events.
 23 Each director designated as an observer shall purchase
 24 a ticket for the event and submit a claim for reim-
 25 bursement for the cost of the ticket."

26 2. Page 2, by striking lines 1 through 35.

27 3. Page 3, by striking lines 1 through 35.

Division S—3232B (cont'd.)

28 4. Page 4, by striking lines 1 through 17 and
 29 inserting in lieu thereof the following:

30 "Sec. 9. Section one hundred seventy-three point
 31 nineteen (173.19), Code 1977, is amended to read as
 32 follows:

33 173.19 AUDITING OF ACCOUNTS. Prior to the [annual
 34 convention] *organizational meeting of the board in*
 35 *January of each year*, the auditor of state shall
 36 examine and report to the executive council upon all
 37 financial affairs of the board.

38 Sec. 10. Sections one hundred seventy-three point
 39 nine (173.9), one hundred seventy-three point ten
 40 (173.10), one hundred seventy-three point eleven
 41 (173.11), one hundred seventy-three point twelve
 42 (173.12), one hundred seventy-three point thirteen
 43 (173.13), one hundred seventy-three point fourteen
 44 (173.14), one hundred seventy-three point fifteen
 45 (173.15), one hundred seventy-three point sixteen
 46 (173.16), one hundred seventy-three point eighteen
 47 (173.18), and one hundred seventy-three point twenty
 48 (173.20), Code 1977, are repealed."

49 5. By renumbering sections to conform to this
 50 amendment.

Page 4

Division S—3232B (cont'd.)

1 6. Amend the title, line 1, by inserting after
 2 the word "to" the words "the powers, duties and".

EARL M. WILLITS

S-3233

- 1 Amend House File 414, as amended and passed by
- 2 the House as follows:
- 3 1. Page 2, by striking line 35 through page 3
- 4 line 15.

COMMITTEE ON BUDGET
WILLIAM D. PALMER, Chairperson

S-3234

- 1 Amend the Priebe, et al., amendment, S-3202, to
- 2 Senate File 222 as follows:
- 3 1. Page 1, line 27, by striking the word "third"
- 4 and inserting in lieu thereof the word "second".

BERL E. PRIEBE

S-3235

- 1 Amend Senate File 222 as follows:
- 2 1. Page 1, line 10, by striking the word "consider"
- 3 and inserting in lieu thereof the words "select from".

E. KEVIN KELLY

S-3237

- 1 Amend Senate File 279 as follows:
- 2 1. Page 1, line 10, by striking the words "he
- 3 *or she*" and inserting in lieu thereof the words "[he]
- 4 *the commissioner*".
- 5 2. Page 2, line 12, by striking the words "his
- 6 *or her*" and inserting in lieu thereof the words "[his]
- 7 *the commissioner's*".
- 8 3. Page 2, line 17, by striking the words "his
- 9 *or her*" and inserting in lieu thereof the words "[his]
- 10 *the commissioner's*".
- 11 4. Page 2, line 18, by striking the words "his
- 12 *or her*" and inserting in lieu thereof the words "[his]
- 13 *the commissioner's*".
- 14 5. Page 2, line 19, by striking the words "his
- 15 *or her*" and inserting in lieu thereof the words "[his]
- 16 *the commissioner's*".

RAY TAYLOR
C.W. HUTCHINS
JOAN ORR

S-3238

- 1 Amend Senate File 284 as follows:
2 1. Page 2, by striking lines 16 through 32.

WILLIAM D. PALMER
LUCAS J. DE KOSTER

S-3239

- 1 Amend the Priebe amendment, S-3202, to Senate
2 File 222 as follows:
3 1. Page 3, by inserting after line 9 the
4 following:
5 " ____ . Page 3, by inserting after line 16 the
6 following:
7 'Sec. ____ . Section one hundred seventy-three
8 point eight (173.8), Code 1977, is amended by adding
9 the following subsections:
10 ____ . A director of the state fair board shall
11 not be employed or receive or accept any benefits from
12 the state fair except those benefits available to the
13 general public or except as specifically provided in
14 this chapter.
15 ____ . No director or elected official shall
16 receive free tickets to any event sponsored by the
17 state fair board. If the state fair board determines
18 that it is necessary that the directors observe events
19 sponsored by the state fair board, they shall appoint
20 at a regular public meeting specific directors to ob-
21 serve specific events. Each director designated as
22 an observer shall purchase a ticket for the event and
23 submit a claim for reimbursement for the cost of the
24 ticket.' "

EARL M. WILLITS
BERL E. PRIEBE
C.W. HUTCHINS

S-3240.

- 1 Amend the amendment S-3202 to Senate File 222, as
2 follows:

Division S-3240A

3 1. Page 1, by striking line 40 and inserting in
4 lieu thereof the following: " 'board.' the words '*If*
5 *the eligible electors of a county as defined in section*
6 *thirty-nine point three (39.3) of the Code are not*
7 *entitled to vote for the members of the governing*
8 *body of a county fair, the representative of such county*
9 *fair at the convention shall not be entitled to vote*
10 *for the directors of the state fair board elected at*
11 *the convention. In addition, the legislative directors*
12 *of the'* ".

Division S-3240B

13 2. Page 3, by inserting after line 13, the follow-
14 ing:
15 " ____ . Page 4, by inserting after line 17 the fol-
16 lowing:
17 'Sec. ____ . Chapter one hundred seventy-four (174),
18 Code 1977, is amended by adding the following new
19 section:
20 *NEW SECTION. ELECTION OF GOVERNING BODY. The*
21 *governing body of any county fair may provide for the*
22 *election of its membership at a county convention*
23 *called for that purpose by publishing in a newspaper*
24 *having general circulation in the county notice of*
25 *the election. The notice shall state the date, time*
26 *and location of the convention which shall be held*
27 *in the county. The notice shall be published at least*
28 *two weeks but not earlier than four weeks before the*
29 *county convention. Any eligible elector of the*
30 *county as defined in section thirty-nine point three*
31 *(39.3) of the Code, may attend and vote for the*
32 *membership of the governing body of the county fair.'* "

BERL E. PRIEBE
JAMES V. GALLAGHER

S-3241

1 Amend House Concurrent Resolution 11, as amended
2 and passed by the House, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "outside" the words "or inside".
5 2. Page 1, lines 34 and 35, by striking the words
6 "twenty-seven degrees Celsius" and inserting in lieu
7 thereof the words "eighty degrees Fahrenheit or unless

- 8 the lack of circulation of air in the area impairs
9 the health or effectiveness of employees”.

COMMITTEE ON ENERGY
JAMES V. GALLAGHER, Chairperson

S-3242

- 1 Amend Senate File 196 as follows:
2 1. Page 1, by striking lines 24, 25, 26 and 27
3 and inserting in lieu thereof the following:
4 “NEW PARAGRAPH. Obligations of a customer as
5 endorser or guarantor for a corporation in which such
6 customer owns or controls more than fifty percent
7 of the shares entitled to vote.”

NORMAN G. RODGERS
C. JOSEPH COLEMAN

S-3244

- 1 Amend Senate File 222 as follows:
2 1. Page 4, by inserting after line 24 the
3 following:
4 “Sec. ____ . Section one hundred seventy-four
5 point one (174.1), Code 1977, is amended to read
6 as follows:
7 174.1 TERMS DEFINED. For the purposes of
8 this chapter:
9 1. ‘Fair’ shall mean a bona fide county
10 exhibition of agricultural, dairy, and kindred
11 products, livestock, and farm implements *which*
12 *receive county or state aid.*
13 2. ‘Society’ shall mean [a county or district
14 or] *an agricultural society incorporated under*
15 *the laws of this state [for the purpose of holding*
16 *such fair, and] which owns or leases at least ten*
17 *acres of ground and owns buildings and improve-*
18 *ments situated on said ground of a value of at*
19 *least eight thousand dollars and which held*
20 *agricultural fairs prior to January 1, 1978,*
21 *or any incorporated farm organization which was*
22 *authorized to hold an agricultural fair prior to*
23 *January 1, 1978, which owns or leases buildings*
24 *and grounds especially constructed for fair*
25 *purposes of the value of one hundred and fifty*
26 *thousand dollars in a county [where no other agri-*
27 *cultural fair receiving state aid is held].*

28 3. 'Management' shall mean [president, vice-
 29 president,] *the chairman, vice-chairman, secretary.*
 30 [or] *an treasurer of the [society] county fair board.*

31 4. 'County fair board' shall mean a board
 32 *consisting of seven members appointed to serve*
 33 *staggered four-year terms. The county board of*
 34 *supervisors shall appoint four members. The*
 35 *county agricultural extension council shall*
 36 *appoint three members. However, of the original*
 37 *appointments, two of the appointees of the board*
 38 *of supervisors and one of the appointees of the*
 39 *county agricultural extension council shall be*
 40 *appointed to serve two-year terms commencing*
 41 *January 1, 1978. The appointees appointed for*
 42 *four-year terms shall serve terms commencing*
 43 *January 1, 1978.*

44 Sec. ____ . Chapter one hundred seventy-four
 45 (174), Code 1977, is amended by adding the follow-
 46 ing new section:

47 **NEW SECTION. POWERS AND DUTIES OF THE COUNTY**
 48 **FAIR BOARD.** The county fair board shall have the
 49 following powers and duties:
 50

Page 2

1 1. The county fair board may receive or
 2 acquire property owned by a society and provide
 3 for maintenance for such property.

4 2. The county fair board shall organize and
 5 elect management during the month of January in
 6 each even-numbered year.

7 3. The county fair board may hold fairs,
 8 receive county, state and other aid, and approve
 9 expenditures for the purpose of holding fairs.

10 4. The county fair board shall provide for
 11 an annual audit of its books and other records and
 12 file a report with the county auditor.

13 Sec. ____ . Whenever the word 'society'
 14 appears in sections one hundred seventy-four
 15 point two (174.2) through one hundred seventy-
 16 four point twenty-seven (174.27), Code 1977,
 17 the code editor is directed to strike the word
 18 and insert in lieu thereof the word 'county fair
 19 board'."

RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE FILE 214

S-3245

- 1 Amend Senate File 214 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "a. For the war orphans educational aid fund
- 5 created by section thirty-five point eight (35.8)
- 6 of the Code \$40,000".
- 7 2. Page 1, lines 20 through 22 by striking the
- 8 words "for the fiscal period July 1, 1977 to December
- 9 31, 1977".
- 10 3. Page 1, line 22, by striking the figure "30,000"
- 11 and inserting in lieu thereof the figure "83,800".
- 12 4. Page 1, line 27, by striking the figure
- 13 "3,792,500" and inserting in lieu thereof the figure
- 14 "3,692,500".
- 15 5. Page 2, line 17, by inserting after the word
- 16 "Code" the words "and for tuition grants to students
- 17 who meet the qualifications prescribed under sections
- 18 two hundred sixty-one point nine (261.9) to two hundred
- 19 sixty-one point sixteen (261.16) of the Code and who
- 20 are enrolled in Gaullaudet College in Washington,
- 21 D.C.".
- 22 6. Page 2, line 17, by striking the figure
- 23 "500,000" and inserting in lieu thereof the figure
- 24 "250,000".
- 25 7. Page 3, by inserting after line 9 the following:
- 26 " _____. A person who receives financial benefits
- 27 under this section shall be required to repay the
- 28 amount of funds paid on behalf of such person unless
- 29 such person practices optometry in this state for
- 30 the same number of years for which the person received
- 31 benefits. The debt owed to the state shall be prorated
- 32 based upon the number of years the person attended
- 33 an optometric school and received benefits from the
- 34 state and for each year the person practices in this
- 35 state and prorated amount of debt shall not have to
- 36 be repaid to the state."
- 37 8. Page 4, line 15, by striking the figure
- 38 "2,475,000" and inserting in lieu thereof the figure
- 39 "2,350,000".
- 40 9. Page 5, line 33, by striking the figure
- 41 "150,000" and inserting in lieu thereof the figure
- 42 "100,000".
- 43 10. Page 6, by striking lines 8 through 13.
- 44 11. Page 6, by striking lines 14 through 35.

45 12. Page 7, by striking lines 1 through 3 and
 46 inserting in lieu thereof the following:
 47 "12. MERGED AREA SCHOOLS
 48 a. For general state financial aid to merged areas
 49 as defined in section two hundred eighty A point two
 50 (280A.2) of the Code the amount of thirty-two million

Page 2

1 three hundred fourteen thousand one hundred
 2 (32,314,100) dollars to be allocated as follows,
 3 provided that, as a condition of this appropriation
 4 no part of the funds appropriated shall be expended
 5 by the department of public instruction with respect
 6 to any contract entered into between a community
 7 college or area vocation school and any private
 8 institution pursuant to section two hundred eighty
 9 A point twenty-three (280A.23), subsection one (1),
 10 section two hundred eighty A point twenty-five
 11 (280A.25) subsection eight (8), and chapter twenty-
 12 eight E (28E) of the Code, without preparation by
 13 each contracting party of a detailed projection of
 14 the costs to such party, direct or indirect, and a
 15 detailed projection of the costs to the state
 16 government, arising as a consequence of such proposed
 17 contract for a three-year period from the proposed
 18 effective date of such contract, regardless of the
 19 proposed term of such contract, which cost projections
 20 shall be submitted to the state board of public
 21 instruction and approved as a part of such contract:

22	(1) Merged Area I	\$1,605,849
23	(2) Merged Area II	\$2,169,145
24	(3) Merged Area III	\$1,970,520
25	(4) Merged Area IV	\$ 737,210
26	(5) Merged Area V	\$2,528,214
27	(6) Merged Area VI	\$2,214,423
28	(7) Merged Area VII	\$2,103,036
29	(8) Merged Area IX	\$2,435,621
30	(9) Merged Area X	\$3,637,503
31	(10) Merged Area XI	\$4,976,733
32	(11) Merged Area XII	\$1,612,085
33	(12) Merged Area XIII	\$2,201,767
34	(13) Merged Area XIV	\$ 830,378
35	(14) Merged Area XV	\$1,748,114
36	(15) Merged Area XVI	\$1,543,502"

37 13. Page 7, by inserting after line 20 the
 38 following:
 39 "d. FOR MERGED AREA X

40 For continuation of the waste water program
 41 \$100,000".
 42 14. Page 7, line 26, by striking the figure
 43 "120,000" and inserting in lieu thereof the figure
 44 "100,000".
 45 15. Page 7, line 31, by inserting after the word
 46 "purposes" the words ", however, as a condition for
 47 the appropriation of these funds and notwithstanding
 48 any provision of chapter twenty (20) of the Code,
 49 the state board of regents, for purposes of
 50 implementing collective bargaining pursuant to chapter

Page 3

1 twenty (20) of the Code, shall continue to act as
 2 a 'public employer' for its academic, professional
 3 and scientific, and other employees who are exempt
 4 from its merit system by chapter nineteen A (19A)
 5 of the Code and who are defined as 'professional'
 6 employees by chapter twenty (20) of the Code".
 7 16. Page 8, by striking line 7.
 8 17. Page 8, line 13, by striking the figure
 9 "63,712,000" and inserting in lieu thereof the figure
 10 "62,331,700".
 11 18. Page 9, line 9, by striking the figure
 12 "1,363,000" and inserting in lieu thereof the figure
 13 "1,338,700".
 14 19. Page 9, line 15, by striking the figure
 15 "52,514,000" and inserting in lieu thereof the figure
 16 "51,352,900".
 17 20. Page 9, line 25, by striking the figure
 18 "5,489,000" and inserting in lieu thereof the figure
 19 "5,342,200".
 20 21. Page 9, line 29, by striking the figure
 21 "21,612,000" and inserting in lieu thereof the figure
 22 "21,174,500".
 23 22. Page 9, by inserting after line 29 the
 24 following new subsections:
 25 " — . IOWA BRAILLE AND SIGHT-SAVING SCHOOL
 26 For salaries, support, maintenance, equipment,
 27 and miscellaneous purposes \$1,512,000
 28 — . STATE SCHOOL FOR THE DEAF
 29 For salaries, support, maintenance, equipment,
 30 and miscellaneous
 31 purposes \$2,825,000".
 32 23. Page 10, by inserting after line 2 the
 33 following:
 34 "Sec. — . The college of medicine of the state

35 university of Iowa shall, in its student admissions
 36 decisions, take into consideration and give weight
 37 to the potential of the applicant to practice medicine
 38 in areas of the state where the doctor-patient ratio
 39 indicates there is a shortage of adequate medical
 40 care as compared to the state as a whole.”

41 24. Page 10, by inserting after line 12 the
 42 following:

43 “Sec. ____ . Section thirty-five C point one (35C.1),
 44 Code 1977, is amended by adding the following new
 45 unnumbered paragraph:

46 *NEW UNNUMBERED PARAGRAPH.* A person shall not be
 47 entitled to compensation under this chapter if that
 48 person deserted the armed forces of the United States
 49 and subsequently received a discharge or separation
 50 under honorable conditions from the armed forces

Page 4

1 because of a pardon or review process instituted at
 2 the direction of the president of the United States.
 3 This section being deemed of immediate importance,
 4 shall take effect and be in force from and after its
 5 publication in the Storm Lake Pilot-Tribune, a
 6 newspaper published in Storm Lake, Iowa, and in The
 7 Hartley Sentinel, a newspaper published in Hartley,
 8 Iowa.”

S-3247

1 Amend Senate File 284 as follows:

- 2 1. Page 1, line 11, by striking the figure
- 3 “10,250,000” and inserting in lieu thereof the
- 4 figure “10,585,000”.
- 5 2. Page 4, line 14, by striking the figure
- 6 “47,000,000” and inserting in lieu thereof the
- 7 figure “47,505,000”.
- 8 3. Page 4, line 17, by striking the figure
- 9 “74,000,000” and inserting in lieu thereof the
- 10 figure “74,155,000”.
- 11 4. Page 4, by striking lines 31 through 35.
- 12 5. Page 5, by striking lines 1 through 17.
- 13 6. By renumbering the sections as necessary.

JOHN S. MURRAY

S-3248

1 Amend Senate File 284 as follows:

- 2 1. Page 6, by inserting after line 21 the follow-
 3 ing:
 4 "4. The department of social services shall
 5 encourage voluntary participation of families in
 6 paying for a portion of the care delivered to a
 7 relative/resident in an intermediate care facility.
 8 Facility administrators and appropriate department
 9 personnel, both state and county, will be advised
 10 as to the proper method of implementing family
 11 participation."

E. KEVIN KELLY

S-3249

- 1 Amend Senate File 284 as follows:
 2 1. Page 6, by inserting after line 21 the follow-
 3 ing:
 4 "Sec. __ . It is the intent of this Act that the
 5 department of social services shall provide only those
 6 minimum dental services that are required by the
 7 federal government as a condition of federal
 8 participation in the Iowa medical assistance pro-
 9 gram provided for in chapter two hundred forty-nine
 10 A (249A) of the Code."
 11 2. Renumber the sections as required by this
 12 amendment.

E. KEVIN KELLY

S-3250

- 1 Amend Senate File 284 as follows:
 2 1. Page 4, by striking line 30.

RICHARD R. RAMSEY

S-3251

- 1 Amend Senate File 31 as follows:
 2 1. Page 2, by striking lines 13 through 16 and
 3 inserting in lieu thereof the following:
 4 "two (2) of this Act shall be retained by the county
 5 treasurer of each county in which the funds are
 6 generated."

STEPHEN W. BISENIUS

S-3252

1 Amend Senate File 289, page 31, line 33, by
 2 inserting after the word "evidence" the words "if
 3 *the original action was tried by a district judge,*
 4 *district associate judge, or magistrate appointed*
 5 *under sections six hundred two point fifty-one (602.51)*
 6 *or six hundred two point fifty-nine (602.59) of the*
 7 *Code. If the original action was tried by a magistrate*
 8 *appointed under sections six hundred two point fifty*
 9 *(602.50) or six hundred two point fifty-eight (602.58)*
 10 *of the Code, the district judge shall promptly hear*
 11 *the appeal de novo".*

GENE W. GLENN

S-3253

1 Amend Senate File 289, page 16, line 30, by
 2 inserting after the word "[government]" the word
 3 "state".

RICHARD R. RAMSEY

S-3254

1 Amend Senate File 289, page 15, line 9, by
 2 inserting after the word "court" the words "*for*
 3 *good cause shown*".

RICHARD R. RAMSEY

S-3255

1 Amend Senate File 289 as follows:

Division S-3255A

2 1. Page 7, by striking lines 8 through 35 and
 3 inserting in lieu thereof the following:
 4 "Sec. 17. Rule eight (8), subsection two (2),
 5 paragraph b:
 6 b. PLEAS OF GUILTY. The court may refuse to
 7 accept a plea of guilty, and shall not accept such
 8 plea without first addressing the defendant personally
 9 and determining that the plea is made voluntarily
 10 *and intelligently and has a factual basis.* [The
 11 defendant shall be informed of the following:]
 12 Sec. 18. Rule eight (8), subsection two (2)

- 13 paragraph b, subparagraphs one (1) through four (4),
 14 by striking the subparagraphs.”
 15 2. Page 8, by striking lines 1 through 12.

Division S—3255B

- 16 3. Page 28, by striking lines 1 through 12.

Division S—3255C

- 17 4. By renumbering sections as necessary.

RICHARD R. RAMSEY

S—3256

- 1 Amend the Glenn amendment, S—3252, to Senate
 2 File 289 as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 “Code” the words “*unless the judge upon application*
 5 *or on the judges own motion and at the court’s discretion*
 6 *orders a de novo appeal because the record is inadequate.*”

JAMES M. REDMOND

S—3257

- 1 Amend Senate File 289 as follows:
 2 1. Page 9, by striking from lines 9 and 10 the
 3 words “or another disposition more favorable to the
 4 defendant than that provided for in the plea
 5 agreement” and inserting in lieu thereof the words
 6 “[or another disposition more favorable to the
 7 defendant than that provided for in the plea
 8 agreement]”.

RICHARD R. RAMSEY

HOUSE AMENDMENT TO SENATE CONCURRENT RESOLUTION 7**S—3258**

- 1 Amend Senate Concurrent Resolution 7 as amended
 2 and passed by the Senate by striking lines 3 and 4
 3 and inserting in lieu thereof the words “it be
 4 to reconvene on Tuesday, April 12, 1977.”

S—3259

- 1 Amend the Glenn ammendment, S—3252, to Senate

2 File 289 as follows:

- 3 1. Page 1, line 7, by inserting after the word
 4 "*Code*" the words "*unless the district court judge*
 5 *hearing the appeal either upon application of any party*
 6 *or on the district judge's own motion orders the appeal*
 7 *heard de novo on the grounds the record is inadequate.*"

JAMES M. REDMOND
 LUCAS J. DE KOSTER

S-3260

1 Amend House File 251 as amended, passed, and
 2 reprinted by the House as follows:

- 3 1. Page 2, by striking lines 17 through 20.
 4 2. Page 3, by inserting after line 4 the following:
 5 "Sec. ____ . Section one hundred ten point one
 6 (110.1), Code 1977, is amended by inserting after
 7 line 51 the following:
 8 *Nonresident raccoon stamp and tags . . . \$100.00"*
 9 3. Renumber the sections to conform with this
 10 amendment.

IRVIN L. BERGMAN

S-3261

1 Amend House Concurrent Resolution 11 as amended
 2 and passed by the House as follows:

- 3 1. Page 1, line 28, by striking the words "to
 4 maintain a temperature of" and inserting in lieu
 5 thereof the words "at a maximum temperature of approxi-
 6 mately".

PHILIP B. HILL

S-3262

1 Amend Senate File 289 as follows:

Division S-3262A

- 2 1. Page 11, line 12, by striking the words and
 3 figures "[five (5)] *four (4)*" and inserting in lieu
 4 thereof the words and figures "five (5), *subsection*
 5 *four (4)*".
 6 2. Page 22, line 23, by striking the words
 7 "ALTERNATE JURORS;" and inserting in lieu thereof

8 the words “[ALTERNATE JURORS;]”.

Division S—3262B

9 3. Page 23, line 30, by striking the words
10 “record. Provided” and inserting in lieu thereof the
11 words “[. Provided] record; *provided*”.

Division S—3262A (cont'd.)

12 4. Page 32, line 10, by inserting after the word
13 “by” the words “*Division Fourteen (XIV)*.”
14 5. Page 32, line 11, by striking the words
15 “*of this Act*”.

RICHARD R. RAMSEY

S—3263

1 Amend Senate File 289 as follows:
2 1. Page 1, by inserting after line 7 the following:
3 “Sec. ____ . Rule one (1), subsection one (1):
4 Rule 1. SCOPE OF RULES AND DEFINITIONS.
5 1. SCOPE. The rules in this section provide
6 procedures [for indictable criminal cases] *applicable*
7 *to indictable offenses*.”
8 2. Page 2, by inserting after line 25 the
9 following:
10 “Sec. ____ . Rule three (3), subsection two (2),
11 paragraph b, subparagraph three (3), part (b);
12 subsection four (4), paragraphs h and i; and subsection
13 four (4), paragraph j, unnumbered paragraph one (1):
14 (b) The juror has formed or expressed such an
15 opinion as to the guilt or innocence of the defendant
16 as would prevent the juror from rendering a true
17 [verdict] *indictment* upon the evidence submitted.
18 h. REFUSAL OF WITNESS TO TESTIFY. When a witness
19 under examination before the grand jury refuses to
20 testify or to answer a question [put to him or her],
21 it shall proceed with the witness before a district
22 [court] judge, and the foreman shall then distinctly
23 state before a district [court] judge the question and
24 the refusal of the witness, and if upon hearing the
25 witness the court [shall decide] *decides* that the witness
26 is bound to testify or answer the question propounded,
27 the judge shall inquire of the witness if he or she
28 persists in his or her refusal, and, if he or she
29 does, shall proceed with the witness as in cases of
30 similar refusal in open court.

31 i. EFFECT OF REFUSAL TO INDICT. If, upon
 32 investigation, the grand jury refuses to find an
 33 indictment against one charged with a public offense,
 34 it shall return all papers to the clerk, with an
 35 endorsement thereon, signed by the foreman, to the
 36 effect that the charge is ignored. Thereupon, the
 37 district [court] judge must order the discharge of the
 38 defendant from custody if in jail, and the exoneration
 39 of bail if bail be given. Upon good cause shown,
 40 the district [court] judge may direct that the charge
 41 again be submitted to the grand jury. Such ignoring
 42 of the charge does not prevent the cause from being
 43 submitted to another grand jury as the court may
 44 direct; but without such direction, it cannot [be] again
 45 be submitted.

46 The grand jury shall inquire into all indictable
 47 offenses *brought before it* which may be tried within
 48 the county, and present them to the court by
 49 indictment. The grand jury shall meet at times
 50 specified by order of a district judge. In addition

Page 2

1 to those times, the grand jury shall meet at the
 2 request of the county attorney or upon the request
 3 of a majority of the grand jurors.”

4 3. Page 6, line 6, by inserting after the word
 5 “of” the word “a”.

6 4. Page 6, by striking line 14 and inserting in
 7 lieu thereof the words “paragraphs one (1) and two
 8 (2):”

9 5. Page 6, line 18, by striking the word “his”
 10 and inserting in lieu thereof the word “[his]”.

11 6. Page 6, line 19, by striking the words “or
 12 her” and inserting in lieu thereof the words “[or her]
 13 the”.

14 7. Page 6, line 28, by striking the words “on
 15 on” and inserting in lieu thereof the words “on [on]”.

16 8. Page 6, by inserting after line 30 the
 17 following:

18 “The defendant must be informed that if the name
 19 by which he or she is indicted or informed against
 20 is not his or her true name, he or she must then
 21 declare what his or her true name is, or be proceeded
 22 against by the name in the indictment [, and asking
 23 the defendant what he or she answers to the indictment].
 24 If the defendant gives no other name or gives his
 25 or her true name, the defendant is thereafter precluded
 26 from objecting to the indictment or information upon

27 the ground of being therein improperly named. If
 28 the defendant alleges that another name is his or
 29 her true name, the court must direct an entry thereof
 30 in the minutes of the arraignment, and the subsequent
 31 proceedings on the indictment shall be had against
 32 the defendant by that name, and the indictment amended
 33 accordingly."

34 9. Page 18, line 31, by striking the word
 35 "subsection" and inserting in lieu thereof the words
 36 "subsections two (2) and".

37 10. Page 18, by inserting after line 31 the
 38 following:

39 "2. FOR PRODUCTION OF DOCUMENTS—DUCES TECUM.

40 A subpoena may contain a clause directing the witness
 41 to bring with him or her any book, writing, or other
 42 thing under the witness' control which he or she is
 43 bound by law to produce as evidence. The court on
 44 motion may [quash] *dismiss* or modify the subpoena if
 45 compliance would be unreasonable or oppressive."

46 11. Page 18, line 35, by striking the words
 47 "county, city, or town" and inserting in lieu thereof
 48 the words "county[,] or city [, or town]".

49 12. Page 19, line 1, by inserting after the word
 50 "him" the words "*or her*".

Page 3

1 13. Page 20, by inserting after line 6 the
 2 following section:

3 "Sec. ____ . Rule seventeen (17), subsection six
 4 (6):

5 6. EXAMINATION OF JURORS. Upon examination the
 6 jurors shall be sworn. If an individual juror is
 7 challenged, the juror may be examined as a witness
 8 to prove or disprove the challenge, and must answer
 9 every question pertinent to the inquiry thereon,
 10 but the juror's answer shall not afterwards be
 11 testimony against him or her. Other witnesses may
 12 also be examined on either side. The rules of evidence
 13 applicable to the trial of other issues shall govern
 14 the admission or exclusion of testimony on the trial
 15 of the challenge, and the court shall determine the
 16 law and the [fact] *facts*, and must allow or disallow
 17 the challenge."

18 14. Page 20, by striking lines 7 and 8 and
 19 inserting in lieu thereof the following:

20 "Sec. ____ . Rule seventeen (17), subsection ten
 21 (10):"

22 15. Page 20, by inserting after line 8 the
 23 following:

24 "10. PEREMPTORY CHALLENGES—NUMBER. If the offense
25 charged in the indictment or information is [or may
26 be punishable with imprisonment for life] *a class A*
27 *felony*, the state and defendant shall each have the
28 right to peremptorily challenge eight jurors and shall
29 strike two jurors."

30 16. Page 20, by inserting after line 11 the
31 following:

32 "If the offense charged [be] is a misdemeanor, the
33 state and the defendant shall each have the right
34 to peremptorily challenge two jurors and shall strike
35 two jurors."

36 17. Page 20, by inserting after line 31 the
37 following section:

38 "Sec. ____ . Rule eighteen (18), subsection one
39 (1), paragraph b:

40 b. ORDER OF ARGUMENT[—ARGUMENTS]. When the evidence
41 is concluded, unless the case is submitted to the
42 jury on both sides without argument, the prosecuting
43 attorney must commence, the defendant follow by one
44 or two counsel, at the defendant's option, unless
45 the court permits the defendant to be heard by a
46 larger number, and the prosecuting attorney conclude,
47 confining himself to a response to the arguments of
48 the defendant's counsel. Where two or more defendants
49 are on trial for the same offense, they may be heard
50 by one counsel each."

Page 4

1 18. Page 26, line 9, by striking the word "court"
2 and inserting in lieu thereof the word "[court]".

3 19. Page 27, line 10, by striking the word
4 "section" and inserting in lieu thereof the words
5 "[section] rule".

6 20. Page 28, by striking line 22 and inserting
7 in lieu thereof the words "paragraph b, subparagraphs
8 one (1) and eight (8) and subsection four (4),
9 paragraphs d and e."

10 21. Page 28, by inserting after line 22 the
11 following:

12 "(1) When the trial has been held in the absence
13 of the defendant, in cases where such presence is
14 required by law, except as provided in rule twenty-
15 five (25) of the rules of criminal procedure."

16 22. Page 29, by inserting after line 2 the
17 following:

18 "d. CUSTODY PENDING APPELLATE DETERMINATION.
19 Pending determination by the [supreme] *appellate* court

20 of such appeal, the trial court shall determine whether
 21 the defendant shall remain in custody, or whether,
 22 if in custody, the defendant should be released on
 23 bail or his or her own recognizance. Where the trial
 24 court has arrested judgment and an appeal is taken
 25 by the state, and it further appears to the trial
 26 court that there is no evidence sufficient to charge
 27 the defendant with an offense, the defendant shall
 28 not be held in custody.

29 e. REINSTATEMENT OF VERDICT. In the event the
 30 [supreme] *appellate* court reverses the order of the
 31 trial court arresting judgment or granting a new
 32 trial, it shall order that the verdict be reinstated,
 33 unless the [supreme] *appellate* court finds other errors,
 34 in which event it may order that the verdict be set
 35 aside and a new trial be granted.”

36 23. Page 29, by inserting after line 31 the
 37 following section:

38 “Sec. ____ . Rule twenty-four (24), subsection one
 39 (1), paragraph e and subsection two (2), paragraph
 40 a:

41 e. EXECUTION IN OTHER CASES. When the judgment
 42 is for the abatement or removal of a nuisance, or
 43 for anything other than confinement or payment of
 44 money by the defendant, an execution consisting of
 45 a certified copy of the entry of such judgment,
 46 delivered to the sheriff of the proper county, shall
 47 authorize and require the sheriff to execute such
 48 [judgement] *judgment*, and he or she shall return the
 49 same, with the sheriff’s doings under the same thereon
 50 endorsed, to the clerk of the court in which the

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1 judgment was rendered, within a time specified by
 2 the court but not exceeding seventy days after the
 3 date of the certificate of such certified copy.

4 a. CONFINEMENT. A sentence of confinement shall
 5 be stayed if an appeal is taken and the defendant
 6 is released pending disposition of appeal pursuant
 7 to *chapter two (2)*, division fourteen (XIV) of this
 8 *Act*.”

9 24. Page 29, by inserting after line 34 the
 10 following section:

11 “Sec. ____ . Rule twenty-five (25), subsection four
 12 (4), paragraph c:

13 c. When a person who is present in the courtroom
 14 is supposed by a magistrate to have upon his or her
 15 person a weapon, the magistrate [or judge] may direct
 16 that such person be searched, and any weapon be

17 retained subject to order of the court.”

18 25. Page 30, by inserting after line 27 the
19 following section:

20 “Sec. ____ . Section one thousand three hundred
21 one (1301) is amended by striking rule thirty-one
22 (31).”

23 26. Page 31, by inserting after line 10 the
24 following sections:

25 “Sec. ____ . Rule thirty-six (36), subsection three
26 (3):

27 3. A [brief and] concise statement of the act or
28 acts constituting the offense, including the time
29 and place of its commission as near as may be, and
30 identifying by number the provision of law alleged
31 to be violated.

32 Sec. ____ . Rule thirty-nine (30):

33 Rule 39. ARREST. The officer who receives the
34 warrant shall arrest the defendant and bring the
35 defendant before the magistrate without unnecessary
36 delay or serve [that] *the* citation in the manner provided
37 in chapter two (2), division [five (5)] *four (IV)* of
38 this Act.

39 Sec. ____ . Rule forty-two (42), subsection three
40 (3), unnumbered paragraph two (2):

41 In [appropriate] cases *where the defendant faces*
42 *the possibility of imprisonment*, the court shall
43 appoint counsel for an indigent defendant in accordance
44 with procedures established under rule two (2),
45 [subdivision] *subsection three (3) of the rules of*
46 *criminal procedure*. The magistrate shall allow the
47 defendant reasonable time and opportunity to consult
48 with counsel, in the event the defendant expresses
49 a desire to do so.

50 Sec. ____ . Rule forty-eight (48), subsection nine

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1 (9):

2 9. RECORD. [Upon the trial, the judicial magistrate
3 shall make minutes of the testimony of each witness
4 and append the exhibits or copies thereof.] The
5 proceedings upon trial shall not be reported[,] unless
6 a party provides a reporter at such party’s expense.

7 By agreement of the parties the magistrate may cause
8 the proceedings upon trial to be reported
9 electronically. If the proceedings are being
10 electronically recorded both parties shall be notified
11 in advance of that recording. If the defendant is
12 indigent and requests that the proceedings upon trial
13 be reported, the judicial magistrate shall cause them

14 to be reported by a reporter, or electronically, at
 15 public expense. *If the proceedings are not reported*
 16 *electronically, the judicial magistrate shall make*
 17 *minutes of the testimony of each witness and append*
 18 *the exhibits or copies thereof.* If the proceedings
 19 have been reported electronically the recording shall
 20 be retained under the jurisdiction of the magistrate
 21 and upon request shall be transcribed only by a person
 22 designated by the court under the supervision of the
 23 magistrate. The transcription shall be provided
 24 anyone requesting [same] *it* upon payment of actual cost
 25 of transcription or to an indigent defendant as herein
 26 above provided.

27 Sec. ____ . Rule fifty-three (53) is amended by
 28 striking the rule and inserting in lieu thereof the
 29 following:

30 Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF
 31 APPEARANCE. When authorized in the judicial district
 32 as provided in this rule, a court may accept a
 33 forfeiture of collateral security in lieu of appearance
 34 as a proper disposition of a simple misdemeanor charge.
 35 Prior to termination of the case by forfeiture under
 36 this rule, the defendant must execute a written consent
 37 to forfeiture as disposition of the action. Unless
 38 vacated upon application within thirty days of the
 39 forfeiture, such forfeiture shall constitute a
 40 conviction of the charge and satisfaction of the
 41 penalty.

42 Each judicial district, by action of a majority
 43 of the district judges, may determine the simple
 44 misdemeanor offenses which shall be subject to
 45 disposition by forfeiture under this rule and shall
 46 promulgate by court rule and disseminate a list of
 47 those offenses to all magistrates in the district.
 48 A copy of the rule shall be transmitted to the clerk
 49 of the supreme court.

50 This rule shall not authorize, and a court shall

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1 not accept, the forfeiture of collateral in lieu of
 2 appearance in an action in which the defendant is
 3 charged either with a nonscheduled traffic violation
 4 or with a scheduled violation, including a scheduled
 5 traffic violation, in which a court appearance is
 6 required under chapter seven hundred fifty-three (753)
 7 of the Code."

8 27. Page 32, line 17, by inserting after the words
 9 "twenty-three (23)" the words "*of the rules of criminal*
 10 *procedure*".

11 28. Page 32, by inserting after line 25 the
 12 following section:

13 "Sec. ____ . Rule fifty-six (56):

14 Rule 56. CORRECTION OR REDUCTION OF SENTENCE.

15 The magistrate may correct an illegal sentence at
 16 any time and may correct a sentence imposed in an
 17 illegal manner within the time provided herein~~for~~
 18 the reduction of sentence. The magistrate may reduce
 19 a sentence within ten days after the sentence is
 20 imposed or within ten days after the receipt by the
 21 magistrate of a mandate issued upon affirmance of
 22 the judgment or dismissal of the appeal, or within
 23 ten days after entry of any order or judgment of the
 24 [supreme] *appellate* court denying review of, or having
 25 the effect of upholding, a judgment of conviction.
 26 The court may also reduce a sentence upon revocation
 27 of [probtion] *probation* as provided by law."

28 29. Page 32, line 28, by striking the word and
 29 figure "nine (9)" and inserting in lieu thereof the
 30 word and figure "ten (10)".

31 30. Page 34, by inserting after line 35 the
 32 following section:

33 "Sec. ____ . For ten (10), unnumbered paragraphs
 34 seventeen (17), thirty-one (31), thirty-five (35),
 35 forty-nine (49), fifty-one (51), and sixty-two (62):

36 Driving under suspension: A.B. operated a motor
 37 vehicle while his *or her* license was (under suspension)
 38 (revoked).

39 [Homicide] *Murder*: A.B. committed [homicide] *murder*
 40 in the ____ degree, resulting in the death of C.D.

41 Indecent exposure: A.B. indecently exposed himself
 42 *or herself* to C.D.

43 Prostitution: A.B. committed prostitution by
 44 offering [his/her] *his or her* services for sale (or
 45 selling his or her services) as a partner in a sex
 46 act; A.B. purchased (or offered to purchase) C.D.'s
 47 services as a partner in a sex act.

48 [Reckless endangerment: A.B. recklessly endangered
 49 human life or safety (thereby seriously injuring
 50 C.D.).]

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1 A similar short form indictment may be used for
 2 offenses not appearing in this table, provided it
 3 complies with the requirements of rule four (4),
 4 subsection seven (7) [Iowa Rules of Criminal Procedure]
 5 *rules of criminal procedure.*"

6 31. Page 35, line 5, by striking the words "(insert

- 7 name of lower court judge” and inserting in lieu
 8 thereof the words “[insert name of lower court judge]”.
 9 32. Page 35, line 6, by striking the words “or
 10 magistrate” and inserting in lieu thereof the words
 11 “[or magistrate]”.
 12 33. Page 36, by inserting after line 17, the
 13 following section:
 14 “Sec. ____ . Chapter two (2), division thirteen
 15 (XIII) is amended by adding the following new section
 16 before section one thousand three hundred one (1301):
 17 *NEW SECTION.* TITLE. These rules shall be known
 18 as the rules of criminal procedure. (R. Cr. P.)”
 19 34. By renumbering sections and by correcting
 20 internal references to conform with this amendment.

GENE W. GLENN

S—3264

- 1 Amend Senate File 302 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 “senior” the word “citizen”.
 4 2. Page 1, by inserting after line 18 the
 5 following:
 6 “e. For the Retired Senior Volunteer Persons
 7 (RSVP) program. \$150,000”.

RICHARD R. RAMSEY

S—3265

- 1 Amend Senate File 298 as follows:
 2 1. Page 1, by inserting after line 6 the
 3 following NEW SECTIONS:
 4 “Sec. ____ . The total estimated cost of the fine
 5 arts elements included in the plans and specifications
 6 for the capital improvements authorized by this Act
 7 shall be not less than one-half of one percent of the
 8 total appropriation for such construction.
 9 Sec. ____ . As used in this Act, ‘fine arts’
 10 means sculpture, fountains, bas-reliefs, mosaics,
 11 frescoes, wall hangings, pictures or other enhancements
 12 to be integrated into the total environment of such
 13 construction. Fine arts does not include the
 14 structural elements or hardware and other
 15 accessories.
 16 Sec. ____ . The State Board of Regents shall
 17 coordinate with the Iowa Arts Council all matters
 18 relating to the inclusion of works of fine arts
 19 authorized by this Act.”

- 20 2. By renumbering the sections and correcting
 21 internal references.

JOHN S. MURRAY

HOUSE AMENDMENT TO SENATE FILE 156

S-3266

- 1 Amend Senate File 156, as passed by the Senate
 2 and reprinted, as follows:
 3 1. Page 3, line 25, by striking the word "three"
 4 and inserting in lieu thereof the word "two".
 5 2. Page 3, line 28, by striking the figure
 6 "141,477" and inserting in lieu thereof the figure
 7 "125,000".

S-3267

- 1 Amend Senate File 284 as follows:
 2 1. Page 1, by inserting after line 32 the
 3 following:
 4 "The department shall consult with the advisory
 5 commission on corrections and prepare and submit to the
 6 house and senate budget subcommittees on social services
 7 recommendations concerning the three juvenile
 8 institutions at Eldora, Mitchellville and Toledo with
 9 a long term recommendation on the care and treatment of
 10 juveniles at not more than two institutions. These
 11 recommendations shall be submitted on or before December
 12 15, 1977. Members of the budget subcommittees on
 13 social services shall visit the three institutions during
 14 the 1977 interim.
 15 It is the intent of the general assembly that a
 16 mental health institute shall not accept physical
 17 custody of children alleged to be children in need of
 18 assistance on the grounds stated in section two hundred
 19 thirty-two point two (232.2), subsection thirteen (13),
 20 paragraphs i and j, of the Code, on guest status or
 21 otherwise, for more than ten days.
 22 It is the intend of the general assembly that
 23 children found to be children in need of assistance of
 24 the grounds stated in section two hundred thirty-two
 25 point two (232.2), subsection thirteen (13), paragraphs
 26 i and j, of the Code shall not be placed in a mental
 27 health institute on the basis of that adjudication."

MINNETTE F. DODERER

S-3270

- 1 Amend the amendment, S-3267, to Senate File 284
 2 as follows:
 3 1. Page 1, line 22, by striking the word
 4 "intend" and inserting in lieu thereof the word "intent".
 5 2. Page 1, line 23, by striking the words
 6 "assistance of" and inserting in lieu thereof the words
 7 "assistance on".

MINNETTE F. DODERER

S-3271

- 1 Amend Senate File 302 as follows:
 2 1. Page 1, by striking lines 12 and 13, and
 3 inserting in lieu thereof the following:
 4 "b. For the administration and programs of
 5 area agencies on aging, and to be divided equally
 6 among the districts thereof \$196,000".
 7 2. Page 1, by inserting after line 26 the
 8 following section:
 9 "Sec. ____ . It is the intent of the general
 10 assembly that each district within which an agency or
 11 agencies on aging may be located shall expend on
 12 programs on aging at least an amount equivalent to
 13 the amount expended on such programs during the
 14 fiscal year 1976-1977."

RICHARD R. RAMSEY
 CHARLES P. MILLER
 ROLF V. CRAFT
 JOAN ORR
 DALE L. TIEDEN

S-3272

- 1 Amend Senate File 264 as follows:
 2 1. Page 1, line 5, by striking the word "Act"
 3 and inserting in lieu thereof the word "section".
 4 2. Page 1, line 13, by inserting after the period
 5 the words "Forty-five thousand dollars shall be trans-
 6 ferred from the Korean veteran's bonus tax fund for
 7 use of the Iowa department of veterans affairs and
 8 such funds are appropriated to the Iowa department
 9 of veterans affairs and may be expended commencing
 10 with the effective date of the creation of such
 11 department."
 12 3. Page 1, line 14, by striking the word "transfer"

13 and inserting in lieu thereof the word "transfers".

14 4. Page 1, by inserting after line 26 the follow-
15 ing:

16 "Sec. 2. *NEW SECTION. DEFINITIONS.* For the pur-
17 poses of this Act, unless the context otherwise
18 requires:

19 1. 'Administrator' means the director of the Iowa
20 department of veterans affairs.

21 2. 'Commission' means the commission of the Iowa
22 department of veterans affairs.

23 3. 'Commissioner' means a member of the commission
24 of the Iowa department of veterans affairs.

25 4. 'Department' means the Iowa department of
26 veterans affairs established in section three (3)
27 of this Act.

28 Sec. 3. *NEW SECTION. DEPARTMENT ESTABLISHED.*

29 There is established an Iowa department of veterans
30 affairs which shall consist of a commission, an
31 administrator and additional employees as are required
32 to carry out the provisions of this Act.

33 The department shall:

34 1. Maintain information and data concerning the
35 military service records of Iowa veterans.

36 2. Assist county veterans affairs commissions
37 established pursuant to chapter two hundred fifty
38 (250) of the Code.

39 3. Maintain the records including certified records
40 of bonus applications concerning the awards paid
41 pursuant to the additional bonus and disability fund
42 and war orphans educational fund under chapter thirty-
43 five (35) of the Code, and awards paid pursuant to
44 the Vietnam veterans' bonus under chapter thirty-five
45 C (35C) of the Code.

46 4. Collect and maintain information concerning
47 veterans' affairs.

48 5. Conduct two service schools each year for the
49 Iowa association of county commissioners and executive
50 secretaries.

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1 6. Assist the United States veterans
2 administration, the veterans administration hospitals,
3 the Iowa veterans home, funeral directors, and
4 federally chartered veterans service organizations
5 in providing information concerning veterans service
6 records and veterans affairs data.

7 Sec. 4. *NEW SECTION. COMMISSION.* There is
8 established a commission within the Iowa department

9 of veterans affairs. This commission shall consist
10 of five persons who shall be appointed by the governor.

11 **Sec. 5. NEW SECTION. APPOINTMENT OF COMMISSIONERS.**

12 The American legion of Iowa; disabled American veterans
13 department of Iowa; veterans of foreign wars department
14 of Iowa; and American veterans of World War II, Korea
15 and Vietnam, through their department commanders,
16 shall submit two names respectively from their
17 organizations to the governor. The governor shall
18 appoint from each of the organizations one
19 representative to serve as a member of the commission.
20 In addition, the governor shall appoint a member of
21 the public to serve as a fifth member of the
22 commission.

23 **Sec. 6. NEW SECTION. TERMS AND INITIAL**
24 **APPOINTMENTS.** The terms of the commissioners shall
25 be for four years. However, the initial commissioners
26 shall serve as follows:

- 27 1. Two members shall serve until June 30, 1980.
- 28 2. Two members shall serve until June 30, 1982.
- 29 3. One member shall serve until June 30, 1984.

30 **Sec. 7. NEW SECTION. DUTIES OF COMMISSION.** The
31 commission shall:

- 32 1. Appoint an administrator of the Iowa department
33 of veterans affairs.
- 34 2. Organize and annually select a chairperson.
- 35 3. Adopt and establish policy for the operation
36 and conduct of the department, subject to any
37 guidelines which may be adopted by the general
38 assembly.
- 39 4. Report to the governor any failure of the
40 administrator to carry out any of the policy decision
41 or directives of the commission.
- 42 5. Approve the budget of the department prior
43 to submission to the governor.
- 44 6. Promulgate rules pursuant to chapter seventeen
45 A (17A) of the Code concerning management of the
46 department and rules necessary to carry out the duties
47 and responsibilities of the department.
- 48 7. Annually visit and evaluate the Iowa veterans
49 home.
- 50 8. Annually make a written report to the governor

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1 in the manner required by chapter seventeen (17) of
2 the Code.

3 9. Administer awards concerning the additional
4 bonus and disability fund, the war orphans educational
5 fund and the Vietnam veterans bonus.

6 Sec. 8. *NEW SECTION. ADMINISTRATOR DUTIES AND*
7 *POWERS.*

8 1. The administrator shall prepare a budget for
9 the department and such other reports as are required
10 by law.

11 2. The administrator shall carry out such
12 administrative duties of the department and shall
13 carry out the policies of the department as established
14 by the commission.

15 Sec. 9. *NEW SECTION. EXPENSES.* The administrator
16 and employees of the department shall receive in
17 addition to salary, reimbursement for necessary travel
18 and actual expenses incurred while engaged in the
19 performance of official duties. The commissioners
20 shall receive a per diem salary and reimbursement
21 for necessary travel and actual expenses incurred
22 while engaged in the performance of official duties.

23 Sec. 10. The director of the department of general
24 services shall transfer or exchange state property
25 used by the bonus board to the Iowa department of
26 veterans affairs.

27 Sec. 11. Section thirty-five point two (35.2),
28 Code 1977, is amended to read as follows:

29 35.2 INVESTMENT OF BONUS AND DISABILITY FUND.

30 The treasurer of state shall invest such portions
31 of the additional bonus and disability fund created
32 by section 8, chapter 332, Acts of the thirty-ninth
33 general assembly, not needed for current payments
34 awarded by the [bonus board] *commission of the Iowa*
35 *department of veterans affairs.*

36 Sec. 12. Section thirty-five point four (35.4),
37 Code 1977, is amended to read as follows:

38 35.4 COLLECTION AND DISPOSITION OF INTEREST.

39 The interest from such investments shall be collected
40 by the treasurer of state and shall constitute a part
41 of the additional bonus and disability fund provided
42 by section 8, chapter 332, Acts of the thirty-ninth
43 general assembly, to be disbursed by the treasurer
44 of state upon the order of said [bonus board] *commission*
45 *of the Iowa department of veterans affairs* for the
46 purposes prescribed in said section.

47 Sec. 13. Section thirty-five point five (35.5),
48 Code 1977, is amended to read as follows:

49 35.5 PAYMENT OF CLAIMS. When any award from such
50 additional bonus and disability fund is made by said

2 *veterans affairs*, payment shall be made in the manner
3 provided in section 7, chapter 332, Acts of the thirty-
4 ninth general assembly.

5 Sec. 14. Section thirty-five point six (35.6),
6 Code 1977, is amended to read as follows:

7 35.6 RULES. Said [bonus board] *commission of the*
8 *Iowa department of veterans affairs* shall have power
9 to establish such rules as the [board] *commission* deems
10 necessary to carry out the provisions of sections
11 35.2 to 35.5.

12 Sec. 15. Section thirty-five point seven (35.7),
13 Code 1977, is amended to read as follows:

14 35.7 ORPHANS EDUCATIONAL FUND. The [bonus board]
15 *commission of the Iowa department of veterans affairs*
16 is hereby authorized and empowered to administer the
17 war orphans educational aid fund as hereinafter
18 provided.

19 Sec. 16. Section thirty-five point nine (35.9),
20 unnumbered paragraph one (1), Code 1977, is amended
21 to read as follows:

22 Said [bonus board] *commission of the Iowa department*
23 *of veterans affairs* is authorized to expend not to
24 exceed four hundred dollars per year for any one child
25 who shall have lived in the state of Iowa for two
26 years preceding application for aid hereunder, and
27 who is the child of a man or woman who died during
28 World War I between the dates of April 6, 1917, and
29 June 2, 1921, or during World War II between the dates
30 of September 16, 1940, and December 31, 1946, both
31 dates inclusive, or the Korean Conflict at any time
32 between June 25, 1950, and January 31, 1955, both
33 dates inclusive, or the Vietnam Conflict at any time
34 between August 5, 1964, and [ending on the date the
35 armed forces of the United States are directed by
36 formal order of the government of the United States
37 to cease hostilities] *May 7, 1975*, both dates inclusive,
38 while serving in the military or naval forces of the
39 United States, to include members of the reserve
40 components performing service or duties required or
41 authorized under chapter 39, United States Code and
42 Title 32, United States Code, sections 502 through
43 505, and active state service required or authorized
44 under chapter 29A, or as a result of such service,
45 to defray the expenses of tuition, matriculation,
46 laboratory and similar fees, books and supplies,
47 board, lodging, and any other reasonably necessary
48 expense for such child or children incident to
49 attendance at any educational or training institution
50 of college grade, or in any business or vocational

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1 training school of standards approved by said [bonus
2 board] *commission of the Iowa department of veterans*
3 *affairs*, said educational institutions to be located
4 within the state of Iowa.

5 Sec. 17. Section thirty-five point ten (35.10),
6 Code 1977, is amended to read as follows:

7 35.10 ELIGIBILITY AND PAYMENT OF AID. Eligibility
8 for aid hereunder shall be determined upon application
9 to the [Iowa bonus board] *commission of the Iowa*
10 *department of veterans affairs* whose decision shall
11 be final. The eligibility of eligible applicants
12 shall be certified by the [adjutant general of Iowa]
13 *administrator* to the comptroller of Iowa, and all
14 amounts that may be or may become due to any individual
15 or any training institution under this chapter shall
16 be paid to the individual or institution by said
17 comptroller upon receipt by him *or her* of certification
18 by the president or governing board of such educational
19 or training institution as to accuracy of charges
20 made, and as to the attendance of the individual at
21 such educational or training institution. It shall
22 be proper for the [bonus board] *commission of the Iowa*
23 *department of veterans affairs* to pay over said annual
24 sum of four hundred dollars to such educational or
25 training institution in a lump sum, or in such
26 installments as the circumstances may warrant, upon
27 receiving from such institution such written
28 undertaking as the [bonus board] *commission of the Iowa*
29 *department of veterans affairs* may require to assure
30 the use of said funds for such child for the authorized
31 purposes and for no other purpose. [No] A person shall
32 *not* be eligible for the benefits of this chapter until
33 he *or she* shall have graduated from a high school
34 or educational institution offering a course of
35 training equivalent to high school training.

36 Sec. 18. Section thirty-five point twelve (35.12),
37 unnumbered paragraph one (1), Code 1977, is amended
38 to read as follows:

39 In addition to the duties enumerated in sections
40 [35.1] *thirty-five point two (35.2) of the Code* through
41 35.11, the [bonus board] *commission of the Iowa*
42 *department of veterans affairs* shall be responsible
43 for administering the program created by this section.

44 Sec. 19. Section thirty-five C point four (35C.4),
45 Code 1977, is amended to read as follows:

46 35C.4 APPLICATIONS FOR COMPENSATION—APPROVAL.
47 It is the duty of the [service compensation board]

48 *commission of the Iowa department of veterans affairs*
49 to administer the provisions of this chapter, to
50 examine all applications and approve or disapprove

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1 the same and make any investigation necessary to
2 establish facts. In the event an application is
3 disapproved by the [board] *commission*, the claimant
4 may appeal to the district court of the state of Iowa
5 in and for the county of his *or her* legal residence
6 within a period of thirty days from date of mailing
7 by registered mail of notice of such disapproval.
8 The appeal shall be perfected by filing in the office
9 of the [board] *commission*, a written notice of appeal
10 setting forth the order or finding appealed from and
11 the grounds of the appeal. Within thirty days after
12 the filing of such notice of appeal the [board]
13 *commission* shall make, certify, and file in the office
14 of the clerk of the district court to which the appeal
15 is taken, a full and complete transcript of all
16 documents in the proceeding, including any depositions,
17 a transcript or certification of the evidence, if
18 reported, including the notice of appeal. The clerk
19 shall immediately docket such appeal. The appeal
20 shall be heard in such district court as in equity
21 *de novo*. Appeal may be taken to the supreme court
22 from any final order or judgment or decree of the
23 district court. A claimant who successfully appeals
24 the disapproval of an application shall be paid such
25 amount as he *or she* is entitled to as determined by
26 the court from the service compensation fund and,
27 in addition, he or she shall be paid the actual amount
28 of legal fees incurred which legal fees shall be paid
29 in the same manner as administrative costs. When
30 any application has been approved by the [board]
31 *commission of the Iowa department of veterans affairs*,
32 payment shall be made to the applicant in accordance
33 with the provisions of this chapter. It is the duty
34 of the [board] *commission* to prepare vouchers and
35 transmit the same to the state comptroller in payment
36 of the compensation claims provided for in this chapter
37 and other necessary administrative expenses. The
38 state comptroller shall issue a warrant for the amount
39 stated therein and the treasurer of state shall pay
40 such warrants out of said service compensation fund.
41 The [board] *commission of the Iowa department of veterans*
42 *affairs* may employ such assistants and incur such
43 other expenses as may be necessary for such

44 administration and the carrying out of the provisions
45 of this chapter, and the funds necessary for such
46 administration and carrying out the provisions of
47 this chapter shall be expended from the service
48 compensation fund. Such assistants as the [board]
49 *commission* may determine shall be exempt from the
50 provisions of chapter 19A and shall give bond in an

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1 amount as may be fixed by the [board] *commission*, and
2 shall, whenever practicable, be persons within the
3 classes as defined in section 35C.1. The [board]
4 *commission* may make, adopt and promulgate rules for
5 the carrying out of the provisions of this chapter
6 as it deems necessary and expedient and which are
7 not inconsistent with any provisions of this chapter.

8 Sec. 20. Section thirty-five C point five (35C.5),
9 Code 1977, is amended to read as follows:

10 35C.5 TIME FOR MAKING APPLICATIONS. Before
11 receiving any compensation under the provisions of
12 this chapter, the claimant, or his or her successor
13 in interest, shall file with the [service compensation
14 board] *commission of the Iowa department of veterans*
15 *affairs*, application on forms provided by the [board]
16 *commission*. The application shall be filed within
17 four years subsequent to June 30, 1973.

18 Sec. 21. Section two hundred fifty point two
19 (250.2), Code 1977, is amended to read as follows:

20 250.2 CONTROL OF FUND. Said fund shall be expended
21 for the purposes aforesaid by the joint action and
22 control of the board of supervisors and the *county*
23 *commission of veteran affairs* hereinafter provided
24 for.

25 Sec. 22. Section two hundred fifty point three
26 (250.3), Code 1977, is amended to read as follows:

27 250.3 COUNTY COMMISSION OF VETERAN AFFAIRS. The
28 *county commission of veteran affairs* shall consist
29 of three persons, all of whom shall be honorably
30 discharged men or women of the United States who
31 served in the military or naval forces of the United
32 States in any war, including the Korean Conflict at
33 any time between June 25, 1950, and January 31, 1955,
34 both dates inclusive, and including the Vietnam
35 Conflict at any time between August 5, 1964 and [ending
36 on the date the armed forces of the United States
37 are directed by formal order of the government of
38 the United States to cease hostilities] May 7, 1975,
39 both dates inclusive. [Said membership shall at all

40 times, as near as possible, be equally divided] *If*
 41 *possible each member of the commission shall be a*
 42 *veteran of a different war or conflict, so as to*
 43 *divide membership among the men and women who served*
 44 *in the Spanish American War, World War I [and], World*
 45 *War II, the Korean conflict and Vietnam conflict,*
 46 *however, this qualification shall not preclude*
 47 *membership to a veteran who served in more than one*
 48 *of the wars or conflict.*

49 Sec. 23. Section two hundred fifty point eleven
 50 (250.11, Code 1977, is amended to read as follows:

Page 8

1 250.11 DATA FURNISHED [BONUS BOARD] STATE COMMISSION.
 2 The commission of veteran affairs of each county shall
 3 obtain for and transmit to the [state bonus board,
 4 created by chapter 35] *commission of the state*
 5 *department of veterans affairs*, at such time and in
 6 such manner as the [board] *Iowa commission* shall specify,
 7 such information as said [board] *Iowa commission* may
 8 request concerning any person having or claiming to
 9 have any right to award from the additional bonus
 10 and disability fund created by [said] chapter *thirty-*
 11 *five (35) of the Code.*

12 Sec. 24. Section two hundred fifty point nineteen
 13 (250.19), Code 1977, is amended to read as follows:

14 250.19 BURIAL RECORDS. The *county* commission
 15 of veteran affairs of [each county] shall be charged
 16 with securing the information requested by the adjutant
 17 general's office *or the Iowa department of veterans*
 18 *affairs* of every person having a *military* service
 19 record *and* buried in that county. Such information
 20 shall be secured from the undertaker in charge of
 21 the burial and shall be transmitted by him *or her*
 22 to the commission of veteran affairs of the county
 23 where burial is made [and]. *This information* shall
 24 be recorded alphabetically and by description of
 25 location in the cemetery where *the veteran is buried* [,
 26 in a book as prescribed by the adjutant general and
 27 kept for that purpose in the office of the commission].
 28 *This recording shall conform to the directives of*
 29 *the Iowa department of veterans affairs and shall*
 30 *be kept in a book by the county commission.*

31 Sec. 25. Section three hundred thirty-five point
 32 four (335.4), unnumbered paragraph one (1), Code 1977,
 33 is amended to read as follows:

34 The county recorder of each county in this state
 35 shall maintain in his *or her* office a special book

36 or books [of uniform type, kind, and form approved
 37 by the adjutant general of the state] in which [he] *the*
 38 *recorder* shall, upon request, record without charge
 39 the discharge or discharges of any man or woman who:

- 40 1. Enlisted or was inducted from said county,
- 41 2. Resided at any time in said county, or
- 42 3. Is buried in said county.

43 *This book shall be of uniform type, kind, and form*
 44 *approved by the Iowa department of veterans affairs*
 45 *and adjutant general of the state.*

46 Sec. 26. Sections thirty-five point one (35.1)
 47 and thirty-five C point three (35C.3), Code 1977,
 48 are repealed.

49 Sec. 27. Sections two (2) through twenty-five
 50 (25) of this Act are effective January 1, 1978.”

RICHARD F. DRAKE
 FORREST V. SCHWENGELS
 LOUIS P. CULVER
 C.W. HUTCHINS

S-3273

1 Amend Senate File 145 as follows:

2 1. Page 1, by striking line 22 and inserting in
 3 lieu thereof the following section:

4 “Sec. ____ . The one-half unit course in economics
 5 with emphasis on the free-enterprise system shall
 6 be made available in each school district and nonpublic
 7 high school not later than January 1, 1978. The
 8 successful completion of such an economics course
 9 shall be required for graduation from high school
 10 by every student graduating after January 1, 1979.”

11 2. By numbering the section as necessary.

COMMITTEE ON EDUCATION
 JOAN ORR, Chairperson

S-3274

1 Amend Senate File 302 as follows:

2 1. Page 1, line 13, by inserting after the word
 3 “aging” the following:

4 “provided that existing area agencies on aging
 5 do not merge with one another”.

TOM SLATER
 ROBERT M. CARR
 WILLIAM D. PALMER

S-3275

1 Amend House File 464, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 8 the
4 following:

5 "Sec. ____ . The department of social services
6 shall encourage voluntary participation of families
7 in paying for a portion of the care delivered to a
8 relative/resident in an intermediate care facility.
9 Facility administrators and appropriate department
10 personnel, both state and county, will be advised
11 as to the proper method of implementing family
12 participation."

13 2. Renumber the sections as required by this
14 amendment.

E. KEVIN KELLY

S-3276

1 Amend House File 464, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 8 the
4 following:

5 "Sec. ____ . It is the intent of this Act that
6 the department of social services shall provide
7 only those minimum dental services that are
8 required by the federal government as a condition
9 of federal participation in the Iowa medical
10 assistance program provided for in chapter two
11 hundred forty-nine A (249A) of the Code."

12 2. Renumber the sections as required by this
13 amendment.

E. KEVIN KELLY

S-3277

1 Amend Senate File 292 as follows:

2 1. Page 1, line 20, by inserting after the word
3 "shall" the words "enter on the declaration of value
4 such information as the director of revenue may require
5 for the production of the sales-assessment ratio study
6 and".

7 2. Page 2, lines 20 and 21, by striking the words
8 "falsifies the value of real property which has been
9 transferred" and inserting in lieu thereof the words

10 "enters false information".

ROGER J. SHAFF

S-3278

- 1 Amend House File 251, as amended and passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by striking lines 15 through 18.

DALE L. TIEDEN

S-3279

- 1 Amend Senate File 292 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. ____ . Section four hundred twenty-eight A
 5 point one (428.1), Code 1977, is amended to read as
 6 follows:
 7 428A.1 AMOUNT OF TAX ON TRANSFERS. There is
 8 imposed on each deed, instrument, or writing by which
 9 any lands, tenements, or other realty in this state
 10 shall be granted, assigned, transferred, or otherwise
 11 conveyed, a tax determined in the following manner.
 12 When there is no consideration or when the deed
 13 instrument or writing is executed and tendered for
 14 recording as an instrument corrective of title, and
 15 so states, there shall be no tax. When there is
 16 consideration and the actual market value of the real
 17 property transferred is in excess of five hundred
 18 dollars, the tax shall be [fifty five cents] *one dollar*
 19 for each five hundred dollars or fractional part of
 20 five hundred dollars in excess of five hundred dollars.
 21 The term 'consideration' as used in this chapter,
 22 means the full amount of the actual sale price of the
 23 real property involved, paid or to be paid, including
 24 the amount of an incumbrance or lien on the property,
 25 whether assumed or not by the grantee. It shall be
 26 presumed that the sale price so stated shall include
 27 the value of all personal property transferred as part
 28 of the sale unless the dollar value of said personal
 29 property is stated on the instrument of conveyance.
 30 When the dollar value of the personal property included
 31 in the sale is so stated, it shall be deducted from the
 32 consideration shown on the instrument for the purpose
 33 of determining the tax."
 34 2. Page 2, by inserting after line 31 the following:
 35 "Sec. ____ . Section four hundred twenty-eight A

36 point eight (428A.8), Code 1977, is amended to read as
 37 follows:
 38 428A.8 REMITTANCE TO STATE TREASURER—PORTION
 39 RETAINED IN COUNTY. On or before the tenth day of each
 40 month the county recorder shall determine and pay to the
 41 treasurer of state [seventy-five] *sixty* percent of the
 42 receipts from the sale of documentary stamps during the
 43 preceding month and the treasurer of state shall deposit
 44 such receipts in the state treasury to the credit of the
 45 general fund.
 46 The county recorder shall deposit the remaining
 47 [twenty-five] *forty* percent of the receipts to the credit
 48 of the county general fund.
 49 The county recorder shall keep such records and
 50 make such reports with respect to the documentary stamps

Page 2

1 entrusted to his custody and with respect to the sale
 2 of such stamps as the director of revenue shall prescribe.”

C. W. HUTCHINS

S—3280

1 Amend Senate File 209 as follows:
 2 1. Page 1, by striking lines 3 through 12 and
 3 inserting in lieu thereof the following:
 4 “The state conservation commission and any
 5 political subdivision of the state acquiring
 6 abandoned railroad rights-of-way for recreational
 7 or conservation purposes shall have the following
 8 responsibilities concerning that right-of-way:
 9 1. The responsibility for fencing as outlined
 10 in chapter one hundred thirteen (113) of the Code;
 11 2. The duty to allow for private crossings as
 12 provided for in section three hundred twenty-seven G
 13 point eleven (327G.11), of the Code;
 14 3. The responsibility for drainage as delineated
 15 in chapter four hundred sixty-five (465) of the Code;
 16 4. The responsibility for overhead, underground
 17 or multiple crossings in accord with section three
 18 hundred twenty-seven G point twelve (327G.12) of
 19 the Code; and
 20 5. The responsibility for weed control in accord
 21 with chapter three hundred seventeen (317) of the Code.
 22 This section shall not be construed to absolve
 23 the state conservation commission or a political

24 subdivision of other duties and responsibilities that
25 they may, by law, be assigned as property owners.”.

RICHARD F. DRAKE
ELIZABETH R. MILLER
JAMES V. GALLAGHER

HOUSE AMENDMENT TO SENATE FILE 233

S-3281

1 Amend Senate File 233 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 5 the follow-
4 ing:

5 “Sec. 2. Section one hundred forty-seven point
6 eighty (147.80), unnumbered paragraph one (1), Code
7 1977, is amended to read as follows:

8 An examining board shall set the fees for the
9 examination of applicants, which fees shall be based
10 upon the annual cost of administering the examinations.
11 *An examining board may issue multi-year licenses for*
12 *a term not exceeding three years. An examining board*
13 *shall set the [annual] fees required for any of the*
14 *following based upon the cost of sustaining the board*
15 *and the actual costs of licensing:*

16 Sec. 3. It is the intent of the general assembly
17 that the board of medical examiners begin to issue
18 multi-year licenses in the fiscal year beginning July
19 1, 1977.”

20 2. By renumbering the remaining section.

S-3282

1 Amend Senate File 309 as follows:

2 1. Page 1, line 4, by inserting after the word
3 “impose” the word “a”.

4 2. Page 1, line 4, by striking the word “taxes”
5 and inserting in lieu thereof the word “tax”.

6 3. Page 1, line 20, by striking the words “type
7 and”.

8 4. Page 1, line 34, by striking the words “type
9 and”.

10 5. Page 2, line 4, by striking the words “type
11 and”.

12 6. Page 2, line 16, by striking the words “type
13 and”.

14 7. Page 4, by striking line 16, through page 5,
15 line 1.

16 8. Page 5, line 2, by striking the word “sales.”.

- 17 9. Page 5, by striking lines 3 and 4.
 18 10. Page 5, line 8, by striking the words "or
 19 sales, services and use tax".
 20 11. Page 5, line 10, by striking the words "
 21 or state sales and use tax laws".
 22 12. Page 5, lines 12 and 13, by striking the words
 23 "or sales, services and use tax".
 24 13. Page 5, lines 15 and 16, by striking the words
 25 "or sales, services and use tax".
 26 14. Page 5, line 19, by striking the words "tax,
 27 or chapter four hundred twenty-two".
 28 15. Page 5, by striking lines 20 and 21.
 29 16. Page 5, lines 23 and 24, by striking the words
 30 " , or the state gross receipts and use tax law".
 31 17. Page 5, lines 25 and 26, by striking the words
 32 "or sales, services and use tax law, as applicable".
 33 18. Page 5, line 31, by striking the words "or
 34 sales, services and use tax".
 35 19. Page 5, line 33, by striking the words "or
 36 sales, services and use tax".
 37 20. Page 6, lines 1 and 2, by striking the words
 38 "or sales, services and use tax".
 39 21. Page 6, line 4, by striking the words "or
 40 sales, services and use tax".
 41 22. Page 6, line 6, by striking the words "or
 42 sales, services and use tax".
 43 23. Page 6, lines 11 and 12, by striking the words
 44 "or sales, services and use tax".
 45 24. Page 6, line 17, by striking the words "or
 46 sales, services and use tax".
 47 25. Page 6, line 22, by striking the words "or
 48 sales, services and use tax".
 49 26. Page 7, line 14, by striking the words "or
 50 sales, services and use tax".

Page 2

- 1 27. Page 7, line 18, by striking the words "or
 2 sales, services and use tax".
 3 28. Title page, line 1, by inserting after the
 4 word "impose" the word "a".
 5 29. Title page, line 2, by striking the word
 6 "taxes" and inserting in lieu thereof the word "tax".

LUCAS J. DE KOSTER

S-3283

- 1 Amend Senate File 217, page 1, by striking line

2 13.

COMMITTEE ON JUDICIARY
 GENE W. GLENN, Chairperson

S-3284

- 1 Amend Senate File 310 as follows:
 2 1. Page 1, line 6, by striking the word "only".
 3 2. Page 1, line 6, by striking the word "new".
 4 3. Page 1, by striking from the lines 8 and 9 the
 5 words "construction of which is commenced after
 6 January 1, 1978".
 7 4. Page 1, line 14, by inserting after the word
 8 "code." the words "The provisions of this subsection
 9 shall be enforced by the Office of the State Fire
 10 Marshall."
 11 5. Page 1, line 15, by striking the word "January"
 12 and inserting in lieu thereof the word "July".

C. W. HUTCHINS

S-3285

- 1 Amend Senate File 292 by striking all after the
 2 enacting clause and inserting in lieu thereof the
 3 following:
 4 "Section 1. Chapter four hundred twenty-eight A,
 5 Code 1977, is amended by adding the following new
 6 sections:
 7 *NEW SECTION.* At the time each deed, instrument,
 8 or writing by which real property in this state shall
 9 be granted, assigned, transferred, or otherwise con-
 10 veyed is presented for recording to the county recorder,
 11 said instrument or writing may contain the following
 12 statement inscribed, typed, or stamped thereon:
 13 "THE CONSIDERATION STATED HEREIN IS THE FULL
 14 CONSIDERATION FOR THE REAL ESTATE TRANSFER AND DOES
 15 NOT REFLECT FACTORS IN THE SALES TRANSACTION TENDING
 16 TO DISTORT MARKET VALUE."
 17 If such statement is not included in the instru-
 18 ment or writing the county recorder shall, and the
 19 county assessor may inquire of the sellers, buyers, or
 20 their agents, the amount of the full consideration paid
 21 for the real estate and may also inquire about various
 22 factors that may have caused the stated consideration
 23 to not reflect market value including but not limited
 24 to sales to immediate family of the seller, foreclosure
 25 or other forced sales, contract sales, discounted
 26 purchase transactions, or purchase of adjoining land or

- 27 other land to be operated as a unit.
- 28 *NEW SECTION.* The director of revenue shall
- 29 prescribe forms for the use of the county recorder and
- 30 the county assessor to facilitate the collection of such
- 31 information.
- 32 *NEW SECTION.* Information obtained under the provi-
- 33 sions of this Act shall be submitted by the county
- 34 recorder and the county assessor to the Iowa department
- 35 of revenue at such times as requested by the director of
- 36 revenue.
- 37 *NEW SECTION.* Provisions of this section shall not
- 38 apply to transfer exempt from taxation under section four
- 39 hundred twenty-eight A point two (428A.2), subsections two
- 40 (2) through fourteen (14) of the Code, or where a deed
- 41 is given in fulfillment of the recorded real estate
- 42 contract provided the deed has a notation that it is
- 43 given in fulfillment of a contract.
- 44 *NEW SECTION.* Any person who willfully and in-
- 45 tentiously gives false information under the provisions
- 46 of this Act shall be guilty of a misdemeanor."
- 47 Sec. 2. The provisions of this Act shall become
- 48 effective January 1, 1978.

RICHARD R. RAMSEY

S-3286

- 1 Amend Senate File 296 as follows:
- 2 1. Page 3, line 8, by striking the word
- 3 "appropriate" and inserting in lieu thereof the words
- 4 "as nearly as possible equitable".
- 5 2. Page 3, line 8, by inserting after the word
- 6 "sexes," the words "appropriate representation of".
- 7 3. Page 3, line 9, by inserting after the word
- 8 "and" the words "appropriate representation from".

MINNETTE F. DODERER
 JOAN ORR
 IRVIN L. BERGMAN
 DALE L. TIEDEN
 JOHN R. SCOTT

S-3287

- 1 Amend Senate File 296 as follows:
- 2 1. Page 3, by inserting after line 9 the following
- 3 section:
- 4 "Sec. ____ . Section two hundred fifty-eight point
- 5 nine (258.9), Code 1977, is amended to read as follows:

6 258.9 LOCAL ADVISORY COMMITTEE. The board of
 7 directors of any school district having a population
 8 of more than five thousand persons, maintaining a
 9 school, department, or class receiving the benefit
 10 of federal moneys under the provisions of this chapter
 11 shall, as a condition of approval by such state board
 12 as herein provided, appoint a local advisory committee
 13 for vocational education, consisting of persons of
 14 experience in agriculture, industry, home economics,
 15 and business, to give advice and assistance to such
 16 board of directors in the establishment and maintenance
 17 of such schools, departments, and classes. The state
 18 board may require the board of directors of any school
 19 district that maintains an approved school, department,
 20 or class, to appoint such an advisory committee.
 21 *The state board shall adopt rules requiring that the*
 22 *memberships of local advisory committees fairly*
 23 *represent each sex and minorities residing in the*
 24 *school district. Members of such advisory committee*
 25 *shall serve without compensation.”*
 26 2. Amend the title, line 2, by inserting after
 27 the word “education” the words “and local advisory
 28 committees for vocational education”.
 29 3. By numbering and renumbering sections as
 30 necessary.

MINNETTE F. DODERER
 JOAN ORR
 IRVIN L. BERGMAN
 JOHN R. SCOTT

S-3288

1 Amend House File 251 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by striking lines 13 and 14.

DALE L. TIEDEN

S-3289

1 Amend the Drake, et al., amendment, S-3280, to
 2 Senate File 209 as follows:
 3 1. Page 1, line 10, by inserting after the word
 4 and figure “thirteen (113)” the words and figure “and
 5 section three hundred twenty-seven G point three
 6 (327G.3)”.

RICHARD F. DRAKE

S-3290

- 1 Amend Senate File 300 as follows:
- 2 1. Page 1, line 15, by striking the word "six"
- 3 and inserting in lieu thereof the word "*three hundred*
- 4 *and fifty*".
- 5 2. Page 2, line 31, by striking the words
- 6 "[three] six" and inserting in lieu thereof the word
- 7 "*three hundred and fifty*".

IRVIN L. BERGMAN

S-3291

- 1 Amend House File 254, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, line 15, by striking the words "*When*
- 4 *applicable, the*" and inserting in lieu thereof the
- 5 word "*The*".
- 6 2. Page 1, by striking lines 16 and 17 and
- 7 inserting in lieu thereof the words "*be taught from*
- 8 *a multi-cultural, non-sexist approach, and a*".

JOHN R. SCOTT
LUCAS J. DE KOSTER
MINNETTE F. DODERER

S-3293

- 1 Amend House File 228, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, by striking lines 4, 5 and 6 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. 2. *NEW SECTION. DEFINITIONS.* As used in
- 6 this Act:
- 7 1. "Breeding bull" means dairy or beef male bovine
- 8 genus used for breeding purposes.
- 9 2. "Lease" when used as a verb means to physically
- 10 deliver a breeding bull pursuant to a lease agreement."
- 11 2. Page 3, line 23, by inserting after the word,
- 12 "collected" the words ", provided the bull had not
- 13 been moved to any other premise between the date of
- 14 examination and the date of collection,".
- 15 3. Page 3, line 28, by inserting after the period
- 16 the words "If a breeding bull is moved to any other
- 17 premise after issuance of health certificate but
- 18 prior to collection of the semen, that health certifi-
- 19 cate shall be invalid for purposes of this section.

COMMITTEE ON AGRICULTURE
BASS VAN GILST, Chairperson

S-3294

- 1 Amend the Scott, et al., amendment, S-3291, to
- 2 House File 254, as amended and passed by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 6 through 8 and
- 5 inserting in lieu thereof the following:
- 6 "2. Page 1, by striking lines 16 through 22 and
- 7 inserting in lieu thereof the words "*be taught from*
- 8 *a multi-cultural, nonsexist approach*. The approval
- 9 standards".

ELIZABETH SHAW

S-3295

- 1 Amend House File 464, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "\$10,250,000" and inserting in lieu thereof the
- 5 figure "\$10,585,000".
- 6 2. Page 5, line 3, by striking the figure
- 7 "\$74,000,000" and inserting in lieu thereof the
- 8 figure \$74,155,000".
- 9 3. Page 5, line 17, by inserting after the
- 10 word "for" the words "public and private".
- 11 4. Page 5, by striking lines 18 and 19.
- 12 5. Page 7, by striking lines 24 through 35.
- 13 6. Page 8, by striking lines 1 through 8.
- 14 7. By renumbering sections and correcting
- 15 internal references.

JOHN S. MURRAY

S-3296

- 1 Amend the Scott, et al., amendment, S-3291, to House File
- 2 254, as amended and passed by the House as follows:
- 3 1. By inserting after line 8 the following:
- 4 " ____ Page 1, line 22, by inserting after the
- 5 word "*background.*" the words "*The state board shall*
- 6 *promulgate rules to require that a multi-cultural*
- 7 *non-sexist approach is used by school districts.*"

MINNETTE F. DODERER

S-3297

- 1 Amend the Scott, et al., amendment, S-3291, to House

- 2 File 254, as amended and passed by the House as follows:
 3 1. By inserting after line 8 the following:
 4 " ____ . Page 1, line 22, by inserting before the
 5 word 'The' the following: 'The state board shall
 6 promulgate rules to require that a multi-cultural
 7 non-sexist approach is used by school districts.'."

MINNETTE F. DODERER

S-3298

- 1 Amend House File 254, as amended and passed by
 2 the House as follows:
 3 1. Page 1, line 15, by inserting after the
 4 word "instruction." the following:
 5 "*The state board shall promulgate rules to require*
 6 *that a multi-cultural non-sexist approach is used by school*
 7 *districts.*"

MINNETTE F. DODERER

S-3299

- 1 Amend House File 254, as amended and passed by
 2 the House as follows:
 3 1. Page 3, by inserting after line 18 the
 4 following:
 5 "Sec. ____ . Section two hundred fifty-seven
 6 point twenty-five (257.25), subsection six (6),
 7 Code 1977, is amended by striking paragraph f."

RICHARD R. RAMSEY

S-3300

- 1 Amend Senate File 318, page 6, line 28, by striking
 2 the word "assault" and inserting in lieu thereof the
 3 word "assault".

GENE W. GLENN

S-3301

- 1 Amend Senate File 318 as follows:
 2 1. Page 35, by inserting the following section
 3 after line 16:
 4 "Sec. ____ . Section three hundred seventy-eight
 5 (378), amending section four hundred seventy-seven
 6 point fifteen (477.15) of the 1975 Code, is amended

7 by striking section three hundred seventy-eight (378)
8 and inserting in lieu thereof the following:

9 Sec. 378. Section three hundred twenty-seven F
10 point nine (327F.9), Code 1977, is amended to read
11 as follows:

12 327F.9 VIOLATIONS. Any railroad corporation
13 operating a train or engine using any freight car,
14 caboose, or other car contrary to the provisions of
15 sections 327F.6 and 327F.7 shall *be guilty of a public*
16 *offense and shall* be subject to a fine of not less
17 than five hundred nor more than one thousand dollars
18 for each and every offense, and moneys so collected
19 shall be credited to the railroad assistance fund.”

20 2. By renumbering the remaining sections to conform
21 to this amendment.

GENE W. GLENN

S-3302

1 Amend Senate File 318 as follows:

2 1. Page 31, line 35, by inserting after the figure
3 “(329),” the words and figure “four hundred ninety-
4 one (491),”.

5 2. Page 32, line 2, by striking the word “and”.

6 3. Page 32, line 2, by inserting after the figure
7 “(518),” the words and figures “five hundred nineteen
8 (519), and five hundred twenty-five (525),”.

9 4. Page 35, by inserting the following section
10 after line 16:

11 “Sec. ____ . Section four hundred ninety-one (491),
12 amending section six hundred seven point two (607.2)
13 of the 1975 Code:

14 SEC. 491. Section six hundred seven point two
15 (607.2), Code 1975, is amended by striking [subsections
16 three (3), four (4), five (5), and] *subsection* six
17 (6).”

18 5. Page 36, line 32, by inserting after the word
19 “contain” the words “a space for the imprint of a
20 credit card, and may contain”.

21 6. Page 38, by inserting after line 12 the
22 following section:

23 “Sec. ____ . Section five hundred eighteen (518),
24 amending section seven hundred fifty-three point
25 fifteen (753.15) of the 1975 Code, is amended by
26 striking unnumbered paragraph one (1) and inserting
27 in lieu thereof the following:

28 Sec. 518. Section seven hundred fifty-three point
29 fifteen (753.15), Code 1977, is amended by striking

30 the section and inserting in lieu thereof the
31 following:".

32 7. Page 39, by inserting the following sections
33 after line 25:

34 "Sec. ____ . Section five hundred nineteen (519),
35 subsection two (2), paragraph a, amending section
36 seven hundred fifty-three point sixteen (753.16) of
37 the 1975 Code:

38 a. If the defendant wishes to admit the violation,
39 the officer may release the defendant upon observing
40 [him] *the person* mail the citation and complaint,
41 admission, and minimum fine, together with five dollars
42 costs, to a scheduled violations office in the county,
43 in an envelope furnished by the officer. The officer
44 may allow the defendant *to use a credit card in*
45 *accordance with the rules adopted pursuant to section*
46 *seven hundred fifty-three point twenty-one (753.21)*
47 *of the Code by the department of public safety or*
48 *to mail a check in the proper amount in lieu of cash.*
49 If the check is not paid by the drawee for any reason,
50 the defendant may be held in contempt of court. The

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1 officer shall advise the defendant of the penalty
2 for nonpayment of the check.

3 Sec. ____ . Section five hundred twenty-five (525):
4 SEC. 525. Sections one hundred point thirty-seven
5 (100.37), two hundred forty-five point fourteen
6 (245.14), two hundred forty-six point nine (246.9),
7 two hundred forty-six point ten (246.10), two hundred
8 forty-six point twenty-three (246.23), two hundred
9 forty-six point forty-four (246.44), two hundred
10 forty-seven point one (247.1), two hundred forty-seven
11 point two (247.2), two hundred forty-seven point three
12 (247.3), two hundred forty-seven point four (247.4),
13 two hundred forty-seven point five (247.5), two hundred
14 forty-seven point six (247.6), two hundred forty-seven
15 point seven (247.7), two hundred forty-seven point
16 eight (247.8), two hundred forty-seven point nine
17 (247.9), two hundred forty-seven point ten (247.10),
18 two hundred forty-seven point eleven (247.11), two
19 hundred forty-seven point twelve (247.12), two hundred
20 forty-seven point thirteen (247.13), two hundred
21 forty-seven point fourteen (247.14), two hundred
22 forty-seven point fifteen (247.15), [two hundred forty
23 seven point sixteen (247.16),] two hundred forty-seven
24 point seventeen (247.17), two hundred forty-seven
25 point eighteen (247.18), two hundred forty-seven point

26 nineteen (247.19), two hundred forty-seven point
27 twenty-four (247.24), two hundred forty-seven point
28 twenty-five (247.25), two hundred forty-seven point
29 twenty-six (247.26), two hundred forty-seven point
30 twenty-seven (247.27), two hundred forty-seven point
31 twenty-eight (247.28), two hundred forty-seven point
32 thirty-three (247.33), two hundred forty-seven A point
33 six (247A.6), two hundred fifty-two point nineteen
34 (252.19), two hundred eighty-seven point four (287.4),
35 two hundred ninety-nine point twelve (299.12), three
36 hundred twenty-one point seventy-six (321.76), three
37 hundred twenty-one point seventy-seven (321.77), three
38 hundred twenty-one point eighty (321.80), three hundred
39 twenty-one point eighty-two (321.82), three hundred
40 twenty-one point eighty-three (321.83), three hundred
41 thirty-four point four (334.4), three hundred thirty-
42 eight point ten (338.10), three hundred forty-three
43 point six (343.6), three hundred fifty-six point
44 thirty-six (356.36), four hundred forty-one point
45 fifty-three (441.53), four hundred fifty-four point
46 twenty-seven (454.27), four hundred seventy-four point
47 forty-one (474.41), [four hundred seventy-seven point
48 fifty-eight (477.58), four hundred seventy-seven point
49 fifty-nine (477.59), four hundred seventy-seven point
50 sixty (477.60), four hundred seventy-nine point

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1 nineteen (479.19), four hundred seventy-nine point
2 one hundred nine (479.109), four hundred seventy-nine
3 point one hundred ten (479.110), four hundred seventy-
4 nine point one hundred eleven (479.111), four hundred
5 seventy-nine point one hundred twelve (479.112), four
6 hundred seventy-nine point one hundred thirteen
7 (479.113), four hundred seventy-nine point one hundred
8 fourteen (479.114), four hundred seventy-nine point
9 one hundred fifteen (479.115),] five hundred eleven
10 point nineteen (511.19), five hundred fifty-two point
11 three (552.3), six hundred two point fifteen (602.15),
12 seven hundred thirteen point one (713.1), seven hundred
13 thirteen point two (713.2), seven hundred thirteen
14 point three (713.3), seven hundred thirteen point
15 four (713.4), seven hundred thirteen point five
16 (713.5), seven hundred thirteen point six (713.6),
17 seven hundred thirteen point seven (713.7), seven
18 hundred thirteen point eight (713.8), seven hundred
19 thirteen point nine (713.9), seven hundred thirteen
20 point ten (713.10), seven hundred thirteen point
21 eleven (713.11), seven hundred thirteen point twelve
22 (713.12), seven hundred thirteen point thirteen

23 (713.13), seven hundred thirteen point fourteen
 24 (713.14), seven hundred thirteen point fifteen
 25 (713.15), seven hundred thirteen point sixteen
 26 (713.16), seven hundred thirteen point twenty-two
 27 (713.22), seven hundred thirteen point twenty-three
 28 (713.23), seven hundred thirteen point twenty-six
 29 (713.26), seven hundred thirteen point twenty-seven
 30 (713.27), seven hundred thirteen point twenty-eight
 31 (713.28), seven hundred thirteen point twenty-nine
 32 (713.29), seven hundred thirteen point thirty (713.30),
 33 seven hundred thirteen point thirty-one (713.31),
 34 seven hundred thirteen point thirty-two (713.32),
 35 seven hundred thirteen point thirty-three (713.33),
 36 seven hundred thirteen point thirty-four (713.34),
 37 seven hundred thirteen point thirty-five (713.35),
 38 seven hundred thirteen point thirty-six (713.36),
 39 seven hundred thirteen point thirty-seven (713.37),
 40 seven hundred thirteen point thirty-eight (713.38),
 41 seven hundred thirteen point thirty-nine (713.39),
 42 seven hundred thirteen point forty (713.40), seven
 43 hundred thirteen point forty-one (713.41), seven
 44 hundred thirteen point forty-two (713.42), seven
 45 hundred thirteen point forty-three (713.43), seven
 46 hundred forty-point one (740.1), seven hundred forty
 47 point two (740.2), seven hundred forty point three
 48 (740.3), seven hundred forty point four (740.4), seven
 49 hundred forty point five (740.5), seven hundred forty
 50 point six (740.6), seven hundred forty point seven

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1 (740.7), seven hundred forty point eight (740.8) seven
 2 hundred forty point nine (740.9), seven hundred forty
 3 point ten (740.10), seven hundred forty point eleven
 4 (740.11), seven hundred forty point twelve, (740.12),
 5 seven hundred forty point nineteen (740.19), seven
 6 hundred forty point twenty (740.20), seven hundred
 7 fifty-three point one (753.1), seven hundred fifty-
 8 three point two (753.2), seven hundred fifty-three
 9 point three (753.3), seven hundred fifty-three point
 10 four (753.4), seven hundred fifty-three point five
 11 (753.5), seven hundred fifty-three point six (753.6),
 12 seven hundred fifty-three point seven (753.7), seven
 13 hundred fifty-three point eight (753.8), and seven
 14 hundred fifty-three point nine (753.9), Code 1975,
 15 are repealed."
 16 8. Page 45, by inserting after line 8 the following
 17 sections:
 18 "Sec. ____ Chapter one thousand two hundred forty-

19 two (1242), Acts of the Sixty-sixth General Assembly,
20 1976 Session, section one (1), codified as section
21 seven hundred thirty-two point twenty-five (732.25)
22 in the 1977 Code, is amended to read as follows:

23 SECTION 1. *NEW SECTION*. PAY TOILETS. No person
24 shall make a charge or require any special device,
25 key or slug for the use of a toilet located in a room
26 provided for use of the public. Violation of this
27 Act is a *simple* misdemeanor.

28 The Code editor shall codify this section in chapter
29 one hundred thirty-five (135) of the Code.

30 Sec. ____ . Section three hundred twenty-one point
31 two hundred eighteen (321.218), unnumbered paragraph
32 two (2), Code 1977, is amended to read as follows:

33 Any person operating a motorized bicycle on the
34 highways of the state not possessed of an operator's
35 or chauffeur's license valid for operation of
36 motorcycles or a valid motorized bicycle license,
37 shall, upon conviction, be guilty of a *simple*
38 misdemeanor [and punished by a fine of not less than
39 five nor more than fifty dollars]."

40 9. Page 45, line 15, by inserting after the word
41 "sections" the words "forty-six (46), forty-seven
42 (47), three hundred eighty-two (382),".

43 10. Page 45, by inserting after line 18 the
44 following section:

45 "Sec. ____ . Section three hundred thirty-nine point
46 five (339.5), Code 1977, is repealed."

47 11. By renumbering sections and changing internal
48 references to conform to this amendment.

GENE W. GLENN

S-3303

1 Amend Senate File 318 as follows:

2 1. Page 35, by inserting the following section
3 after line 16:

4 "Sec. ____ . Section three hundred seventy-eight
5 (378), amending section four hundred seventy-seven
6 point fifteen (477.15) of the 1975 Code, is amended
7 by striking section three hundred seventy-eight (378)
8 and inserting in lieu thereof the following:

9 Sec. 378. Section three hundred twenty-seven F
10 point nine (327F.9), Code 1977, is amended to read
11 as follows:

12 327F.9 VIOLATIONS. Any railroad corporation
13 operating a train or engine using any freight car,
14 caboose, or other car contrary to the provisions of

15 sections 327F.6 and 327F.7 shall *be guilty of a public*
 16 *offense and shall* be subject to a fine of not less
 17 than five hundred nor more than one thousand dollars
 18 for each and every offense, and moneys so collected
 19 shall be credited to the railroad assistance fund.”

20 2. Page 31, line 35, by inserting after the figure
 21 “(329),” the words and figure “three hundred seventy-
 22 eight (378),”.

23 3. By renumbering the remaining sections and
 24 correcting internal references to conform to this
 25 amendment.

GENE W. GLENN

S—3304

1 Amend Senate File 329 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following section:

4 “Section 1. Section sixty-eight B point two
 5 (68B.2), subsection four (4), Code 1977, is amended
 6 to read as follows:

7 4. ‘Regulatory agency’ means department of
 8 agriculture, industrial commissioner, bureau of labor,
 9 *occupational safety and health review commission*,
 10 department of job service, department of banking,
 11 insurance department of Iowa, state department of
 12 health, department of public safety, department of
 13 public instruction, state board of regents, department
 14 of social services, department of revenue, Iowa state
 15 commerce commission, Iowa beer and liquor control
 16 department, board of pharmacy examiners, state
 17 conservation commission, state department of
 18 transportation, Iowa state civil rights commission,
 19 department of soil conservation, department of public
 20 defense, and Iowa natural resources council”

21 2. Page 1, by inserting after line 32 the follow-
 22 ing section:

23 “Sec. ____ . Section eighty-five point thirty-four
 24 (85.34), subsection three (3), unnumbered paragraph
 25 one (1), Code 1977, is amended to read as follows:

26 Compensation for an injury causing permanent total
 27 disability shall be upon the basis of eighty percent
 28 per week of the employees’s average weekly spendable
 29 earnings, but not more than a weekly benefit amount,
 30 rounded to the nearest dollar, equal to sixty-six
 31 and two-thirds percent of the state average weekly
 32 wage paid employees as determined by the [Iowa
 33 employment security commission] *director of the Iowa*

34 *department of job service* under the provisions of
 35 section 96.3 and in effect at the time of the injury
 36 provided that as of July 1, 1975, July 1, 1977, July
 37 1, 1979, and July 1, 1981, the maximum weekly benefit
 38 amount rounded to the nearest dollar shall be increased
 39 so that it shall equal one hundred percent, one hundred
 40 thirty-three and one-third percent, one hundred sixty-
 41 six and two-thirds percent and two hundred percent,
 42 respectively, or the state average weekly wage as
 43 determined above. No employee shall receive as compensa-
 44 tion less than thirty-six dollars per week, except if at
 45 the time of [his] *the injury* [his] *the employee's* earnings
 46 are less than thirty-six dollars per week, then the
 47 weekly compensation shall be a sum equal to the full
 48 amount of [his] *the employee's* weekly earnings; said weekly
 49 compensation shall be payable during the period of [his]
 50 *the employee's* disability."

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1 3. Page 9, by inserting after line 20 the
 2 following:

3 "Sec. ____ . Section two hundred seventy-nine point
 4 sixteen (279.16), Code 1977, unnumbered paragraph
 5 four (4), is amended to read as follows:

6 The board shall not be bound by common law or
 7 statutory rules of evidence or by technical or
 8 formal rules of procedure, but it shall hold the
 9 hearing in such manner as is best suited to
 10 ascertain and conserve the substantial rights of
 11 the parties. Process and procedure under [this
 12 section] *sections two hundred seventy-nine point*
 13 *thirteen (279.13) to two hundred seventy-nine point*
 14 *nineteen (279.19)* shall be as summary as reasonably
 15 may be.

16 Sec. ____ . Section two hundred seventy-nine point
 17 twenty-one (279.21), Code 1977, unnumbered paragraph
 18 one (1), is amended to read as follows:

19 The board of directors of a school district may
 20 employ principals, under the provisions of section
 21 [279.13] *two hundred seventy-nine point twenty-three*
 22 *(279.23)*. A principal shall hold a current valid
 23 principal's certificate. Notwithstanding the
 24 provisions of section [279.13] *two hundred seventy-*
 25 *nine point twenty-three (279.23)*, after serving at
 26 least nine months, a principal may be employed for
 27 a term of not to exceed two years."

28 4. By renumbering the remaining sections.

S-3305

1 Amend Senate File 329 as follows:
 2 1. Page 17, by inserting after line 9 the following
 3 section:
 4 "Sec. ____ . The Code editor shall indicate in the
 5 Acts of the Sixty-seventh General Assembly, 1977
 6 Session, those sections of the 1977 Code which are
 7 amended in the 1977 Session which were also amended
 8 by the criminal code revision found at chapter twelve
 9 hundred forty-five (1245), Acts of the Sixty-sixth
 10 General Assembly, 1976 Session."

LUCAS J. DE KOSTER

S-3306

1 Amend Senate File 213 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. The salary rates specified in this
 5 section shall be effective July 1, 1977 and until
 6 otherwise provided by the general assembly. Salaries
 7 provided for in this section shall be paid from funds
 8 appropriated to the department or agency specified
 9 in this section or pursuant to any Act of the general
 10 assembly appropriating funds for the payment of
 11 salaries specified in this section.
 12 The following annual salary rates shall be paid
 13 to the person holding the position indicated from
 14 funds appropriated by the general assembly for such
 15 purposes:

16	1. DEPARTMENT OF AGRICULTURE	
17	Salary for the secretary of	
18	agriculture	\$30,000
19	2. OFFICE OF THE ATTORNEY	
20	GENERAL	
21	Salary of the attorney gen-	
22	eral	\$40,000
23	3. OFFICE OF THE AUDITOR	
24	OF STATE	
25	Salary of the auditor of	
26	state	\$30,000
27	4. OFFICE OF THE GOVERNOR	
28	Salary of the governor	\$55,000
29	5. OFFICE OF THE SECRETARY	
30	OF STATE	

31 Salary of the secretary of
 32 state \$30,000

33 6. OFFICE OF THE TREASURER
 34 OF STATE

35 Salary of the treasurer of
 36 state \$30,000

37 Sec. 2. The salary rates established in this
 38 section shall be effective July 1, 1977 and until
 39 otherwise specified by the general assembly. Persons
 40 receiving the salary rates established by this section
 41 shall not receive any salary adjustments pursuant
 42 to an Act of the general assembly and if this Act
 43 conflicts with any other provisions of law, this Act
 44 shall govern unless otherwise specified by the general
 45 assembly. Salaries provided for in this section shall
 46 be paid from funds appropriated to the agency which
 47 the person represents or for which the person is
 48 employed, however if the funds of the agency which
 49 have been appropriated for salaries are insufficient
 50 to pay the salaries fixed by this section because

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1 of increases in such salaries, funds may be allo-
 2 cated from funds appropriated by the general assembly
 3 for salary adjustment purposes. In addition, if
 4 federal funds are available for any position provided
 5 for in this section, such federal funds may be expended
 6 if the combined federal and state funds do not exceed
 7 the rates provided for in this section.

8 The following annual salary rates shall be paid
 9 to the persons holding the positions indicated in
 10 the manner provided by this section:

11	1. Chief justice of the	
12	supreme court	\$50,000
13	2. Each justice of the	
14	supreme court	\$45,000
15	3. Chief justice of the	
16	appellate court	\$43,500
17	4. Each justice of the	
18	appellate court	\$42,500
19	5. Each chief judge of	
20	a judicial district	\$42,000
21	6. Each district court	
22	judge except the chief judge	
23	of a judicial district	\$40,000
24	7. Each district asso-	
25	ciate judge	\$33,000

26	8. Each full-time judi-	
27	cial magistrate	\$33,000
28	9. Each part-time judi-	
29	cial magistrate	\$ 8,750

30 Sec. 3. Section two point ten (2.10), subsections
 31 one (1), and six (6), Code 1977, are amended to read
 32 as follows:

33 1. Every member of the general assembly except
 34 the speaker of the house and majority and minority
 35 floor leaders of the senate and house shall receive
 36 an annual salary of eight thousand dollars for each
 37 year while serving as a member of the general assembly.
 38 The majority and minority floor leaders of the senate
 39 and house shall receive an annual salary of nine
 40 thousand five hundred dollars for each year while
 41 serving in such capacity. In addition, each such
 42 member shall receive the sum of [twenty] *thirty* dollars
 43 per day for expenses of office, except travel, for
 44 each day the general assembly is in session commencing
 45 with the first day of a legislative session and ending
 46 with the day of final adjournment of each legislative
 47 session as indicated by the journals of the house
 48 and senate, *except that in the event the length of*
 49 *the first regular session of the general assembly*
 50 *exceeds one hundred twenty calendar days and the*

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1 *second regular session exceeds one hundred calendar*
 2 *days, such payments shall be made only for one hundred*
 3 *twenty calendar days for the first session and one*
 4 *hundred calendar days for the second session.* However,
 5 members from Polk county shall receive [ten] *fifteen*
 6 dollars per day. Travel expenses shall be paid at
 7 the rate established by section 79:9 for actual travel
 8 in going to and returning from the seat of government
 9 by the nearest traveled route for not more than one
 10 time per week during a legislative session. However,
 11 any increase from time to time in the mileage rate
 12 established by section 79.9 shall not become effective
 13 for members of the general assembly until the convening
 14 of the next general assembly following the session
 15 in which the increase is adopted; and this provision
 16 shall prevail over any inconsistent provision of any
 17 present or future statute.

18 6. In addition to the salaries and expenses
 19 authorized by this section, members of the general

20 assembly shall be paid [forty] *sixty* dollars per day [,
21 except the speaker of the house who shall be paid
22 sixty dollars per day,] and necessary travel and actual
23 expenses incurred in attending meetings for which
24 per diem or expenses are authorized by law for members
25 of the general assembly who serve on statutory boards,
26 commissions, or councils, and for standing or interim
27 committee or subcommittee meetings subject to the
28 provisions of section 2.14, or when on authorized
29 legislative business when the general assembly is
30 not in session. However, if a member of the general
31 assembly or the lieutenant governor is engaged in
32 authorized legislative business at a location other
33 than at the seat of government during the time the
34 general assembly is in session, payment may be made
35 for the actual transportation and lodging costs
36 incurred because of the business. Such per diem or
37 expenses shall be paid promptly from funds appropriated
38 pursuant to section 2.12.

39 Sec. 4. Section two point fourteen (2.14),
40 subsection five (5), Code 1977, is amended to read
41 as follows:

42 5. When the general assembly is not in session,
43 a member of the general assembly shall be paid [forty]
44 *sixty* dollars per day and [his] necessary travel and
45 actual expenses incurred in attending meetings of
46 a standing committee or subcommittee of which he or
47 *she* is a member in addition to [his] *the* regular
48 compensation. Such compensation and expenses shall
49 be allowed only if the member attends a meeting of
50 the committee or subcommittee for at least four hours.

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1 Sec. 5. Section two point forty-four (2.44), Code
2 1977, is amended to read as follows:

3 2.44 EXPENSES OF COUNCIL AND SPECIAL INTERIM
4 COMMITTEES. Members of the legislative council shall
5 be reimbursed for actual and necessary expenses
6 incurred in the performance of their duties, and shall
7 receive a per diem of [forty] *sixty* dollars for each
8 day in which engaged in the performance of such duties.
9 However, such per diem compensation and expenses shall
10 not be paid when the general assembly is actually
11 in session at the seat of government. Such expenses
12 and per diem shall be paid in the manner provided
13 for in section 2.12.

14 Members of special interim study committees which

15 may from time to time be created and members of the
16 legislative fiscal committee who are not members of
17 the legislative council shall be entitled to receive
18 the same expenses and compensation provided for the
19 members of the legislative council.

20 Sec. 6. Section twenty-eight B point four (28B.4),
21 Code 1977, is amended to read as follows:

22 28B.4 REPORT. The commission shall report to
23 the governor and to the legislature within fifteen
24 days after the convening of each general assembly,
25 and at such other times as it deems appropriate.
26 Its members and the members of all committees which
27 it establishes shall be reimbursed for their travel
28 and other necessary expenses in carrying out their
29 obligations under this chapter and legislative members
30 shall be paid a per diem of [forty] *sixty* dollars for
31 each day in which engaged in the performance of their
32 duties, such per diem and legislators' expenses to
33 be paid from funds appropriated by sections 2.10 and
34 2.12. Expenses of administrative officers, state
35 officials, or state employees who are members of the
36 Iowa commission on interstate co-operation or a
37 committee appointed by the commission shall be paid
38 from funds appropriated to the agencies or departments
39 which such persons represent except as may otherwise
40 be provided by the general assembly. Expenses of
41 citizen members who may be appointed to committees
42 of the commission may be paid from funds as authorized
43 by the general assembly. Expenses of the secretary
44 or employees of the secretary and support services
45 in connection with the administration of the commission
46 shall be paid from funds appropriated to the
47 legislative service bureau unless otherwise provided
48 by the general assembly. Expenses of commission
49 members shall be paid upon approval of the [chair-
50 man] *chairperson* or the secretary of the commission.

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1 Sec. 7. Section sixty-eight B point ten (68B.10),
2 unnumbered paragraph two (2), Code 1977, is amended
3 to read as follows:

4 The two individuals appointed by the chief justice
5 of the supreme court shall receive a per diem of forty
6 dollars and travel expenses at the same rate as paid
7 members of interim committees for attending meetings
8 of the ethics committee. Members of the general

9 assembly shall receive a per diem of [forty] sixty
10 dollars and travel expenses at the same rate as paid
11 members of interim committees for attending meetings
12 held when the general assembly is not in session.
13 The per diem and expenses shall be paid from funds
14 appropriated by section 2.12.

15 Sec. 8. Section ninety-seven B point eight (97B.8),
16 Code 1977, is amended to read as follows:

17 97B.8 ADVISORY INVESTMENT BOARD. A board shall
18 be established to be known as the 'Advisory Investment
19 Board of the Iowa Public Employees' Retirement System',
20 hereinafter called the 'board', whose duties shall
21 be to advise and confer with the department in matters
22 relating to the investment of the trust funds of the
23 Iowa public employees' retirement system. The powers
24 of the board shall be purely advisory and the de-
25 partment shall not be bound in the making of any
26 investment by the recommendations of the board. The
27 board shall consist of seven members. Five of the
28 members shall be appointed by the governor, one of
29 whom shall be an executive of a domestic life insurance
30 company, one an executive of a state or national bank
31 operating within the state of Iowa, the third shall
32 be an executive of a major industrial corporation
33 located within the state of Iowa, and two shall be
34 active members of the system, one of whom shall be
35 an employee of a school district, county school system,
36 joint county system or merged area and one of whom
37 shall not be an employee of a school district, county
38 school system, joint county system or merged area.
39 The president of the senate shall appoint one member
40 from the membership of the senate and the speaker
41 of the house of representatives shall appoint one
42 member from the membership of the house. The two
43 members appointed by the president of the senate and
44 the speaker of the house of representatives and the
45 two active members of the system appointed by the
46 governor shall be ex officio members of the board.
47 The members who are executives of a domestic life
48 insurance company, a state or national bank and a
49 major industrial corporation shall be paid their
50 actual expenses incurred in performance of their

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1 duties and shall receive in addition thereto the sum
2 of forty dollars for each day of service not exceeding

3 forty days per year. Legislative members shall receive
4 the sum of [forty] sixty dollars for each day of service
5 and their actual expenses incurred in the performance
6 of their duties. The per diem and expenses of the
7 legislative members shall be paid from funds
8 appropriated under section 2.12. The members who
9 are active members of the system shall be paid their
10 actual expenses incurred in the performance of their
11 duties as members of the board and performance of
12 their duties as members of the board shall not affect
13 their salaries, vacation or leaves of absence for
14 sickness or injury. The appointive terms of the
15 members appointed by the governor shall be for a
16 period of six years dating from July [1] first of the
17 year in which they are appointed. In the event of
18 vacancy, through resignation or any other cause, in
19 the membership of the board, the governor shall have
20 the power of appointment. Appointees to this board
21 shall be subject to confirmation by a two-thirds vote
22 of the senate, but in the event of interim
23 appointments, such confirmation shall be necessary
24 at the next session of the senate.

25 Sec. 9. Section two hundred forty-nine A point
26 four (249A.4), subsection eight (8), unnumbered
27 paragraph two (2), Code 1977, is amended to read as
28 follows:

29 For each council meeting, other than those held
30 during the time the general assembly is in session,
31 each legislative member of the council shall be
32 reimbursed for actual traveling and other necessary
33 expenses and shall receive a per diem of [forty] sixty
34 dollars for each day in attendance[,]. [as shall the
35 public] *Public representatives shall receive a forty*
36 *dollars per diem and necessary expenses, regardless*
37 *of whether the general assembly is in session.*

38 Sec. 10. Section seven hundred fifty point eight
39 (750.8), unnumbered paragraph two (2), Code 1977,
40 is amended to read as follows:

41 Members shall be appointed prior to the adjournment
42 of the first regular session of each general assembly
43 and shall serve for terms ending upon the convening
44 of the following general assembly or when their
45 successors are appointed. Vacancies shall be filled
46 in the same manner as original appointments and shall
47 be for the remainder of the unexpired term of the
48 vacancy. The members of the committee shall be
49 reimbursed for actual and necessary expenses incurred
50 in the performance of their duties and *except for*

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1 *legislative members* shall receive forty dollars for
2 each day in which engaged in the performance of such
3 duties. [However, such] *Legislative per diem*
4 compensation and expenses shall not be paid when the
5 general assembly is actually in session at the seat
6 of government. [Expenses] *Legislative expenses* and
7 a *sixty dollar* per diem shall be paid from funds
8 appropriated pursuant to section 2.12.

9 Sec. 11. Sections three (3) through ten (10) of
10 this Act are effective January 8, 1979."

11 2. Title page, by striking lines 1 through 7 and
12 inserting in lieu thereof the words "An Act increasing
13 salaries of designated executive and judicial officers
14 and increasing the per diem rates of members of the
15 general assembly."

PHILIP B. HILL

S-3307

1 Amend the Drake, et al., amendment, S-3272, to Senate
2 File 264 as follows:

3 1. Page 1, line 19, by striking the word
4 "Administrator" and inserting in lieu thereof the word
5 "Director".

6 2. Page 1, line 19, by striking the word "director"
7 and inserting in lieu thereof the word "administrator".

8 3. Page 1, lines 30 and 31, by striking the words
9 "and administrator" and inserting in lieu thereof the
10 words "a director".

11 4. Page 2, line 2, by striking the words "the
12 veterans administration hospital,".

13 5. Page 2, line 32, by striking the words "an
14 administrator" and inserting in lieu thereof the words
15 "a director".

16 6. Page 2, line 40, by striking the word
17 "administrator" and inserting in lieu thereof the word
18 "director".

19 7. Page 3, line 6, by striking the word
20 "ADMINISTRATOR" and inserting in lieu thereof the word
21 "DIRECTOR".

22 8. Page 3, line 8, by striking the word "administrator"
23 and inserting in lieu thereof the word "director".

24 9. Page 3, line 11, by striking the word "administrator"
25 and inserting in lieu thereof the word "director".

26 10. Page 3, line 15, by striking the word "administrator"
27 and inserting in lieu thereof the word "director".

28 11. Page 8, by inserting after line 11 the following
29 sections:

30 "Sec. ____ . Section two hundred and fifty point twelve
31 (250.12), Code 1977, is amended to read as follows:
32 250.12 RELIEF INFORMATION CONFIDENTIAL. It shall be
33 unlawful for [the] any county board of supervisors [of] or
34 any county [or the] commission of veteran affairs [of any
35 county] to place the administration of the duties of the
36 county commission of veterans affairs under any relief
37 agency of any county, or to publish the names of the veterans
38 or their families who receive relief under the provisions
39 of this chapter.

40 Sec. ____ . Section two hundred fifty point thirteen
41 (250.13), Code 1977, is amended to read as follows:

42 250.13 BURIAL—EXPENSES. The board shall designate
43 some suitable person in each township to cause to be
44 decently interred in a suitable cemetery [and not in any
45 cemetery or part thereof used exclusively for the burial of
46 the pauper dead,] the body of any honorably discharged man
47 or woman of the United States, who served in the military
48 or naval forces of the United States during any war,
49 including the Korean Conflict at any time between June 25,
50 1950, and January 31, 1955, both dates inclusive, and

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1 including the Vietnam Conflict at any time between
2 August 5, 1964, and [ending on the date the armed forces
3 of the United States are directed by formal order of the
4 government of the United States to cease hostilities]
5 May 7, 1975, both dates inclusive, or the spouse,
6 surviving spouse, or child of such person, if any such
7 person has died without leaving sufficient means to
8 defray the funeral expenses. The commission shall pay
9 such expenses in a sum not exceeding two hundred and
10 fifty dollars in any case.

11 Sec. ____ . Section two hundred fifty point sixteen
12 (250.16), Code 1977, is amended to read as follows:

13 250.16 MARKERS FOR GRAVES. The county commission
14 of veteran affairs [in any county] shall, upon the
15 petition of five [reputable freeholders] eligible electors
16 of any township or municipality in their county, procure
17 for and furnish to said petitioners some suitable and
18 appropriate metal marker at a cost not exceeding ten dollars
19 each, for the grave of each honorably discharged man or

20 woman of the United States, who served in the military
21 or naval forces of the United States during any war,
22 including the Korean Conflict at any time between June
23 25, 1950, and January 31, 1955, both dates inclusive, and
24 including the Vietnam Conflict at any time between
25 August 5, 1964, and [ending on the date the armed forces
26 of the United States are directed by formal order of the
27 government of the United States to cease hostilities]
28 *May 7, 1975*, both dates inclusive, who is buried within
29 the limits of said township or municipality, to be placed
30 at [his] *the individual's* grave to permanently mark and
31 designate said grave for memorial purposes. The expenses
32 thereof shall be paid from any funds raised as provided
33 in this chapter.

RICHARD F. DRAKE
FORREST V. SCHWENGELS
LOUIS P. CULVER
C. W. HUTCHINS

S-3308

1 Amend Senate File 312 as follows:
2 1. Page 4, by inserting after line 15 the
3 following new section:
4 "Sec. — . Chapter one hundred fifty-two (152), Code
5 1977, is amended by adding the following new section:
6 **NEW SECTION. CONTINUING EDUCATION IN NURSING.**
7 1. The board of nursing shall appoint an advisory
8 council on continuing education which shall advise,
9 and recommend to the board, requirements, standards
10 and policies for continuing education courses,
11 continuing education providers and minimum continuing
12 education requirements. The advisory council shall
13 consist of nine members, at least seven of whom shall
14 be nurse members representing various levels and
15 specialty areas of nursing from lists submitted by
16 professional nurses organizations of the state. The
17 council shall meet at least twice annually, one of which
18 meetings shall be with the board. Travel and lodging
19 expenses shall be paid to advisory council members in
20 the same manner as state employees.
21 2. This section shall be effective on the effective
22 date of this Act. However, no proof of fulfillment of
23 rules requiring continuing education shall be required
24 for licensees under chapter one hundred fifty-two (152)
25 of the Code for license renewals effective prior to

- 26 January 1, 1981.
- 27 2. By renumbering sections of the bill and
- 28 correcting internal references as necessary.

LUCAS J. DE KOSTER

S-3309

- 1 Amend Senate File 318 as follows:
- 2 1. Page 1, line 30, by striking the word "aminal"
- 3 and inserting in lieu thereof the word "animal".

FORREST F. ASHCRAFT

S-3310

- 1 Amend House File 464 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. There is appropriated from the general
- 6 fund of the state for the fiscal year beginning July
- 7 1, 1977 and ending June 30, 1978 to the department
- 8 of social services, the following amounts, or so much
- 9 thereof as may be necessary, to be used for the
- 10 purposes designated:
- 11
- 12
- 13 1. District Administration
- 14 For the administration of district
- 15 and local offices including salaries
- 16 and support \$10,250,000
- 17 2. State Administration
- 18 a. For salaries, support, maintenance
- 19 and miscellaneous purposes 4,375,000
- 20 3. Medicaid Management Information
- 21 System (MMIS)
- 22 For start up costs at ninety percent
- 23 federal match 140,000
- 24 Sec. 2. There is appropriated from the general
- 25 fund of the state for the fiscal year beginning July
- 26 1, 1977 and ending June 30, 1978 to the department
- 27 of social services, the following amounts, or so much
- 28 thereof as may be necessary, to be used for the
- 29 purposes designated:
- 30
- 31

1977-1978
Fiscal Year

1977-1978
Fiscal Year

32 FAMILY AND CHILDREN SERVICES:

33 For the operation of the following

34 institutions:

35	1. State juvenile home at Toledo	\$1,275,000
36	2. Boy's training school at Eldora	3,100,000
37	3. Girl's Training school at	
38	Mitchellville	1,000,000
39	4. Iowa veterans home at	
40	Marshalltown	7,520,000

41 Sec. 3. There is appropriated from the general
 42 fund of the state for the fiscal year beginning July
 43 1, 1977 and ending June 30, 1978 to the department
 44 of social services, the following amounts, or so much
 45 thereof as may be necessary, to be used for the
 46 purposes designated:

1977-1978
 Fiscal Year

49 MENTAL HEALTH SERVICES:

50 1. For the mental health

Page 2

1	institute at Cherokee	\$6,000,000
2	2. For the mental health	
3	institute at Clarinda	4,950,000
4	3. For the mental health institute at	
5	Independence	6,200,000
6	4. For the mental health institute at Mount	
7	Pleasant	4,800,000

8 The state mental health institutes daily per diem
 9 as determined pursuant to section two hundred thirty
 10 point twenty (230.20) of the Code shall be billed
 11 at eighty percent for the fiscal year.

12 Sec. 4. There is appropriated from the general
 13 fund of the state for the fiscal year beginning July
 14 1, 1977 and ending June 30, 1978 to the department
 15 of social services, the following amounts, or so much
 16 thereof as may be necessary, to be used for the
 17 purposes designated:

1977-1978
 Fiscal Year

20 MENTAL RETARDATION SERVICES:

21	1. For the Glenwood state	
22	hospital-school	\$ 9,800,000
23	2. For the Woodward state	
24	hospital-school	10,100,000
25	3. Hospital-school charges to counties.	

26 a. The state hospital-schools' per-patient-per-
 27 day cost as determined pursuant to section two hundred
 28 twenty-two point seventy-three (222.73) of the Code
 29 shall be billed at eighty percent for the fiscal year,
 30 except as otherwise provided by this subsection.

31 b. If more than twenty percent of the cost of
 32 a patient's care is initially paid from any source
 33 other than state-appropriated funds, the amount so
 34 paid shall be subtracted from the per-patient-per-
 35 day cost of that patient's care computed pursuant
 36 to section two hundred twenty-two point seventy-three
 37 (222.73) of the Code and the patient's county of legal
 38 settlement shall be billed for the full balance of
 39 the cost so computed.

40 Sec. 5. There is appropriated from the general
 41 fund of the state for the fiscal year beginning July
 42 1, 1977 and ending June 30, 1978 to the department
 43 of social services, the following amounts, or so much
 44 thereof as may be necessary, to be used for the
 45 purposes designated:

46		1977-1978
47		Fiscal Year
48	SPECIAL PROGRAMS DIVISION:	
49	1. For aid to the blind	\$ 20,000
50	2. For aid to the	

Page 3

1	dependent children	47,000,000
2	3. For aid to Indians residing on a	
3	settlement	48,000
4	4. For medical assistance	74,000,000
5	5. For contractual services-	
6	medical carrier	950,000
7	6. For foster care	7,800,000
8	7. For subsidized adoptions	240,000
9	8. For work and training	
10	programs	420,000
11	9. For adult and children services	1,280,000
12	10. For homemaker services	420,000
13	11. For state supplementary	
14	assistance	3,800,000
15	12. For state supplementary assistance for	
16	the blind	275,000
17	13. For the governor's youth opportunity	
18	program	750,000

19	14. For child support recoveries	283,000
20	15. Assistance to child care	
21	centers	250,000

22 Sec. 6. Section two hundred thirty-nine point
 23 one (239.1), subsection three (3), Code 1977, is
 24 amended to read as follows:

25 3. A "dependent child" means a needy child under
 26 the age of sixteen years, or under the age of [twenty]
 27 *eighteen* years who is a student regularly attending
 28 a high school in pursuance of a course of study leading
 29 to a high school diploma or its equivalent, or who
 30 is, in lieu of pursuing a course of study leading
 31 to a high school diploma or its equivalent, regularly
 32 attending a course of vocational or technical training
 33 designed to fit [him] *the student* for gainful employment,
 34 who has been deprived of parental support and care
 35 by reason of death, continued absence from home,
 36 physical or mental incapacity or unfitness of either
 37 parent, or partial or total unemployment of the father,
 38 and who is living with [his] *a* father or mother, or
 39 both, or with [his] *a* grandfather, grandmother, brother,
 40 sister, stepfather, stepmother, stepbrother,
 41 stepsister, uncle or aunt, in a place of residence
 42 maintained by one or more of such relatives as [his
 43 or their] *a* home or has been placed in a licensed
 44 foster home or with a public or nonprofit child care
 45 agency by the state division or by the county
 46 department of social welfare in lieu of living with
 47 any relative designated in this subsection.

48 Sec. 7. Unless otherwise provided in this Act,
 49 all institutional receipts of the department of social
 50 services shall be deposited in the general fund except

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1 rentals charged to employees or others for room,
 2 apartment, or house and meals, which shall be available
 3 to the institutions, and except for receipts from
 4 farm products which shall be used for necessary farm
 5 expenses and repair.

6 Sec. 8. Each hospital-school shall, upon receipt
 7 of any payment made under chapter two hundred forty-
 8 nine A (249A) of the Code for the care of any patient,
 9 segregate an amount equal to that portion of the
 10 payment which is required by law to be made from
 11 nonfederal funds. The money segregated shall be

12 deposited in the medical assistance fund of the
13 department of social services.

14 Sec. 9.

15 1. It is the intent of the general assembly that
16 the activities and services provided by the department
17 of social services at the riverview release center
18 at Newton shall be phased out during the 1977-1978
19 fiscal year. The budget for the work release halfway
20 houses funded through the riverview release center
21 shall not be reduced and shall be transferred to
22 community-based corrections for administrative purposes
23 at such time as is appropriate.

24 2. The special needs program of the aid to families
25 with dependent children program shall be maintained
26 as it existed on July 1, 1976.

27 3. The provisions of subsection nine (9) of section
28 nineteen A point nine (19A.9) of the Code which
29 restricts employment of intermittent employees to
30 not more than a specified number of calendar days
31 in any twelve-month period without examination, shall
32 not apply during the period beginning on July 1, 1977
33 and ending June 30, 1978 for forty-six intermittent
34 employees who are employed in field offices by the
35 department of social services. It is the intent of
36 the general assembly to authorize the continued
37 employment during the 1977-1978 fiscal year of persons
38 employed to assist in meeting the current high demand
39 for income maintenance and related services and to
40 permit the department to avoid the cost of training
41 new employees.

42 Sec. 10. All federal grants to and the federal
43 receipts of the agencies appropriated funds under
44 this Act are appropriated for the purposes set forth
45 in such federal grants or receipts except the veterans
46 per diem payable for veterans at the veterans home
47 shall be deposited in the general fund.

48 Sec. 11. Funds appropriated by this Act shall
49 not be used for capital improvements.

50

EXPLANATION

Page 5

1 The appropriations contained in this Act to the
2 department of social services for the 1977-1978 fiscal
3 year are intended to provide for the continuation
4 of current programs with exceptions as indicated by
5 specific provisions contained in this Act.

6 1. The general assembly intends that the department
 7 of social services shall prepare and submit to the
 8 joint budget subcommittee on social services an
 9 analysis of the three juvenile institutions at Eldora,
 10 Mitchellville, and Toledo and a proposal to combine
 11 these three institutions into two shall be made.
 12 It is intended that the department shall consider
 13 the report and recommendations of the Advisory
 14 Commission on Correctional Relief in preparing its
 15 analysis and proposal.

16 2. It is the intent of this bill that during
 17 fiscal year 1977-1978 the Clarinda Mental Health
 18 Institute shall begin to modify its focus to emphasize
 19 the following two goals:

20 a. Provide comprehensive in-patient mental health
 21 care for a residential population of approximately
 22 200, reflecting an estimated decrease in in-patient
 23 population.

24 b. Promote development of community-based services
 25 through mental health centers in southwest Iowa.

26 There may be changes in personnel requirements
 27 and financial arrangements, and it is intended that
 28 the department shall submit a cost estimate to the
 29 joint budget subcommittee on social services by January
 30 15, 1978 on any necessary changes in funding to
 31 implement the new goals.

32 3. It is the intent of this bill, in consideration
 33 of the Iowa State University ADC study, that payments
 34 for persons on the aid to families with dependent
 35 children program shall be set as follows:

- 36 a. 2 person family \$257
- 37 b. 3 person family \$318
- 38 c. 4 person family \$369

39 d. All other cash grants are continued at
 40 their present levels including special needs.

41 It is provided in this bill that the AFCD program
 42 shall no longer include children 18 years of age or
 43 older.

44 4. It is the intent of this bill that the
 45 department shall increase the maximum allowable
 46 reimbursement for ICF services under medicaid from
 47 \$19.00 to \$19.50, and that the department shall
 48 increase the fee paid to pharmacists under medicaid
 49 from \$2.15 to \$2.55.

50 5. It is the intent of this bill that the

Page 6

- 1 department shall resist the implementation of the
- 2 federal government spouse income regulation which
- 3 would allow spouse income under certain circumstances
- 4 to be excluded from the determination of income for
- 5 ICF medicaid eligibility purposes.”

BUDGET SOCIAL SERVICES
SUBCOMMITTEE
BERL E. PRIEBE, Chairperson

S-3311

- 1 Amend Senate File 312, page 13, line 15, by
- 2 striking the word “forty” and inserting in lieu
- 3 thereof the words “one hundred”.

E. KEVIN KELLY

HOUSE AMENDMENT TO SENATE FILE 234

S-3312

- 1 Amend Senate File 234, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 11, by striking the figure “28,055”
- 4 and inserting in lieu thereof the figure “29,183”.
- 5 2. Page 1, line 15, by striking the figure “13,719”
- 6 and inserting in lieu thereof the figure “17,700”.
- 7 3. Page 1, by striking lines 16 through 23.

S-3313

- 1 Amend the House amendment S-3245 to Senate File
- 2 214, as amended and passed by the Senate, as follows:
- 3 1. Page 1, line 42, by striking the figure
- 4 “100,000” and inserting in lieu thereof the figure
- 5 “300,000”.
- 6 2. Page 1, by inserting after line 42 the following
- 7 section:
- 8 “ —. Page 5, by inserting after line 33 the
- 9 following:
- 10 ‘An amount not exceeding one
- 11 hundred fifty thousand (150,000)
- 12 dollars of the funds appropriated
- 13 by this subsection may be dis-

14 tributed by the school budget
15 review committee to school
16 districts qualifying under
17 section four hundred forty-two
18 point thirteen (442.13) of the
19 Code, and an amount not exceeding
20 one hundred fifty thousand (150,000)
21 dollars of the funds appropriated
22 by this subsection shall be dis-
23 tributed to school districts
24 qualifying for guaranteed state
25 aid under the provisions of
26 sections four hundred forty-two
27 point ten (442.10) and four
28 hundred forty-two point eleven
29 (442.11) of the Code for the
30 school year beginning July 1, 1977,
31 notwithstanding the date limita-
32 tions specified in section four
33 hundred forty-two point ten (442.10)
34 and four hundred forty-two point
35 eleven (442.11) of the Code.' "

C. W. HUTCHINS
JOHN R. SCOTT

S-3314

1 Amend Senate amendment S-3310 to House File 464 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 16, by striking the figure
5 "\$10,150,000" and inserting in lieu thereof the
6 figure "\$10,585,000".
7 2. Page 3, line 1, by striking the figure
8 "\$47,000,000" and inserting in lieu thereof the
9 figure "\$47,505,000".
10 3. Page 3, line 4, by striking the figure
11 "\$74,000,000" and inserting in lieu thereof the
12 figure "\$74,155,000".
13 4. Page 3, line 20, by inserting after the word
14 "to" the words "public and private non-profit".
15 5. Page 3, by striking lines 22 through 47.
16 6. By renumbering sections and correcting
17 internal references.

JOHN S. MURRAY

S-3315

- 1 Amend Senate File 308, by striking line 3 and
- 2 inserting in lieu thereof the following:
- 3 3. *NEW PARAGRAPH.* "Notwithstanding the provisions
- 4 of section 565.3, Code 1977, the governor may accept
- 5 an offer of".

RICHARD F. DRAKE

S-3316

- 1 Amend Senate File 300 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "beginning" the words and figures "*July 1, 1982 or*
- 4 *any*".

JOAN ORR

S-3317

- 1 Amend Senate File 300 as follows:
- 2 1. Page 1, line 15, by striking the words "*six*
- 3 *hundred*" and inserting in lieu thereof the words
- 4 "*three hundred and fifty*".
- 5 2. Page 2, line 31, by striking the words "[*three*]
- 6 *six hundred*" and inserting in lieu thereof the words
- 7 "*three hundred and fifty*".

IRVIN L. BERGMAN

S-3318

- 1 Amend Senate File 300 as follows:
- 2 1. Page 8, by inserting after line 4 the following
- 3 section:
- 4 "Sec. ____ . Section two hundred seventy-five point
- 5 twenty-eight (275.28), Code 1977, is amended to read
- 6 as follows:
- 7 275.28 **PLAN OF DIVISION OF ASSETS AND LIABILITIES.**
- 8 A plan of reorganization in addition to setting up
- 9 the territory to comprise the reorganized districts
- 10 may provide for a division of assets and liabilities
- 11 of the old districts between reorganized districts.
- 12 *However, levies for retirement of bonds issued under*
- 13 *the provisions of chapter two hundred ninety-six (296)*
- 14 *of the Code shall continue to be levied only upon*

15 *the property within the geographical boundaries of*
 16 *the old district which approved the levy. If no*
 17 *provision is made in the plan for division of assets*
 18 *and liabilities, such division shall be made under*
 19 *the provisions of sections 275.29 to 275.31, inclusive,*
 20 *hereof."*
 21 2. By numbering and renumbering sections as
 22 necessary.

RAY TAYLOR

S-3319

1 Amend Senate File 300 as follows:
 2 1. Page 8, by inserting after line 4 the following
 3 section:
 4 "Sec. ____ . Section two hundred seventy-five point
 5 thirty-three (275.33), Code 1977, is amended to read
 6 as follows:
 7 275.33 CONTRACTS [NOT AFFECTED]. The terms of
 8 employment of superintendents, principals, and
 9 teachers, for any current school year shall not be
 10 affected by the formation of the new district.
 11 *However, teachers and administrators employed by the*
 12 *board of the new district shall be probationary*
 13 *teachers and administrators under the provisions of*
 14 *sections two hundred seventy-nine point nineteen*
 15 *(279.19) and two hundred seventy-nine point twenty-*
 16 *four (279.24) of the Code."*
 17 2. By numbering and renumbering sections as
 18 necessary.

RAY TAYLOR

S-3320

1 Amend Senate File 300 as follows:
 2 1. Page 8, by inserting after line 4 the following
 3 section:
 4 "Sec. ____ . Section two hundred seventy-five point
 5 thirty-three (275.33), Code 1977, is amended to read
 6 as follows:
 7 275.33 CONTRACTS [NOT AFFECTED]. The terms of
 8 employment of superintendents, principals, and
 9 teachers, for any current school year shall not be
 10 affected by the formation of the new district.
 11 *However, if a school district has entered into a*

- 12 *collective bargaining agreement with its employees*
 13 *and prior to the date upon which the agreement expires*
 14 *the school district is reorganized under this chapter,*
 15 *the collective bargaining agreement shall be terminated*
 16 *upon the date the reorganized school district comes*
 17 *into existence.*
 18 2. By numbering and renumbering sections as
 19 necessary.

RAY TAYLOR

S-3321

- 1 Amend Senate File 300 as follows:
 2 1. Page 1, line 15, by striking the word "six"
 3 and inserting in lieu thereof the word "five".
 4 2. Page 1, lines 18 and 19, by striking the words
 5 "three hundred" and inserting in lieu thereof the
 6 words "two hundred fifty".
 7 3. Page 1, line 23, by striking the word "six".
 8 and inserting in lieu thereof the word "five".
 9 4. Page 1, line 23, by inserting after the word
 10 "pupils," the words "or the school board shall submit
 11 at the next regular school election the question of
 12 whether to raise an additional amount of money in
 13 a manner similar to that provided in sections four
 14 hundred forty-two point fourteen (442.14) and four
 15 hundred forty-two point fifteen (442.15) of the Code.
 16 The additional amount to be approved at the election
 17 shall be equal to the difference between the product
 18 obtained by multiplying two hundred fifty times the
 19 district cost per pupil of the district and the product
 20 obtained by multiplying the weighted enrollment of
 21 the district times the district cost per pupil of
 22 the district. Fifty percent of the additional amount
 23 shall be raised through a property tax levy on the
 24 assessed value of property in the district and fifty
 25 percent of the additional amount shall be raised by
 26 establishing an income surtax on the income of
 27 residents in the district. The taxes shall be
 28 collected and distributed in a manner similar to that
 29 provided in sections four hundred forty-two point
 30 fourteen (442.14) through four hundred forty-two point
 31 twenty (442.20) of the Code. If the additional amount
 32 is authorized by a majority of the voters voting on
 33 the proposition at the regular school election
 34 occurring in the budget year, the additional amount

35 *shall be effective for a three-year period commencing*
 36 *July first of the year following the budget year."*

37 5. Page 1, line 24, by striking the word "or"
 38 and inserting in lieu thereof the words "*If the*
 39 *additional amount is not authorized by the voters*
 40 *and the district has not merged with one or more*
 41 *contiguous school districts."*

42 6. Page 2, line 31, by striking the word "six"
 43 and inserting in lieu thereof the word "five".

44 7. Page 2, line 32, by inserting after the word
 45 "public" the words "*and nonpublic*".

JOHN N. NYSTROM

S-3322

1 Amend Senate File 264 as follows:

Division S-3322A

- 2 1. Page 1, line 5, by striking the word "Act"
 3 and inserting in lieu thereof the word "section".
 4 2. Page 1, line 13, by inserting after the period
 5 the words "Forty-five thousand dollars shall be trans-
 6 ferred from the Korean veteran's bonus tax fund for
 7 use of the Iowa department of veterans affairs and
 8 such funds are appropriated to the Iowa department
 9 of veterans affairs and may be expended commencing
 10 with the effective date of the creation of such
 11 department."
 12 3. Page 1, line 14, by striking the word "transfer"
 13 and inserting in lieu thereof the word "transfers".

Division S-3322B

- 14 4. Page 1, by inserting after line 26 the follow-
 15 ing:
 16 "Sec. 2. *NEW SECTION. DEFINITIONS.* For the pur-
 17 poses of this Act, unless the context otherwise
 18 requires:
 19 1. "Director" means the director of the Iowa
 20 department of veterans affairs.
 21 2. "Commission" means the commission of the Iowa
 22 department of veterans affairs.
 23 3. "Commissioner" means a member of the commission
 24 of the Iowa department of veterans affairs.
 25 4. "Department" means the Iowa department of

26 veterans affairs established in section three (3)
27 of this Act.

28 **Sec. 3. NEW SECTION. DEPARTMENT ESTABLISHED.**

29 There is established an Iowa department of veterans
30 affairs which shall consist of a commission, a director
31 and additional employees as are required to carry
32 out the provisions of this Act.

33 The department shall:

34 1. Maintain information and data concerning the
35 military service records of Iowa veterans.

36 2. Assist county veterans affairs commissions
37 established pursuant to chapter two hundred fifty
38 (250) of the Code.

39 3. Maintain the records including certified records
40 of bonus applications concerning the awards paid
41 pursuant to the additional bonus and disability fund
42 and war orphans educational fund under chapter thirty-
43 five (35) of the Code, and awards paid pursuant to
44 the Vietnam veterans' bonus under chapter thirty-five
45 C (35C) of the Code.

46 4. Collect and maintain information concerning
47 veterans' affairs.

48 5. Conduct two service schools each year for the
49 Iowa association of county commissioners and executive
50 secretaries.

Page 2

Division S—3322B (cont'd.)

1 6. Assist the United States veterans
2 administration, the Iowa veterans home, funeral
3 directors, and federally chartered veterans service
4 organizations in providing information concerning
5 veterans service records and veterans affairs data.

6 **Sec. 4. NEW SECTION. COMMISSION.** There is
7 established a commission within the Iowa department
8 of veterans affairs. This commission shall consist
9 of five persons who shall be appointed by the governor.

10 **Sec. 5. NEW SECTION. APPOINTMENT OF COMMISSIONERS.**

11 The American legion of Iowa; disabled American veterans
12 department of Iowa; veterans of foreign wars department
13 of Iowa; and American veterans of World War II, Korea
14 and Vietnam, through their department commanders,
15 shall submit two names respectively from their
16 organizations to the governor. The governor shall
17 appoint from each of the organizations one

18 representative to serve as a member of the commission.
 19 In addition, the governor shall appoint a member of
 20 the public to serve as a fifth member of the
 21 commission.

22 **Sec. 6. NEW SECTION. TERMS AND INITIAL**
 23 **APPOINTMENTS.** The terms of the commissioners shall
 24 be for four years. However, the initial commissioners
 25 shall serve as follows:

- 26 1. Two members shall serve until June 30, 1980.
- 27 2. Two members shall serve until June 30, 1982.
- 28 3. One member shall serve until June 30, 1984.

29 **Sec. 7. NEW SECTION. DUTIES OF COMMISSION.** The
 30 commission shall:

- 31 1. Appoint a director of the Iowa department of
 32 veterans affairs.
- 33 2. Organize and annually select a chairperson.
- 34 3. Adopt and establish policy for the operation
 35 and conduct of the department, subject to any
 36 guidelines which may be adopted by the general
 37 assembly.
- 38 4. Report to the governor any failure of the
 39 director to carry out any of the policy decision or
 40 directives of the commission.
- 41 5. Approve the budget of the department prior
 42 to submission to the governor.
- 43 6. Promulgate rules pursuant to chapter seventeen
 44 A(17A) of the Code concerning management of the
 45 department and rules necessary to carry out the duties
 46 and responsibilities of the department.
- 47 7. Annually visit and evaluate the Iowa veterans
 48 home.
- 49 8. Annually make a written report to the governor
 50 in the manner required by chapter seventeen (17) of

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1 the Code.
 2 9. Administer awards concerning the additional
 3 bonus and disability fund, the war orphans educational
 4 fund and the Vietnam veterans bonus.

5 **Sec. 8. NEW SECTION. DIRECTOR DUTIES AND POWERS'**

- 6 1. The director shall prepare a budget for the
 7 department and such other reports as are required
 8 by law.
- 9 2. The director shall carry out such administrative
 10 duties of the department and shall carry out the

11 policies of the department as established by the
12 commission.

13 Sec. 9. *NEW SECTION. EXPENSES.* The director
14 and employees of the department shall receive in
15 addition to salary, reimbursement for necessary travel
16 and actual expenses incurred while engaged in the
17 performance of official duties. The commissioners
18 shall receive a per diem salary and reimbursement
19 for necessary travel and actual expenses incurred
20 while engaged in the performance of official duties.

21 Sec. 10. The director of the department of general
22 services shall transfer or exchange state property
23 used by the bonus board to the Iowa department of
24 veterans affairs.

25 Sec. 11. Section thirty-five point two (35.2),
26 Code 1977, is amended to read as follows:

27 35.2 INVESTMENT OF BONUS AND DISABILITY FUND.
28 The treasurer of state shall invest such portions
29 of the additional bonus and disability fund created
30 by section 8, chapter 332, Acts of the thirty-ninth
31 general assembly, not needed for current payments
32 awarded by the [bonus board] *commission of the Iowa*
33 *department of veterans affairs.*

34 Sec. 12. Section thirty-five point four (35.4),
35 Code 1977, is amended to read as follows:

36 35.4 COLLECTION AND DISPOSITION OF INTEREST.
37 The interest from such investments shall be collected
38 by the treasurer of state and shall constitute a part
39 of the additional bonus and disability fund provided
40 by section 8, chapter 332, Acts of the thirty-ninth
41 general assembly, to be disbursed by the treasurer
42 of state upon the order of said [bonus board] *commission*
43 *of the Iowa department of veterans affairs* for the
44 purposes prescribed in said section.

45 Sec. 13. Section thirty-five point five (35.5),
46 Code 1977, is amended to read as follows:

47 35.5 PAYMENT OF CLAIMS. When any award from such
48 additional bonus and disability fund is made by said
49 [bonus board] *commission of the Iowa department of*
50 *veterans affairs*, payment shall be made in the manner

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1 provided in section 7, chapter 332, Acts of the thirty-
2 ninth general assembly.

3 Sec. 14. Section thirty-five point six (35.6),
4 Code 1977, is amended to read as follows:

5 35.6 RULES. Said [bonus board] *commission of the*
6 *Iowa department of veterans affairs* shall have power
7 to establish such rules as the [board] *commission* deems
8 necessary to carry out the provisions of sections
9 35.2 to 35.5.

10 Sec. 15. Section thirty-five point seven (35.7),
11 Code 1977, is amended to read as follows:

12 35.7 ORPHANS EDUCATIONAL FUND. The [bonus board]
13 *commission of the Iowa department of veterans affairs*
14 is hereby authorized and empowered to administer the
15 war orphans educational aid fund as hereinafter
16 provided.

17 Sec. 16. Section thirty-five point nine (35.9),
18 unnumbered paragraph one (1), Code 1977, is amended
19 to read as follows:

20 Said [bonus board] *commission of the Iowa department*
21 *of veterans affairs* is authorized to expend not to
22 exceed four hundred dollars per year for any one child
23 who shall have lived in the state of Iowa for two
24 years preceding application for aid hereunder, and
25 who is the child of a man or woman who died during
26 World War I between the dates of April 6, 1917, and
27 June 1, 1921, or during World War II between the dates
28 of September 16, 1940, and December 31, 1946, both
29 dates inclusive, or the Korean Conflict at any time
30 between June 25, 1950, and January 31, 1955, both
31 dates inclusive, or the Vietnam Conflict at any time
32 between August 5, 1964, and [ending on the date the
33 armed forces of the United States are directed by
34 formal order of the government of the United States
35 to cease hostilities] *May 7, 1975*, both dates inclusive,
36 while serving in the military or naval forces of the
37 United States, to include members of the reserve
38 components performing service or duties required or
39 authorized under chapter 39, United States Code and
40 Title 32, United States Code, sections 502 through
41 505, and active state service required or authorized
42 under chapter 29A, or as a result of such service,
43 to defray the expenses of tuition, matriculation,
44 laboratory and similar fees, books and supplies,
45 board, lodging, and any other reasonably necessary
46 expense for such child or children incident to
47 attendance at any educational or training institution
48 of college grade, or in any business or vocational
49 training school of standards approved by said [bonus

50 board] *commission of the Iowa department of veterans*

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1 *affairs*, said educational institutions to be located
2 within the state of Iowa.
3 Sec. 17. Section thirty-five point ten (35.10),
4 Code 1977, is amended to read as follows:
5 35.10 ELIGIBILITY AND PAYMENT OF AID. Eligibility
6 for aid hereunder shall be determined upon application
7 to the [Iowa bonus board] *commission of the Iowa*
8 *department of veterans affairs*, whose decision shall
9 be final. The eligibility of eligible applicants
10 shall be certified by the [adjutant general of Iowa]
11 *director* to the comptroller of Iowa, and all amounts
12 that may be or may become due to any individual or
13 any training institution under this chapter shall
14 be paid to the individual or institution by said
15 comptroller upon receipt by him or her of certification
16 by the president or governing board of such educational
17 or training institution as to accuracy of charges
18 made, and as to the attendance of the individual at
19 such educational or training institution. It shall
20 be proper for the [bonus board] *commission of the Iowa*
21 *department of veterans affairs* to pay over said annual
22 sum of four hundred dollars to such educational or
23 training institution in a lump sum, or in such
24 installments as the circumstances may warrant, upon
25 receiving from such institution such written
26 undertaking as the [bonus board] *commission of the Iowa*
27 *department of veterans affairs* may require to assure
28 the use of said funds for such child for the authorized
29 purposes and for no other purpose. [No] A person shall
30 not be eligible for the benefits of this chapter until
31 he or she shall have graduated from a high school
32 or educational institution offering a course of
33 training equivalent to high school training.
34 Sec. 18. Section thirty-five point twelve (35.12),
35 unnumbered paragraph one (1), Code 1977, is amended
36 to read as follows:
37 In addition to the duties enumerated in sections
38 [35.1] *thirty-five point two (35.2) of the Code* through
39 35.11, the [bonus board] *commission of the Iowa*
40 *department of veterans affairs* shall be responsible
41 for administering the program created by this section.

42 Sec. 19. Section thirty-five C point four (35C.4),
43 Code 1977, is amended to read as follows:

44 35C.4 APPLICATIONS FOR COMPENSATION—APPROVAL.

45 It is the duty of the [service compensation board]
46 *commission of the Iowa department of veterans affairs*
47 to administer the provision of this chapter, to
48 examine all applications and approve or disapprove
49 the same and make any investigation necessary to
50 establish facts. In the event an application is

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1 disapproved by the [board] *commission*, the claimant
2 may appeal to the district court of the state of Iowa
3 in and for the county of his *or her* legal residence
4 within a period of thirty days from date of mailing
5 by registered mail of notice of such disapproval.
6 The appeal shall be perfected by filing in the office
7 of the [board] *commission*, a written notice of appeal
8 setting forth the order or finding appealed from and
9 the grounds of the appeal. Within thirty days after
10 the filing of such notice of appeal the [board]
11 *commission* shall make, certify, and file in the office
12 of the clerk of the district court to which the appeal
13 is taken, a full and complete transcript of all
14 documents in the proceeding, including any depositions,
15 a transcript or certification of the evidence, if
16 reported, including the notice of appeal. The clerk
17 shall immediately docket such appeal. The appeal
18 shall be heard in such district court as in equity
19 *de novo*. Appeal may be taken to the supreme court
20 from any final order or judgment or decree of the
21 district court. A claimant who successfully appeals
22 the disapproval of an application shall be paid such
23 amount as he *or she* is entitled to as determined by
24 the court from the service compensation fund and,
25 in addition, he *or she* shall be paid the actual amount
26 of legal fees incurred which legal fees shall be paid
27 in the same manner as administrative costs. When
28 any application has been approved by the [board]
29 *commission of the Iowa department of veterans affairs*,
30 payment shall be made to the applicant in accordance
31 with the provisions of this chapter. It is the duty
32 of the [board] *commission* to prepare vouchers and
33 transmit the same to the state comptroller in payment

34 of the compensation claims provided for in this chapter
 35 and other necessary administrative expenses. The
 36 state comptroller shall issue a warrant for the amount
 37 stated therein and the treasurer of state shall pay
 38 such warrants out of said service compensation fund.
 39 The [board] *commission of the Iowa department of veterans*
 40 *affairs* may employ such assistants and incur such
 41 other expenses as may be necessary for such
 42 administration and the carrying out of the provisions
 43 of this chapter, and the funds necessary for such
 44 administration and carrying out the provisions of
 45 this chapter shall be expended from the service
 46 compensation fund. Such assistants as the [board]
 47 *commission* may determine shall be exempt from the
 48 provisions of chapter 19A and shall give bond in an
 49 amount as may be fixed by the [board] *commission*, and
 50 shall, whenever practicable, be persons within the

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1 classes as defined in section 35C.1. The [board]
 2 *commission* may make, adopt and promulgate rules for
 3 the carrying out of the provisions of this chapter
 4 as it deems necessary and expedient and which are
 5 not inconsistent with any provisions of this chapter.

6 Sec. 20. Section thirty-five C point five (35C.5),
 7 Code 1977, is amended to read as follows:

8 **35C.5 TIME FOR MAKING APPLICATIONS.** Before
 9 receiving any compensation under the provisions of
 10 this chapter, the claimant, or his *or her* successor
 11 in interest, shall file with the [service compensation
 12 board] *commission of the Iowa department of veterans*
 13 *affairs*, application on forms provided by the [board]
 14 *commission*. The application shall be filed within
 15 four years subsequent to June 30, 1973.

16 Sec. 21. Section two hundred fifty point two
 17 (250.2), Code 1977, is amended to read as follows:

18 **250.2 CONTROL OF FUND.** Said fund shall be expended
 19 for the purposes aforesaid by the joint action and
 20 control of the board of supervisors and the *county*
 21 *commission of veteran affairs* hereinafter provided
 22 for.

23 Sec. 22. Section two hundred fifty point three
 24 (250.3), Code 1977, is amended to read as follows:

25 **250.3 COUNTY COMMISSION OF VETERAN AFFAIRS.** The

26 *county commission of veteran affairs shall consist*
 27 *of three persons, all of whom shall be honorably*
 28 *discharged men or women of the United States who*
 29 *served in the military or naval forces of the United*
 30 *States in any war, including the Korean Conflict at*
 31 *any time between June 25, 1950, and January 31, 1955,*
 32 *both dates inclusive, and including the Vietnam*
 33 *Conflict at any time between August 5, 1964 and [ending*
 34 *on the date the armed forces of the United States*
 35 *are directed by formal order of the government of*
 36 *the United States to cease hostilities] May 7, 1975,*
 37 *both dates inclusive. [Said membership shall at all*
 38 *times, as near as possible, be equally divided] If*
 39 *possible each member of the commission shall be a*
 40 *veteran of a different war or conflict, so as to*
 41 *divide membership among the men and women who served*
 42 *in the Spanish American War, World War I [and], World*
 43 *War II, The Korean conflict and Vietnam conflict,*
 44 *however, this qualification shall not preclude*
 45 *membership to a veteran who served in more than one*
 46 *of the wars or conflicts.*

47 Sec. 23. Section two hundred fifty point eleven
 48 (250.11), Code 1977, is amended to read as follows:

49 250.11 DATA FURNISHED [BONUS BOARD] STATE COMMISSION.
 50 The commission of veteran affairs of each county shall

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1 obtain for and transmit to the [state bonus board,
 2 created by chapter 35] *commission of the state*
 3 *department of veterans affairs*, at such time and in
 4 such manner as the [board] *Iowa commission* shall specify,
 5 such information as said [board] *Iowa commission* may
 6 request concerning any person having or claiming to
 7 have any right to award from the additional bonus
 8 and disability fund created by [said] chapter *thirty-*
 9 *five (35) of the Code.*

10 Sec. 24. Section two hundred fifty point twelve
 11 (250.12), Code 1977, is amended to read as follows:

12 250.12 RELIEF INFORMATION CONFIDENTIAL. It shall
 13 be unlawful for [the] *any county board of supervisors*
 14 [of] *or any county [or the] commission of veteran affairs*
 15 [of any county] to place the administration of the
 16 duties of the *county commission of veteran affairs*
 17 under any other relief agency of any county, or to

18 publish the names of the veterans or their families
 19 who receive relief under the provisions of this
 20 chapter.
 21 Sec. 25. Section two hundred fifty point thirteen
 22 (250.13), Code 1977, is amended to read as follows:
 23 250.13 BURIAL—EXPENSES. The board shall designate
 24 some suitable person in each township to cause to
 25 be decently interred in a suitable cemetery [and not
 26 in any cemetery or part thereof used exclusively for
 27 the burial of the pauper dead,] the body of any
 28 honorably discharged man or woman of the United States,
 29 who served in the military or naval forces of the
 30 United States during any war, including the Korean
 31 Conflict at any time between June 25, 1950, and January
 32 31, 1955, both dates inclusive, and including the
 33 Vietnam Conflict at any time between August 5, 1964,
 34 and [ending on the date the armed forces of the United
 35 States are directed by formal order of the government
 36 of the United States to cease hostilities] *May 7, 1975*,
 37 both dates inclusive, or the spouse, surviving spouse,
 38 or child of such person, if any such person has died
 39 without leaving sufficient means to defray the funeral
 40 expenses. The commission shall pay such expenses
 41 in a sum not exceeding two hundred and fifty dollars
 42 in any case.

43 Sec. 26. Section two hundred fifty point sixteen
 44 (250.16), Code 1977, is amended to read as follows:
 45 250.16 MARKERS FOR GRAVES. The county commission
 46 of veteran affairs [in any county] shall, upon the
 47 petition of five [reputable freeholders] *eligible*
 48 *electors* of any township or municipality in their
 49 county, procure for and furnish to said petitioners
 50 some suitable and appropriate metal marker at a cost

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1 not exceeding ten dollars each, for the grave of each
 2 honorably discharged man or woman of the United States,
 3 who served in the military or naval forces of the
 4 United States during any war, including the Korean
 5 Conflict at any time between June 25, 1950, and January
 6 31, 1955, both dates inclusive, and including the
 7 Vietnam Conflict at any time between August 5, 1964,
 8 and [ending on the date the armed forces of the United
 9 States are directed by formal order of the government
 10 of the United States to cease hostilities] *May 7, 1975*,

11 both dates inclusive, who is buried within the limits
12 of said township or municipality, to be placed at
13 [his] *the individual's* grave to permanently mark and
14 designate said grave for memorial purposes. The
15 expenses thereof shall be paid from any funds raised
16 as provided in this chapter.

17 Sec. 27. Section two hundred fifty point nineteen
18 (250.19), Code 1977, is amended to read as follows:

19 250.19 BURLIAL RECORDS. The *county* commission
20 of veteran affairs of [each county] shall be charged
21 with securing the information requested by the adjutant
22 general's office *or the Iowa department of veterans*
23 *affairs* of every person having a *military* service
24 record *and* buried in that county. Such information
25 shall be secured from the undertaker in charge of
26 the burial and shall be transmitted by him *or her*
27 to the commission of veteran affairs of the county
28 where burial is made [and]. *This information* shall
29 be recorded alphabetically and by description of
30 location in the cemetery where *the veteran is buried* [,
31 in a book as prescribed by the adjutant general and
32 kept for that purpose in the office of the commission].
33 *This recording shall conform to the directives of*
34 *the Iowa department of veterans affairs and shall*
35 *be kept in a book by the county commission.*

36 Sec. 28. Section three hundred thirty-five point
37 four (335.4), unnumbered paragraph one (1), Code 1977,
38 is amended to read as follows:

39 The county recorder of each county in this state
40 shall maintain in his *or her* office a special book
41 or books [of uniform type, kind, and form approved
42 by the adjutant general of the state] in which [he] *the*
43 *recorder* shall, upon request, record without charge
44 the discharge or discharges of any man or woman who:

- 45 1. Enlisted or was inducted from said county,
- 46 2. Resided at any time in said county, or
- 47 3. Is buried in said county.

48 *This book shall be of uniform type, kind, and form*
49 *approved by the Iowa department of veterans affairs*
50 *and adjutant general of the state.*

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- 1 Sec. 29. Sections thirty-five point one (35.1)
- 2 and thirty-five C point three (35C.3), Code 1977,

- 3 are repealed.
 4 Sec. 30. Sections two (2) through twenty-five
 5 (25) of this Act are effective January 1, 1978."

COMMITTEE ON BUDGET
 WILLIAM D. PALMER, Chairperson

S—3323

- 1 Amend the Nystrom amendment, S—3321, to Senate
 2 File 300, by inserting after line 41 the following:
 3 1. " ____ . Page 1, line 27, by striking the word
 4 'six' and inserting in lieu thereof the word 'five'.

JOHN N. NYSTROM

S—3324

- 1 Amend Senate File 300 as follows:
 2 1. Page 8, by inserting after line 4 the following
 3 section:
 4 "Sec. ____ . There is established an approval
 5 standards review board to review the approval standards
 6 prescribed in section two hundred fifty-seven point
 7 twenty-five (257.25) of the Code and rules promulgated
 8 by the department of public instruction to implement
 9 the approval standards, which shall include staffing
 10 policies. The board shall be composed of nine members
 11 appointed by the governor. Each of three members
 12 shall hold a current valid certificate as an elementary
 13 school principal, secondary school principal, or
 14 superintendent and shall be employed by the board
 15 of a school district. Three members shall be employed
 16 as instructors in programs of teacher education in
 17 institutions of higher education located in this state
 18 and approved by the state board of public instruction.
 19 Three members shall not be employed by any school
 20 district or institution of higher education and shall
 21 represent the general public.
 22 The board shall elect a chairperson and shall use
 23 employees of the department of public instruction
 24 to perform administrative duties. The board shall
 25 meet as often as deemed necessary and members shall
 26 be reimbursed for actual and necessary expenses and
 27 travel in the performance of their official duties.
 28 The board shall submit a written report of its

29 recommendations to the general assembly not later
30 than January 8, 1979.

31 There is appropriated from the general fund of
32 the state to the department of public instruction
33 an amount sufficient to pay the costs of the expenses
34 and travel of members of the board for the fiscal
35 period beginning July 1, 1977 and ending February
36 1, 1979."

37 2. Amend the title, line 2, by inserting after
38 the word "reorganization" the words ", school
39 operation, and to make an appropriation".

40 3. By numbering sections as necessary.

CALVIN O. HULTMAN

S-3325

1 Amend the Nystrom amendment, S-3321, to Senate
2 File 300, by inserting after line 41 the following:

3 1. " ____ . Page 1, line 27, by striking the word
4 "six" and inserting in lieu thereof the word "five".

JOHN N. NYSTROM

S-3326

1 Amend the Taylor amendment, S-3320, to Senate
2 File 300 by striking line 17 and inserting in lieu
3 thereof the following:

4 "*into existence and an employee organization*
5 *may begin the recertification process as provided in*
6 *chapter twenty (20) of the Code.*"

RAY TAYLOR

S-3327

1 Amend Senate File 300 as follows:

2 1. Page 2, by inserting after line 5 the
3 following:

4 "The provisions of this section shall not
5 become effective until the full payment of the
6 agriculture land tax credit as provided for in
7 chapter 426 of the Code has been made for at
8 least one year prior to July 1, 1978."

ROGER J. SHAFF

S-3328

- 1 Amend Senate File 300 as follows:
2 1. Page 2, by inserting after line 5 the
3 following:
4 *"The provisions of this section shall not*
5 *become effective until the full payment of the*
6 *agriculture land tax credit as provided for in*
7 *chapter 426 of the Code has been made for at*
8 *least one year prior to July 1, 1978."*

ROGER J. SHAFF

S-3329

- 1 Amend Senate File 333 as follows:
2 1. Page 9, by inserting after line 15 the following
3 new section:
4 "Sec. ____ . Section two hundred twenty-nine point
5 forty-four (229.44), Code 1977, is repealed."

JOHN S. MURRAY
CHARLES P. MILLER

S-3330

- 1 Amend Senate File 300 as follows:
2 1. Page 1, line 29, by inserting after the
3 word "Code" the following: "*and provided that*
4 *merger shall only be mandated under these provisions*
5 *after the state board has completed the following:*
6 1. *A study and recommendation of alternatives*
7 *to merger designed to improve the quality of educa-*
8 *tion and/or reduce costs such as jointly sharing*
9 *school personnel, equipment or facilities with other*
10 *districts, and direct that such alternatives be*
11 *implemented in lieu of merger.*
12 2. *Upon the failure of the affected school*
13 *district to implement the recommendations pursuant*
14 *to paragraph one (1) the state board may order merger*
15 *after completing the following:*
16 a. *The state board shall complete a detailed*
17 *study and report of the various merger options and*
18 *recommend to the affected district or districts*
19 *the merger option which is most practical and*
20 *beneficial to the students and residents of those*
21 *districts.*

22 **b. The study and report shall include a state-**
 23 *ment of the present quality of all aspects of educa-*
 24 *tion of the school to be merged and the anticipated*
 25 *improvement, if any, of the quality of education*
 26 *resulting from the proposed merger.*

27 **c. The study and report shall include a state-**
 28 *ment of the present educational costs in the school*
 29 *district affected and the total anticipated educa-*
 30 *tional costs, the economy or savings, if any, to*
 31 *operate the school districts under the considered*
 32 *alternatives and the recommended merger.*

33 **d. The study and report shall include a**
 34 *statement of the manner in which students shall be*
 35 *transported, costs and time required of students in*
 36 *traveling to and from school.*

37 **e. The study and report shall include any other**
 38 *matters which bear upon the wisdom or utility of*
 39 *forcing the school district to merge with another”.*

40 **2. Page 1, line 32, by striking the words**
 41 *“[may initiate] shall” and inserting in lieu thereof*
 42 *the words “may [initiate]”.*

RICHARD R. RAMSEY

S-3331

1 Amend Senate File 300 as follows:

2 1. Page 8, by inserting after line 4 the
 3 following section:

4 “Sec. ____ . Section two hundred seventy-five
 5 point thirty-three (275.33), Code 1977, is amended to
 6 read as follows:

7 275.33 CONTRACTS [NOT AFFECTED]. The terms of
 8 employment of superintendents, principals, and teachers,
 9 for any current school year shall not be affected by
 10 the formation of the new district. *If a school*
 11 *district has entered into a collective bargaining*
 12 *agreement with its employees and prior to the date*
 13 *upon which the agreement expires the school district*
 14 *is reorganized under this chapter, the collective*
 15 *bargaining agreement shall be terminated upon the date*
 16 *the reorganized school district comes into existence*
 17 *and an employee organization may begin the*
 18 *recertification process as provided in chapter twenty*
 19 *(20) of the Code.”*

RAY TAYLOR

S-3332

- 1 Amend Senate File 280 as follows:
- 2 1. Page 2, line 1 by striking the words
- 3 "his or her" and inserting in lieu thereof the
- 4 word "a".
- 5 2. Page 2, line 4 by striking the word
- 6 "acknowledge" and inserting in lieu thereof the
- 7 word "acknowledged".

COMMITTEE ON JUDICIARY
 GENE W. GLENN, Chairperson

S-3333

- 1 Amend the subcommittee amendment, S-3310, to
- 2 House File 464 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 4, by striking lines 27 through 41.

CLOYD E. ROBINSON

S-3334

- 1 Amend the Budget Social Service Subcommittee
- 2 amendment (S-3310) to House File 464, as follows:
- 3 1. Page 1, by inserting after line 40 the
- 4 following:
- 5 "5. Juvenile community based
- 6 corrections \$ 80,000
- 7 Sec. 3. Acts of the Sixty-sixth General Assembly,
- 8 1976 Session, chapter one thousand one hundred thirty-
- 9 two (1132), section two (2), subsection six (6),
- 10 paragraph a, is amended to read as follows:
- 11 a. For contracting with local
- 12 public or private nonprofit organi-
- 13 zations for community based juvenile
- 14 corrections programs and juvenile
- 15 interim detention facilities and
- 16 shelter care facilities \$ 160,000
- 17 *Notwithstanding section eight point thirty-three*
- 18 *(8.33) of the Code, unencumbered or unobligated funds*
- 19 *appropriated by this paragraph shall not revert to*
- 20 *the general fund until June 30, 1978. The state youth*
- 21 *coordinator shall submit during the 1978 Session of*
- 22 *the general assembly to the budget committees of the*

23 *house and senate a report detailing the manner in*
 24 *which funds appropriated by this paragraph have been*
 25 *expended. In addition the report shall contain such*
 26 *information as will be useful in determining the value*
 27 *of the community-based juvenile correction program.*

28 Sec. 4. There is appropriated from the general
 29 fund of the state for the fiscal year beginning July
 30 1, 1977 and ending June 30, 1978 to the department
 31 of social services, the following amounts, or so much
 32 thereof as may be necessary, to be used for the
 33 purposes designated:

	1977-1978
	Fiscal Year
36 ADULT CORRECTIONAL SERVICES:	
37 1. Community based corrections	\$6,401,582
38 2. Luster Heights camp	
39 at McCreagor	140,000
40 3. Iowa state penitentiary	
41 at Fort Madison	7,900,000
42 4. Men's reformatory	
43 at Anamosa	5,300,000
44 5. Women's reformatory at	
45 Rockwell City	725,000
46 6. Iowa security medical facility	
47 at Oakdale	2,275,000
48 7. Riverview release center	
49 at Newton	800,000
50 8. Medium security facility	

Page 2

1 at Mt. Pleasant	\$1,500,000
2 9. Parole services	783,000"

3 2. Page 4, by inserting after line 41 the
 4 following:

5 "Sec. 12. There is appropriated from the general
 6 fund of the state to the department of social services
 7 for the fiscal period commencing July 1, 1977 the
 8 sum of one million (1,000,000) dollars, or so much
 9 thereof as is necessary, to be used for capital
 10 improvement projects deemed necessary by the department
 11 for institutions under its jurisdiction or for
 12 maintenance of such institutions.

13 Sec. 13. There is appropriated from the general
 14 fund of the state to the department of social services
 15 for the fiscal period beginning July 1, 1977 the sum
 16 of four million five hundred thousand (4,500,000)

17 dollars, such moneys to be deposited in the hospital-
18 schools revolving fund. Funds appropriated by this
19 section shall revert to the general fund in the same
20 manner as other funds deposited in the hospital-schools
21 revolving fund.

22 Sec. 14. There is appropriated from the general
23 fund of the state to the department of social services
24 for the fiscal period beginning July 1, 1977 the sum
25 of two million five hundred thousand (2,500,000)
26 dollars, or so much as is necessary, for construction
27 of a one hundred eighty bed nursing facility and for
28 renovation of the Sheeler health care facility of
29 the Iowa veterans home.

30 Sec. 15.

31 1. There is appropriated from the general fund
32 of the state to the department of social services
33 for the fiscal period beginning July 1, 1977, the
34 sum of one million two hundred fifty-five thousand
35 one hundred (1,255,100) dollars, or so much thereof
36 as is necessary, for the purpose of carrying out
37 capital improvements at the Iowa state penitentiary
38 at Fort Madison and the men's reformatory at Anamosa
39 pursuant to the specific recommendations of the
40 advisory commission on corrections relief supplemental
41 report submitted to the general assembly subsequent
42 to April 1, 1977.

43 2. Notwithstanding the provisions of chapter one
44 thousand forty-three (1043) of the Acts of the Sixty-
45 sixth General Assembly, 1976 Session, funds
46 appropriated by section one (1), subsection four (4)
47 of such chapter remaining unexpended on the effective
48 date of this Act shall be used for the conversion
49 of the existing minimum security dormitory located
50 outside the walls of the Fort Madison penitentiary

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1 to a minimum security facility. The conversion shall
2 provide for making necessary repairs and separating
3 the upper floor of this minimum security dormitory
4 into rooms.

5 Sec. 16. Funds appropriated by subsection one
6 (1) of section fifteen (15) of this Act, and federal
7 funds which may become available, shall be used for
8 improvements at Fort Madison and Anamosa pursuant
9 to the report of the advisory commission on corrections
10 relief. The improvements include but are not

11 necessarily limited to the following:

12 1. FORT MADISON. To unitize cellhouses eighteen
13 and nineteen, to make necessary repairs to cellhouse
14 seventeen, to complete work now in progress, make
15 further necessary repairs, and also install a
16 horizontal partition in cellhouse twenty, and to
17 convert the upper floor of the existing minimum
18 security dormitory located outside the walls to a
19 minimum security facility with separate sleeping rooms
20 of not less than eighty square feet each. The
21 improvements to these cellhouses shall be completed
22 in the sequence and manner specifically recommended
23 by the advisory commission on corrections relief in
24 its supplemental report submitted to the general
25 assembly subsequent to April 1, 1977. As used in
26 this subsection 'unitize' means the subdivision of
27 cellhouses into smaller units in order to deliver
28 correctional services on a more individualized basis.

29 2. FORT MADISON. To relocate laundry equipment
30 in building fifty-nine and upgrade the electrical
31 system in that building, demolish building thirty-
32 eight, upgrade priority operation and service
33 facilities in building seventy-five and cellhouse
34 ninety-seven, repair the heating distribution system,
35 construct outside separation structures, and repair
36 the electrical distribution system.

37 3. ANAMOSA. To unitize cellhouse one, install
38 forty-four rooms in the north cellhouse, and create
39 one hundred seven housing units in the old hospital.
40 As used in this subsection 'unitize' means the
41 subdivision of a cellhouse into smaller units in order
42 to deliver correctional services on a more
43 individualized basis.

44 Sec. 17. Unobligated or unencumbered funds
45 remaining on June 30, 1981 from funds appropriated
46 by sections twelve (12) through fifteen (15) of this
47 Act shall revert to the general fund of the state
48 on September 30, 1981. However, if federal funds
49 in an amount of at least three million (3,000,000)
50 dollars do not become available during the fiscal

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1 year beginning July 1, 1977 for the purpose of matching
2 funds appropriated by subsection one (1) of section
3 fifteen (15) of this Act, the unobligated funds
4 appropriated by subsection one (1) of section fifteen

5 (15) of this Act remaining on June 30, 1978 shall
6 revert to the general fund on July 1, 1978."

7 3. Page 4, line 48, by inserting after the word
8 "by" the words "sections one (1) through ten (10)
9 of".

10 4. Page 6, by inserting after line 5 the following:
11 "2. Title page, line 3, by inserting after the word
12 "services" the words "and to fund capital improvement
13 projects including capital improvement projects
14 recommended by the advisory commission on corrections
15 relief"."

16 5. By renumbering sections, subsections, and
17 internal references as required.

BUDGET SOCIAL SERVICES
SUBCOMMITTEE
BERL E. PRIEBE, Chairperson

S-3335

1 Amend Senate amendment S-3310 to House File 464,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, after line 41 by inserting the
5 following:

6 "Sec. ____ . The department of social services
7 shall encourage voluntary participation of families
8 in paying for a portion of the care delivered to a
9 relative/resident in an intermediate care facility.
10 Facility administrators and appropriate department
11 personnel, both state and county, will be advised
12 as to the proper method of implementing family
13 participation."

E. KEVIN KELLY

S-3336

1 Amend Senate amendment S-3310 to House File 464,
2 as amended, passed and reprinted by the House, as
3 follows:

4 1. Page 4, after line 41 by inserting the
5 following:

6 "Sec. ____ . It is the intent of this Act that the
7 department of social services shall provide only
8 those minimum dental services that are required by
9 the federal government as a condition of federal

10 participation in the Iowa medical assistance program
 11 provided in chapter two hundred forty-nine A
 12 (249A) of the Code.”.

E. KEVIN KELLY

S—3337

1 Amend the Senate amendment S—3310 to House File 464
 2 as amended, passed, and reprinted by the House as follows:
 3 1. Page 4, by striking from lines 25 and 26 the
 4 words “maintained as it existed on July 1, 1976” and
 5 inserting in lieu thereof the word “continued”.

JOHN S. MURRAY
 BOB RUSH

S—3338

1 Amend the Senate amendment S—3310 to House File 464
 2 as amended, passed, and reprinted by the House as follows:
 3 1. Page 2, by inserting after line 11 of the following
 4 section:
 5 “Sec. ____ The department of social services with the
 6 approval of the governor and the state comptroller may
 7 transfer funds appropriated by this section from any
 8 subsection of this section for a purpose specified by any
 9 other subsection of this section.”.

JOHN S. MURRAY
 BOB RUSH

S—3340

1 Amend the subcommittee amendment, S—3310, to
 2 House File 464, as amended, passed and reprinted by the
 3 House as follows:
 4 1. Page 1, by inserting after line 40 the following
 5 section:
 6 “Sec. ____ . It is the intent of the general
 7 assembly that a mental health institute shall not accept
 8 physical custody of children alleged to be children in
 9 need of assistance on the grounds stated in section two
 10 hundred thirty-two point two (232.2), subsection thirteen
 11 (13), paragraphs i and j, of the Code, on guest status
 12 or otherwise, for more than twenty days.
 13 It is also the intent of the general assembly that

14 children found to be children in need of assistance on
 15 the grounds stated in section two hundred thirty-two
 16 point two (232.2), subsection thirteen (13), paragraphs
 17 i and j, of the Code shall not be placed in a mental
 18 health institute on the basis of that adjudication.

19 The court may, however, order a commitment to a
 20 mental health institute or other appropriate secure
 21 facility for the purposes of treatment of a mental or
 22 emotional condition only after making findings pursuant
 23 to the standards set out for involuntary commitment in
 24 chapter two hundred twenty-nine (229) of the Code.

MINNETTE F. DODERER
 BASS VAN GILST
 PHILIP B. HILL
 E. KEVIN KELLY
 EARL M. WILLITS
 LUCAS J. DE KOSTER

S-3341

1 Amend the subcommittee amendment, S-3310, to
 2 House File 464 as amended, passed and reprinted by the
 3 House as follows:

4 1. Page 3, by inserting after line 47 the
 5 following:

6 "Sec. ____ . It is the intent of the general
 7 assembly in making the appropriation in section five
 8 (5) paragraph two (2) of this Act that each six month
 9 certification of ADC recipients over the age of 18 shall
 10 include verification by the Income Maintenance Worker
 11 that the recipient is attending school on a full-time
 12 basis."

BERL E. PRIEBE

S-3342

1 Amend the Budget Social Services subcommittee
 2 amendment S-3310 to House File 464 as amended,
 3 passed, and reprinted by the House as follows:

4 1. Page 4, by inserting after line 41 the
 5 following:

6 "4. It is the intent of the general assembly
 7 to fully fund the addition to the aid to families
 8 with dependent children program as it applies to
 9 dependent children under the age of twenty years.

10 If funds appropriated by this Act are insufficient
 11 to carry out this intent, it is the intent of the
 12 general assembly that a supplemental appropriation
 13 will be made by the general assembly meeting in the
 14 year 1978 to fund the program as intended."
 15 2. Renumber the sections as required by this
 16 amendment.

LUCAS J. DE KOSTER

S-3345

1 Amend Senate File 329 as follows:
 2 1. Page 10, by inserting after line 10 the
 3 following:
 4 "Sec. ____ . Section three hundred twenty-one point
 5 four (321.4), Code 1977, is amended to read as follows:
 6 321.4. The [commission] *commissioner of public*
 7 *safety*, is authorized to adopt and promulgate administrative
 8 rules governing procedures as may be necessary to carry
 9 out the provisions of this chapter; and to carry out any
 10 other laws the enforcement of which is vested in
 11 department of *public safety*."
 12 2. Page 17, by inserting after line 12 the
 13 following:
 14 "With the creation of the department of transportation,
 15 the rule-making authority of the department of public
 16 safety was erroneously repealed. The rule-making authority
 17 for the department of transportation is found in section
 18 307.10 (5) of the Code. Thus, under current law, the
 19 department of transportation is provided rule-making
 20 authority in at least two different sections of the Code,
 21 while the department of public safety is provided no rule-
 22 making authority. This amendment restores to the department
 23 of public safety the power to make administrative rules as
 24 found in section 321.4 of the Code."

RICHARD R. RAMSEY

S-3346

1 Amend the subcommittee amendment, S-3310, to
 2 House File 464 as amended, passed and reprinted by
 3 the House as follows:
 4 1. Page 3, by inserting after line 47 the
 5 following section:
 6 "Sec. ____ . It is the intent of the General

7 Assembly, in consideration of the Iowa State University
 8 of Science and Technology aid to families with
 9 dependent children study, that the schedule of
 10 living costs and the payments for persons on the aid
 11 to families with dependent children program shall
 12 be set as follows:

- 13
 14 a. 2 person family \$257 per month
 15 b. 3 person family \$318 per month
 16 c. 4 person family \$369 per month
 17 d. All other family sizes shall be set at
 18 their present payment level."

JOHN S. MURRAY

S-3347

1 Amend House File 74, as amended and passed by the
 2 House, as follows:
 3 1. Page 1, by striking from lines 8 through 12
 4 the words "*The board of supervisors or the committee*
 5 *may provide recreational program activities for residents*
 6 *of the county care facility and provide for the cost of*
 7 *the activities to be included in the county care facility's*
 8 *budget*" and inserting in lieu thereof the words "*The*
 9 *board of supervisors or the committee shall provide an*
 10 *activities program for residents of the county care*
 11 *facility and provide for the costs of the activities to*
 12 *be included in the county care facility's budget. Any*
 13 *such activities program shall include a recreational*
 14 *program, and the board or committee may employ an activities*
 15 *director whose responsibility it will be to oversee these*
 16 *programs*".

JAMES M. REDMOND

S-3348

1 Amend Senate File 218 as follows:
 2 1. Page 1, by inserting after line 12 the
 3 following:
 4 "Sec. ____ . Section four hundred fifty-five B
 5 point twelve (455B.12), subsection four (4), Code 1977,
 6 is amended to read as follows:
 7 4. Establish, modify, or repeal emission standards
 8 relating to the maximum quantities of air contamination
 9 that may be emitted from any air contaminant source after
 10 at least sixty days' public notice and public hearings.

11 *If the maximum standards for the emission of sulphur*
 12 *dioxide from solid fuels have to be reduced in any area*
 13 *to meet ambient air standards, any contract for coal*
 14 *produced in Iowa, and burned by a facility in that area*
 15 *that met the sulphur emission in effect at the*
 16 *time the contract went into effect shall be exempted from*
 17 *the decreased requirement until the expiration of the*
 18 *contract period or December 31, 1983, whichever first*
 19 *occurs, if there is any other reasonable means available*
 20 *to satisfy the ambient air standards. To qualify under the*
 21 *provisions of this subsection the contract must be*
 22 *recorded with the county recorder of the county where the*
 23 *burning facility is located within thirty days after the*
 24 *signing of the contract.*

25 2. Title, line 2, by inserting after the word
 26 "regents" the words "and emission standards".

CLIFF BURROUGHS
 JAMES M. REDMOND
 WILLARD R. HANSEN

S-3349

1 Amend the Budget Social Service Subcommittee
 2 amendment (S-3310) to House File 464, as follows:

3 1. Page 1, by inserting after line 40 the
 4 following:

5 "5. Juvenile community based
 6 corrections \$ 80,000

7 Sec. 3. Acts of the Sixty-sixth General Assembly,
 8 1976 Session, chapter one thousand one hundred thirty-
 9 two (1132), section two (2), subsection six (6),
 10 paragraph a, is amended to read as follows:

11 a. For contracting with local
 12 public or private nonprofit organi-
 13 zations for community based juvenile
 14 corrections programs and juvenile
 15 interim detention facilities and
 16 shelter care facilities 160,000

17 *Notwithstanding section eight point thirty-three*
 18 *(8.33) of the Code, unencumbered or unobligated funds*
 19 *appropriated by this paragraph shall not revert to*
 20 *the general fund until June 30, 1978. The state youth*
 21 *coordinator shall submit during the 1978 Session of*
 22 *the general assembly to the budget committees of the*
 23 *house and senate a report detailing the manner in*
 24 *which funds appropriated by this paragraph have been*
 25 *expended. In addition the report shall contain such*

26 *information as will be useful in determining the value*
 27 *of the community-based juvenile correction program.*

28 Sec. 4. There is appropriated from the general
 29 fund of the state for the fiscal year beginning July
 30 1, 1977 and ending June 30, 1978 to the department
 31 of social services, the following amounts, or so much
 32 thereof as may be necessary, to be used for the
 33 purposes designated:

	1977-1978 Fiscal Year
34	
35	
36	ADULT CORRECTIONAL SERVICES:
37	1. Community based corrections \$6,401,582
38	2. Luster Heights camp
39	at McGregor 140,000
40	3. Iowa state penitentiary
41	at Fort Madison 7,900,000
42	4. Men's reformatory
43	at Anamosa 5,300,000
44	5. Women's reformatory at
45	Rockwell City 725,000
46	6. Iowa security medical facility
47	at Oakdale 2,275,000
48	7. Riverview release center
49	at Newton 800,000
50	8. Medium security facility

Page 2

1	at Mt. Pleasant \$1,500,000
2	9. Parole services 783,000"

3 2. Page 4, by inserting after line 41 the
 4 following:

5 "Sec. 12. There is appropriated from the general
 6 fund of the state to the department of social services
 7 for the fiscal period commencing July 1, 1977 the
 8 sum of one million (1,000,000) dollars, or so much
 9 thereof as is necessary, to be used for capital
 10 improvement projects deemed necessary by the department
 11 for institutions under its jurisdiction or for
 12 maintenance of such institutions.

13 Sec. 13. There is appropriated from the general
 14 fund of the state to the department of social services
 15 for the fiscal period beginning July 1, 1977 the sum
 16 of four million five hundred thousand (4,500,000)
 17 dollars, such moneys to be deposited in the hospital-
 18 schools revolving fund. Funds appropriated by this
 19 section shall revert to the general fund in the same

20 manner as other funds deposited in the hospital-schools
21 revolving fund.

22 Sec. 14. There is appropriated from the general
23 fund of the state to the department of social services
24 for the fiscal period beginning July 1, 1977 the sum
25 of two million five hundred thousand (2,500,000)
26 dollars, or so much as is necessary, for construction
27 of a one hundred eighty bed nursing facility and for
28 renovation of the Sheeler health care facility of
29 the Iowa veterans home.

30 Sec. 15.

31 1. There is appropriated from the general fund
32 of the state to the department of social services
33 for the fiscal period beginning July 1, 1977, the
34 sum of one million two hundred fifty-five thousand
35 one hundred (1,255,100) dollars, or so much thereof
36 as is necessary, for the purpose of carrying out
37 capital improvements at the Iowa state penitentiary
38 at Fort Madison and the men's reformatory at Anamosa
39 pursuant to the specific recommendations of the
40 advisory commission on corrections relief supplemental
41 report submitted to the general assembly subsequent
42 to April 1, 1977.

43 2. Notwithstanding the provisions of chapter one
44 thousand forty-three (1043) of the Acts of the Sixty-
45 sixth General Assembly, 1976 Session, funds
46 appropriated by section one (1), subsection four (4)
47 of such chapter remaining unexpended on the effective
48 date of this Act shall be used for the conversion
49 of the existing minimum security dormitory located
50 outside the walls of the Fort Madison penitentiary

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1 to a minimum security facility. The conversion shall
2 provide for making necessary repairs and separating
3 the upper floor of this minimum security dormitory
4 into rooms.

5 Sec. 16. Funds appropriated by subsection one
6 (1) of section fifteen (15) of this Act, and federal
7 funds which may become available, shall be used for
8 improvements at Fort Madison and Anamosa pursuant
9 to the report of the advisory commission on corrections
10 relief. The improvements include but are not
11 necessarily limited to the following:

12 1. FORT MAIDSON. To unitize cellhouses eighteen
13 and nineteen, to make necessary repairs to cellhouse

14 seventeen, to complete work now in progress, make
15 further necessary repairs, and also install a
16 horizontal partition in cellhouse twenty, and to
17 convert the upper floor of the existing minimum
18 security dormitory located outside the walls to a
19 minimum security facility with separate sleeping rooms
20 of not less than eighty square feet each. The
21 improvements to these cellhouses shall be completed
22 in the sequence and manner specifically recommended
23 by the advisory commission on corrections relief in
24 its supplemental report submitted to the general
25 assembly subsequent to April 1, 1977. As used in
26 this subsection 'unitize' means the subdivision of
27 cellhouses into smaller units in order to deliver
28 correctional services on a more individualized basis.

29 2. FORT MADISON. To relocate laundry equipment
30 in building fifty-nine and upgrade the electrical
31 system in that building, demolish building thirty-
32 eight, upgrade priority operation and service
33 facilities in building seventy-five and cellhouse
34 ninety-seven, repair the heating distribution system,
35 construct outside separation structures, and repair
36 the electrical distribution system.

37 3. ANAMOSA. To unitize cellhouse one, install
38 forty-four rooms in the north cellhouse, and create
39 one hundred seven housing units in the old hospital.
40 As used in this subsection 'unitize' means the
41 subdivision of a cellhouse into smaller units in order
42 to deliver correctional services on a more
43 individualized basis.

44 Sec. ____ . Unobligated or unencumbered funds
45 remaining on June 30, 1981 from funds appropriated
46 by sections twelve (12) through fifteen (15) of this
47 Act shall revert to the general fund of the state
48 on September 30, 1981. However, if federal funds in an
49 amount of at least three million (3,000,000) dollars
50 do not become available during the fiscal year beginning

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1 July 1, 1977 for the purpose of matching funds appro-
2 priated by subsection one (1) of section fifteen (15)
3 of this Act, the unobligated funds appropriated by
4 subsection one (1) of section fifteen (15) of this Act
5 remaining on June 30, 1978 shall revert to the general
6 fund on July 1, 1978. In no event, however, shall
7 such funds be used for construction or alteration of

8 physical structures prior to March 1, 1978, except
 9 for seventy-five thousand dollars which shall be used
 10 for the planning of projects provided for in this Act
 11 including the employment of architects.”

12 3. Page 4, line 48, by inserting after the word
 13 “by” the words “sections one (1) through ten (10)
 14 of”.

15 4. Page 6, by inserting after line 5 the following:
 16 “2. Title page, line 3, by inserting after the word
 17 ‘services’ the words ‘and to fund capital improvement
 18 projects including capital improvement projects
 19 recommended by the advisory commission on corrections
 20 relief.’”

21 5. By renumbering sections, subsections, and
 22 internal references as required.

BERL E. PRIEBE

S—3350

1 Amend the Ramsey amendment, S—3345, to Senate
 2 File 329 as follows:

3 1. Page 1, line 2, by striking the word and
 4 figure “line 10” and inserting in lieu thereof the word
 5 and figure “line 12”.

RICHARD R. RAMSEY

S—3351

1 Amend the Budget Committee amendment, S—3322, to
 2 Senate File 264 as follows:

3 1. Page 2, line 16, by striking the word “shall”
 4 and inserting in lieu thereof the word “may”.

EARL M. WILLITS
 RICHARD F. DRAKE

S—3352

1 Amend Senate File 333, page 4, line 21, by
 2 inserting after the word “continue.” the following:
 3 “*The patient’s right to refuse treatment by*
 4 *chemotherapy shall also not apply during any period*
 5 *of custody authorized by the court pursuant to*
 6 *sections 229.13 or 229.14 of the Code.*”

JOHN S. MURRAY

S-3353

- 1 Amend Senate File 243 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking all of line 9.

S-3354

- 1 Amend Senate File 86 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "section" a period.
- 4 2. Page 1, by striking lines 19, 20 and 21.
- 5 3. Page 1, by striking lines 26 through 35,
- 6 inclusive, and inserting in lieu thereof the following:
- 7 "a. A statement on forms provided by the depart-
- 8 ment and signed by a physician, licensed by the state
- 9 board of medical examiners, in which it is stated
- 10 that, in the physician's opinion, the immunizations
- 11 required would be potentially injurious to the health
- 12 and well-being of the applicant or any member of the
- 13 applicant's family or household; or
- 14 b. A statement on forms provided by the depart-
- 15 ment and notarized or signed in the presence of the
- 16 admitting official by the applicant or, if the
- 17 applicant is a minor, by the minor's parent or
- 18 guardian, expressing objections to the immunizations
- 19 on grounds of religion or conscience."
- 20 4. Page 2, by striking lines 1, 2 and 3.

COMMITTEE ON HUMAN RESOURCES
CHARLES P. MILLER, Chairperson

S-3355

- 1 Amend House File 101 by striking all after the
- 2 enacting clause and inserting in lieu thereof the
- 3 following:
- 4 "Section 1. Section three hundred fifty-six point
- 5 five (356.5), subsection six (6), Code 1977, is amended
- 6 by striking the subsection and inserting in lieu
- 7 thereof the following:
- 8 6. Keep a matron on the jail premises at all times
- 9 during the incarceration of one or more female
- 10 prisoners; keep either a jailer or matron on the
- 11 premises at all times during the incarceration of
- 12 one or more male prisoners, and make nighttime

13 insepctions while any prisoners are confined, or
 14 provide for incarceration in a jail which conforms
 15 to the provisions of this subsection.”

PHILIP B. HILL

S-3356

1 Amend House File 74, as amended and passed by
 2 the House, as follows:
 3 1. Page 1, by striking from lines 8 through
 4 12 the words *“The board of supervisors or the*
 5 *committee may provide recreational program activities*
 6 *for residents of the county care facility and provide*
 7 *for the cost of the activities to be included in the*
 8 *county-care facility’s budget”* and inserting in lieu
 9 thereof the words *“The board of superivisors or the*
 10 *committee shall provide an activities program for*
 11 *residents of the county care facility and provide for*
 12 *the costs of the activities to be included in the*
 13 *county care facility’s budget. Any such activities*
 14 *program shall include, a recreational program, and the*
 15 *board of committee shall employ an activities director*
 16 *who may be the administrator of the county care*
 17 *facility or his or her designee, and whose responsibility*
 18 *it will be to oversee these programs”.*

JAMES M. REDMOND
 JOAN ORR
 C. W. HUTCHINS

S-3357

1 Amend Senate File 337 as follows:
 2 1. Page 6, by striking lines 27 through 31 and
 3 inserting in lieu thereof the following:
 4 *“a. Six thousand dollars, or”.*

CALVIN O. HULTMAN

S-3358

1 Amend Senate File 310 as follows:
 2 1. Page 1, by inserting after line 14 the following
 3 section:
 4 *“Sec. ____ . The state fire marshal shall notify*
 5 *the owners of buildings which are subject to the*

6 provisions of this Act that they are required to bring
 7 their building into compliance with the provisions
 8 of this Act before July 1, 1978. The state fire
 9 marshal may delegate the responsibility for such
 10 notification to a local fire department in his or
 11 her discretion.”

RICHARD R. RAMSEY

S-3359

1 Amend Senate File 349, page 1, by striking lines
 2 13 through 24 and inserting in lieu thereof the
 3 following:
 4 “SEC. 707. *NEW SECTION. FETICIDE.* Any person
 5 who intentionally terminates a human pregnancy after
 6 the end of the second trimester of the pregnancy *where*
 7 *death of the fetus results* commits feticide. Feticide
 8 is a class C felony.
 9 *Any person who attempts to intentionally terminate*
 10 *a human pregnancy after the end of the second trimester*
 11 *of the pregnancy where death of the fetus does not*
 12 *result commits attempted feticide. Attempted feticide*
 13 *is a class D felony.*
 14 This section shall not apply to the termination
 15 of a human pregnancy performed by a physician licensed
 16 in this state to practice medicine or surgery when
 17 in the best clinical judgment of the physician the
 18 termination is performed to preserve the life or
 19 health of the pregnant person or of the fetus and
 20 every reasonable medical effort not inconsistent with
 21 preserving the life of the pregnant person is made
 22 to preserve the life of [the] *a viable fetus.*”

RICHARD R. RAMSEY

S-3360

1 Amend Senate File 337 as follows:
 2 1. Page 4, line 3, by inserting after the words
 3 “taxable wages” the words “, excluding reimbursable
 4 employment wages, paid in covered employment during
 5 the first four completed calendar quarters immediately
 6 preceding the rate computation date”.
 7 2. Page 5, line 14, by striking the word
 8 “commission” and inserting in lieu thereof the word
 9 “department”.

FRED W. NOLTING

S—3361

- 1 Amend Senate File 351 as follows:
2 1. Page 2, by striking lines 10 through 13, and
3 inserting in lieu thereof the following:
4 "2. Hold a meeting twice each year with the college
5 of veterinary medicine at Iowa state university. Hold
6 other meetings as the council may determine necessary,
7 or as required by section six (6) of this Act. No action
8 taken by the council shall be valid unless agreed to by
9 a majority of the council members."
10 2. Page 2, by inserting after line 21 the following
11 paragraph:
12 " ____ . File an annual report with the Secretary of
13 Agriculture."

DALE L. TIEDEN

S—3362

- 1 Amend Senate File 274, page 11, line 18
2 by striking the word "customary" and inserting
3 in lieu thereof the word "custody".

COMMITTEE ON JUDICIARY
GENE W. GLENN, Chairperson

S—3363

- 1 Amend Senate File 337 as follows:
2 1. Page 2, line 5 by inserting after the word
3 "rank" the following: "*of the positive percentage of*
4 "*excess employers*".
5 2. Page 3, line 31 by striking the word "table"
6 and inserting in lieu thereof the word "tables".
7 3. Page 4 by striking lines 1 through 3 and
8 inserting in lieu thereof the following:
9 "grouping the employers so listed with positive
10 percentages of excess into seventeen separate ranks
11 containing as nearly as possible five point eighty-
12 eight percent of the total taxable wages attributable
13 to those employers with positive percentages of excess
14 and grouping the employers so listed with negative
15 percentages of excess into six separate ranks containing

16 as nearly as possible sixteen point sixty-seven
 17 percent of the total taxable wages attributable to
 18 those employers with negative percentages of excess.
 19 If an employer's".

20 4. Page 4 by striking lines 9 through 33 and
 21 inserting in lieu thereof the following:

22 " Approximate
 23 Cumulative
 24 Taxable Pay-
 25 roll Limit
 26 Attributable
 27 to Employers
 28 Percentage of Excess
 29 with a Posi-
 30 tive Percent-
 31 age of Excess
 32 Rank
 33 1 5.88% .8 .5 .2 .0 .0 .0 .0 .0 .0
 34 2 11.76% 1.1 .7 .4 .2 .0 .0 .0 .0 .0
 35 3 17.65% 1.4 1.0 .6 .3 .1 .0 .0 .0 .0
 36 4 23.53% 1.7 1.3 .9 .6 .3 .1 .0 .0 .0
 37 5 29.41% 1.9 1.5 1.1 .8 .5 .3 .1 .0 .0
 38 6 35.29% 2.2 1.7 1.3 1.0 .8 .5 .3 .1 .0
 39 7 41.18% 2.4 1.9 1.5 1.2 1.0 .7 .5 .2 .0
 40 8 47.06% 2.6 2.1 1.7 1.4 1.2 .9 .6 .3 .1
 41 9 52.94% 2.8 2.3 1.9 1.6 1.4 1.1 .7 .4 .2
 42 10 58.82% 3.0 2.5 2.1 1.8 1.6 1.3 .9 .5 .2
 43 11 64.71% 3.2 2.8 2.4 2.1 1.8 1.5 1.1 .7 .3
 44 12 70.59% 3.4 3.0 2.7 2.4 2.1 1.7 1.3 .9 .5
 45 13 76.47% 3.6 3.3 3.1 2.8 2.4 1.9 1.5 1.2 .8
 46 14 82.35% 3.8 3.6 3.4 3.1 2.7 2.2 1.8 1.5 1.2
 47 15 88.24% 4.1 3.9 3.7 3.4 3.0 2.6 2.2 1.9 1.7
 48 16 94.12% 4.5 4.3 4.1 3.8 3.4 3.0 2.7 2.4 2.2
 49 17 100.00% 5.0 4.7 4.5 4.2 3.9 3.5 3.2 2.9 2.7
 50 Approximate
 Cumulative
 Taxable Pay-

Page 2

1 roll Limit
 2 Attributable
 3 to Employers
 4 Percentage of Excess
 5 with a Posi-
 6 tive Percent-
 7 age of Excess
 8 Rank
 9 1 16.67% 5.4 5.1 4.9 4.6 4.3 3.9 3.6 3.3 3.1
 10 2 33.33% 5.7 5.4 5.2 4.9 4.6 4.2 3.9 3.6 3.4
 11 3 50.00% 5.9 5.7 5.4 5.2 4.9 4.5 4.2 3.9 3.7

10	4	66.67%	6.1	5.9	5.6	5.4	5.1	4.7	4.4	4.2	4.0
11	5	83.33%	6.3	6.1	5.8	5.6	5.3	4.9	4.6	4.4	4.2
12	6	100.00%	6.6	6.3	6.1	5.8	5.5	5.1	4.8	4.5	4.3".
13	5. Page 5 by striking lines 4 through 6 and inserting										
14	in lieu thereof the following:										
15	"the calendar year 1977 and shall pay three point zero										
16	percent for the rate year beginning January".										

CALVIN O. HULTMAN
 MERLIN D. HULSE
 DALE L. TIEDEN

S-3364

- 1 Amend Senate File 292 as follows:
- 2 1. Page 1, line 15, by striking the words "If
- 3 agricultural land, as defined in".
- 4 2. Page 1, by striking lines 16, 17, and 18.
- 5 3. Page 1, line 19, by striking the words "so
- 6 stated."
- 7 4. Page 1, line 27, by striking the word "not".
- 8 5. Page 1, line 28, by striking the word "any"
- 9 and inserting in lieu thereof the word "a".
- 10 6. Page 2, by striking lines 12 through 17 and
- 11 inserting in lieu thereof the following:
- 12 "NEW UNNUMBERED PARAGRAPH. The director of revenue
- 13 shall prescribe the form of the declaration of value
- 14 which shall only include the following information:
- 15 1. Name and address of the buyer or seller.
- 16 2. Location of the real estate.
- 17 3. Total sales price with a description of the
- 18 amount of personal property included in the trans-
- 19 action and a designation of the amount of any special
- 20 assessments assumed.
- 21 4. Type of financing.
- 22 5. Whether the use of the property will be changed
- 23 and how.
- 24 6. Whether or not the sale was at market value
- 25 and an explanation.
- 26 7. Whether improvements have been made to the
- 27 property since January first.
- 28 8. Amount of revenue stamps attached to the deed.
- 29 9. An indication as to whether the sale was a
- 30 family sale, judicial sale, forced sale, prior year
- 31 sale, sale to a governmental agency, sale to an exempt
- 32 organization, the purchase of adjoining property,
- 33 or purchase of land to be operated as a unit.

- 34 If agricultural land, as defined in section one
 35 hundred seventy-two C point one (172C.1) of the Code
 36 is purchased by a corporation, limited partnership,
 37 nonresident, alien, or nonresident alien, such fact
 38 shall be so stated.”
 39 7. Page 2, by striking lines 23 through 31.
 40 8. Renumber sections and correct internal
 41 references as may be necessary in accordance with
 42 this amendment.

WILLARD R. HANSEN
 LOWELL L. JUNKINS
 CLIFF BURROUGHS
 IRVIN L. BERGMAN
 ROLF V. CRAFT
 CLOYD E. ROBINSON
 MERLIN D. HULSE
 FRED W. NOLTING
 STEPHEN W. BIENIUS
 C. W. HUTCHINS
 MILO MERRITT
 BERL E. PRIEBE
 ALVIN V. MILLER
 FORREST V. SCHWENGELS
 JOHN N. NYSTROM
 RICHARD F. DRAKE
 JAMES V. GALLAGHER
 TOM SLATER
 WARREN E. CURTIS
 CALVIN O. HULTMAN
 FORREST F. ASHCRAFT
 EARL M. WILLITS
 DALE L. TIEDEN
 JAMES CALHOON
 JAMES E. BRILES
 RAY TAYLOR
 LOUIS P. CULVER

S—3365

- 1 Amend Senate File 337 as follows:
 2 1. Page 1, by striking lines 11 through 13 and
 3 inserting in lieu thereof the following: “*the maximum*
 4 *voluntary contribution. For the purposes of this*
 5 *subparagraph “maximum voluntary contribution” shall*
 6 *equal an amount sufficient to lower the rate of*
 7 *contribution of an employer to the lower rate of*

8 *contribution assigned in the next lower percentage*
 9 *of excess rank."*

FRED W. NOLTING

S-3366

1 Amend House File 209, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 19 the following
 4 section:
 5 "Sec. ____ . Section two hundred ninety-one point
 6 two (291.2), Code 1977, is amended to read as follows:
 7 291.2 BONDS OF SECRETARY AND TREASURER. The
 8 secretary and treasurer shall give bond to the school
 9 corporation in such penalty as the board may require,
 10 and with sureties to be approved by it, which bond shall
 11 be filed with the president, conditioned for the faith-
 12 ful performance of *the* official duties of *office*, but in
 13 no case less than five hundred dollars. *The secretary and*
 14 *treasurer may give bond under a single blanket bond covering*
 15 *other employees of the district."*
 16 2. Amend the title, line 5, by inserting after the
 17 word "by" the words "permitting a single blanket bond for
 18 all employees including the secretary and treasurer of a
 19 school district, by".
 20 3. By numbering and renumbering sections as
 21 necessary.

WILLARD R. HANSEN

S-3367

1 Amend Senate File 213 as follows:
 2 1. Page 1, line 14, by striking the figure
 3 "30,000" and inserting in lieu thereof the figure
 4 "28,500".
 5 2. Page 1, line 18, by striking the figure
 6 "40,000" and inserting in lieu thereof the figure
 7 "36,000".
 8 3. Page 1, line 22, by striking the figure
 9 "30,000" and inserting in lieu thereof the figure
 10 "28,500".
 11 4. Page 1, line 24, by striking the figure
 12 "55,000" and inserting in lieu thereof the figure
 13 "50,000".
 14 5. Page 1, line 28, by striking the figure
 15 "30,000" and inserting in lieu thereof the figure

- 16 "28,500".
 17 6. Page 1, line 32, by striking the figure
 18 "30,000" and inserting in lieu thereof the figure
 19 "28,500".
 20 7. Page 2, line 25, by striking the figure
 21 "50,000" and inserting in lieu thereof the figure
 22 "46,000".
 23 8. Page 2, line 27, by striking the figure
 24 "45,000" and inserting in lieu thereof the figure
 25 "42,500".
 26 9. Page 2, line 29, by striking the figure
 27 "43,500" and inserting in lieu thereof the figure
 28 "41,000".
 29 10. Page 2, line 31, by striking the figure
 30 "42,500" and inserting in lieu thereof the figure
 31 "40,000".
 32 11. Page 2, line 33, by striking the figure
 33 "42,000" and inserting in lieu thereof the figure
 34 "38,000".
 35 12. Page 3, line 1, by striking the figure
 36 "40,000" and inserting in lieu thereof the figure
 37 "36,500".
 38 13. Page 3, line 3, by striking the figure
 39 "33,000" and inserting in lieu thereof the figure
 40 "29,000".
 41 14. Page 3, line 5, by striking the figure
 42 "33,000" and inserting in lieu thereof the figure
 43 "29,000".
 44 15. Page 3, line 7, by striking the figure
 45 "8,750" and inserting in lieu thereof the figure
 46 "8,100".
 47 16. Page 3, line 14, by striking the words
 48 "*twelve thousand*" and inserting in lieu thereof the
 49 words "*ten thousand five hundred*".
 50 17. Page 3, line 17, by striking the words

Page 2

- 1 "*fourteen thousand [five hundred]*" and inserting in lieu
 2 thereof the words "*twelve thousand five hundred*".
 3 18. Page 4, line 2, by striking the words
 4 "*eighteen thousand*" and inserting in lieu thereof the
 5 words "*sixteen thousand five hundred*".
 6 19. Page 4, line 15, by striking the words
 7 "*eighteen thousand*" and inserting in lieu thereof the
 8 words "*sixteen thousand five hundred*".

S-3369

- 1 Amend Senate File 337 as follows:
- 2 1. Page 7, by inserting after line 19, the
- 3 following:
- 4 "Sec. ____ . Notwithstanding the provisions of
- 5 section three (3) of this Act, for the calendar years
- 6 beginning January 1, 1978 and January 1, 1979, the
- 7 contribution rate table effective under the provisions
- 8 of section ninety-six point seven (96.7), subsection
- 9 three (3), paragraph d of the Code, shall be table
- 10 three. Provided that if the projected benefit payments
- 11 for the calendar years beginning January 1, 1978,
- 12 and January 1, 1979, exceed the projected revenue
- 13 generated by contribution rate table three the
- 14 contribution rate table assigned under the provisions
- 15 of section ninety-six point seven (96.7), subsection
- 16 three (3), paragraph d, of the Code shall be
- 17 contribution rate table two."
- 18 2. Renumber the sections and correct internal
- 19 references in conformance with this amendment.

JOHN S. MURRAY
 MERLIN D. HULSE
 CALVIN O. HULTMAN
 JOHN N. NYSTROM

S-3370

- 1 Amend the Ramsey amendment, S-3285, to Senate
- 2 File 292 as follows:
- 3 1. Page 1, line 11, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".

PHILIP B. HILL

S-3371

- 1 Amend Senate File 143, page 2, line 3, by
- 2 inserting after the words "fine art" the words
- 3 "unless the artist signs a waiver of that
- 4 responsibility".

JOHN S. MURRAY

S-3372

- 1 Amend Senate File 269, page 1, line 16, by inserting
- 2 after the word "services" the words "or to those goods

3 or services for which federal law or regulations require
4 allocation of such indirect costs and for which federal
5 funds are expended”.

JOHN S. MURRAY

S-3373

1 Amend Senate File 290 as follows:
2 1. Page 2, by inserting after line 11 the following:
3 “Any class ‘C’ beer permittee may sell beer for
4 consumption off the premises between the hours of noon
5 and ten p.m.”.
6 2. Page 2, line 12, by striking the words “on the
7 premises”.
8 3. Page 2, line 13, by striking the words “class ‘B’ ”
9 and by inserting in lieu thereof the words “[class ‘B’].”

JAMES CALHOON

S-3374

1 Amend Senate File 337 as follows:
2 1. Page 4, by striking lines 9 through 33 and
3 inserting in lieu thereof the following:
4 “Approximate
5 Percentage Cumulative Contribution Rate Tables
6 of Excess Taxable Pay-
7 Rank roll Limit 1 2 3 4 5 6 7 8 9
8 1 4.8% .9 .5 .1 0 0 0 0 0 0
9 2 9.5% .9 .5 .2 .1 0 0 0 0 0
10 3 14.3% .9 .5 .3 .2 .1 0 0 0 0
11 4 19.0% 1.8 1.3 .8 .4 .2 .1 0 0 0
12 5 23.8% 1.8 1.3 .8 .4 .3 .2 .1 0 0
13 6 28.6% 1.8 1.3 .8 .4 .3 .2 .1 0 0
14 7 33.3% 2.6 2.1 1.6 1.1 .7 .4 .2 .1 0
15 8 38.1% 2.6 2.1 1.6 1.1 .7 .4 .2 .1 0
16 9 42.8% 2.6 2.1 1.6 1.1 .7 .4 .3 .2 .1
17 10 47.6% 3.4 3.0 2.5 2.0 1.2 .8 .5 .2 .1
18 11 52.4% 3.4 3.0 2.5 2.0 1.2 .8 .5 .3 .2
19 12 57.1% 3.4 3.0 2.5 2.0 1.2 .8 .5 .3 .2
20 13 61.9% 4.2 3.8 3.4 2.9 2.2 1.7 1.1 .6 .3
21 14 66.6% 4.2 3.8 3.4 2.9 2.2 1.7 1.1 .6 .3
22 15 71.4% 4.2 3.8 3.4 2.9 2.2 1.7 1.1 .6 .3
23 16 76.2% 5.0 4.6 4.2 3.7 3.3 2.8 2.3 1.6 1.0
24 17 80.9% 5.0 4.6 4.2 3.7 3.3 2.8 2.3 1.6 1.0
25 18 85.7% 5.0 4.6 4.2 3.7 3.3 2.8 2.3 1.6 1.0

26	19	90.4%	5.8	5.4	5.0	4.6	4.3	3.9	3.5	3.0	1.6
27	20	95.2%	5.9	5.8	5.6	5.3	5.0	4.7	4.3	3.8	2.4
28	21	100.0%	6.0	6.0	6.0	5.7	5.4	5.1	4.8	4.3	4.0"

JOHN S. MURRAY

S-3375

1 Amend House File 228 as amended and passed by the
2 House as follows:

- 3 1. Page 1, line 6, by inserting after the word
4 "purposes" the words "for a fee".
5 2. Page 1, line 18, by inserting after the word
6 "bull" the words ", and a description as to breed,
7 color and other distinguishing marks,".
8 3. Page 1, by striking line 28 and inserting in
9 lieu thereof the following: "a tag or an identifying
10 mark if the lessor desires this method of
11 identification".
12 4. Page 1, line 29, by striking the word
13 "agriculture".
14 5. Page 1, line 30, by striking the words "other
15 device" and inserting in lieu thereof the words
16 "identifying mark".
17 6. Page 1, line 32, by striking the words "the
18 death, sale or".
19 7. Page 1, line 33, by striking the word "other".
20 8. Page 2, line 3, by striking the words "other
21 device" and inserting in lieu thereof the words "or
22 approve an identifying mark".
23 9. Page 2, line 4, by striking the word "device"
24 and inserting in lieu thereof the words "identifying
25 mark".
26 10. Page 2, line 16, by striking the words "or
27 exposure thereto".
28 11. Page 2, by striking lines 17 through 29, and
29 inserting the following:
30 "3. The identification number of the breeding
31 bull tested and the date of issuance of the health
32 certificate.
33 Such health certificate shall be valid for one
34 rental on one premise only. Thereafter, a new health
35 certificate must be issued after the breeding bull
36 has been retested; but no new test for tuberculosis
37 shall be required if the breeding bull is leased
38 within sixty days of the last tuberculosis test."
39 12. Page 3, line 29, by inserting after the word
40 "to" the words "4-H or future farmers of America

- 41 organizations engaged in breeding programs,”
 42 13. Page 3, line 30, by inserting after the word
 43 “bulls” the words “where no fee is charged”.

BERL E. PRIEBE

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO HOUSE FILE 327

S—3376

- 1 Amend Senate amendment H—3339 to House File 327
 2 as amended and passed by the House as follows:
 3 1. By striking lines 3 and 4 and inserting in
 4 lieu thereof the following:
 5 “Page 8, line 20, by inserting after the word
 6 ‘projects’ the following: ‘except that the
 7 construction of one demonstration motorcycle park
 8 may be completed from administrative funds’.”

S—3377

- 1 Amend Senate file 337 as follows:
 2 1. Page 5, by inserting after line 16 the following
 3 paragraph:
 4 “NEW PARAGRAPH. In no event shall any employer’s
 5 contribution rate be more than two and seven-tenths
 6 percent of the first ten thousand dollars of wages for
 7 insured work paid during any calendar quarter.”
 8 2. Renumber sections and correct internal
 9 references as necessary in conformance with this
 10 amendment.

CALVIN O. HULTMAN
 FRED W. NOLTING

S—3378

- 1 Amend the Senate amendment, S—3293, to House File
 2 228 as amended and passed by the House as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 “means” the words “an animal of a”.

LUCAS J. DE KOSTER

S—3379

- 1 Amend House File 163 as follows:

- 2 1. Page 2, lines 15 and 16, by striking the
3 words "or licensed child care center".

MINNETTE F. DODERER

S-3380

- 1 Amend House File 163 as follows:
2 1. Page 1, by striking lines 23 through 35, and
3 inserting in lieu thereof the following:
4 "a. A statement on forms provided by the depart-
5 ment and signed by a physician, licensed by the state
6 board of medical examiners, in which it is stated
7 that, in the physician's opinion, the immunizations
8 required would be potentially injurious to the health
9 and well-being of the applicant or any member of the
10 applicant's family or household; or
11 b. A statement on forms provided by the depart-
12 ment and notarized or signed in the presence of the
13 admitting official by the applicant or, if the
14 applicant is a minor, by the minor's parent or
15 guardian, expressing objections to the immunizations
16 on grounds of religion or conscience."

COMMITTEE ON HUMAN RESOURCES
CHARLES P. MILLER, Chairperson

S-3382

- 1 Amend the Senate amendment, S-3293, to House
2 File 228 as follows:
3 1. Page 1, line 7, by inserting after the word
4 "means" the words "a male animal of".
5 2. Page 1, line 7, by striking the word "male".

LUCAS J. DE KOSTER

S-3383

- 1 Amend Senate File 137 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section five hundred twenty-four point
5 one hundred three (524.103), subsection twenty-one
6 (21), Code 1977, is amended by striking the section
7 and inserting in lieu thereof the following
8 21. 'Superintendent' means the superintendent
9 of financial institutions of this state.

10 Sec. 2. Section five hundred twenty-four point
 11 two hundred five (524.205), Code 1977, is amended
 12 to read as follows:

13 524.205 [STATE BANKING BOARD] *FINANCIAL INSTITUTIONS*
 14 *BOARD.*

15 1. The [state banking] *financial institutions* board
 16 shall be composed of the superintendent, who shall
 17 be an ex officio nonvoting member and [chairman]
 18 *chairperson*, and [six] *seven* other members, appointed
 19 by the governor, who shall be chosen from various
 20 sections of the state. Provided, however, that [in
 21 no event shall more than five members of such board
 22 be engaged in the business of banking in any executive
 23 capacity] *three of such members shall be executive*
 24 *officers of a bank, one of such members shall be an*
 25 *executive officer of a credit union incorporated under*
 26 *the provisions of chapter five hundred thirty-three*
 27 *(533) of the Code, one of such members shall be a*
 28 *licensee or an executive officer of a licensee under*
 29 *the provisions of chapter five hundred thirty-six*
 30 *(536) of the Code, and neither of the remaining two*
 31 *members shall be an executive officer of a bank or*
 32 *credit union or a consumer loan licensee or executive*
 33 *officer of a consumer loan licensee. In case of a*
 34 *vacancy in the [state banking] financial institutions*
 35 *board, other than one resulting from a vacancy in*
 36 *the office of the superintendent, the governor shall*
 37 *appoint a new member meeting the prescribed*
 38 *qualifications for appointment to fill such vacancy*
 39 *for the unexpired term.*

40 2. [The regular term of office of each member,
 41 other than the superintendent, shall be contemporaneous
 42 with the regular term of office of the superintendent
 43 as defined in subsection 2 of section 524.201, and
 44 each such member shall hold his office for such term
 45 and until his successor shall have been appointed.]
 46 *The governor shall appoint members of the financial*
 47 *institutions board for terms commencing July 1, 1977*
 48 *as follows: one member who is an executive officer*
 49 *of a bank and one member who is an executive officer*
 50 *of a credit union shall be appointed for terms of*

Page 2

1 *four years; one member who is an executive officer*
 2 *of a bank and one member who is a licensee or an*
 3 *executive officer of a licensee under chapter five*

4 *hundred thirty-six (536) of the Code shall be appointed*
5 *for terms of three years; one member who is an*
6 *executive officer of a bank and one of the remaining*
7 *members shall be appointed for two year terms; and*
8 *the remaining member shall be appointed for a one*
9 *year term. At the expiration of each of those terms*
10 *and every four years thereafter a person meeting the*
11 *prescribed qualification for appointment shall be*
12 *appointed to serve a term of four years. A person*
13 *appointed as a member of the financial institutions*
14 *board shall hold office for such term and until a*
15 *successor is appointed.*

16 3. A member of the [state banking] *financial*
17 *institutions board*, other than the superintendent,
18 shall receive no salary but shall be allowed and paid
19 the sum of forty dollars per day for each day or any
20 part thereof in which [he is] engaged in the performance
21 of [his] duties, together with reimbursement for actual
22 and necessary expenses incurred [by him] in connection
23 with such duties.

24 4. The [state banking] *financial institutions board*
25 shall act with the superintendent in an advisory
26 capacity concerning all matters pertaining to the
27 conduct of the administration of the provisions of
28 this chapter *and other laws relating to persons subject*
29 *to regulation or supervision by the superintendent*
30 *or the department of banking*, and shall perform such
31 other duties as are specifically provided for by the
32 laws of this state.

33 5. The [state banking] *financial institutions board*
34 shall meet each month on such date and at such place
35 as the [state banking] board may designate, and shall
36 meet at such other times as the board may deem
37 necessary, or when called by the chairman of the
38 board, or any two members thereof.

39 Sec. 3. Section five hundred thirty-three point
40 thirty-six (533.36), Code 1977, is amended by adding
41 the following new subsection:

42 *NEW SUBSECTION.* 'Superintendent' means the
43 superintendent of financial institutions.

44 Sec. 4. Section five hundred thirty-six point
45 twenty-eight (536.28), Code 1977, is amended by adding
46 the following new subsection:

47 *NEW SUBSECTION.* 'Superintendent' means the
48 superintendent of financial institutions.

49 Sec. 5. Sections five hundred twenty-four point
50 two hundred two (524.202), five hundred twenty-four

Page 3

1 point two hundred four (524.204), subsection three
 2 (3), five hundred twenty-four point two hundred seven
 3 (524.207), five hundred twenty-four point two hundred
 4 nineteen (524.219), unnumbered paragraphs one (1)
 5 and (2), and five hundred thirty-six point thirteen
 6 (536.13), Code 1977, are amended by striking the words
 7 'state banking board' wherever in those provisions
 8 those words appear, and inserting in lieu thereof
 9 the words 'financial institutions board'.

10 Sec. 6. Sections four hundred fifty-three point
 11 six (453.6), unnumbered paragraph one (1); four hundred
 12 fifty-four point seven (454.7); four hundred fifty-
 13 four point fourteen (454.14), unnumbered paragraph
 14 three (3); four hundred fifty-four point fifteen
 15 (454.15); four hundred fifty-four point sixteen
 16 (454.16); four hundred fifty-four point seventeen
 17 (454.17); five hundred twenty-four point two hundred
 18 one (524.201), subsection one (1); five hundred twenty-
 19 four point two hundred four (524.204), subsection
 20 one (1); five hundred twenty-seven point one (527.1),
 21 subsection six (6); five hundred twenty-seven point
 22 three (527.3), subsection one (1); five hundred thirty-
 23 three A point one (533A.1), subsection three (3);
 24 and five hundred thirty-three B point one (533B.1),
 25 Code 1977, are amended by striking the words
 26 'superintendent of banking' whenever those words
 27 appear in those provisions and by inserting in lieu
 28 thereof the words 'superintendent of financial
 29 institutions'.

30 Sec. 7. Sections five hundred twenty-four point
 31 one thousand six (524.1006), unnumbered paragraph
 32 two (2); five hundred thirty-three point one (533.1);
 33 five hundred thirty-three point two (533.2); five
 34 hundred thirty-three point four (533.4), subsection
 35 thirteen (13); five hundred thirty-three point six
 36 (533.6), subsections one (1), two (2), three (3),
 37 four (4) and five (5); five hundred thirty-three point
 38 eight (533.8); five hundred thirty-three point
 39 seventeen (533.17), subsection one (1), paragraph
 40 b, unnumbered subparagraph two (2), and subsection
 41 three (3); five hundred thirty-three point twenty
 42 (533.20), subsections one (1), two (2), three (3),
 43 four (4) and five (5); five hundred thirty-three point
 44 twenty-two (533.22), subsection three (3); five hundred
 45 thirty-three point twenty-three (533.23); five hundred

46 thirty-three point twenty-seven (533.27), unnumbered
 47 paragraph two (2); five hundred thirty-three point
 48 thirty (533.30), subsections one (1), three (3) and
 49 four (4); five hundred thirty-three point thirty-four
 50 (533.34), subsections one (1) and two (2); five hundred

Page 4

1 thirty-three point thirty-five (533.35), subsection
 2 one (1); five hundred thirty-six point one (536.1);
 3 five hundred thirty-six point ten (536.10), unnumbered
 4 paragraph three (3); five hundred thirty-six point
 5 twenty-two (536.22); and five hundred thirty-six point
 6 twenty-four (536.24), Code 1977, are amended by
 7 striking the words 'superintendent of banking' whenever
 8 those words appear in those provisions and inserting
 9 in lieu thereof the words 'superintendent'."
 10 2. Amend the title by striking lines 1 through
 11 3 and inserting in lieu thereof the following: "An
 12 Act reorganizing the state banking board as the
 13 financial institutions board, and providing for its
 14 composition, and for its duties with respect to the
 15 regulation of banks, credit unions, and persons
 16 licensed under chapter five hundred thirty-six (536)
 17 of the Code."

EUGENE M. HILL
 WARREN E. CURTIS

S-3384

1 Amend Senate File 337 as follows:
 2 1. Page 5, by striking lines 5 through 8 and
 3 inserting in lieu thereof the following:
 4 "in the twenty-first percentage of excess rank
 5 for the rate year beginning January 1, 1978 and
 6 every rate year thereafter until such time as the
 7 employer has qualified for an experience rating.
 8 However,".

JOHN S. MURRAY

HOUSE AMENDMENT TO SENATE FILE 231

S-3385

1 Amend Senate File 231 as follows:
 2 1. Page 2, line 26, by striking the word

3 "three" and inserting in lieu thereof the words "[three]
4 *five*".

S-3386

- 1 Amend House File 228 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "bull" the words ", and a description as to breed, color
- 5 and other distinguishing marks,".
- 6 2. Page 1, line 25, by inserting after the word
- 7 "year" the words "for a fee".
- 8 3. Page 1, lines 28 and 29, by striking the words
- 9 "a tag or other device as determined by the secretary
- 10 of agriculture" and inserting in lieu thereof the words
- 11 "a tag or an identifying mark if the lessor desires this
- 12 method of identification".
- 13 4. Page 1, line 30, by striking the words "other
- 14 device" and inserting in lieu thereof the words
- 15 "identifying mark".
- 16 5. Page 1, line 32, by striking the words "the death,
- 17 sale or".
- 18 6. Page 1, line 33, by striking the word "other".
- 19 7. Page 2, line 3, by striking the words "other
- 20 device" and inserting in lieu thereof the words "approve
- 21 an identifying mark".
- 22 8. Page 2, line 4, by striking the word "device" and
- 23 inserting in lieu thereof the words "identifying mark".
- 24 9. Page 2, line 16, by striking the words "or
- 25 exposure thereto".
- 26 10. Page 2, by striking lines 17 through 29, and
- 27 inserting the following:
- 28 "3. The identification number of the breeding bull
- 29 tested and the date of issuance of the health certificate.
- 30 Such health certificate shall be valid for one rental
- 31 on one premise only. Thereafter, a new health certificate
- 32 must be issued after the breeding bull has been retested;
- 33 but no new test for tuberculosis shall be required if the
- 34 breeding bull is leased within sixty days of the last
- 35 tuberculosis test."
- 36 11. Page 3, line 29, by inserting after the word "to"
- 37 the words "4-H or future farmers of America organizations
- 38 engaged in breeding programs,".

BERL E. PRIEBE

S-3387

- 1 Amend Senate File 137 as follows:
- 2 1. Page 1, by striking lines 12 and 13.
- 3 2. By renumbering subsections to conform to this
- 4 amendment.

CLOYD E. ROBINSON
JOHN S. MURRAY

S-3388

- 1 Amend Senate File 337 as follows:
- 2 1. Page 7, line 11, by striking the word "projected".
- 3 2. Page 7, lines 13 and 14 by striking the words
- 4 "is insufficient to meet projected claims for unemploy-
- 5 ment compensation benefits" and inserting in lieu thereof
- 6 the words "is projected to fall below twenty million
- 7 dollars".

FRED W. NOLTING

S-3389

- 1 Amend House File 332, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting after line 26 the following
- 4 new sections:
- 5 "Sec. ____ . Section four hundred twenty-seven A
- 6 point nine (427A.9), unnumbered paragraph two (2),
- 7 Code 1977, is amended to read as follows:
- 8 The amount of the additional personal property
- 9 tax credit shall be a fixed amount for each tax year.
- 10 The amount of the additional personal property tax
- 11 credit shall be increased for the extended tax year
- 12 beginning January 1, 1974, and ending June 30, 1975,
- 13 and shall be increased for each tax year immediately
- 14 following a tax year in which the growth of state
- 15 general fund revenues, adjusted for changes in rate
- 16 or basis, exceeds five and one-half percent, *except*
- 17 *that the amount of the additional personal property*
- 18 *tax credit shall not be increased for the personal*
- 19 *property assessed and valued on January 1, 1976 and*
- 20 *the amount of the personal property tax credit for*
- 21 *the fiscal year beginning July 1, 1977 and ending*
- 22 *June 30, 1978 shall not exceed the amount of the*
- 23 *personal property tax credit allowed for the fiscal*
- 24 *year beginning July 1, 1976 and ending June 30, 1977.*

25 An increase in the additional personal property tax
 26 credit, once granted, shall continue for each
 27 succeeding tax year. For the purposes of this chapter
 28 the state comptroller may estimate the state percent
 29 of growth if necessary to avoid delay in the collection
 30 of taxes. After nine such increases have been made,
 31 all taxes on personal property shall be repealed as
 32 provided in the following section. The director of
 33 revenue and the state comptroller, jointly, shall
 34 determine the amount of the credit for each such tax
 35 year. Such amount shall be the maximum amount, rounded
 36 to the nearest ten dollars, which will permit complete
 37 funding of the replacement obligation under this
 38 division, including the replacement obligation for
 39 the tax credit granted pursuant to sections 427A.1
 40 to 427A.5, out of the appropriation provided in this
 41 chapter.

42 Sec. ____ . Section four hundred forty-one point
 43 twenty-one (441.21), subsection one (1), unnumbered
 44 paragraph one (1), Code 1977, is amended to read as
 45 follows:

46 All real and tangible personal property subject
 47 to taxation shall be valued at its actual value which
 48 shall be entered opposite each item, and *except as*
 49 *otherwise provided herein for agricultural and*
 50 *residential property* shall be assessed at one hundred

Page 2

1 percent of such actual value, and such value so
 2 assessed shall be taken and considered as the assessed
 3 value and taxable value of such property upon which
 4 the levy shall be made.

5 Sec. ____ . Section four hundred forty-one point
 6 twenty-one (441.21), subsection one (1), Code 1977,
 7 is amended by adding the following new unnumbered
 8 paragraphs:

9 **NEW UNNUMBERED PARAGRAPH.** For valuations
 10 established as of January 1, 1978, agricultural and
 11 residential property shall be assessed at a percentage
 12 of the actual value of such property. The percentage
 13 shall be determined by the director of revenue for
 14 each assessing jurisdiction in the state in accordance
 15 with the provisions of this section. For valuations
 16 established as of January 1, 1978, the percentage
 17 shall be the quotient of the dividend and divisor
 18 as defined in this section. The dividend shall be

19 the total equalized value of such property in the
20 assessing jurisdiction in 1975, adjusted for additions
21 or deletions to said value, excluding those resulting
22 from the revaluation of existing properties, as
23 reported by the assessor on the abstracts of assessment
24 submitted in 1976 and 1977, plus seven and one-half
25 percent of the 1975 equalized value of such property
26 or the amount of value added by the revaluation of
27 existing properties in 1976, 1977 and 1978 whichever
28 is less. The divisor shall be the total value of
29 such property in the assessing jurisdiction as reported
30 by the assessor on the abstract of assessment submitted
31 in 1977, plus the amount of value added in 1978 by
32 the revaluation of existing properties. The dividend
33 of said computation shall be known as the modified
34 assessed value of such property in the assessing
35 jurisdiction.

36 *NEW UNNUMBERED PARAGRAPH.* Not later than November
37 1, 1978, the director shall certify to the county
38 auditor of each county the percentages of actual value
39 at which residential and agricultural property in
40 each assessing jurisdiction in the county shall be
41 assessed for taxation. The county auditor shall proceed
42 to determine the assessed values of agricultural and
43 residential property by applying such percentages
44 to the current actual value of such property, as
45 reported to the county auditor by the assessor, and
46 the assessed values so determined shall be the taxable
47 values of such properties upon which the levy shall
48 be made.

49 Sec. ____ . TASK FORCE CREATED. There is established
50 a task force on taxation composed of six members.

Page 3

1 Of the six members, three shall be appointed by the
2 governor and three shall be appointed by the
3 legislative council. All members shall be appointed
4 not later than June 30, 1977. Any vacancy in the
5 membership of the task force shall be filled by
6 appointment in the same manner as the original
7 appointments.

8 Members of the task force shall receive a per diem
9 of forty dollars and their actual and necessary
10 expenses.

11 Sec. ____ . DUTIES. The task force on taxation
12 shall conduct a study of the present taxing system
13 in this state. The study shall include, but not be

14 limited to, the following:

15 1. The present system of state and local taxes
16 to determine the relative burden of the present tax
17 structure on the various segments of the state's
18 populace.

19 2. How different types and classes of property
20 should be valued and equalized for property tax
21 assessment purposes.

22 3. Whether budget limitations should be imposed
23 permanently on the political subdivisions of this
24 state.

25 4. Which taxes may presently bear too great a
26 burden of the taxes and which taxes may bear too small
27 a burden.

28 Sec. ____ . STAFF. The task force on taxation shall
29 employ a consultant to assist it in carrying out its
30 duties and may request the assistance of any state
31 agency to obtain such data and other information which
32 the task force deems necessary to carry out its duties.

33 Sec. ____ . REPORT. The task force shall transmit
34 copies of its final report to the governor and the
35 members of the Sixty-seventh General Assembly not
36 later than June 30, 1978. The final report shall
37 include findings of fact and its recommendations.

38 Sec. ____ . APPROPRIATION. There is appropriated
39 from the general fund of the state to the office of
40 the state comptroller the sum of two hundred thousand
41 (200,000) dollars, or so much thereof as may be
42 necessary, for the fiscal year beginning July 1, 1977
43 and ending June 30, 1978, for the purpose of the
44 employment of such professional, technical and
45 administrative staff and assistance on such basis
46 as shall be determined by the task force and for such
47 other expenses as shall be necessary to accomplish
48 the purpose of this Act, including per diem and actual
49 expenses incurred by task force members."

50 2. Amend the title, line 1, by striking everything

Page 4

1 after the word "Act" and inserting in lieu thereof
2 the words "relating to property taxation by providing
3 additional property tax credits for property owners
4 by increasing the homestead tax credit and the
5 agricultural land tax credit, providing a temporary
6 delay in the phaseout of personal property taxes,
7 making changes in the procedures for assessment and

8 valuation of certain taxable property, creating a
9 task force on taxation, making appropriations, and
10 making certain provisions of this Act retroactive.”

COMMITTEE ON WAYS AND MEANS
NORMAN G. RODGERS, Chairperson

S-3390

1 Amend Senate File 239 as follows:
2 1. Page 2, by striking lines 1 through 3 and
3 inserting in lieu thereof the following: “of chapters
4 [174,] 176, [482, 491, 494, 495, 496A,] 497, 498, 499,
5 [499A, 500, 503, 506, 508, 510,] or 512[, 514, 515, 518A,
6 519, 533, or 534 and state banks organized under
7 chapter 524]. Such”.

PHILIP B. HILL

S-3392

1 Amend the Hill of Jasper amendment, S-3383, to
2 Senate File 137 as follows:
3 1. Page 2, by inserting after line 15 the
4 following section:
5 “Sec. —. Section five hundred twenty-four
6 point two hundred one (524.201), paragraph one (1),
7 Code 1977, is amended to read as follows:
8 1. The governor shall, within sixty days
9 following the convening of the regular session of the
10 general assembly in 1973, and each four years there-
11 after, appoint with the approval of two-thirds of the
12 members of the senate, a superintendent of banking.
13 Such appointee shall be selected solely with regard
14 to his or her qualification and fitness to discharge
15 the duties of office [, and no person shall be appointed
16 who has not had at least five years experience in a
17 bank or in the regulation or examination of banks].
18 *Prior to his or her confirmation, the appointee shall*
19 *divest himself or herself of any financial holdings*
20 *and resign from any position which potentially may*
21 *result in a conflict of interest.”*

RICHARD R. RAMSEY

HOUSE AMENDMENT TO SENATE FILE 161

S-3393

1 Amend Senate File 161 as follows:

2 1. Page 4, by inserting after line 18 the
3 following:

4 "4. The state conservation commission shall
5 establish a priority list of watersheds above state-
6 owned lakes and areas within those watersheds which
7 are of highest importance based on soil loss to be
8 used for the allocation of funds set aside in
9 subsection six (6) of section four (4) of this Act
10 for permanent soil conservation practices on watersheds
11 above state-owned lakes."

12 2. Page 6, lines 5 and 6, by striking the words
13 "on watersheds above state-owned lakes" and inserting
14 in lieu thereof the words "on owner-operated and
15 family-operated farms".

16 3. Page 6, by striking line 14 and inserting in
17 lieu thereof the words:
18 "eight (467A.48) of the Code and
19 not less than five percent of
20 the amount appropriated by this
21 subsection shall be used for
22 cost-sharing not to exceed fifty
23 percent of the approved cost of
24 permanent soil conservation prac-
25 tices under chapter four hundred
26 sixty-seven A (467A) of the Code
27 on watersheds above publicly owned
28 lakes to be allocated in accor-
29 dance with the priority list
30 established by the state con-
31 servation commission as required
32 in subsection four (4) of sec-
33 tion three (3) of this Act \$4,230,000"

34 4. Page 7, line 22, by inserting before the word
35 "For" the letter "a."

36 5. Page 7, line 26, by inserting after the word
37 "purposes" the following: "including thirteen full-
38 time positions which are federally-funded and which
39 will be discontinued if federal funds are terminated".

40 6. Page 7, by inserting after line 26 the
41 following:

42 "b. For payments to the governing

43 bodies responsible for publicly-owned
 44 sewage treatment facilities which are
 45 eligible for seventy-five percent
 46 grants under the federal Water Pollu-
 47 tion Act amendments of 1972, eighty-
 48 six (86) Stat. eight hundred sixteen
 49 (816), in an amount equal to five
 50 percent of the amount approved as

Page 2,

1 the eligible cost of the project by
 2 the Iowa water pollution control
 3 commission \$2,000,000”
 4 7. Page 8, line 5, by striking the figure “430,977”
 5 and inserting in lieu thereof the figure “450,977”.
 6 8. Page 8, by inserting after line 5 the following:
 7 “Notwithstanding the provisions of section four
 8 hundred fifty-five A point seventeen (455A.17) of
 9 the Code, the Iowa natural resources council may
 10 perform its statutory duties relating to uses and
 11 developments of water sources of the state without
 12 meeting the provisions of a comprehensive statewide
 13 plan for the control, utilization, and protection
 14 of the water resources of the state until such time
 15 as the plan is prepared and completed.”
 16 9. Renumber sections or subsections as may be
 17 required by this amendment.

S-3394

1 Amend the Hill of Jasper amendment, S-3383, to
 2 Senate File 137 as follows:
 3 1. Page 1, line 23, by striking the word “three”
 4 and inserting in lieu thereof the word “two”.
 5 2. Page 1, line 30, by striking the word “two”
 6 and inserting in lieu thereof the word “three”.
 7 3. Page 2, by striking from lines 5 and 6 the
 8 words “one member who is an executive officer of a
 9 bank and one” and inserting in lieu thereof the word
 10 “two”.

GEORGE R. KINLEY

S-3395

1 Amend the amendment S-3363 to Senate File 337 as

2 follows:

- 3 1. Page 2, lines 4 and 5, by striking the word
4 "Positive" and inserting in lieu thereof the word
5 "Negative".

DALE L. TIEDEN

S-3396

1 Amend Senate File 337 as follows:

2 Page 5, by inserting after line 16 the following
3 new paragraph:

- 4 "Provided, however, that notwithstanding any other
5 provisions of this chapter, the applicable contribu-
6 tion rate table for the calendar years 1978 and 1979
7 will be table two if the ratio of the current reserve
8 fund ratio to the highest benefit cost rate on the
9 rate computation date is less than 0.75."

LUCAS J. DE KOSTER

S-3397

1 Amend the Hill of Jasper amendment, S-3383, to
2 Senate File 137 as follows:

3 1. Page 2, by inserting after line 15 the
4 following section:

5 "Sec. —. Section five hundred twenty-four
6 point two hundred one (524.201), paragraph one (1),
7 Code 1977, is amended to read as follows:

- 8 1. The governor shall, within sixty days
9 following the convening of the regular session of the
10 general assembly in 1973, and each four years there-
11 after, appoint with the approval of two-thirds of the
12 members of the senate, a superintendent of financial
13 institutions. Such appointee shall be selected solely
14 with regard to his or her qualification and fitness
15 to discharge the duties of office [, and no person shall
16 be appointed who has not had at least five years
17 experience in a bank or in the regulation or
18 examination of banks]."

RICHARD R. RAMSEY
JOAN ORR

S-3398

1 Amend the Hill of Jasper amendment, S-3383, to

2 Senate File 137 as follows:

3 1. Page 2, by inserting after line 15 the
4 following section:

5 "Sec. ____ . Section five hundred twenty-four
6 point two hundred one (524.201), paragraph one (1),
7 Code 1977, is amended to read as follows:

8 1. The governor shall, within sixty days
9 following the convening of the regular session of the
10 general assembly in 1973, and each four years there-
11 after, appoint, with the approval of two-thirds of the
12 members of the senate, a superintendent of financial
13 institutions. Such appointee shall be selected solely
14 with regard to his or her qualification and fitness
15 to discharge the duties of office [, and no person shall
16 be appointed who has not had at least five years
17 experience in a bank or in the regulation or
18 examination of banks]. *Prior to his or her confirmation,*
19 *the appointee shall resign from any position he or she*
20 *may hold with a financial institution which potentially*
21 *may result in a conflict of interest."*

RICHARD R. RAMSEY
JOAN ORR

S-3399

1 Amend Senate File 337, page 4 by striking lines 13
2 through 27 and inserting in lieu thereof the following:

3	" 1	4.8%	1.0	.8	.6	.4	0	0	0	0	0
4	2	9.5%	1.1	.9	.7	.5	.2	0	0	0	0
5	3	14.3%	1.2	1.0	.8	.6	.3	.2	0	0	0
6	4	19.0%	1.4	1.1	.9	.7	.4	.3	.1	0	0
7	5	23.8%	1.6	1.2	1.0	.8	.5	.4	.2	.1	0
8	6	28.6%	1.8	1.4	1.1	.9	.6	.5	.3	.2	.1
9	7	33.3%	2.0	1.6	1.2	1.0	.7	.6	.3	.2	.1
10	8	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2	.2
11	9	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3	.2
12	10	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
13	11	52.4%	3.2	2.6	2.1	1.4	1.2	1.0	.7	.5	.2
14	12	57.1%	3.5	2.9	2.4	1.6	1.4	1.1	.8	.6	.3
15	13	61.9%	3.8	3.2	2.7	1.9	1.6	1.2	.9	.7	.3
16	14	66.6%	4.1	3.6	3.0	2.3	1.8	1.4	1.0	.8	.4
17	15	71.4%	4.5	4.0	3.4	2.8	2.0	1.6	1.3	.9	.5"

LUCAS J. DE KOSTER
BERL E. PRIEBE

S-3400

1 Amend Senate File 336 as follows:

2 1. Page 1, lines 1 and 2, by striking the words
3 "There is hereby imposed a tax of five percent" and
4 inserting in lieu thereof the words "A city or county
5 may impose by ordinance of the city council or by
6 resolution of the board of supervisors a hotel and
7 motel tax, at a rate not to exceed seven percent,".

8 2. Page 1, by striking lines 14 through 16 and
9 inserting in lieu thereof the following:

10 "The director of revenue shall administer the
11 provisions of a local hotel and motel tax as nearly
12 as possible in conjunction with the administration
13 of the state sales tax law. The director shall provide
14 appropriate forms, or provide on the regular state
15 tax forms, for reporting local hotel and motel tax
16 liability.

17 The director, in consultation with local officials
18 shall collect and account for a local hotel and motel
19 tax and shall credit all revenues to a "local transient
20 guest tax fund" established by section two (2) of
21 this Act.

22 No tax permit other than the state tax permit
23 required under section four hundred twenty-two point
24 fifty-three (422.53) of the Code may be required by
25 local authorities."

26 3. Page 1, line 30, by striking the word "levied"
27 and inserting in lieu thereof the word "authorized".

28 4. Title page 2, by striking lines 1 through 3 and
29 inserting in lieu thereof the words "An Act relating
30 to the imposition of a hotel and motel tax by a city
31 or county."

COMMITTEE ON WAYS AND MEANS
NORMAN G. RODGERS, Chairperson

S-3402

1 Amend House File 228, as amended and passed by
2 the House as follows:

3 1. Page 3, line 1, by inserting after the word
4 "Act." the words "The licensee shall also, within ten
5 days after the lease of each breeding bull, notify the
6 department in writing of the name and address of the
7 person to whom the breeding bull is being leased, together
8 with the date of delivery."

9 2. Page 3, line 9, by inserting after the word
10 "lessee" the words "or any agent of the department".

BERL E. PRIEBE

S-3403

1 Amend Senate File 337 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. ____ . Section ninety-six point three (96.3),
5 subsection four (4), unnumbered paragraph one (1),
6 Code 1977, is amended to read as follows:
7 With respect to benefit years beginning on or after
8 July 1, 1975, an eligible individual's weekly benefit
9 amount for a week of total unemployment shall be an
10 amount equal to one-twentieth of his or her total
11 wages in insured work paid during that quarter of
12 his or her base period in which such total wages were
13 highest, subject to the following limitation: The
14 director shall determine annually a maximum weekly
15 benefit amount by computing sixty-six and two-thirds
16 percent of the statewide average weekly wage paid
17 to employees in insured work which shall be effective
18 the first day of the first full week in July. Such
19 maximum weekly benefit amount, if not a multiple of
20 one dollar shall be rounded to the higher multiple
21 of one dollar. *Provided that if an individual was*
22 *paid wages during the first four completed quarters*
23 *ending prior to the claim by the applicant of an*
24 *amount in excess of twelve thousand dollars but less*
25 *than fourteen thousand dollars, the benefit amount*
26 *each week the individual is otherwise eligible to*
27 *receive shall be reduced by forty percent of such*
28 *weekly benefit amount. If an individual was paid*
29 *wages during the first four completed quarters ending*
30 *prior to the claim by the applicant of an amount equal*
31 *to or greater than fourteen thousand dollars the*
32 *benefit amount each week the individual is otherwise*
33 *eligible to receive shall be reduced by fifty percent*
34 *of such weekly benefit amount."*
35 2. Renumber the sections as necessary in
36 conformance with this amendment.
37 3. Amend the title, line 1, by striking the words
38 "to provide" and inserting in lieu thereof the words
39 "relating to unemployment compensation providing for
40 modifications to eligibility requirements and for".

BERL E. PRIEBE

S-3404

- 1 Amend House File 224 as follows:
- 2 1. Page 2, lines 10 and 11 by striking the words
- 3 "When a person is found in violation" and inserting
- 4 in lieu thereof the following:
- 5 "When it appears that a person is in non compliance
- 6 with the provisions"

COMMITTEE ON TRANSPORTATION
CLOYD E. ROBINSON, Chairperson

S-3405

- 1 Amend Senate File 121 as follows:
- 2 1. Page 1, by striking lines 17 through 25 and
- 3 inserting in lieu thereof the words "Act as
- 4 amended to December 31, 1976."

COMMITTEE ON AGRICULTURE
BASS VAN GILST, Chairperson

S-3406

- 1 Amend the Committee on Ways and Means amendment
- 2 S-3400, to Senate File 336 as follows:
- 3 1. By inserting after line 7 the following:
- 4 " — . Page 1, by inserting after line 13 the
- 5 following:
- 6 'If any city has imposed a hotel and motel tax,
- 7 the county in which the city is located may also
- 8 impose a hotel and motel tax. However, such tax shall
- 9 apply only to those incorporated and unincorporated
- 10 areas of the county which do not have a hotel and
- 11 motel tax. The county hotel and motel tax shall apply
- 12 to any city which subsequently repeals its hotel and
- 13 motel tax.' "

DAVID M. READINGER
WILLIAM D. PALMER
TOM SLATER

S-3407

- 1 Amend Senate File 337 as follows:
2 1. Page 6, line 29, by striking the word "five"
3 and inserting in lieu thereof the word "one".
4 2. Page 6, by inserting after line 35 the
5 following:
6 "*The annual increase to the taxable wage base*
7 *established pursuant to paragraph a of this subsection*
8 *shall not exceed one hundred dollars per year.*"

CALVIN O. HULTMAN

S-3408

- 1 Amend Senate File 337 as follows:
2 1. Page 6, line 29, by striking the words
3 "*next highest*" and inserting in lieu thereof the
4 word "*nearest*".

RICHARD F. DRAKE
FRED W. NOLTING

S-3409

- 1 Amend Senate File 337 as follows:
2 1. Page 6, line 29, by striking the word "five"
3 and inserting in lieu thereof the word "one".

RICHARD F. DRAKE
FRED W. NOLTING

S-3410

- 1 Amend the Committee on Ways and Means amendment,
2 S-3389, to House File 332, as amended, passed, and
3 reprinted by the House, as follows:
4 1. Page 1, by inserting after line 4 the following
5 new section:
6 "Sec. ____ . Section four hundred twenty-seven A
7 point one (427A.1), subsections three (3) and four (4),
8 Code 1977, are amended to read as follows:
9 3. Notwithstanding the definition of "attached" in
10 subsection 2, property *of a household* is [neither] *not*
11 "*attached*" [nor "*placed for use upon the land*"] if it is a
12 kind of property which would ordinarily be removed when

13 the owner of the property moves to another location. In
 14 making this determination the assessing authority shall
 15 not take into account the intent of the particular owner.
 16 4. Notwithstanding the other provisions of this
 17 section, property described in this section, if held
 18 solely for sale, lease or rent as part of a business
 19 regularly engaged in selling, leasing or renting such
 20 property, and if the property is not yet sold, leased,
 21 rented or used by any person, shall not be assessed
 22 and taxed as real property. This subsection does not
 23 apply to any *land or building*."

COMMITTEE ON BUDGET
 WILLIAM D. PALMER, Chairperson

S-3411

1 Amend Senate File 358 as follows:
 2 1. Page 3, line 7, by inserting after the words
 3 "gratuitous assistance" the words "with regard to the
 4 treatment of animals".

ELIZABETH MILLER
 DALE L. TIEDEN
 ALVIN V. MILLER
 BASS VAN GILST

S-3412

1 Amend Senate File 261 as follows:
 2 1. Page 2, by inserting after line 20 the following.
 3 section:
 4 "Sec. ____ . *NEW SECTION. HISTORICAL PLACES—*
 5 *EXCEPTION.* The provisions of this Act shall not apply
 6 to any property eligible for, nominated to, or entered
 7 in the national register of historic places, designated
 8 by statute, or included in an established list of
 9 historic places compiled by the director of the
 10 division of historical preservation of the Iowa state
 11 historical department."

JOHN SCOTT

S-3413

1 Amend Senate File 261 as follows:
 2 1. Page 1, line 33, by striking the word "and"

- 3 and inserting in lieu thereof the word "as".
- 4 2. Page 2, line 13, by striking the word "or"
- 5 and inserting in lieu thereof the word "and".

JOHN SCOTT

S-3414

- 1 Amend House File 163 as amended and passed by the
- 2 House as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "epidemic" the words "as determined by the state board
- 5 of health and as".
- 6 2. Page 2, line 24, by striking the word and
- 7 figures "January 1, 1978" and inserting in lieu
- 8 thereof the word and figures "August 15, 1977".

MINNETTE DODERER
JOAN ORR

S-3415

- 1 Amend Senate File 261 as follows:
- 2 1. Page 2, line 6, by striking the word
- 3 "certified" and inserting in lieu thereof the word
- 4 "reviewed".

JOHN SCOTT

S-3416

- 1 Amend House File 163 as amended and passed by the
- 2 House as follows:

Division S-3416A

- 3 1. Page 2, by striking from lines 12 and 13 the
- 4 words "or licensed child care center".

Division S-3416B

- 5 2. Page 2, line 21, by inserting after the word
- 6 "health" the words "in consultation with the
- 7 superintendent of public instructions".

MINNETTE DODERER
JOAN ORR

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 464

S-3417

1 Amend Senate Amendment H-3589 to House File 464,
2 as follows:

3 1. Page 1, by inserting after line 16 the follow-
4 ing:

5 "The provisions of subsection nine (9) of section
6 nineteen A point nine (19A.9) of the Code which
7 restricts employment of intermittent employees to
8 not more than a specified number of calendar days
9 in any twelve-month period without examination, shall
10 not apply during the period beginning on July 1, 1977
11 and ending June 30, 1978 for forty intermittent
12 employees who are employed in field offices by the
13 department of social services. It is the intent of
14 the general assembly to authorize the continued
15 employment during the 1977-1978 fiscal year of persons
16 employed to assist in meeting the current high demand
17 for income maintenance and related services and to
18 permit the department to avoid the cost of training
19 new employees. Any such employee of the department
20 of social services who has been employed and classified
21 as an intermittent employee after August 1, 1975 for
22 twelve consecutive months or more shall be eligible
23 to receive the same fringe benefits for fiscal year
24 1977-1978 as any other person employed under the
25 provisions of chapter nineteen A (19A) of the Code."

26 2. Page 1, line 19, by striking the figure
27 "4,375,000" and inserting in lieu thereof the figure
28 "4,389,000".

29 3. Page 1, by inserting after line 19 the follow-
30 ing:

31 "Included in this appropriation for state
32 administration is twenty-five thousand (25,000) dollars
33 for one additional prosecutor for the fraud unit.
34 The position of medical consultant to the commissioner
35 is not funded in this appropriation for state
36 administration."

37 4. Page 1, by striking lines 22 and 23 and insert-
38 ing the following:

39 "For development and implementa-
40 tion of medicaid management in-
41 formation system \$140,000"

42 5. Page 1, by inserting after line 42 the follow-

43 ing:

44 "The department shall consult with the advisory
45 commission on corrections and prepare and submit to
46 the house and senate budget subcommittees on social
47 services recommendations concerning the three juvenile
48 institutions at Eldora, Mitchellville and Toledo with
49 a long term recommendation on the care and treatment
50 of juveniles at not more than two institutions. These

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1 recommendations shall be submitted on or before
2 December 15, 1977. Members of the budget subcommittees
3 on social services shall visit the three institutions
4 during the 1977 interim."

5 6. Page 2, line 23, by striking the figure
6 "6,401,582" and inserting in lieu thereof the figure
7 "6,500,000".

8 7. Page 1, line 31, by striking the figure
9 "725,000" and inserting in lieu thereof the figure
10 "735,000".

11 8. Page 2, line 33, by striking the figure
12 "2,275,000" and inserting in lieu thereof the figure
13 "2,290,000".

14 9. Page 2, line 37, by striking the figure
15 "1,500,000" and inserting in lieu thereof the figure
16 "1,524,000".

17 10. Page 3, line 33, by striking the words "this
18 section" and inserting in lieu thereof the words
19 "section six (6) of this Act".

20 11. Page 4, line 36, by striking the figure
21 "420,000" and inserting in lieu thereof the figure
22 "480,000".

23 12. Page 4, by striking line 45 and inserting
24 in lieu thereof the following:
25 "centers for nonprofit centers only \$250,000
26 Real property shall not be purchased with funds
27 appropriated by this subsection.

28 16. State supplementation to
29 Title XX \$750,000
30 The funds appropriated by this subsection shall
31 be used only for purchase of services to continue
32 current programs.

33 17. Notwithstanding the provisions of section
34 eight point thirty-three (8.33) of the Code,
35 unencumbered or unobligated funds appropriated by
36 Acts of the Sixty-sixth General Assembly, 1976 Session,

37 chapter one thousand one hundred thirty-two (1132),
38 section five (5), subsection two (2), remaining on
39 June 30, 1977 shall be available for expenditure
40 during the fiscal year beginning July 1, 1977 and
41 the unencumbered or unobligated funds remaining on
42 June 30, 1978 shall revert to the general fund on
43 September 30, 1978."

44 13. Page 5, by striking lines 8 through 14.

45 14. Page 5, line 40, by inserting after the period
46 the words "However, the physical structure and fixtures
47 of the riverview release center shall not be altered
48 except for normal repair and maintenance until such
49 time as the general assembly shall otherwise provide."

50 15. Page 6, by inserting after line 9 the follow-

Page 3

1 ing:

2 "Sec. 16. It is the intent that the department
3 of social services shall increase the maximum
4 reimbursement for intermediate care facility services
5 under medicaid from nineteen dollars to nineteen
6 dollars and fifty cents and that the department shall
7 increase the fee paid to pharmacists under medicaid
8 from two dollars and fifteen cents to two dollars
9 and fifty-five cents.

10 Sec. 17. It is the intent of the general assembly
11 that the department of social services, by July 1,
12 1977, shall review every state staffing requirement
13 contained in the conditions of participation for
14 intermediate care facilities participating in the
15 medicaid program that exceeds federal government re-
16 quirements and that any such conditions of
17 participation be submitted to the administrative rules
18 review committee.

19 Sec. 18. The department of health shall delay
20 implementation of the department of health licensure
21 rules for intermediate care facilities as published
22 in the Iowa Administrative Code 'Health (470) chapter
23 58'. The department, upon consultation with the
24 health facilities advisory committee, shall review
25 these rules which exceed the federal Title XIX
26 guidelines for intermediate care facilities. All
27 such modified rules approved by the department of
28 health shall be resubmitted to the administrative
29 rules review committee. The department of health
30 may promulgate rules in areas not addressed by federal

31 regulations.

32 Sec. 19. It is the intent that the department
33 of social services shall resist the implementation
34 of the federal government spouse income regulation
35 which would allow spouse income under certain
36 circumstances to be excluded from the determination
37 of income for intermediate care facility medicaid
38 eligibility purposes.

39 Sec. 20. It is the intent of the general assembly
40 that funds appropriated for medical assistance shall
41 not be used to pay for radiology services provided
42 by a computerized axial tomographic scanner placed
43 in operation in the state of Iowa subsequent to the
44 effective date of this Act unless said computerized
45 axial tomographic scanner has been approved by the
46 health facilities construction review committee of
47 the state department of health.

48 Sec. 21. Section two hundred twenty-two point
49 eighty-six (222.86), Code 1977, is amended to read
50 as follows:

Page 4

1 222.86 PAYMENT FOR CARE FROM FUND. Whenever the
2 amount in the account of any patient in the patients'
3 personal deposit fund exceeds the sum of two hundred
4 dollars, the business manager of the hospital-school
5 or special unit may apply any amount of the excess
6 to reimburse the county of legal settlement for
7 liability incurred by such county for the payment
8 of care, support, and maintenance of the patient when
9 billed therefor by the county of legal settlement.
10 [Money earned by a patient for work performed in or
11 for a hospital school or special unit shall not be
12 subject to this section or to attachment.]

13 Sec. 22.

14 1. The department of social services shall
15 implement a pilot program in community services
16 districts ten and two requiring mandatory second
17 opinions on elective surgery for medicaid clients.
18 The department shall reimburse board certified surgical
19 specialists to give their opinion on elective surgery
20 prescribed by the client's own physician. If there
21 is a difference in the opinion of the two physicians,
22 the client shall make the final determination. In
23 cases where the client is geographically distant from
24 the specialist, the department shall pay transportation

25 and child care expenses incurred in obtaining the
26 second opinion. The department shall maintain
27 statistical information on this program in community
28 service districts ten and two and on similar groups
29 in community service districts eight and eleven in
30 order to evaluate the impact of this program on the
31 costs of the medicaid program.

32 2. There is appropriated from the general fund
33 of the state to the department of social services
34 for the fiscal year beginning July 1, 1977 the sum
35 of fifty thousand (50,000) dollars, or so much thereof
36 as may be necessary, for the administration of the
37 pilot program mandated by this section, and for the
38 payment of evaluation costs, consultant fees and
39 client expenses incurred in connection therewith."

40 16. Page 6, by striking lines 23 through 26 and
41 inserting in lieu thereof the words "schools revolving
42 fund. Unobligated or unencumbered funds appropriated
43 by this section shall not revert to the general fund
44 of the state until the attainment of the object or
45 the completion of the work for which such appropriation
46 is made."

47 17. Page 6, by striking lines 45, 46 and 47 and
48 inserting the following: "advisory commission on
49 corrections relief submitted to the general assembly
50 subsequent to April 1, 1977. Funds appropriated by

Page 5

1 this subsection may be used to match federal funds
2 including federal funds received from the law
3 enforcement assistance administration if such funds
4 become available to the state. The construction of
5 the capital improvements shall not commence prior
6 to March 1, 1978 except as provided in section thirty
7 (30) of this Act."

8 18. Page 7, by striking lines 49 through 50.

9 19. Page 8, by striking lines 1 through 17 and
10 inserting in lieu thereof the following:

11 "Sec. 30. Unobligated or unencumbered funds
12 remaining on June 30, 1981 from funds appropriated
13 by sections twenty-five (25) through twenty-eight
14 (28) of this Act shall revert to the general fund
15 of the state on September 30, 1981. If federal funds
16 do not become available to match the funds appropriated
17 by subsection one (1) of section twenty-eight (28)
18 of this Act, the funds, except seventy-five thousand
19 dollars, shall be used for planning the projects

20 provided for in this Act including the employment
 21 of architects. In no event shall such funds, except
 22 the seventy-five thousand dollars provided for in
 23 this section, be used for construction or alteration
 24 of physical structures prior to March 1, 1978. The
 25 seventy-five thousand dollars excepted from the
 26 planning shall be used to complete the work in
 27 progress, make further necessary repairs, and install
 28 a horizontal partition in cellhouse twenty at Fort
 29 Madison as provided in subsection one (1) of section
 30 twenty-nine (29) of this Act."

31 20. Page 8, by inserting after line 17 the following-
 32 ing new sections:

33 "Sec. 31. Effective March 31, 1978, building
 34 twenty at the mental health institute at Mount Pleasant
 35 shall revert to and become a part of the mental health
 36 institute, and the director of the division of mental
 37 health resources of the department of social services
 38 shall thereafter have primary authority and
 39 responsibility for its operation and control.

40 Sec. 32. Chapter two hundred twenty-six (226),
 41 Code 1977, is amended by adding the following new
 42 section:

43 **NEW SECTION. SPECIAL TREATMENT UNIT FOR CORRECTIONS**
 44 **INMATES.**

45 1. Beginning April 1, 1978, there shall be
 46 maintained at the Mount Pleasant mental health
 47 institute, as a part of that institute, a secure
 48 facility for the treatment of inmates of adult
 49 corrections institutions who exhibit treatable
 50 personality disorders, with or without accompanying

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1 history of drug or alcohol abuse. Such inmates may
 2 apply for and upon their application may be selected
 3 for treatment by the staff of the mental health
 4 institute at Mount Pleasant in accordance with section
 5 two hundred eighteen point ninety (218.90) of the
 6 Code.

7 2. The division of mental health of the department
 8 of social services shall coordinate with the state
 9 psychiatric hospital at Iowa City in the creation,
 10 staffing, and operation of a research and treatment
 11 program directed at the class of disorders described
 12 in subsection one (1) of this section which program
 13 shall be that operated at the mental health institute

14 at Mount Pleasant.

15 3. The final decision regarding admission and
 16 discharge of patients shall rest with the
 17 superintendent of the mental health institute not
 18 withstanding section two hundred eighteen point ninety
 19 (218.90) of the Code. Upon discharge patients shall
 20 be returned to the direction of the division of adult
 21 corrections.

22 Sec. 33. Section two hundred twenty-three point
 23 eight (223.8), Code 1977, is amended by striking the
 24 section and inserting in lieu thereof the following:

25 223.8 COSTS AND CHARGES. Chapter two hundred
 26 thirty (230), Code 1977, shall govern the determination
 27 of costs and charges for the care and treatment of
 28 mentally ill patients admitted to the Iowa security
 29 medical facility, except that charges for the care
 30 and treatment of any person transferred to the security
 31 medical facility from an adult correctional institution
 32 or from a state training school shall be paid entirely
 33 from state funds. Charges for all other patients
 34 at the security medical facility shall be billed to
 35 the respective counties at the same ratio as for
 36 patients at state hospitals for the mentally ill,
 37 under section two hundred thirty point twenty (230.20)
 38 of the Code.

39 Sec. 34. The department of social services shall
 40 report to the budget social services subcommittees
 41 of the committees on budget of the house and senate
 42 by February 1, 1978 the cost and description of the
 43 construction necessary to make building twenty at
 44 Mount Pleasant mental health institute an internally
 45 secure structure, including but not limited to
 46 providing escape proof doors and windows, air
 47 conditioning, and electronic surveillance and security
 48 equipment which will exceed the standards in the
 49 existing plans.

50 Sec. 35. There is hereby appropriated from th

Page 7

1 general fund of the state to the legislative council
 2 the sum of twenty thousand (20,000) dollars, or so
 3 much thereof as may be necessary, which shall be used
 4 by the joint senate-house budget subcommittees on
 5 social services to conduct a study of the requirements
 6 for the restrictions upon use of federal funds
 7 allocated to Iowa under Title twenty (XX) of the

8 United States social security Act, the manner in which
 9 the state and persons representing political
 10 subdivisions of the state and other local interests
 11 and organizations have planned for and acted in use
 12 of these funds, the effect upon these efforts and
 13 subsequent decisions by the department of social
 14 services affecting the allocation and use of Title
 15 twenty (XX) funds, the effect of any joint funding
 16 of programs with both money appropriated by or
 17 allocated to the state for the medical assistance
 18 program maintained pursuant to Title nineteen (XIX)
 19 of the United States social security Act and Title
 20 twenty (XX) money and the necessity for the district
 21 offices of the department of social services. The
 22 subcommittees shall make the necessary arrangements
 23 for the conduct and supervision of the study, including
 24 the hiring of any necessary staff, and for formulation
 25 of recommendations based upon the findings of the
 26 study. The report of the study and the recommendations
 27 based thereon shall be submitted to the Sixty-seventh
 28 General Assembly on or before the date it convenes
 29 for its regular session in the year 1978. The
 30 secretary of the senate and the chief clerk of the
 31 house, in consultation with the legislative council,
 32 shall provide administrative services for the
 33 administration of funds appropriated by this section.”
 34 21. By renumbering sections of and correcting
 35 internal references in the amendment in accordance
 36 with the foregoing amendments.

S-3418

1 Amend Senate File 362 as follows:
 2 1. Page 1, line 27, by striking the words “sold
 3 on or before” and inserting in lieu thereof the words
 4 “sold on or after”.

RICHARD R. RAMSEY

S-3419

1 Amend Senate File 358 as follows:
 2 1. Page 8, by striking lines 15 through 19 and
 3 inserting in lieu thereof the following:
 4 “b. Issue, renew, or deny issuance or renewal
 5 of licenses and temporary permits to practice veterinary
 6 medicine in this state.”

7 2. Page 14, by striking lines 16 through 21 and
 8 inserting in lieu thereof the following:
 9 "Sec. 14. *NEW SECTION. DISCIPLINE OF LICENSEES.*
 10 A license or temporary permit issued under this chapter
 11 may be revoked or suspended or the licensee or permittee
 12 may be otherwise disciplined by the board upon a two-
 13 thirds vote of the entire board, with the secretary of
 14 agriculture sitting as a voting board member for this
 15 purpose only. Such an action may be taken when the
 16 licensee is found guilty of any of the following acts
 17 or offenses:".

DALE L. TIEDEN

S-3420

1 Amend Senate file 93, page 1, by inserting the
 2 following after line 5:

Division S-3420A

3 3. "Secretary" means the secretary of the state
 4 racing commission.
 5 4. "Fund" means the pari-mutuel fund established
 6 in section ten (10) of this Act.
 7 5. "Breakage" means the odd cents by which the
 8 amount payable on each dollar wagered exceeds a
 9 multiple of ten (10) cents.
 10 6. "Pari-mutuel" means a form of wagering on the
 11 outcome of horse races in which those who wager pur-
 12 chase tickets of various denominations on a horse or
 13 horses and all wagers for each race are pooled and
 14 held by the racing association for distribution. When
 15 the outcome of the race has been decided, the nonpro-
 16 fit corporation or association distributes the total
 17 wagers comprising the pool less the percentage allowed
 18 by the state and the association to holders of tickets
 19 on the winning horse or horses.
 20 7. "Pari-mutuel pool" means the total money wagered
 21 by patrons and held by the nonprofit corporation or as-
 22 sociation under the pari-mutuel system on any horse or
 23 horses in a particular race to win, place or show.
 24 There shall be a separate pool for win, place and show,
 25 for the daily double, and for quinella when each is used.

Division S-3420B

26 8. "Quarter horse racing" means the form of horse

27 racing in which a participating horse is mounted by a
 28 jockey and engages in a straightaway race over a dis-
 29 tance of less than five sixteenths (5/16) of a mile.

30 9. "Thoroughbred racing" means a form of horse ra-
 31 cing in which each participating horse is a thorough-
 32 bred, is mounted by a jockey, and engages in races on
 33 the flat but does not include steeplechase or hurdle
 34 race.

35 10. "Harness racing" means the form of horse racing
 36 in which each horse is harnessed to a sulky, carriage or
 37 similar vehicle as distinguished from the form of horse
 38 racing in which each horse participating is mounted by a
 39 jockey.

40 11. "Thoroughbred horse" means any horse including
 41 mare, gelding, colt and filly that meets the require-
 42 ments of and is registered by the jockey club of New York
 43 including foreign thoroughbred horses.

Division S—3420A (cont'd.)

44 12. "Iowa bred horse" means a foal dropped by a mare
 45 in Iowa after being conceived in Iowa and remaining in
 46 Iowa until the foal is weaned.

47 13. "Enclosure" means all areas of the racing grounds
 48 of a nonprofit corporation or association to which ad-
 49 mission can be obtained only by payment of an admission
 50 fee or upon the presentation of authorized credentials.

Page 2

Division S—3420A (cont'd.)

1 14. "Enclosure-public" means areas to which the
 2 public is admitted upon payment of admission fees but
 3 excluding restricted areas such as the jockey room,
 4 the racing strip, the receiving barn, and the stable
 5 area.

6 15. "Charity days" means racing days granted to
 7 an association for the purpose of contributing the
 8 net proceeds from such days to charitable organiza-
 9 tions. Charity days are part of a regular race meet
 10 and shall not constitute a separate meet.

EUGENE M. HILL

S—3421

1 Amend Senate file 93, page 1, by inserting the fol-
 2 lowing after line 23:

3 "Each member of the commission shall have been a
 4 resident of the state for two years preceding his ap-
 5 pointment. A person shall be disqualified for mem-
 6 bership on the commission for any of the following
 7 reasons:

- 8 1. Holding any direct or indirect financial in-
 9 terest in any race track, in the operation of any
 10 race track, or in any form of legal or illegal wa-
 11 gering, gambling or lottery.
- 12 2. Accepting any pecuniary reward from any horse
 13 race track, any reward in respect to the operation
 14 of the race track, or any reward in respect to the
 15 operation of authorized wagering on the results of
 16 any horse race in this state.
- 17 3. Having been convicted of violating any federal,
 18 state or local law against gambling, bookmaking,
 19 lotteries, or wagering.
- 20 4. Holding a federal gambling stamp or customarily
 21 engaging in any form of illegal gambling, bookmaking,
 22 lotteries or other wagering.

23
 24 No member of the commission shall be disqualified
 25 from receiving a share of any purse awarded him as a
 26 result of being an owner of a horse or as a breeder
 27 of an Iowa horse entered in any race."

EUGENE M. HILL

S-3422

- 1 Amend Senate File 261 as follows:
 2 1. Page 1, line 9, by striking the words
 3 "twenty-five" and inserting in lieu thereof the word
 4 "fifty".

WARREN E. CURTIS

HOUSE AMENDMENT TO SENATE FILE 197

S-3423

- 1 Amend Senate File 197 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following new sentence: "The monies appropriated
 4 in this paragraph shall be contingent upon the
 5 extension of the hours of operation of the
 6 highest volume store in counties or metropolitan

7 areas with a population in excess of forty
 8 thousand (40,000) people, until ten (10) p.m. on
 9 all days the liquor stores are in operation.”

S-3424

1 Amend Senate File 361 as follows:
 2 1. Page 1, by striking lines 1 through 4 and
 3 inserting in lieu thereof the following:
 4 “Section 1. Proposed rule three (3) of the rules
 5 of appellate procedure printed in the Senate Journal,
 6 February 3, 1977, pages two hundred seventy-one (271)
 7 and two hundred seventy-two (272), is amended to read
 8 as follows:
 9 **RULE 3. AMOUNT IN CONTROVERSY.**
 10 Subject to Section 631.16 of the Code and except
 11 where the action involves an interest in real estate,
 12 no appeal shall be taken in any case where the amount
 13 in controversy, as shown by the pleadings, is less
 14 than [three] one thousand dollars [unless the trial
 15 judge, within thirty days after the judgment or order
 16 is entered, certifies that the cause is one in which
 17 appeal should be allowed]. The right of appeal is
 18 not affected by any remission of any part of the ver-
 19 dict or judgment.”
 20 2. Page 2, lines 24 and 25, by striking the words:
 21 “Rule three hundred thirty-three (333) of the rules
 22 of civil procedure, Code 1977, is repealed.”

RICHARD R. RAMSEY

S-3425

1 Amend House File 224 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 2, by striking line 20 and inserting in
 4 lieu thereof the following:
 5 “Sec. 4. This Act shall become effective”.

DALE L. TIEDEN

S-3426

1 Amend Senate File 93 as follows:
 2 1. Page 5, line 6, by inserting after the word
 3 “section.” the following: “The licensee receiving
 4 wagers shall require any person who appears to be under

- 5 the age of eighteen years to furnish evidence that he or
 6 she is eighteen years of age or older, before permitting
 7 that person to wager."

ELIZABETH R. MILLER

S-3427

- 1 Amend Senate File 93, page 2, by inserting after
 2 line 11 the following:
 3 "Sec. . NEW SECTION. It shall be unlawful for any
 4 member of the general assembly or his or her spouse to
 5 have any direct or indirect financial interest in a
 6 race track or the operating of races in this state. Any
 7 person elected to the general assembly or his or her spouse
 8 shall divest themselves of any such interest before he
 9 or she takes the oath of office."

JOHN N. NYSTROM

S-3428

- 1 Amend Senate File 93 as follows:
 2 1. Page 9, by adding the following after line 3:
 3 "Any person who bets upon the results of a horse
 4 race except by the pari-mutuel method of wagering
 5 conducted by a licensee under this Act and upon or
 6 within the grounds of enclosure of such licensee
 7 shall be guilty of a simple misdemeanor."

LUCAS J. DE KOSTER

S-3429

- 1 Amend Senate File 93 as follows:
 2 1. Page 2, line 7, by striking the word "ten"
 3 and inserting in lieu thereof the word "fifty".

LUCAS J. DE KOSTER

S-3430

- 1 Amend House File 224, as amended, passed and
 2 reprinted by the House as follows:

Division S-3430A

- 3 1. Page 1, lines 31 and 32, by striking the
- 4 words "or used".

Division S—3430B

- 5 2. Page 1, by striking lines 33 and 34.
- 6 3. Page 1, line 35, by striking the word "state."

C. JOSEPH COLEMAN

S—3431

- 1 Amend House File 224, as amended, passed and
- 2 reprinted by the House as follows:

Division S—3431A

- 3 1. Page 1, line 35, by striking the words
- 4 "provide for installation of" and inserting in lieu
- 5 thereof the words "install or have installed".

Division S—3431B

- 6 2. Page 2, line 1, by striking the word
- 7 "twenty" and inserting in lieu thereof the word
- 8 "fifty".

BERL E. PRIEBE
DALE L. TIEDEN

S—3432

- 1 Amend House File 75 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 20, by striking the words
- 4 "during normal business hours".

RICHARD R. RAMSEY

S—3433

- 1 Amend House File 75 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, lines 13 and 14, by striking the words
- 4 "used primarily for agricultural purposes" and inserting
- 5 in lieu thereof the words "where the heating or cooling

6 system is designed to heat or cool an enclosed area of
 7 less than one hundred thousand cubic feet".
 8 2. Page 2, by striking lines 34 and 35, and
 9 inserting in lieu thereof the following: "Buildings
 10 having a heating or cooling system designed to heat or
 11 cool and enclosed area of less than one hundred thousand
 12 cubic feet are exempt for the requirement of this section."

RICHARD R. RAMSEY

S-3434

Division S-3434B

1 Amend Senate File 365 as follows:

Division S-3434A

2 1. Page 12, line 28, by striking the words "dairy,
 3 creamery, cheese factory,".

Division S-3434B (cont'd.)

4 2. Page 12, line 33, by striking the word "Code."
 5 and inserting in lieu thereof the following: "Code,
 6 those premises covered by the permit described in section
 7 one hundred ninety-two point five (192.5) of the Code,
 8 and those covered by the licenses described in section
 9 one hundred ninety-five point fifteen (195.15) of the
 10 Code."

11 3. Page 12, by inserting after line 33 the following
 12 sections:

13 "Sec. ____ . Section one hundred ninety-four point
 14 three (194.3), subsection three (3), Code 1977, is amended
 15 by striking the subsection and inserting in lieu thereof
 16 the following:

17 3. "Milk processing plant" means an establishment
 18 to which milk of diverse producers is delivered where
 19 such milk is manufactured into butter, cheese, dry milk
 20 products, frozen desserts and frozen dessert mix as
 21 defined in chapter one hundred ninety A(190A) of the
 22 Code, or other dairy products for commercial purposes.

23 Sec. ____ . Section one hundred ninety-four point
 24 three (194.3), subsection five (5), Code 1977, is amended
 25 by striking the subsection and inserting in lieu thereof
 26 the following:

27 5. "Milk used for manufacturing purposes" means

28 milk or milk products manufactured into butter, cheese,
29 ungraded dry milk products, frozen desserts and frozen
30 dessert mix as defined in chapter one hundred ninety A
31 (190A) of the Code, or other dairy products except milk
32 and milk products as defined in chapter one hundred ninety
33 (190) of the Code.

34 Sec. ____ . Section one hundred ninety-four point
35 three (194.3), Code 1977, is amended by adding the
36 following new subsection:

37 *NEW SUBSECTION.* "Milk receiving station" means an
38 establishment where milk to be used for manufacturing
39 purposes is received and transferred for reshipment.

40 Sec. ____ . Section one hundred ninety-four point
41 four (194.4), unnumbered paragraph one (1), Code 1977, is
42 amended to read as follows:

43 All milk received at a *milk receiving station*,
44 creamery, [cheese factory, or] and milk-processing plant
45 shall be examined for physical characteristics, off-
46 flavors and off-odors, including those associated with
47 developed acidity. The condition of the raw milk shall
48 be wholesome and characteristic of normal milk. The
49 flavor and odor of the raw milk shall be fresh and sweet;
50 however, slight feed flavors may be present.

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Division S—3434B (cont'd.)

1 Sec. ____ . Section one hundred ninety-four point
2 twelve, (194.12), Code 1977, is amended by striking the section
3 and inserting in lieu thereof the following:

4 194.12 MILK GRADER. Every milk receiving station,
5 creamery, and milk processing plant must employ at
6 least one person who is duly licensed as a grader of
7 milk.

8 Sec. ____ . Section one hundred ninety-four point
9 seventeen (194.17), unnumbered paragraph one (1), Code
10 1977, is amended to read as follows:

11 Each *milk receiving station*, creamery [, cheese factory]
12 or milk processing plant shall maintain records of all
13 purchases and receipts of milk from individual producers.
14 These records must show:

15 Sec. ____ . Section one hundred ninety-five point
16 fifteen (195.15), Code 1977, is amended by striking
17 the section and inserting in lieu thereof the following:

18 195.15 OPERATING LICENSE. No creamery, milk
19 processing plant, milk receiving station, cream station,
20 or vehicle for the collection of cream or milk for

21 manufacture of dairy products shall be operated unless the
 22 owner or operator shall have first obtained from the
 23 secretary a license for each establishment and each vehicle
 24 so owned or operated. Acquisition and retention of such
 25 license shall be conditioned upon initial and continued
 26 compliance with the provisions of this chapter and rules
 27 adopted by the department pursuant to this chapter.

28 Sec. ____ . Section one hundred ninety-five point
 29 sixteen (195.16), Code 1977, is amended to read as
 30 follows:

31 195.16 ISSUANCE OF LICENSE. The license to operate
 32 as aforesaid shall be issued by the secretary and shall
 33 specify the particular [creamery] *establishment* or [cream
 34 station] vehicle, the operation of which is authorized;
 35 also, in a general way, the route over which the vehicle
 36 is authorized to operate.

37 Sec. ____ . Section one hundred ninety-five point
 38 seventeen (195.17), subsections one (1) and four (4),
 39 Code 1977, are amended by striking the subsections and
 40 inserting in lieu thereof the following:

41 1. For each creamery or milk processing plant, twenty-
 42 five dollars.

43 4. For each milk receiving station, fifteen dollars.

44 Sec. ____ . Section one hundred ninety-five point
 45 eighteen (195.18), Code 1977, is amended to read as
 46 follows:

47 195.18 POSTING. The holder of said license shall
 48 keep said license continuously posted in some conspicuous
 49 place inside said [creamery, or cream station,] *establishment*
 50

Page 3

Division S-3434B (cont'd.)

1 or inside the driver's compartment of said vehicle,
 2 as the case may be.

3 Sec. ____ . Section one hundred ninety-five point
 4 twenty (195.20), Code 1977, is amended to read as follows:

5 195.20 SANITATION. No creamery [or], cream station
 6 [or], *milk processing plant, milk receiving station, or*
 7 vehicle used on a route for the collection of cream or
 8 *milk to be used for manufacturing purposes*, shall be
 9 operated or permitted to be operated in unclean or
 10 unsanitary condition.

11 Sec. ____ . Section one hundred ninety-five point
 12 twenty-four (195.24), Code 1977, is amended to read as

13 follows:

14 195.24 INSPECTION. The secretary and all his
 15 authorized agents shall have access, at all reasonable
 16 times, to all creameries [and], cream stations, *milk*
 17 *processing plants*, *milk receiving stations*, and other
 18 places, including vehicles for transportation, where
 19 milk or cream is produced, received, tested, purchased,
 20 transported, or used for the manufacture of butter.

21 Sec. — . Section one hundred ninety-five point
 22 twenty-six (195.26), subsection eight (8), Code 1977, is
 23 amended to read as follows:

24 8. The possession by the owner or operator of a
 25 creamery [or of a], cream station, *milk processing plant*,
 26 *milk receiving station*, or of a cream route vehicle of any
 27 graded cream which is unlabeled or falsely graded.

28 Sec. — . Section one hundred ninety-five point
 29 twenty-six (195.26), subsection fourteen (14), Code 1977,
 30 is amended to read as follows:

31 14. The operation of a creamery, [or] cream station,
 32 [or] cream route vehicle, *milk processing plant*, or *milk*
 33 *receiving station* without obtaining a license as herein
 34 provided.”

C. JOSEPH COLEMAN
 CALVIN O. HULTMAN

S-3435

1 Amend Senate File 363 as follows:

2 1. Page 1, by inserting after line 13 the
 3 following:

4 “For the purposes of this subsection, a consent
 5 to adopt recognized by the courts of another
 6 jurisdiction in the United States and obtained from
 7 a resident of that jurisdiction shall be accepted
 8 in this state in lieu of a termination of parental
 9 rights proceeding.”

ELIZABETH SHAW

S-3436

1 Amend House File 490 as amended and passed
 2 by the House as follows:

3 1. Page 5, by striking lines 15 through 19
 4 and inserting in lieu thereof the following:

5 “4. The storage, transportation, handling

- 6 or use of pesticides over which control is exercised
 7 by the state secretary of agriculture under chapter
 8 206 of the Code.”
 9 2. Page 5, by striking lines 20 through 25
 10 and inserting in lieu thereof the following:
 11 “5. The storage, transportation, handling
 12 or use of fertilizers over which control is exer-
 13 cised by the state secretary of agriculture under
 14 chapter 200 of the Code.”

ALVIN V. MILLER
 MERLIN D. HULSE
 DALE L. TIEDEN
 MILO MERRITT

S—3437

- 1 Amend House File 210 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking all after the enacting clause and
 4 inserting in lieu thereof the following:
 5 Section 1. *NEW SECTION. LEGISLATIVE INTENT.*
 6 It is the intent of the general assembly of the state
 7 of Iowa to provide for the development of land
 8 preservation policy recommendations for the
 9 consideration of the general assembly through a process
 10 that emphasizes the participation and recommendations
 11 of citizens and local governments. The general
 12 assembly intends to provide for the development of
 13 recommendations which will provide for the orderly
 14 use and development of land and related natural
 15 resources in Iowa, preserve private property rights,
 16 preserve the use of prime agricultural land for
 17 agricultural production, preserve, guide the
 18 development of critical areas, key facilities and
 19 large-scale development, and provide for the future
 20 housing, commercial, industrial and recreational needs
 21 of the state.
 22 Sec. 2. *NEW SECTION. DEFINITIONS.* As used in
 23 this Act unless the context otherwise requires:
 24 1. “State critical area” means an area where
 25 substantial evidence indicates that uncontrolled or
 26 incompatible development could result in damage to
 27 the environment, life or property, or an area where
 28 the long-term public interest is of more than local
 29 significance. Such areas shall include but are not
 30 limited to:
 31 a. “Fragile or historic lands” where uncontrolled

32 or incompatible development could result in
33 irreversible damage to important historic, cultural,
34 scientific, or aesthetic values or natural systems
35 which are of more than local significance including
36 shorelands of rivers, lakes, and streams, rare of
37 valuable ecosystems and geological formations,
38 significant wildlife habitats, and unique scenic or
39 historic sites.

40 b. "Natural hazard lands" where uncontrolled or
41 incompatible development could unreasonably endanger
42 life and property including flood plains and areas
43 frequently subject to weather disasters, and areas
44 of unstable geological formations.

45 c. "Renewable resource lands" where uncontrolled
46 or incompatible development which results in the loss
47 or reduction of continued long-range productivity
48 could endanger future water, food, and fiber
49 requirements of more than local concern including
50 watershed lands, aquifers and aquifer recharge areas,

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1 and forest lands.

2 2. "Key facility" means a public facility which
3 is expected to result in development and urbanization
4 exceeding local impact, including but not limited
5 to major airports, major highway interchanges including
6 interchanges with frontage roads, access streets and
7 other limited access highways, major recreational
8 land and facilities and major facilities for the
9 development, generation or transmission of energy.

10 3. "Large-scale development" means any private
11 development which is likely to generate issues of
12 more than local significance because of its magnitude
13 or because of its location with respect to its
14 surroundings.

15 4. "Local critical area" means any fragile or
16 historic lands or sites, natural hazard lands, or
17 renewable resource lands of local significance where
18 substantial evidence indicates that the uncontrolled
19 or incompatible development could result in damage
20 to the environment, life or property or the long-term
21 public interest.

22 5. "Land preservation policy" means a definite
23 course of action selected after evaluation of alter-
24 native courses in order to effectuate wise and pru-
25 dent decisions for the preservation of land.

26 **Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND**
27 **PRESERVATION POLICY COMMISSION CREATED.**

28 1. There is created a temporary county land
29 preservation policy commission which shall consist
30 of nine members. Three members shall be appointed
31 by and shall be from the county board of supervisors,
32 three shall be appointed by and shall be from a
33 convention of mayors and council persons of the cities
34 in the county, and three shall be appointed by and
35 shall be from the district soil conservation
36 commissioners. The temporary county land preservation
37 policy commission shall meet and organize by the
38 election of a chairperson and vice chairperson from
39 among its members within sixty days of the effective
40 date of this Act. A majority of the members of the
41 temporary county land preservation commission shall
42 constitute a quorum and the concurrence of a quorum
43 shall be required to determine any matter relating
44 to its official duties. Each member of the temporary
45 county land preservation policy commission shall be
46 entitled to receive reimbursement for travel and other
47 necessary expenses incurred in the performance of
48 the member's official duties. The reimbursement shall
49 be made by the city or county government of which
50 the temporary county land preservation policy

Page 3

1 commissioner is a member.
2 2. The temporary county land preservation policy
3 commission shall submit its recommendations to the
4 state land preservation policy commission as to a
5 state land preservation policy and a land preservation
6 policy for that county within one year of the effective
7 date of this Act. The recommendation for the state
8 land preservation policy should address the issues
9 contained in the statement of legislative intent of
10 this Act and shall include the content of a state
11 land preservation policy and the method by which the
12 state land preservation policy should be implemented.
13 The latter recommendation shall include whether it
14 is necessary or desirable for an existing or new state
15 agency to be given the responsibility for monitoring,
16 reviewing or supervising the implementation of the
17 state land preservation policy. Prior to making its
18 recommendations, the temporary county land preservation
19 policy commission shall hold at least three public

20 hearings to receive testimony from citizens of the
 21 county as to what provisions shall be included in
 22 the recommendations to the state land preservation
 23 policy commission. The temporary county land
 24 preservation policy commission shall give public
 25 notice of the date, time and location of each public
 26 hearing in a newspaper having general circulation
 27 within the county not later than two weeks before
 28 the date of each public hearing.

29 3. The chairperson of the temporary county land
 30 preservation policy commission of each county shall
 31 file with the secretary of the senate and the chief
 32 clerk of the house a written report to the general
 33 assembly by July 1, 1978 containing the following:

34 a. The extent to which the county and the cities
 35 in the county have adopted zoning ordinances and have
 36 prepared comprehensive plans to be implemented by
 37 the zoning ordinances.

38 b. Whether the county has established a county
 39 conservation board and the extent to which it has
 40 adopted a plan for the conservation and recreation
 41 needs of the county.

42 c. The extent to which the county and the cities
 43 and private agencies of the county have implemented
 44 plans for the disposal of solid waste.

45 d. The extent to which a survey of the soil of
 46 the county has been conducted.

47 e. The extent to which a comprehensive plan for
 48 the conservation of soil resources and the control
 49 the preservation of soil erosion has been prepared
 50 and implemented.

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1 4. After making its recommendations to the state
 2 land preservation policy commission and participating
 3 in the convention to select the members of the state
 4 land preservation policy commission, the temporary
 5 county land preservation policy commission shall be
 6 dissolved.

7 5. The office for planning and programming shall
 8 assist temporary county land preservation policy
 9 commissions upon request, with technical assistance,
 10 and in obtaining information from government agencies
 11 useful to the development of land preservation policy.

12 **Sec. 4. NEW SECTION. TEMPORARY STATE LAND**
 13 **PRESERVATION POLICY COMMISSION CREATED.**

14 1. One year from the effective date of this Act,

15 the members of the temporary county land preservation
16 policy commissions in the counties located within
17 each of the sixteen planning areas designated by the
18 office for planning and programming shall convene
19 and elect a member to the temporary state land
20 preservation policy commission. The office for
21 planning and programming shall provide assistance
22 in making the arrangements for the conventions. Each
23 member present of each temporary county land
24 preservation policy commission shall have one vote
25 at the convention.

26 2. Within sixty days of the last election of a
27 member of the temporary state land preservation policy
28 commission, the temporary state land preservation
29 policy commission shall convene and organize by the
30 election of a chairperson and a vice chairperson.
31 A majority of the members of the temporary state land
32 preservation policy commission shall constitute a
33 quorum and the concurrence of a quorum shall be
34 required to determine any matter relating to its
35 official duties. Each member of the temporary state
36 land preservation policy commission is entitled to
37 receive a forty dollar per diem and shall be reimbursed
38 for actual and necessary expenses.

39 3. The temporary state land preservation policy
40 commission shall receive the recommendations of the
41 temporary county land preservation policy commissions
42 and, within thirty months of the effective date of
43 this Act, shall file with the secretary of the senate
44 and the chief clerk of the house its written
45 recommendations to the general assembly. The
46 recommendations shall include a state land preservation
47 policy and the method by which the state land
48 preservation policy should be implemented. The latter
49 recommendation shall include whether it is necessary
50 or desirable for an existing or new state agency to

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1 be given the responsibility for monitoring, reviewing
2 or supervising the implementation of the state land
3 preservation policy.

4 4. Each state agency and agency of a political
5 subdivision of the state shall cooperate, within time,
6 personnel and budgetary limitations, in providing
7 information, data, surveys and studies as requested
8 by the temporary state land preservation policy
9 commission. The temporary state land preservation

10 policy commission may contract with any public agency
 11 for the performance of services or the exchange of
 12 employees.

13 5. The temporary state land preservation policy
 14 commission may apply for, receive and expend any
 15 private or public funds for the purposes of carrying
 16 out this Act.

17 6. The temporary state land preservation commission
 18 shall use the completed state water plan, the completed
 19 state standard soil survey and the completed state
 20 recreational needs plan in conducting a comprehensive
 21 land inventory. The inventory shall also show the
 22 changes in the use of land in the state during the
 23 preceding five years.

24 7. The temporary state land preservation policy
 25 commission shall be dissolved upon final action by
 26 the general assembly of the recommendations presented
 27 by the temporary state land preservation policy
 28 commission.

29 2. Amend the title, by striking lines 1 through
 30 5 and inserting in lieu thereof the following: "An
 31 Act to provide for the development of a temporary
 32 state land preservation policy."

COMMITTEE ON NATURAL RESOURCES
 BERL E. PRIEBE, Chairperson

S-3438

1 Amend House File 354 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 3, by inserting after line 14 the following
 4 new subsection:

5 " ____ . 'Home health agency' means an organization
 6 primarily engaged in providing professional nursing
 7 services and at least one of the following services,
 8 directly or through contract arrangements; homemaker-
 9 home health aide services, and other therapeutic and
 10 related services, including but not limited to
 11 physical, speech and occupational therapy and
 12 nutritional and medical social services, to persons
 13 in their place of residence on a part-time or
 14 intermittent basis."

15 2. Page 3, by inserting after line 28 the following
 16 new paragraph:

17 " ____ . A home health agency."

18 3. Page 6, by striking lines 5 through 16 and

19 inserting in lieu thereof the following:

20 "2. There is established a state health facili-
21 ties council consisting of five persons appointed
22 by the governor. The council shall be within the
23 department for administrative and budgetary purposes.

24 a. QUALIFICATIONS. The members of the council
25 shall be chosen so that the council as a whole is
26 broadly representative of various geographical areas
27 of the state, and no more than three of its members
28 are affiliated with the same political party. Each
29 council member shall be a person who has demonstrated
30 by prior activities an informed concern for the plan-
31 ning and delivery of health services. No member of
32 the council, nor any spouse of a member, shall during
33 the time that member is serving on the council:

34 (1) Be a health care provider nor be otherwise
35 directly or indirectly engaged in the delivery of
36 health care services nor have a material financial
37 interest in the providing or delivery of health
38 services; nor

39 (2) Serve as a member of any board or other policy-
40 making or advisory body of a health systems agency,
41 an institutional health facility, a health maintenance
42 organization, or any health or hospital insurer."

43 4. Page 6, by striking lines 22 through 32 and
44 inserting in lieu thereof the words "term. Each
45 appointment to the council shall be".

46 5. Page 7, line 10, by striking the words "two
47 members" and inserting in lieu thereof the words "one
48 member".

49 6. Page 7, line 11, by striking the word "terms"
50 and inserting in lieu thereof the words "a term".

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1 7. Page 7, line 12, by striking the word "three"
2 and inserting in lieu thereof the word "two".

3 8. Page 7, line 18, by inserting after the word
4 "new" the words "appointee or".

5 9. Page 7, lines 24 and 25, by striking the words
6 "forty dollars per diem" and inserting in lieu thereof
7 the words "a salary as fixed by the general assembly".

8 10. Page 8, line 28, by striking the word and
9 figure "eighteen (18)" and inserting in lieu thereof
10 the word and figure "nineteen (19)".

11 11. Page 9, line 30, by inserting after the word
12 "application" the words "as well as the probable
13 impact of the proposal on the costs of and charges

14 for providing health services by the person proposing
 15 the new institutional health service.”

16 12. Page 9, by striking lines 31 through 34.

17 13. Page 10, by striking lines 10 through 15 and
 18 inserting in lieu thereof the words “existing and
 19 available health care providers.”

20 14. Page 11, by inserting after line 33 the
 21 following:

22 “3. In the evaluation of applications for
 23 certificates of need submitted by university hospital
 24 at Iowa City, the unique features of that institution
 25 relating to statewide tertiary health care, health
 26 science education, and clinical research shall be
 27 given due consideration. Further, in administering
 28 this Act, the unique capacity of university hospitals
 29 for the evaluation of technologically innovative
 30 equipment and other new health services shall be
 31 utilized.”

32 15. Page 12, by striking lines 1 through 26 and
 33 inserting in lieu thereof the following:

34 “1. Before applying for a certificate of need,
 35 the sponsor of a proposed new institutional health
 36 service or changed institutional health service shall
 37 submit to the department a letter of intent to offer
 38 or develop a service requiring a certificate of need.
 39 The letter shall be submitted as soon as possible
 40 after initiation of the applicant’s planning process,
 41 and before substantial expenditures to offer or develop
 42 the service are made. The letter shall include a
 43 brief description of the proposed new or changed
 44 service, its location, and its estimated cost.

45 2. Upon request of the sponsor of the proposed
 46 new or changed service, the department shall make
 47 a preliminary review of the letter for the purpose
 48 of informing the sponsor of the project of any factors
 49 which may appear likely to result in denial of a
 50 certificate of need, based on the criteria for

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1 evaluation of applications in section four (4) of
 2 this Act. A comment by the department under this
 3 section shall not constitute a final decision.”

4 16. Page 14, by striking lines 8 through 13 and
 5 inserting in lieu thereof the words “submitted by
 6 the health systems agency.”

7 17. Page 15, by striking lines 10 through 35.

8 18. Page 16, by striking lines 1 through 34 and
 9 inserting in lieu thereof the following:

10 **"Sec. 8. NEW SECTION. STATUS REPORTS ON REVIEW**
11 **IN PROGRESS.** While formal review of an application
12 for a certificate of need is in progress, the
13 department shall upon request inform any affected
14 person of the status of the review, any findings which
15 have been made in the course of the review, and any
16 other appropriate information concerning the review.

17 **Sec. 9. NEW SECTION. DEPARTMENT TO MAKE FINAL**
18 **DECISION.** The department shall complete its formal
19 review of the application within ninety days after
20 acceptance of the application, except as otherwise
21 provided by section twelve (12), subsection four (4)
22 of this Act. Upon completion of the formal review,
23 the department shall approve, approve with conditions,
24 or deny the application. However, the department
25 shall not approve an application with conditions which
26 mandate new institutional health services not proposed
27 by the applicant. The department shall issue written
28 findings stating the basis for its decision on the
29 application, and shall send its decision and the
30 written findings supporting it to the applicant, to
31 the designated health systems agency in whose area
32 the new or changed institutional health service is
33 proposed to be offered or developed, and to any other
34 person who so requests. If the application is approved
35 or approved with conditions, the department shall
36 issue a certificate of need to the applicant at the
37 time the applicant is informed of the department's
38 decision.

39 Failure by the department to issue a written
40 decision on an application for a certificate of need
41 within the time required by this section shall
42 constitute denial of and final administrative action
43 on the application, and is subject to appeal under
44 section ten (10) of this Act.

45 **Sec. 10. NEW SECTION. APPEAL OF CERTIFICATE OF**
46 **NEED DECISIONS.** The department's final decision on
47 an application for a certificate of need, when
48 announced pursuant to section nine (9) of this Act,
49 may be appealed by any dissatisfied party who is an
50 affected person with respect to that application,

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1 and who participated or sought unsuccessfully to
2 participate in the formal review procedure prescribed
3 by section six (6) of this Act. The appeal shall

4 be taken in the manner provided by chapter seventeen
5 A (17A) of the Code.”

6 19. Page 17, by striking lines 19, 20 and 21 and
7 inserting in lieu thereof the words “extension thereof,
8 any affected person shall have the right to submit
9 to the department information which may be relevant
10 to the question of granting an extension. The
11 department may call a public hearing for this purpose.”

12 20. Page 18, lines 5 and 6, by striking the words
13 and numerals “eight (8), subsection two (2)” and
14 inserting in lieu thereof the word and numeral “nine
15 (9)”.

16 21. Page 18, line 11, by inserting after the
17 period the words “However, no rule adopted under this
18 subsection shall permit a deferral of more than sixty
19 days beyond the time when a decision is required under
20 section nine (9) of this Act, unless both the applicant
21 and the department agree to a longer deferment.”

22 22. Page 18, lines 17 and 18, by striking the
23 words “shall not be eligible for” and inserting in
24 lieu thereof the words “may be denied”.

25 23. Page 21, by striking lines 23 through 35.

26 24. Page 22, by striking lines 1 and 2.

27 25. Page 22, line 35, by striking the word “four:”
28 and inserting in lieu thereof the word and numeral
29 “fourteen (14)”.

30 26. Page 24, by inserting after line 9 the
31 following new section:

32 “Sec. ____ . Until such time as the agreement of
33 the state of Iowa to conduct reviews pursuant to
34 section one thousand one hundred twenty-two (1122)
35 of the United States Social Security Act is terminated,
36 the department shall furnish or prescribe forms so
37 that the application for a certificate of need and
38 the application for review pursuant to said section
39 one thousand one hundred twenty-two (1122) may be
40 made at the same time with minimal duplication, and
41 shall provide coordinated procedures for review and
42 action on both applications. This section shall not
43 be construed to require or to indicate legislative
44 intent that the state continue to conduct such reviews
45 if federal law does not so require as a condition
46 of federal participation in state programs including,
47 but not limited to, the medical assistance program.”

COMMITTEE ON HUMAN RESOURCES
CHARLES P. MILLER, Chairperson

S—3439

1 Amend Senate File 349 as follows:

Division S—3439A

2 1. Page 1, by striking lines 5 through 8 and
 3 inserting in lieu thereof the following:
 4 "SEC. ____ . NEW SECTION. VIABILITY. Viability
 5 is that stage of fetal development when the life of
 6 the newborn infant can be continued indefinitely by
 7 either natural means or available life support systems.
 8 The time when viability is achieved may vary with each
 9 pregnancy, and the determination of whether a particular
 10 fetus is viable is a matter for the judgment of the
 11 responsible attending physician."

Division S—3439B

12 2. Page 1, line 24, by striking the word "fetus"
 13 and inserting in lieu thereof the words "[fetus] *newborn*
 14 *infant*".
 15 3. Page 2, line 1, by striking the word
 16 "FETUS" and inserting in lieu thereof the word "[FETUS]"
 17 *NEWBORN INFANT*".
 18 4. Page 2, line 2, by striking the word "fetus"
 19 and inserting in lieu thereof the words "[fetus] *newborn*
 20 *infant*".
 21 5. Page 2, line 10, by striking the word "FETUS"
 22 and inserting in lieu thereof the word "[FETUS] *NEWBORN*
 23 *INFANT*".
 24 6. Page 2, line 14, by striking the word "fetus"
 25 and inserting in lieu thereof the word "[fetus] *newborn*
 26 *infant*".

MINNETTE DODERER
 LUCAS J. DE KOSTER
 EARL M. WILLITS

S—3440

1 Amend Senate File 75, page 33, line 15 by striking
 2 the word "forty" and inserting in lieu thereof the
 3 words "seventy-five".

EUGENE M. HILL
 ROGER J. SHAFF

S-3442

1 Amend S-3437 amending House File 210 as amended,
2 passed and reprinted by the House as follows:

3 1. Page 1, by striking line 5 through page 5,
4 line 28, 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 office 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 and shall be appointed to four-
21 year terms except that of the initial appointees to
22 the commission, seven members shall be appointed for
23 two-year terms. The terms of each member shall be
24 effective on the first day of July of the year of
25 appointment except in the case of a vacancy which
26 shall be filled by appointment of the governor with
27 the consent of two-thirds of the members of the senate
28 for the unexpired term.

29 *Sec. 3. NEW SECTION. ORGANIZATION OF COMMISSION.*

30 The commission shall organize annually by the election
31 of a chairman and vice chairman from among its
32 membership. Meetings may be called by the chairman
33 at any time and shall be called as soon as possible
34 by the chairman on the written request of a majority
35 of the members. A majority of the members shall
36 constitute a quorum and the concurrence of a quorum
37 of the commission shall be required to determine any
38 matter relating to its official duties.

39 *Sec. 4. NEW SECTION. COMPENSATION OF COMMISSION.*

40 Each member of the commission, not otherwise in the
41 full-time employment of a public agency, is entitled
42 to receive a per diem of forty dollars for each day
43 that he is engaged in the discharge of his official
44 duties. Each member is also entitled to receive
45 reimbursement for travel and other necessary expenses
46 incurred in the performance of his official duties.

47 Sec. 5. *NEW SECTION. POWERS AND DUTIES OF*
48 *COMMISSION. The commission shall:*

49 1. Identify and evaluate issues relating to land
50 use in this state.

Page 2

1 2. Prepare and recommend, for adoption by the
2 general assembly, a state land use policy and state
3 land use policy guidelines based on the state land
4 use policy objectives specified in section six (6)
5 of this Act, for the guidance of state agencies,
6 cities and counties on matters relating to land use.
7 The initial recommendations of the commission shall
8 be submitted to the general assembly not later than
9 March 1, 1978.

10 3. Cooperate in the exchange of information
11 relating to land use with any public or private person.

12 4. Authorize, the application for, receipt, and
13 expenditure of any public or private funds for the
14 purpose of carrying out the provisions of this Act.

15 5. Advise, consult and cooperate with state
16 agencies and other public or private agencies in the
17 preparation of recommendations for a state land use
18 policy or state land use policy guidelines.

19 6. Monitor the actions and decisions of state
20 agencies, counties and cities on matters relating
21 to land use and report its findings and any
22 recommendations to the general assembly.

23 7. Approve a budget for the commission.

24 8. Approve all contracts and agreements between
25 the commission and other public or private persons
26 relating to its powers and duties under this Act.

27 9. Obtain an adequate public employees fidelity
28 bond to cover those employees of the commission
29 accountable for the property or funds of the state
30 under this Act.

31 10. Adopt, amend or repeal internal rules to
32 provide for the efficient operation of the commission.

33 11. Recommend to the general assembly a method
34 for resolving conflicts which may arise between state
35 agencies on matters relating to land use.

36 Sec. 6. *NEW SECTION. STATE LAND USE POLICY*
37 *OBJECTIVES. In developing a state land use policy*
38 *and guidelines for adoption by the general assembly*
39 *the state commission shall give consideration to the*
40 *following:*

41 1. Identification of the best agricultural areas

- 42 for farming, commercial feedlots, and farm related
 43 activities.
 44 2. Identification of space for orderly urban and
 45 industrial development.
 46 3. Inventorying and utilization of natural
 47 resources including minerals, timber and water.
 48 4. Identification of areas for parks and
 49 recreations.
 50 5. Location of highways, rail lines, and airports.

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1 In all of its deliberations and recommendations the
 2 state commission shall give due consideration to the
 3 preservation of the environment and the avoidance
 4 of pollution.

5 **Sec. 7. NEW SECTION. APPOINTMENT OF DIRECTOR.**

6 The commission shall appoint a director who shall
 7 be the chief administrative officer of the commission
 8 and shall serve at its pleasure. The director shall
 9 be qualified by education, experience and
 10 administrative ability to perform the powers and
 11 duties assigned to him. The salary of the director
 12 shall be initially determined by the commission, but
 13 it shall not exceed twenty-five thousand dollars per
 14 annum and, thereafter, it shall be set by the general
 15 assembly.

16 **Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE**
 17 **DIRECTOR.** The director shall:

18 1. Direct and supervise the preparation of
 19 recommendations for a state land use policy and state
 20 land use policy guidelines and perform such other
 21 duties as authorized by the commission under this
 22 Act.

23 2. Prepare, pursuant to chapter eight (8) of the
 24 Code, a budget for the commission.

25 3. Appoint, with the approval of the commission,
 26 the technical, professional, secretarial, and clerical
 27 staff deemed necessary to accomplish the purposes
 28 of this Act subject to the provisions of chapter
 29 nineteen A (19A) of the Code. The director may appoint
 30 a member of his staff to be acting director in his
 31 absence. The acting director shall have the powers
 32 delegated to him by the director.

33 **Sec. 9. NEW SECTION. EXPENSES.** The director
 34 and other employees of the commission shall receive,
 35 in addition to salary, their travel and other necessary
 36 expenses incurred while engaged in the performance

37 of their official duties.

38 Sec. 10. *NEW SECTION. OFFICE FACILITIES.* The
39 department of general services shall provide the
40 commission with appropriate office facilities and
41 equipment.

42 Sec. 11. *NEW SECTION. COMPLIANCE BY STATE*
43 *AGENCIES.* Effective July 1, 1978, a state agency
44 shall not take any action or issue any order or permit
45 relating to land use except in compliance with the
46 state land use policy and state land use policy
47 guidelines adopted by the general assembly as provided
48 in this Act. Any person aggrieved by any order or
49 action of a state agency on a matter relating to land
50 use, which is alleged to be in violation of the state

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1 land use policy or state land use policy guidelines
2 adopted by the general assembly, may seek judicial
3 review of such order or action as provided in chapter
4 seventeen A (17A) of the Code.

5 Sec. 12. Section three hundred fifty-eight A point
6 one (358A.1), Code 1977, is amended to read as follows:
7 358A.1 WHERE APPLICABLE. The provisions of this
8 chapter shall be applicable to any county of the state
9 at the option of the board of supervisors of any such
10 county, *however, effective July 1, 1978, it shall*
11 *be mandatory that each county adopt a comprehensive*
12 *plan and adopt and enforce regulations in compliance*
13 *with the provisions of this chapter.*

14 Sec. 13. Section three hundred fifty-eight A point
15 five (358A.5), unnumbered paragraph one (1), Code
16 1977, is amended to read as follows:

17 Such regulations shall be made in accordance with
18 a comprehensive plan *which shall conform to the state*
19 *land use policy and state land use policy guidelines*
20 *adopted by the general assembly, and designed to*
21 *lessen congestion in the street or highway; to secure*
22 *safety from fire, flood, panic, and other dangers;*
23 *to protect health and the general welfare; to provide*
24 *adequate light and air; to prevent the overcrowding*
25 *of land; to avoid undue concentration of population;*
26 *to facilitate the adequate provision of transportation,*
27 *water, sewerage, schools, parks and other public*
28 *requirements.*

29 Sec. 14. Section four hundred fourteen point one
30 (414.1), Code 1977, is amended to read as follows:

31 414.1 BUILDING RESTRICTIONS—POWERS GRANTED.

32 For the purpose of promoting the health, safety,
33 morals, or the general welfare of the community, [any]
34 each city [is hereby empowered to] *may and effective*
35 *July 1, 1978, shall regulate and restrict the height,*
36 *number of stories, and size of buildings and other*
37 *structures, the percentage of lot that may be occupied,*
38 *the size of yards, courts, and other open spaces,*
39 *the density of population, and the location and use*
40 *of buildings, structures, and land for trade, industry,*
41 *residence, or other purposes. However, a city may,*
42 *in lieu of adopting its own comprehensive plan and*
43 *regulations, agree to be included in the comprehensive*
44 *plan of the county and to have the county adopt and*
45 *enforce regulations.*

46 Sec. 15. Section four hundred fourteen point three
47 (414.3), unnumbered paragraph one (1) Code 1977,
48 is amended to read as follows:

49 Such regulations shall be made in accordance with
50 a comprehensive plan *which shall conform to the state*

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1 *land use policy and state land use policy guidelines*
2 *adopted by the general assembly, and designed to*
3 *lessen congestion in the street; to secure safety*
4 *from fire, flood, panic, and other dangers; to promote*
5 *health and the general welfare; to provide adequate*
6 *light and air; to prevent the overcrowding of land;*
7 *to avoid undue concentration of population; to*
8 *facilitate the adequate provision of transportation,*
9 *water, sewerage, schools, parks, and other public*
10 *requirements.*

11 Sec. 16. There is appropriated from the general
12 fund of the state to the state land use policy
13 commission for the fiscal year beginning July 1, 1977
14 and ending June 30, 1978, the sum of one hundred
15 thousand (100,000) dollars, or so much thereof as
16 may be necessary, for the purpose of carrying out
17 the provisions of this Act."

18 2. Page 5, by striking lines 31 and 32, and
19 inserting in lieu thereof the following: "Act to
20 provide for a state land use policy, to create a state
21 land use policy commission and to specify its powers
22 and duties, to provide for the regulation of the use
23 of land, and to make an appropriation."

EUGENE M. HILL

S-3443

- 1 Amend Senate File 349 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "systems." the words "The time when viability is
- 4 achieved may vary with each pregnancy, and the
- 5 determination of whether a particular fetus is viable
- 6 is a matter of responsible medical judgment."

ELIZABETH MILLER
LUCAS J. DE KOSTER

S-3444

- 1 Amend Senate File 365 as follows:
- 2 1. Page 10, line 32, by striking the word and
- 3 figure "thirty-six (36)" and inserting in lieu thereof
- 4 the word and figure "twenty-six (26)".
- 5 2. Page 18, line 30, by inserting after the word
- 6 "authority," the words "A license issued by the
- 7 department of agriculture prior to the effective date
- 8 of this Act shall be valid until its expiration date."
- 9 3. Page 24, line 8, by striking the word "This"
- 10 and inserting in lieu thereof the words "Except as
- 11 otherwise specifically provided, this".
- 12 4. By correcting internal references.

BOB RUSH

S-3445

- 1 Amend Senate File 365, page 2, by striking
- 2 line 21 and inserting in lieu thereof the following:
- 3 "sanitation code with the following exceptions:
- 4 1. 1-102(h) shall be deleted.
- 5 2. 1-104 shall be deleted.
- 6 3. 10-101 shall be amended so that the following
- 7 food service establishments are exempt from the license
- 8 requirement:
- 9 a. Food service operations in schools.
- 10 b. Places used by churches, fraternal societies,
- 11 and civic organizations which engage in the serving
- 12 of food less frequently than once a week.
- 13 10-101 shall also be amended so that a license
- 14 issued by the department of agriculture prior to the
- 15 effective date of this Act shall be valid until its
- 16 expiration date.

17 4. 10—201 shall be amended so that food service
 18 operations in schools and summer camps shall be
 19 inspected at least once every year instead of twice
 20 every year.
 21 In the event the food service sanitation”.

BOB RUSH

S-3446

1 Amend House File 444 as follows:

2

3 1. Page 2, by striking lines 21 through 29
 4 inclusive and inserting in lieu thereof the following:

5

6 “6. The prohibition of the use, sale, distribution
 7 or offer to sell or distribute any aujeszky’s disease
 8 vaccine within this state if the secretary determines
 9 that such a prohibition will aid in the control of the
 10 transmission or incidence of aujeszky’s disease in
 11 this state; provided, however, that the secretary may
 12 during this prohibition issue permits for the use of
 13 a specified aujeszky’s disease vaccine to an individ-
 14 ual producer, if such use if required by an
 15 individual hardship, and a biological laboratory,
 16 governmental authority, or manufacturer of biological
 17 products for the purpose of research or testing; if
 18 such use, under the conditions imposed by the
 19 secretary, will not be detrimental to the department’s
 20 statewide aujeszky’s disease control program. Every
 21 permit shall specify those conditions of use which
 22 in the opinion of the secretary are necessary to
 23 prevent any detriment to the department’s statewide
 24 aujeszky’s disease control program and shall authorize
 25 the sale of the specified vaccine, in the amount stated
 26 in the permit, to the permit holder.”

COMMITTEE ON AGRICULTURE
 BASS VAN GILST, Chairperson

S-3447

1 Amend Senate File 365, page 2, by striking line
 2 21 and inserting in lieu thereof the following:

3 “sanitation code with the following exceptions:

4 1. 1-102(h) shall be deleted.

5 2. 1-104 shall be deleted.

6 3. 10-101 shall be amended so that the following

- 7 food service establishments are exempt from the license
8 requirement:
- 9 a. Food service operations in schools.
 - 10 b. Places used by churches, fraternal societies,
11 and civic organizations which engage in the serving
12 of food less frequently than once a week.
- 13 10—101 shall also be amended so that a license
14 issued by the department of agriculture prior to the
15 effective date of this Act shall be valid until its
16 expiration date.
- 17 4. 10—201 shall be amended so that food service
18 operations in schools and summer camps shall be
19 inspected at least once every year instead of twice
20 every year.
- 21 5. 10—601 shall be deleted.
22 In the event the food service sanitation”.

BOB RUSH

S—3448

- 1 Amend Senate File 75 as follows:
- 2 1. Page 7, line 5, by inserting after the word
3 “his” the words “or her”.
 - 4 2. Page 12, line 3, by inserting after the word
5 “his” the words “or her”.
 - 6 3. Page 16, line 5, by inserting after the word
7 “his” the words “or her”.
 - 8 4. Page 19, line 14, by inserting after the word
9 “his” the words “or her”.
 - 10 5. Page 21, line 14, by inserting after the word
11 “his” the words “or her”.
 - 12 6. Page 22, line 9, by inserting after the word
13 “his” the words “or her”.
 - 14 7. Page 22, line 11, by inserting after the word
15 “he” the words “or she”.
 - 16 8. Page 24, line 29, by inserting after the word
17 “his” the words “or her”.
 - 18 9. Page 29, line 23, by inserting after the word
19 “his” the words “or her”.
 - 20 10. Page 30, line 4, by inserting after the word
21 “his” the words “or her”.
 - 22 11. Page 31, line 8, by inserting after the word
23 “his” the words “or her”.

FRED W. NOLTING

S-3449

1 Amend Senate File 93 as follows:

2 1. Page 2, line 3, by inserting after the word
3 "county." the words "Persons who have been an offi-
4 cial of this state shall not be appointed to the state
5 racing commission until at least four years after
6 their service."

7 2. Page 4, line 18, by inserting after the word
8 "present" the words ", except minors,".

9 3. Page 7, by striking lines 4 through 9 and
10 inserting in lieu thereof the following: "fund shall
11 have been deducted, shall be apportioned and remitted
12 as state aid to the societies in accordance with the
13 provisions of sections one hundred seventy-four point
14 nine (174.9) through one hundred seventy-four point
15 twelve (174.12) of the Code. The money".

16 4. Page 8, line 14, by inserting after the word
17 "bred" the words ", foaled and raised".

COMMITTEE ON STATE GOVERNMENT
MINNETTEE DODERER, Chairperson

S-3450

1 Amend Senate File 336 as follows:

Division S-3450A

2 1. Page 1, lines 1 and 2, by striking the
3 words "There is hereby imposed a tax of five percent"
4 and inserting in lieu thereof the words "A county with
5 a population of one hundred twenty-five thousand (125,000)
6 or more may impose by resolution of the board of
7 supervisors a county hotel and motel tax at a rate not
8 to exceed five percent".

9 2. Page 1, by striking lines 14 through 16 and
10 inserting in lieu thereof the following:

11 "The director of revenue shall administer the
12 provisions of a county hotel and motel tax as nearly as
13 possible in conjunction with the administration of the
14 state sales tax law. The director shall provide
15 appropriate forms for reporting local hotel and motel
16 tax liability.

17 The director, in consultation with county officials,
18 shall collect and account for a county hotel and motel
19 tax and shall credit all revenues to a "county transient
20 guest tax fund" established by section two (2) of this

21 Act.

22 No tax permit other than the state tax permit
23 required under section four hundred twenty-two point
24 fifty-three (422.53) of the Code may be required by local
25 authorities.”

26 3. Page 1, line 30, by striking the word “levied”
27 and inserting in lieu thereof the word “authorized.”

Division S—3450B

28 4. Page 1, line 33, by striking the word “LOCAL”
29 and inserting in lieu thereof the word “COUNTY”.

30 5. Page 1, line 35, by striking the word “local”
31 and inserting in lieu thereof the word “county”.

32 6. Page 2, by striking lines 3 through 8 and
33 inserting in lieu thereof the following:

34 “2. All moneys in the county transient guest tax
35 fund shall be remitted at least quarterly by the
36 treasurer of state, pursuant to rules of the director
37 of revenue, to each county in the amount collected from
38 businesses in that county subject to the county hotel
39 and motel tax.

40 7. Page 3, by adding after line 11 the following
41 new section:

42 SEC. ____ . *NEW SECTION. USE OF REVENUES.*

43 1. The revenue derived from any transient guest
44 tax authorized by this Act may only be used as follows:

45 a. Thirty (30) percent thereof shall be used for
46 the acquisition of sites for and the construction, improve-
47 ment, enlarging, equipping, repairing, operation, and
48 maintenance of convention center facilities including,
49 but not limited to, civic center convention buildings,
50 auditoriums, coliseums, and parking areas or facilities

Page 2

Division S—3450B (cont'd.)

1 for the parking or storage of motor vehicles or other
2 conveyances located at or in the immediate vicinity of
3 the convention center facilities.

4 b. Fifty (50) percent thereof for any county
5 operations otherwise authorized by law as a proper
6 purpose for the expenditure of county revenues derived
7 from ad valorem taxes within statutory limitations, in
8 which event the maximum general tax levy of such county
9 within such limitations shall be reduced by a like amount.

10 c. Twenty (20) percent thereof for advertising for
11 general promotional and tourist advertising of the county

12 and its vicinity and for conducting a solicitation
 13 program to attract conventions and visitors, operated
 14 either by the county or through contracts with persons
 15 or organizations selected by the county.

16 2. Any county which levies and collects a transient
 17 guest tax which is authorized by this Act may pledge an
 18 amount not to exceed thirty (30) percent of the revenue
 19 derived therefrom to the payment of bonds which the
 20 city may issue if such bonds are issued solely for one or
 21 more of the purposes set forth in subsection one (1),
 22 paragraph a, of this section."

23 8. Title page, by striking lines 1 through 3 and
 24 inserting in lieu thereof the words "An Act relating to
 25 the imposition of a hotel and motel tax by a county."

FRED W. NOLTING

S-3451

1 Amend the Nolting amendment, S-3450, to Senate
 2 File 336 as follows:

3 1. Page 2, by inserting after line 22 the
 4 following:

5 " ____ . Page 2, line 9, by striking the words 'or
 6 city'.

7 ____ . Page 2, line 11, by striking the words 'or
 8 city'."

FRED W. NOLTING

S-3452

1 Amend Senate File 93 as follows:

2

3 1. Page 7, line 28, by inserting after the word
 4 "disbursements." the sentence "Such audit shall
 5 be made by one or more certified public accountants
 6 who are duly certified under the laws of this state."

BASS VAN GILST

S-3453

1 Amend Senate File 93 as follows:

2

3 1. Page 6, line 2, by striking the word "No"
 4 and inserting in lieu thereof the words "Except for
 5 the tax imposed upon the sales of tickets or admis-

6 sions to places of amusement by section four hundred
7 twenty-two point forty-three (422.43) of the Code,
8 no”.

9
10 2. Page 6, line 3, by striking the word “except”
11 and inserting in lieu thereof the words “other than”.

12
13 3. Page 6, line 7, by inserting after the period
14 the following: “However, the sales of concessions,
15 whether operated by independent concessionaires pur-
16 suant to contract or operated by the nonprofit
17 corporation, shall be subject to the retail sales
18 tax imposed under division four (4) of chapter four
19 hundred twenty-two (422) of the Code.”

BASS VAN GILST

S-3454

1 Amend the Nolting amendment, S-3450, to Senate
2 File 336 as follows:

3 1. Page 1, line 40, by striking the figure
4 “3” and inserting in lieu thereof the figure “2”.

FRED W. NOLTING

S-3455

1 Amend the Committee on Ways and Means amendment
2 S-3400, to Senate File 336 as follows:

3 1. Page 1, line 7, by striking the word “seven”
4 and inserting in lieu thereof the word “three”.

ELIZABETH SHAW

S-3456

1 Amend Senate File 365, page 2, by striking line
2 21 and inserting in lieu thereof the following:

3 “sanitation code with the following exceptions:

4 1. 1-102(h) and (i) shall be deleted.

5 2. 1-104 shall be deleted.

6 3. 10-101 shall be amended so that the following
7 food service establishments are exempt from the license
8 requirement:

9 a. Food service operations in schools.

10 b. Places used by churches, fraternal societies,
11 and civic organizations which engage in the serving

- 12 of food less frequently than once a week.
13 10-101 shall also be amended so that a license
14 issued by the department of agriculture prior to the
15 effective date of this Act shall be valid until its
16 expiration date.
17 4. 10-201 shall be amended so that food service
18 operations in schools and summer camps shall be
19 inspected at least once every year instead of twice
20 every year.
21 5. 10-601 shall be deleted.
22 In the event the food service sanitation”.

BOB RUSH

S-3457

- 1 Amend the Rush amendment, S-3456, to Senate File
2 365 as follows:
3 1. Page 1, line 12, by striking the words “less
4 frequently than”.

JAMES E. BRILES

S-3458

- 1 Amend Senate File 75 by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:
4 Section 1. Chapter one hundred twenty-three
5 (123), Code 1977, is amended by adding sections two
6 (2) through twenty (20) of this Act as a new division.
7 Sec. 2. *NEW SECTION. PERMIT OR LICENSE REQUIRED.*
8 A person shall not cause the manufacture, importation,
9 or sale of wine in this state unless a certificate
10 or permit as provided in this division, or a liquor
11 control license as provided in division one (I) of
12 this chapter, is first obtained which authorizes that
13 manufacture, importation, or sale.
14 Sec. 3. *NEW SECTION. PERMITS—CLASSES.* Permits
15 exclusively for the manufacture and sale, or sale
16 of wine shall be divided into three classes, and shall
17 be known as either class “A”, class “B”, or class
18 “C” permits.
19 A class “A” permit shall allow the holder to
20 manufacture and sell or sell at wholesale in this
21 state, wine as defined in this Act. The holder of
22 a class “A” permit may manufacture in this state wine
23 having an alcoholic content greater than seventeen

24 percent by weight for shipment outside this state
 25 only. A class "B" permit shall allow the holder to
 26 sell wine at retail for consumption off the premises.
 27 The holder of a class "B" permit shall be a wine store
 28 as defined in this Act. A class "C" permit shall
 29 allow the holder to sell wine at retail for consumption
 30 off the premises and may be issued only to a grocery
 31 store.

32 Sec. 4. ISSUANCE OF PERMITS. The director shall
 33 issue class "A", "B" and "C" wine permits as provided
 34 in this chapter, and may suspend or revoke a wine
 35 permit for cause as provided in this chapter.

36 Sec. 5. *NEW SECTION. PROHIBITED INTEREST.* It
 37 shall be unlawful for a person to be a holder of or
 38 either directly or indirectly interested in more than
 39 one class of permit, except that this prohibition
 40 shall not apply to a wholesale supplier who is an
 41 owner of one or more retail grocery stores.

42 Sec. 6. *NEW SECTION. CLASS "A" APPLICATION.*
 43 Except as otherwise provided in this chapter, a class
 44 "A" permit shall be issued to any person who complies
 45 with all of the following:

46 1. Submits a written application for a permit,
 47 which application shall state under oath:

48 a. The name and place of residence of the applicant
 49 and the length of time the applicant has lived at
 50 such place of residence.

Page 2

1 b. That the applicant is a citizen of the state
 2 of Iowa.

3 c. The place of birth of the applicant, and if
 4 the applicant is a naturalized citizen, the time and
 5 place of naturalization.

6 d. The location of the place or building where
 7 the applicant intends to operate.

8 e. The name of the owner of the building and if
 9 that owner is not the applicant, that the applicant
 10 is the actual lessee of the premises.

11 2. Establishes all of the following facts:

12 a. That the applicant meets the test of good moral
 13 character as provided in subsection eleven (11) of
 14 section one hundred twenty-three point three (123.3)
 15 of the Code.

16 b. That the place or building where the applicant
 17 intends to operate conforms to all laws, health and
 18 fire regulations, applicable thereto, and is a safe

19 and proper place or building.

20 3. Submits a bond in the sum of five thousand
 21 dollars, and in the form prescribed and furnished
 22 by the department with good and sufficient sureties
 23 to be approved by the department, which is conditioned
 24 upon compliance with the provisions of this chapter.

25 Sec. 7. *NEW SECTION. CLASS "B" APPLICATION.*

26 Except as otherwise provided in this chapter, a class
 27 "B" permit shall be issued to any person who complies
 28 with all of the following:

29 1. Submits a written application for a permit
 30 which application shall state under oath all of the
 31 following information:

32 a. The name and place of residence of the
 33 applicant, and the length of time the applicant has
 34 lived at such place of residence.

35 b. That the applicant is a citizen of the state
 36 of Iowa.

37 c. The place of birth of the applicant, and if
 38 the applicant is a naturalized citizen, the time and
 39 place of naturalization.

40 d. The location of the place or building where
 41 the applicant intends to operate.

42 e. The name of the owner of the building and if
 43 that owner is not the applicant, that the applicant
 44 is the actual lessee of the premises.

45 2. Establishes all of the following facts:

46 a. That the applicant is a person of good moral
 47 character as provided in subsection eleven (11) of
 48 section one hundred twenty-three point three (123.3)
 49 of the Code.

50 b. That the place or building where the applicant

Page 3

1 intends to operate conforms to all laws, health and
 2 fire regulations applicable thereto, and is a safe
 3 and proper place or building.

4 3. Submits a bond in the sum of one thousand
 5 dollars, and in the form prescribed and furnished
 6 by the department with good and sufficient sureties
 7 to be approved by the department, which is conditioned
 8 upon compliance with the provisions of this chapter.

9 The bond shall be further conditioned to the effect
 10 that the permittee and each surety, as a part of the
 11 permit granted, shall consent to forfeiture of the
 12 principal sum of the bond in event of suspension or

13 revocation of the permit pursuant to this chapter.

14 4. Declares that the principal business of the
15 establishment for which the applicant is making
16 application for a class "B" permit consists of the
17 sale of wine for consumption off the premises.

18 Sec. 8. *NEW SECTION. CLASS "C" APPLICATION.*

19 Except as otherwise provided in this chapter, a class
20 "C" permit shall be issued to any person who:

21 1. Submits a written application for a permit,
22 which application shall state under oath all of the
23 following:

24 a. The name and place of residence of the applicant
25 and the length of time the applicant has lived at
26 such place of residence.

27 b. That the applicant is a citizen of the state
28 of Iowa.

29 c. The place of birth of the applicant and if
30 the applicant is a naturalized citizen, the time and
31 place of naturalization.

32 d. The location of the place or building where
33 the applicant intends to operate.

34 e. The name of the owner of the building and if
35 that owner is not the applicant that the applicant
36 is the actual lessee of the premises.

37 2. Establishes that the applicant is a person
38 of good moral character as provided in subsection
39 eleven (11) of section one hundred twenty-three point
40 three (123.3) of the Code.

41 3. Submits a bond in the sum of five hundred
42 dollars to the department in the form prescribed and
43 furnished by the department, with good and sufficient
44 sureties to be approved by the department, which is
45 conditioned upon compliance with the provisions of
46 this chapter.

47 4. Declares that the retail establishment for
48 which application is made is a grocery store whose
49 principal business consists of the sale of food or
50 food products for consumption off the premises.

Page 4

1 Sec. 9. *NEW SECTION. AUTHORITY UNDER CLASS "A"*
2 *PERMITS.*

3 1. A person holding a class "A" permit may
4 manufacture and sell, or sell at wholesale wine for
5 consumption off the premises. Sales within the state
6 may be made only to persons holding class "A", class
7 "B", or class "C" wine permits, and to the department,

8 and to persons holding a class "A", "B", "C", or "D"
 9 liquor control license. A class "A" wine permittee
 10 having more than one place of business shall be
 11 required to obtain a separate permit for each place
 12 of business where wine is to be stored, warehoused,
 13 or sold.

14 2. A class "A" permit holder may purchase and
 15 resell only those brands of wine which are
 16 manufactured, fermented, bottled, shipped or imported
 17 by a person holding a certificate of compliance issued
 18 pursuant to section fourteen (14) of this Act.

19 Sec. 10. *NEW SECTION. AUTHORITY UNDER CLASS "B"*
 20 PERMIT.

21 1. A person holding a class "B" permit may sell
 22 wine at retail for consumption off the premises.
 23 Wine shall be sold in original containers only.

24 2. A class "B" permittee having more than one
 25 place of business where wine is sold shall be required
 26 to obtain a separate permit for each place of business.

27 Sec. 11. *NEW SECTION. AUTHORITY UNDER CLASS "C"*
 28 PERMIT.

29 1. A person holding a class "C" permit may sell
 30 wine for consumption off the premises only. Wine
 31 shall be sold in original containers only.

32 2. A class "C" permittee having more than one
 33 place of business where wine is sold shall be required
 34 to obtain a separate permit for each place of business.

35 Sec. 12. *NEW SECTION. NATIVE WINES.* Subject
 36 to rules of the department, a person who manufactures
 37 native wines either from fruits or agricultural
 38 products and who holds a class "A" wine permit may
 39 sell, keep, or offer for sale and deliver those wines.
 40 Sales may be made at retail for off the premises
 41 consumption when sold on the premises of the
 42 manufacturer.

43 A manufacturer of native wines shall not sell those
 44 wines otherwise than as permitted in this chapter
 45 or allow any wine sold to be consumed upon the premises
 46 of the manufacturer. Any person may manufacture
 47 native wine for consumption on his or her own premises
 48 when none of the wine is manufactured for sale.

49 Sec. 13. *NEW SECTION. PERMIT FEES.*

50 1. The annual permit fee for a class "A" permit

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1 shall be seven hundred fifty dollars.

2 2. The annual permit fee for a class "B" permit

3 shall be five hundred dollars.

4 3. The annual permit fee for a class "C" permit
5 issued to an applicant, seventy-five percent or more
6 of whose gross revenues are derived from the sale
7 of food, shall be on a graduated scale based on the
8 amount of interior floor space which comprises the
9 retail sales area of the premises covered by the
10 permit as follows:

11 a. Up to one thousand square feet, the sum of
12 seventy-five dollars.

13 b. Over one thousand square feet and up to two
14 thousand square feet, the sum of one hundred fifteen
15 dollars.

16 c. Over two thousand square feet and up to five
17 thousand square feet, the sum of one hundred fifty
18 dollars.

19 d. Over five thousand square feet and up to ten
20 thousand square feet, the sum of two hundred twenty-
21 five dollars.

22 e. Over ten thousand square feet, the sum of three
23 hundred dollars.

24 4. The annual permit fee for a class "C" permit
25 issued to an applicant, less than seventy-five percent
26 of whose gross revenues are derived from the sale
27 of food, shall be three hundred dollars.

28 Sec. 14. *NEW SECTION. IMPORTERS CERTIFICATE OF*
29 *COMPLIANCE—PROHIBITED ACTS.*

30 1. A manufacturer, bottler, or vendor of wine
31 or any agent desiring to cause the importation of
32 wine into this state for resale by a class "A"
33 permittee shall first make application for and be
34 issued a certificate of compliance by the director.

35 A certificate of compliance shall expire at the
36 end of one year from the date of issuance and shall
37 be renewed for a like period upon application to the
38 director unless otherwise revoked for cause.

39 Each application for a certificate of compliance
40 or a renewal shall be accompanied by a fee of one
41 hundred dollars payable to the department. Each
42 applicant and holder of a certificate of compliance
43 shall furnish to the department any information the
44 director may require.

45 A person who otherwise holds a class "A" wine
46 permit to sell wine at wholesale in this state shall
47 be exempt from the fee, but not from the terms and
48 conditions provided in this section.

49 2. Any person who within this state is an agent
50 or employee of the holder of a certificate of

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1 compliance shall register his or her name and address
2 with the department: However, registration shall
3 not be required of those persons who either are
4 employed on the premises of a bottling plant or winery
5 where wine is manufactured, fermented or bottled in
6 this state, or who thereafter are engaged in the
7 transportation of that wine.

8 3. It shall be unlawful for any holder of a
9 certificate of compliance or an agent, or any class
10 "A" wine permit holder or an agent, to grant to any
11 retail wine permit holder either directly or
12 indirectly, any rebates, free goods, special deals,
13 allowances, or discounts on wine, or directly or
14 indirectly to extend credit for more than thirty days
15 from delivery date.

16 4. It shall be unlawful for any holder of a
17 certificate of compliance or an agent to discriminate
18 in price, allowance, rebate, refund, commission,
19 discount, or service between class "A" wine permittees
20 authorized to sell wine at wholesale, or directly
21 or indirectly extend credit for more than thirty days
22 from delivery date. The term "discriminate" shall
23 mean the granting of more favorable prices, allowances,
24 rebates, refunds, commissions, discounts, or services
25 to one permit holder than to another.

26 5. Notwithstanding any other penalties provided
27 by this chapter, any holder of a certificate of
28 compliance or any class "A", class "B", or class "C"
29 wine permittee who violates any of the provisions
30 of this section shall be subject to a fine not to
31 exceed one thousand dollars or be subject to suspension
32 of the certificate of compliance or permit for a
33 period not to exceed sixty days or be subject to both
34 such fine and suspension.

35 Sec. 15. *NEW SECTION.* GALLONAGE TAX.

36 1. In addition to the annual permit fee to be
37 paid by each class "A" permittee, there shall be
38 levied and collected from each class "A" permittee
39 on all wine manufactured for sale and sold in this
40 state at wholesale and on all wine imported into this
41 state for sale at wholesale and sold in this state
42 at wholesale, a tax of sixty cents for every wine
43 gallon, and the like rate for any other quantity or
44 for the fractional parts of a wine gallon. A tax
45 shall not be levied or collected on wine shipped

46 outside this state by a class "A" permittee or on
47 wine sold by one class "A" permittee to another class
48 "A" permittee. All revenue derived from the wine
49 tax shall be deposited in the liquor control fund
50 established by section one hundred twenty-three point

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1 fifty-three (123.53) of the Code and shall be
2 distributed as follows:
3 a. Two-thirds of the revenue derived from the
4 wine tax shall be distributed in accordance with
5 subsections three (3), four (4), five (5) and six
6 (6) of section one hundred twenty-three point fifty-
7 three (123.53) of the Code: however, the total amount
8 so distributed shall not exceed an amount equal to
9 the funds distributed pursuant to those subsections
10 during the fiscal year ending June 30, 1977, as
11 adjusted by the percent change in the gross sales
12 of wine in the state liquor stores in each year
13 thereafter.

14 b. One-third of the revenue derived from the wine
15 tax shall be distributed in accordance with subsection
16 seven (7) of section one hundred twenty-three point
17 fifty-three (123.53) of the Code: however, the total
18 amount so distributed shall not exceed an amount equal
19 to the funds distributed pursuant to such subsection
20 during the fiscal year ending June 30, 1977, as
21 adjusted by the percent change in the gross sales
22 of wine of the state liquor stores in each year
23 thereafter.

24 c. The revenue derived from the wine tax remaining
25 in the fund after the distributions required by
26 paragraphs a and b of this subsection shall be
27 transferred by the state comptroller to the general
28 fund of the state.

29 **Sec. 16. NEW SECTION. REPORT OF GALLONAGE SALES**
30 **-PENALTY.** Each class "A" permit holder shall, on
31 or before the tenth day of each calendar month
32 commencing on the tenth day of the calendar month
33 following the month in which the person is issued
34 a permit, make a report under oath to the department
35 upon forms to be furnished by the department showing
36 the exact number of gallons of wine and fractional
37 parts thereof, sold by that permit holder during the
38 preceding calendar month. The report also shall state
39 whatever additional information the director may
40 require. Each permit holder shall at the time of

41 filing said report pay to the department the amount
 42 of tax due at the rate fixed in section fifteen (15)
 43 of this Act. A penalty of ten percent of the amount
 44 of the tax shall be assessed and collected if the
 45 report is not filed and the tax paid within the time
 46 required by this section.

47 Sec. 17. *NEW SECTION. RECORDS REQUIRED.* Each
 48 class "A" permittee shall keep books of account and
 49 records showing each sale of wine, which shall be
 50 at all times open to inspection by the director and

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1 agents of the department. Each class "B" and class
 2 "C" permittee shall keep proper books of account and
 3 records showing each purchase of wine, and the date
 4 and the amount of each purchase and the name of the
 5 person from whom each purchase was made, which shall
 6 be open to inspection by the director and agents of
 7 the department during normal business hours of the
 8 permittee.

9 Sec. 18. *NEW SECTION. PURCHASE FROM A NONPERMIT*
 10 *HOLDER.* It shall be unlawful for the holder of any
 11 class "B" or class "C" permit to sell wine, except
 12 wine which is purchased from a person holding a class
 13 "A" permit and on which the tax imposed by section
 14 fifteen (15) of this Act has been paid.

15 Sec. 19. *NEW SECTION. DISTRIBUTION OF FUNDS.*
 16 All permit fees and taxes collected by the department
 17 pursuant to this division shall accrue to the general
 18 fund of the state, except as otherwise provided.

19 Sec. 20. *NEW SECTION. LABELS—CONCLUSIVE EVIDENCE.*
 20 The label on any bottle or other container in which
 21 wine is offered for sale in this state which represents
 22 the alcoholic content of that wine as being in excess
 23 of seventeen per cent by weight shall be conclusive
 24 evidence of the alcoholic content of that wine.

25 Sec. 21. Section one hundred twenty-three point
 26 two (123.2), Code 1977, is amended to read as follows:

27 123.2 *GENERAL PROHIBITION.* It shall be unlawful
 28 to manufacture for sale, sell, offer or keep for sale,
 29 possess, or transport *an* alcoholic [liquor or beer]
 30 *beverage* except upon the terms, conditions,
 31 limitations, and restrictions enumerated in this
 32 chapter.

33 Sec. 22. Section one hundred twenty-three point
 34 three (123.3), subsection seven (7), Code 1977, is
 35 amended to read as follows:

36 7. "Wine" means any beverage containing alcohol
37 obtained by the fermentation of the natural sugar
38 contents of fruits or other agricultural products
39 and containing not more than seventeen percent alcohol
40 by weight.

41 Sec. 23. Section one hundred twenty-three point
42 three (123.3), subsection eight (8), Code 1977, is
43 amended to read as follows:

44 8. "Alcoholic [liquor", "alcoholic] beverage" [or
45 "intoxicating liquor"] means and includes the three
46 varieties [of liquor] defined in subsections 5, 6, and
47 7, [except] and beer as defined in subsection 9 [but
48 including all beverages made as described in such
49 subsection which contain more than four percent of
50 alcohol by weight], and every other liquid or solid,

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1 patented or not, containing alcohol, spirits, or wine,
2 and susceptible of being consumed by a human being,
3 for beverage purposes. "Alcoholic liquor" or
4 "intoxicating liquor" means and includes every
5 alcoholic beverage, except beer containing four percent
6 or less of alcohol by weight, and except wine
7 containing seventeen percent or less of alcohol by
8 weight.

9 Sec. 24. Section one hundred twenty-three point
10 three (123.3), subsection ten (10), Code 1977, is
11 amended to read as follows:

12 10. "Person" means any individual, association,
13 partnership, corporation, club, hotel or motel, or
14 municipal corporation owning or operating a bona fide
15 airport, marina, park, coliseum, auditorium, or
16 recreational facility in or at which the sale of
17 alcoholic [liquor or beer] beverages is only an
18 incidental part of such ownership or operation.

19 Sec. 25. Section one hundred twenty-three point
20 three (123.3), subsection eleven (11), paragraph c,
21 Code 1977, is amended to read as follows:

22 c. He or she is not prohibited by the provisions
23 of section 123.40 from obtaining a [liquor control]
24 license or [beer] permit.

25 Sec. 26. Section one hundred twenty-three point
26 three (123.3), subsection thirteen (13), Code 1977,
27 is amended to read as follows:

28 13. "Permit" or "license" means an express written
29 authorization issued by the department for the

30 manufacture or sale, or both, of alcoholic liquor,
31 *wine*, or beer.

32 Sec. 27. Section one hundred twenty-three point
33 three (123.3), subsection sixteen (16), Code 1977,
34 is amended by striking the subsection and inserting
35 in lieu thereof the following:

36 16. "Container" means and includes every vessel
37 or receptacle used for holding alcoholic liquor or
38 wine or beer.

39 Sec. 28. Section one hundred twenty-three point
40 three (123.3), subsections nineteen (19) and twenty
41 (20), Code 1977, are amended to read as follows:

42 19. "Importer" means [the] a person transporting
43 or ordering, authorizing, or arranging the
44 transportation of alcoholic [liquor or beer] *beverages*
45 into this state whether [such] *or not the* person is
46 a resident of this state [or not].

47 20. "Import" means the transporting or ordering
48 or arranging the transportation of alcoholic [liquor
49 or beer] *beverages* into this state [whether by a resident
50 of this state or not].

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1 Sec. 29. Section one hundred twenty-three point
2 three (123.3), subsections twenty-five (25), twenty-
3 six (26), and twenty-seven (27), Code 1977, are amended
4 to read as follows:

5 25. The prohibited "sale" of *an* alcoholic [liquor
6 or beer] *beverage* under this chapter *means and includes*
7 soliciting for sales, taking orders for sales, *or*
8 keeping or exposing for sale, delivery or other
9 trafficking for a valuable consideration promised
10 or obtained, and procuring or allowing procurement
11 for any other person.

12 26. "Wholesaler" means any person, other than
13 a [brewer] *manufacturer* or bottler of beer *or wine*,
14 who shall sell, barter, exchange, offer for sale [,]
15 or have in possession with intent to sell, deal or
16 traffic in alcoholic [liquor or beer] *beverages*. [No
17 wholesaler shall be permitted to sell for consumption
18 upon the premises.]

19 27. "Retailer" means any [person] *licensee* or
20 *permittee* who shall sell, barter, exchange, offer
21 for sale, or have in possession with intent to sell
22 any alcoholic liquor for consumption on the premises
23 where sold, or beer for consumption either on or off

24 the premises where sold, or wine for consumption off
25 the premises where sold.

26 Sec. 30. Section one hundred twenty-three point
27 three (123.3), subsection thirty-one (31), Code 1977,
28 is amended to read as follows:

29 31. "Licensed premises" or "premises" means all
30 rooms or enclosures where alcoholic beverages [or beer]
31 are sold or consumed under authority of a [liquor
32 control] license or [beer] permit.

33 Sec. 31. Section one hundred twenty-three point
34 three (123.3), Code 1977, is amended by adding the
35 following new subsections:

36 *NEW SUBSECTION.* "Retail wine permit" means a class
37 "B" or a class "C" wine permit issued under the
38 provisions of this Act.

39 *NEW SUBSECTION.* "Wine store" means and includes
40 any retail establishment, the principal business of
41 which is the sale of wine under the authority of a
42 class "B" wine permit.

43 Sec. 32. Section one hundred twenty-three point
44 four (123.4), Code 1977, is amended to read as follows:

45 123.4 DEPARTMENT CREATED—PLACE OF BUSINESS.

46 There is hereby created an Iowa beer and liquor control
47 department to administer and enforce the laws of this
48 state concerning [beer and alcoholic liquor] *alcoholic*
49 *beverages*. The principal place of business of the
50 department shall be in the city of Des Moines, and

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1 suitable quarters or offices shall be provided the
2 department in such city by the authority designated
3 by law to provide such quarters or offices to state
4 departments or agencies.

5 Sec. 33. Section one hundred twenty-three point
6 fourteen (123.14), subsections one (1) and three (3),
7 Code 1977, are amended to read as follows:

8 1. The division of beer and liquor law enforcement
9 of the department of public safety, created pursuant
10 to section 80.25, shall be the primary [beer and liquor
11 law enforcement] authority [for] *of this state for the*
12 *enforcement of laws relating to alcoholic beverages.*

13 3. The division of beer and liquor law enforcement
14 shall be allowed full access to all records, reports,
15 audits, tax reports and all other documents and papers
16 in the department pertaining to [liquor] licensees and
17 [beer] permittees and their [business] *businesses.*

18 Sec. 34. Section one hundred twenty-three point

19 fifteen (123.15), Code 1977, is amended to read as
20 follows:

21 123.15 HEARING BOARD ESTABLISHED. There is [hereby]
22 created a three-member hearing board for the purpose
23 of conducting departmental hearings relating to
24 controversies concerning the issuance, suspension,
25 or revocation of [special liquor permits, liquor control]
26 licenses[,] and [beer] permits authorized under this
27 chapter. One member shall be appointed by the council
28 from its membership, which member may be periodically
29 replaced by appointment of another council member;
30 one member shall be the attorney general or his
31 designee; and one member shall be the commissioner
32 of public safety or his designee. The hearing board
33 shall establish and adopt rules and procedures for
34 conducting departmental hearings under this chapter.

35 Sec. 35. Section one hundred twenty-three point
36 sixteen (123.16), subsection two (2), paragraphs b
37 and c, Code 1977, are amended to read as follows:

38 b. The granting or refusing of [liquor] licenses
39 and permits, [and beer permits,] and the suspension
40 or revocation of [such] licenses and permits.

41 c. The establishment of [retail] prices of alcoholic
42 liquor *and wine sold at state liquor stores*.

43 Sec. 36. Section one hundred twenty-three point
44 eighteen (123.18), Code 1977, is amended to read as
45 follows:

46 123.18 FAVORS FROM LICENSEE OR PERMITTEE. No
47 person responsible for the administration or
48 enforcement of this chapter shall accept or solicit
49 donations, gratuities, political advertising, gifts,
50 or other favors, directly or indirectly, from any

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1 [liquor control] licensee or [beer] permittee. A violation
2 of this section shall subject the violator to the
3 general penalties provided by this chapter.

4 Sec. 37. Section one hundred twenty-three point
5 nineteen (123.19), Code 1977, is amended by adding
6 the following new subsection:

7 *NEW SUBSECTION.* A manufacturer, bottler, vendor
8 or importer, whether or not holding a certificate
9 issued pursuant to this section, shall not cause the
10 importing of wine into this state for sale directly
11 to a licensee or permittee as permitted by this Act,
12 unless the person has been issued a certificate

13 pursuant to section fourteen (14) of this Act.

14 Sec. 38. Section one hundred twenty-three point
15 twenty (123.20), subsections one (1), six (6), seven
16 (7) and eight (8), Code 1977, are amended to read
17 as follows:

18 1. To purchase alcoholic liquors *and wines* for
19 resale by the department in the manner set forth in
20 this chapter.

21 6. To grant and issue [beer] permits[, special
22 permits, liquor control licenses,] and [other] licenses;
23 and to suspend or revoke [all such] permits and licenses
24 for cause under this chapter.

25 7. To license, inspect, and control the manufacture
26 of [beer and] alcoholic [liquors] *beverages* and regulate
27 the entire [beer and liquor] *alcoholic beverage* industry
28 in the state.

29 8. To accept [intoxicating liquors] *alcoholic*
30 *beverages* ordered delivered to the [Iowa beer and
31 liquor control] department pursuant to section 751.31,
32 subsections 1 and 2, and offer such [intoxicating
33 liquors] for sale through the state liquor stores[,
34 unless the director determines that such intoxicating
35 liquors may be adulterated or contaminated]. If,
36 *however*, the director determines that such intoxicating
37 liquors may be adulterated or contaminated *he or she*
38 shall order their destruction.

39 Sec. 39. Section one hundred twenty-three point
40 twenty-one (123.21), subsections six (6), seven (7),
41 eight (8), nine (9), and ten (10), Code 1977, are
42 amended to read as follows:

43 6. Providing for the issuing and distributing
44 of price lists showing the price to be paid by
45 purchasers for each brand, class, or variety of [liquor]
46 *alcoholic beverage* kept for sale *by the department*
47 under this chapter. Provide for the filing or posting
48 of prices between class "A" beer permit holders and
49 retailers [as provided in this chapter] *and between*
50 *class "A" wine permit holders and retailers, and*

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1 establish or control such prices as may be based on
2 minimum standards of fill, quantity, or alcoholic
3 content for each individual sale of intoxicating
4 liquor or beer as deemed necessary for retail or
5 consumer protection.

6 7. Prescribing the official seals, labels, or

7 other markings which shall be attached to or stamped
8 on packages of alcoholic [liquor] *beverages* sold under
9 this chapter.

10 8. Prescribing, subject to this chapter, the days
11 and hours during which state liquor stores shall be
12 kept open for the purpose of the sale of alcoholic
13 [liquors] *beverages*.

14 9. Prescribing the place and the manner in which
15 alcoholic [liquor] *beverages* may be lawfully kept or
16 stored by the licensed manufacturer under this chapter.

17 10. Prescribing the time, manner, means, and
18 method by which distillers, vintners, vendors, or
19 others authorized under this chapter may deliver or
20 transport alcoholic [liquors] *beverages* and prescribing
21 the time, manner, means, and methods by which alcoholic
22 [liquor] *beverages* may be lawfully conveyed, carried,
23 or transported.

24 Sec. 40. Section one hundred twenty-three point
25 twenty-two (123.22), Code 1977, is amended to read
26 as follows:

27 123.22 STATE MONOPOLY. The department shall have
28 the sole and exclusive right of importation, into
29 the state, of all forms of alcoholic [liquor] *beverage*,
30 except as otherwise provided in this chapter, and
31 no person shall so import any such alcoholic [liquor]
32 *beverage*, except that an individual of legal age may
33 import and have in his or her possession [an amount]
34 [of] alcoholic [liquor] *beverages* not exceeding a total
35 amount of one quart or, in the case of alcoholic
36 [liquor] *beverages* personally obtained outside the
37 United States, one gallon for personal consumption
38 only in a private home or other private accommodation.
39 No distillery, *winery* or *brewery* shall sell any
40 alcoholic [liquor] *beverage* within the state to any
41 person but only to the department, except as otherwise
42 provided in this chapter. It is the intent of this
43 section to vest in the department exclusive control
44 within the state both as purchaser and vendor of all
45 alcoholic [liquor] *beverages* sold [by distilleries] within
46 the state or imported therein, [except beer, and] except
47 as otherwise provided in this chapter.

48 No person, [by himself] *either personally* or through
49 another acting for him or her shall directly or
50 indirectly, or upon any pretense, or by any device,

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1 manufacture, sell, exchange, barter, dispense, give

2 in consideration of the purchase of any property or
3 of any services or in evasion of this chapter, or
4 keep for sale, or have possession of any [intoxicating
5 liquor] *alcoholic beverage*, except as provided in this
6 chapter; or own, keep, or be in any way concerned,
7 engaged, or employed in owning or keeping, any
8 [intoxicating liquor] *alcoholic beverage* with intent
9 to violate any provision of this chapter, or authorize
10 or permit the same to be done; or manufacture, own,
11 sell, or have possession of any manufactured or
12 compounded article, mixture or substance, not in a
13 liquid form, and containing alcohol which may be
14 converted into a beverage by a process of pressing
15 or straining the alcohol therefrom, or any instrument
16 intended for use and capable of being used in the
17 manufacture of [intoxicating liquor] *an alcoholic*
18 *beverage*; or own or have possession of any material
19 used exclusively in the manufacture of [intoxicating
20 liquor] *an alcoholic beverage*; or use or have possession
21 of any material with intent to use it in the
22 manufacture of [intoxicating liquors] *an alcoholic*
23 *beverage*; however, alcohol may be manufactured for
24 industrial and non-beverage purposes by persons who
25 have qualified for that purpose as provided by the
26 laws of the United States and the laws of this state.
27 Such alcohol, so manufactured, may be denatured,
28 transported, used, possessed, sold, and bartered and
29 dispensed, subject to the limitations, prohibitions
30 and restrictions imposed by the laws of the United
31 States and this state. Any person may manufacture,
32 sell, or transport ingredients and devices other than
33 alcohol for the making of home-made wine.

34 Sec. 41. Section one hundred twenty-three point
35 twenty-three (123.23), Code 1977, is amended to read
36 as follows:

37 123.23 STATE LIQUOR STORES. The department shall
38 establish and maintain in any city which the director
39 may deem advisable, a state liquor store or stores
40 for the storage and sale of alcoholic [liquor] *beverages*
41 in accordance with the provisions of this chapter.
42 The department may, from time to time, as determined
43 by the director, fix the prices of the different
44 classes, varieties, or brands of alcoholic [liquor]
45 *beverage* to be sold.

46 Sec. 42. Section one hundred twenty-three point
47 twenty-four (123.24), Code 1977, is amended to read
48 as follows:

49 123.24 VENDORS—CASH SALES. In the conduct and
50 management of state liquor stores the director is

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1 empowered to employ a person who shall be known as
2 a "vendor" who shall, subject to the directions of
3 the director, observe all provisions of this chapter
4 and the rules and [regulations] *policies* of the
5 department. No vendor of any state liquor store shall
6 sell [alcoholic liquor] *merchandise* to any person except
7 for cash.

8 Sec. 43. Section one hundred twenty-three point
9 twenty-five (123.25), Code 1977, is amended to read
10 as follows:

11 123.25 CONSUMPTION ON PREMISES. No vendor,
12 officer, clerk, agent, or employee of the department
13 employed in any state liquor store or state-owned
14 warehouse shall allow any alcoholic [liquor] *beverage*
15 to be consumed on such premises, nor shall any person
16 consume any [liquor] *alcoholic beverage* on such premises.

17 Sec. 44. Section one hundred twenty-three point
18 twenty-six (123.26), Code 1977, is amended to read
19 as follows:

20 123.26 RESTRICTIONS ON SALES—SEALS—LABELING.

21 No alcoholic [liquor] *beverage* shall be sold by the
22 department to any purchaser except in a sealed
23 container with such identifying markers as shall be
24 prescribed by the director and affixed on the premises
25 of a state warehouse or store and no such container
26 shall be opened upon the premises of any state
27 warehouse or store. Possession of alcoholic [liquors]
28 *beverages* which do not carry the prescribed identifying
29 markers shall be a violation of this chapter except
30 as provided in section 123.22.

31 Sec. 45. Section one hundred twenty-three point
32 twenty-seven (123.27), unnumbered paragraph one (1),
33 Code 1977, is amended to read as follows:

34 It shall be unlawful to transact the sale or
35 delivery of any [liquor] *alcoholic beverage* in, on,
36 or from the premises of any state liquor store or
37 warehouse:

38 Sec. 46. Section one hundred twenty-three point
39 twenty-eight (123.28), Code 1977, is amended to read
40 as follows:

41 123.28 TRANSPORTATION PERMITTED. It shall be
42 lawful to transport, carry, or convey alcoholic [liquors]
43 *beverages* from the place of purchase by the department

44 to any state warehouse, store, or depot established
45 by the department or from one such place to another
46 and, when so permitted by this chapter, it shall be
47 lawful for any common carrier or other person to
48 transport, carry, or convey alcoholic [liquor] *beverages*
49 sold by a vendor from a state warehouse, store, depot
50 or point of purchase by the state to any place to

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1 which such [liquor] may be lawfully delivered under
2 this chapter. No common carrier or other person shall
3 break or open or allow to be broken or opened any
4 container or package containing an alcoholic [liquor]
5 *beverage* or use or drink or allow to be used or drunk
6 any alcoholic [liquor] *beverage* while it is being
7 transported or conveyed, but this section shall not
8 prohibit a [private] person from transporting individual
9 bottles or containers of alcoholic [liquor] *beverages*
10 exempted pursuant to section 123.22 and individual
11 bottles or containers bearing the identifying mark
12 prescribed in section 123.26 which have been opened
13 previous to the commencement of such transportation.
14 Nothing in this section shall affect the right of
15 any [special] permit or [liquor control] license holder
16 to purchase, possess, or transport alcoholic liquors
17 subject to the provisions of this chapter.

18 Sec. 47. Section one hundred twenty-three point
19 twenty-nine (123.29), unnumbered paragraph one (1),
20 and subsection four (4), paragraph c, Code 1977, are
21 amended to read as follows:

22 A special permit for the purchase, possession,
23 or transportation of alcoholic [liquors] *beverages* for
24 the purposes specified in those permits may be issued
25 by the director upon application being made to the
26 department in the form and manner prescribed by the
27 director, accompanied by payment of the prescribed
28 fee, and upon the director being satisfied that the
29 applicant has complied with departmental rules
30 established for the issuance of such permit. Such
31 special permits may be issued to the following persons
32 and for the following purposes:

33 c. That neither the applicant, if he is an
34 individual, nor any members of the firm or officers
35 of the corporation, if the applicant is not an
36 individual, has been convicted of any violation of
37 the laws of this state with reference to the sale
38 of alcoholic [liquors or beer] *beverages* within the

39 three years preceding the date of the affidavit.

40 Sec. 48. Section one hundred twenty-three point
 41 thirty (123.30), subsection three (3), Code 1977,
 42 is amended to read as follows:

43 3. Liquor control licenses issued under this
 44 chapter shall be of the following classes:

45 a. Class "A". A Class "A" liquor control license
 46 may be issued to a club and shall authorize the holder
 47 to purchase alcoholic liquors from the department
 48 only, *to purchase wine from the department and from*
 49 *class "A" wine permittees, and to purchase beer from*
 50 *class "A" beer permittees, and to sell such [liquors,]*

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1 [and beer,] to bona fide members and their guests by
 2 the individual drink for consumption on the premises
 3 only: *However, beer and wine also may be sold in*
 4 *their containers for consumption on the premises only.*

5 b. Class "B". A class "B" liquor control license
 6 may be issued to a hotel or motel and shall authorize
 7 the holder to purchase alcoholic liquors from the
 8 department only, *to purchase wine from the department*
 9 *and from class "A" wine permittees, and to purchase*
 10 *beer from class "A" beer permittees, and to sell such*
 11 *[liquors, and beer,] to patrons by the individual drink*
 12 *for consumption on the premises only[, however,]:*
 13 *However, beer and wine also may be sold in their*
 14 *containers for consumption on the premises only, and*
 15 *beer may also be sold for consumption off the premises.*
 16 Each such license shall be effective throughout the
 17 premises described in the application.

18 c. Class "C". A class "C" liquor control license
 19 may be issued to a commercial establishment but must
 20 be issued in the name of the individual or individuals
 21 who actually own the entire business and shall
 22 authorize the holder or holders to purchase alcoholic
 23 liquors from the department only, *and to purchase*
 24 *wine from the department and from class "A" wine*
 25 *permittees, and to purchase beer from class "A" beer*
 26 *permittees, and to sell such [liquors, and beer,] to*
 27 *patrons by the individual drink for consumption on*
 28 *the premises only[, however,]: However, beer and wine*
 29 *also may be sold in their containers for consumption*
 30 *on the premises only, and beer may also be sold for*
 31 *consumption off the premises.*

32 d. Class "D". A class "D" liquor control license
 33 may be issued to a railway corporation, to an air

34 common carrier, and to passenger-carrying boats or
 35 ships for hire with a capacity of twenty-five persons
 36 or more operating in inland or boundary waters, and
 37 shall authorize the holder to sell or furnish alcoholic
 38 beverages [and beer] to passengers for consumption only
 39 on trains, watercraft as described herein, or aircraft,
 40 respectively. Each such license shall be valid
 41 throughout the state as a state license. Only one
 42 such license shall be required for all trains,
 43 watercraft, or aircraft operated in the state by the
 44 licensee.

45 Sec. 49. Section one hundred twenty-three point
 46 thirty-two (123.32), subsections one (1), two (2),
 47 three (3) and four (4), Code 1977, are amended to
 48 read as follows:

49 1. FILING OF APPLICATION. An application for
 50 a class "A", class "B", or class "C" liquor control

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1 license, [and] or for a retail beer permit as provided
 2 in sections 123.128 and 123.129, *or for a retail wine*
 3 *permit as provided in sections seven (7) and eight*
 4 *(8) of this Act*, accompanied by the required fee and
 5 bond, shall be filed with the appropriate city council
 6 if the premises for which the license or permit is
 7 sought are located within the corporate limits of
 8 a city, or with the board of supervisors if the
 9 premises for which the license or permit is sought
 10 are located outside the corporate limits of a city.
 11 An application for a class "D" liquor control license
 12 [and], *or for a class "A" beer permit, or for a class*
 13 *"A" wine permit*, accompanied by the required fee and
 14 bond, shall be filed with the department[, which shall
 15 proceed in the same manner as in the case of an
 16 application approved by local authorities.]

17 2. ACTION BY LOCAL AUTHORITIES. The local
 18 authority shall either approve or disapprove the
 19 issuance of a liquor control license or retail beer
 20 permit *or retail wine permit*, and shall endorse such
 21 approval or disapproval on the application and forward
 22 same along with the required fee and bond to the
 23 department. Upon the initial issuance of a [liquor
 24 control] license or [retail beer] permit, the fact that
 25 the local authority determines that no [liquor control]
 26 license or [retail beer] permit shall be issued shall
 27 not be held to be arbitrary, capricious, or without

28 reasonable cause. There shall be no limit upon the
29 number of [liquor control] licenses or [retail beer]
30 permits which may be approved for issuance by local
31 authorities.

32 3. ACTION BY DIRECTOR. Upon receipt of an
33 application having been disapproved by the local
34 authority, the director shall disapprove the
35 application, so notify the applicant by registered
36 mail, and return the fee and bond to the applicant.
37 Upon receipt of an application having been approved
38 by the local authority, *or upon receipt of an*
39 *application for a class "D" liquor control license,*
40 *or a class "A" beer permit, or a class "A" wine permit,*
41 the director shall make such investigation as he deems
42 necessary and may require the applicant to appear
43 before him and be examined under oath regarding any
44 matters pertinent to the application, in which case
45 a record shall be made of all testimony or evidence
46 and the same shall become a part of the application.
47 If the application is approved by the director, the
48 license or permit applied for shall be issued. If
49 the application is disapproved by the director, the
50 applicant and *in the case of a retail license or*

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1 *permit* the appropriate local authority shall be so
2 notified by restricted certified mail, and the fee
3 and bond returned to the applicant.

4 4. APPEAL TO HEARING BOARD. Any applicant for
5 a [liquor control] license or [beer] permit may appeal
6 to the department hearing board, established pursuant
7 to section 123.15, from the director's disapproval
8 of an application for a license or permit. If, upon
9 [such] appeal the hearing board shall determine that
10 [the] a local authority acted arbitrarily, capriciously,
11 or without reasonable cause in disapproving [the] an
12 application, or that, where the local authority
13 approved the application, the director's own
14 disapproval should be reversed, it shall order issuance
15 of a license or permit. The same right of appeal
16 to the hearing board shall be afforded a [liquor control]
17 licensee or [beer] permittee whose license or permit
18 has been suspended or revoked under this chapter,
19 and the hearing board shall reduce the period of
20 suspension or order reinstatement of such license
21 or permit for good cause shown.

22 Sec. 50. Section one hundred twenty-three point
 23 thirty-four (123.34), Code 1977, is amended to read
 24 as follows:

25 123.34 EXPIRATION—SEASONAL LICENSE OR PERMIT.

26 All [liquor control] licenses and [beer] permits, unless
 27 sooner suspended or revoked, shall expire one year
 28 from date of issuance. The director shall cause sixty
 29 days' notice of such expiration to be given to each
 30 licensee or permittee in writing. However, the
 31 director may issue six-month or eight-month seasonal
 32 licenses or class "B" beer permits or class "B" wine
 33 permits for a proportionate part of the license or
 34 permit fee. No refund shall be made for seasonal
 35 licenses or permits. No seasonal license or permit
 36 shall be renewed except after a period of two months.

37 Sec. 51. Section one hundred twenty-three point
 38 thirty-five (123.35), unnumbered paragraph one (1),
 39 Code 1977, is amended to read as follows:

40 The director shall prescribe simplified application
 41 forms for the renewal of [liquor control] licenses and
 42 [beer] permits issued under the provisions of this
 43 chapter, which may be filed by licensees and permittees
 44 in lieu of a detailed renewal application form when
 45 qualifications and qualification information have
 46 not changed since the original issuance of the license
 47 or permit. Such simplified form shall require the
 48 licensee or permittee to verify under oath that the
 49 information contained in the original application
 50 remains current, and that no reason exists for the

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1 department's refusal to renew the license or permit
 2 as originally issued.

3 Sec. 52. Section one hundred twenty-three point
 4 thirty-six (123.36), subsection two (2), Code 1977,
 5 is amended to read as follows:

6 2. Class "A" liquor control licenses, the sum
 7 of six hundred dollars, except that for class "A"
 8 licenses in cities of less than two thousand
 9 population, and for clubs of less than two hundred
 10 fifty members, the license fee shall be four hundred
 11 dollars; however, the fee shall be two hundred dollars
 12 for any club which is a post, branch, or chapter of
 13 a veterans organization chartered by the Congress
 14 of the United States, if such club does not sell or
 15 permit the consumption of alcoholic beverages [or beer]
 16 on the premises more than one day in any week, and

17 if the application for a license states that such
18 club does not and will not sell or permit the
19 consumption of alcoholic beverages [or beer] on the
20 premises more than one day in any week.

21 Sec. 53. Section one hundred twenty-three point
22 thirty-six (123.36), subsections six (6) and seven
23 (7), Code 1977, are amended to read as follows:

24 6. Any club, hotel, motel, or commercial
25 establishment holding a liquor control license for
26 whom the sale of goods and services other than
27 alcoholic [liquor or beer] *beverages* constitutes fifty
28 percent or more of the gross receipts from the licensed
29 premises, subject to the provisions of section 123.49,
30 subsection 2, paragraph "b", may sell and dispense
31 alcoholic [liquor and beer] *beverages* to patrons on
32 Sunday for consumption on the premises only. For
33 this privilege the [liquor control] license fee of the
34 applicant shall be increased by twenty percent of
35 the regular fee prescribed for the license pursuant
36 to this section, and the privilege shall be noted
37 on the [liquor control] license. The department shall
38 prescribe the nature and the character of the evidence
39 which shall be required of the applicant under this
40 subsection.

41 7. Holders of liquor control licenses and beer
42 permits may sell alcoholic beverages [or beer] on Sunday
43 pursuant to this section, section 123.134 and section
44 123.49, except subsection 4, only if the governing
45 body of the city in which the premises covered by
46 the license or permit are located, or the board of
47 supervisors if the premises so covered are not located
48 in a city, specifically approves authority to sell
49 on Sunday in the area subject to its jurisdiction.

50 Sec. 54. Section one hundred twenty-three point

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1 thirty-seven (123.37), Code 1977, is amended to read
2 as follows:

3 123.37 POWER TO LICENSE AND LEVY TAXES. The power
4 to establish licenses and permits and levy taxes as
5 imposed in title VI of the Code is vested exclusively
6 with the state. Unless specifically provided, no
7 local authority shall levy a local tax on the sale
8 of alcoholic beverages [or beer], or require the
9 obtaining of a [special] *local* license or permit for
10 such sale [on any establishment], or require the

11 obtaining of a license by any person as a condition
12 precedent to his *or her* employment in the sale,
13 serving, or handling of alcoholic beverages [or her]
14 within an establishment operating under a license
15 or permit.

16 Sec. 55. Section one hundred twenty-three point
17 thirty-eight (123.38), unnumbered paragraphs one (1)
18 and two (2), Code 1977, are amended to read as follows:

19 A special liquor permit, liquor control license,
20 [or] beer permit *or wine permit* shall be a purely
21 personal privilege and *shall* be revocable for cause.
22 It shall not constitute property nor be subject to
23 attachment and execution nor be alienable nor
24 assignable, and in any case it shall cease upon the
25 death of the permittee or licensee. However, the
26 director may in his *or her* discretion allow the
27 executor or administrator of a permittee or licensee
28 to operate the business of the decedent for a
29 reasonable time not to exceed the expiration date
30 of the permit or license. Every permit or license
31 shall be issued in the name of the applicant and no
32 person holding a permit or license shall allow any
33 other person to use same.

34 Any such licensee or permittee, or [his] *an* executor,
35 administrator, or any person duly appointed by the
36 court to take charge of and administer the property
37 or assets of the licensee or permittee for the benefit
38 of [his] creditors, may voluntarily surrender [such] *the*
39 license or permit to the department and when so
40 surrendered the department shall notify the local
41 authority, and the department and [such] *the* local
42 authority, or the local authority by itself in the
43 case of a retail beer permit, shall refund to the
44 person so surrendering the license or permit a
45 proportionate amount of the fee paid for [such] *the*
46 license or permit as follows: If surrendered during
47 the first three months of the period for which [said
48 license or permit was] issued the refund shall be
49 three-fourths of the amount of the fee; if surrendered
50 more than three months but not more than six months

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1 after issuance the refund shall be one-half of the
2 amount of the fee; if surrendered more than six months
3 but not more than nine months after issuance the
4 refund shall be one-fourth of the amount of the fee.
5 No refund shall be made, however, for any special

6 liquor permit, nor for [a liquor control] *any other*
 7 license or [beer] permit surrendered more than nine
 8 months after issuance. No refund shall be made to
 9 any licensee or permittee, upon the surrender of [his]
 10 a license or permit, if there is at the time of [said]
 11 surrender a complaint filed with the department or
 12 local authority, charging [him] *the person* with a
 13 violation of the provisions of this chapter. If upon
 14 hearing on [any such] *the* complaint the license or
 15 permit is not revoked or suspended, then the licensee
 16 or permittee shall be eligible, upon surrender of
 17 [his] *the* license or permit, to receive a refund as
 18 herein provided[.]: But if [his] *the* license or permit
 19 is revoked or suspended upon [such] hearing [he] *the*
 20 *person* shall not be eligible for the refund of any
 21 portion of [his] *the* license or permit fee.

22 Sec. 56. Section one hundred twenty-three point
 23 thirty-nine (123.39), Code 1977, is amended to read
 24 as follows:

25 123.39 SUSPENSION OR REVOCATION OF [LIQUOR] LICENSE

26 OR [BEER] PERMIT. Any [liquor control] *certificate*,
 27 license or [beer] permit issued under this chapter may,
 28 after notice in writing to the [license] *licensee* or
 29 permit holder and reasonable opportunity for hearing,
 30 and subject to section 123.50 where applicable, be
 31 suspended for a period not to exceed one year or
 32 revoked by the local authority *having jurisdiction*
 33 or the director for any of the following causes:

34 1. Misrepresentation of any material fact in the
 35 application for such license or permit.

36 2. Violation of any of the provisions of this
 37 chapter.

38 3. Any change in the ownership or interest in
 39 the business operated under a class "A", class "B",
 40 or class "C" liquor control license, or any *wine or*
 41 beer permit which change was not previously reported
 42 to and approved by the local authority and the
 43 department.

44 4. An event which would have resulted in
 45 disqualification from receiving such license or permit
 46 when originally issued.

47 5. Any sale, hypothecation, or transfer of such
 48 license or permit.

49 6. The failure or refusal on the part of any
 50 licensee or permittee to render any report or remit

1 any taxes to the department under this chapter when
2 due.

3 Local authorities shall have the power to suspend
4 any retail *wine permit* or *retail beer permit* or liquor
5 control license for a violation of any ordinance or
6 regulation adopted by such local authority. Local
7 authorities are empowered to adopt ordinances or
8 regulations for the location of the premises of retail
9 beer, *retail wine* and liquor control licensed
10 establishments and are empowered to adopt ordinances,
11 not in conflict with the provisions of this chapter
12 and that do not diminish the hours during which [beer
13 or] alcoholic beverages may be sold or consumed at
14 retail, governing any other activities or matters
15 which may affect the retail sale and consumption of
16 [beer and] alcoholic [liquor] *beverages* and the health,
17 welfare and morals of the community involved.

18 Sec. 57. Section one hundred twenty-three point
19 forty (123.40), Code 1977, is amended to read as
20 follows:

21 123.40 EFFECT OF REVOCATION. Any [liquor control]
22 licensee or [beer] permittee whose license or permit
23 is revoked under this chapter shall not thereafter
24 be permitted to hold a [liquor control] license or [beer]
25 permit in the state of Iowa for a period of two years
26 from the date of such revocation. The spouse and
27 business associates holding ten percent or more of
28 the capital stock or ownership interest in the business
29 of a person whose license or permit has been revoked
30 shall not be issued a [liquor control] license or [beer]
31 permit, and no [liquor control] license or [beer] permit
32 shall be issued which covers any business in which
33 such person has a financial interest for a period
34 of two years from the date of such revocation. In
35 the event a license or permit is revoked the premises
36 which had been covered by such license or permit shall
37 not be relicensed for one year.

38 Sec. 58. Section one hundred twenty-three point
39 forty-four (123.44), Code 1977, is amended to read
40 as follows:

41 123.44 GIFT OF LIQUORS PROHIBITED. No manufacturer
42 or wholesaler shall give away any alcoholic liquor
43 of any kind or description at any time in connection
44 with his business except for testing or sampling
45 purposes only. No manufacturer, vintner, wholesaler,
46 or importer, *who is* organized as a corporation pursuant
47 to the laws of this state or any other state, and

48 who deals in alcoholic [liquor or beer] *beverages* subject
49 to this chapter shall offer or give any thing of value
50 to any council member, official or employee of the

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1 department or directly or indirectly contribute in
2 any manner any money or thing of value to any person
3 seeking a public or appointive office or any recognized
4 political party or a group of persons seeking to
5 become a recognized political party.

6 Sec. 59. Section one hundred twenty-three point
7 forty-five (123.45), Code 1977, is amended to read
8 as follows:

9 123.45 INTEREST IN LIQUOR BUSINESS.

10 1. No council member or department employee shall,
11 directly or indirectly, individually, or as a member
12 of a partnership or shareholder in a corporation,
13 have any interest in dealing in or in the manufacture
14 of alcoholic [liquor or beer] *beverages* nor receive
15 any kind of profit nor have any interest in the
16 purchase or sale of alcoholic [liquor or beer] *beverages*
17 by persons so authorized under this chapter except
18 that this provision shall not prevent any such member
19 or employee from lawfully purchasing and keeping
20 alcoholic [liquor or beer] *beverages* in his or her
21 possession for personal use.

22 2. No person engaged in the business of
23 manufacturing, bottling, or wholesaling alcoholic
24 beverages [or beer], nor any jobber or agent of such
25 person, shall directly or indirectly supply, furnish,
26 give, or pay for any furnishing, fixtures, or
27 equipment used in the storage, handling, serving,
28 or dispensing of alcoholic beverages[, beer,] or food
29 within the place of business of a licensee or permittee
30 authorized under the provisions of this chapter, to
31 sell at retail; nor shall he directly or indirectly
32 extend any credit for alcoholic beverages [or beer]
33 or pay for any such license or permit, nor directly
34 or indirectly be interested in the ownership, conduct,
35 or operation of the business of another licensee or
36 permittee authorized under the provisions of this
37 chapter to sell at retail. Any licensee or permittee
38 who shall permit or assent or be a party in any way
39 to any such violation or infringement of the provisions
40 of this [chapter shall be deemed guilty of] *section*
41 *commits* a violation of the provisions of this chapter.

42 3. *Subsection two (2) of this section shall not*
 43 *apply to the business organization of, or the business*
 44 *arrangements and transactions between a wholesale*
 45 *supplier which holds class "A" wine permit and grocery*
 46 *stores which hold class "C" wine permits and which*
 47 *are owned in whole or in part by the class "A"*
 48 *permittee.*

49 Sec. 60. Section one hundred twenty-three point
 50 forty-six (123.46), Code 1977, is amended to read

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1 as follows:

2 123.46 CONSUMPTION IN PUBLIC PLACES—INTOXICATION.

3 It is unlawful for any person to use or consume
 4 alcoholic [liquors or beer] *beverages* upon the public
 5 streets or highways, or alcoholic liquors in any
 6 public place, except premises covered by a liquor
 7 control license, or to possess or consume alcoholic
 8 [liquors or beer] *beverages* on any public school property
 9 or while attending any public or private school related
 10 functions, and no person shall be intoxicated nor
 11 simulate intoxication in a public place. As used
 12 in this section "school" means a school or that portion
 13 thereof, which provides teaching for any grade from
 14 kindergarten through grade twelve. Any person
 15 violating any provisions of this section shall be
 16 fined not to exceed one hundred dollars or sentenced
 17 not to exceed thirty days in the county jail.

18 Sec. 61. Section one hundred twenty-three point
 19 forty-seven (123.47), Code 1977, is amended to read
 20 as follows:

21 123.47 PERSONS UNDER LEGAL AGE. No person shall
 22 sell, give, or otherwise supply alcoholic [liquor or
 23 beer] *beverages* to any person knowing or having
 24 reasonable cause to believe [him] *the person* to be under
 25 legal age, and no person or persons under legal age
 26 shall individually or jointly have alcoholic [liquor
 27 or beer] *beverages* in [his or their] possession or
 28 control[;], except in the case of [liquor or beer] *an*
 29 *alcoholic beverage* given or dispensed to a person
 30 under legal age within a private home and with the
 31 knowledge and consent of the parent or guardian for
 32 beverage or medicinal purposes or as administered
 33 to him by either a physician or dentist for medicinal
 34 purposes, and except to the extent that a person under
 35 legal age may handle alcoholic beverages [and beer]
 36 during the regular course of his or her employment

37 by a [liquor control] licensee or [beer] permittee [under
38 this chapter].

39 Sec. 62. Section one hundred twenty-three point
40 forty-eight (123.48), subsection one (1), Code 1977,
41 is amended to read as follows:

42 1. Upon attempt to purchase a alcoholic [liquor]
43 *beverages* in any state liquor store by any person
44 who appears to the vendor to be under legal age, such
45 vendor shall demand and the prospective purchaser
46 upon such demand shall display satisfactory evidence
47 that he is of legal age.

48 Sec. 63. Section one hundred twenty-three point
49 forty-nine, (123.49), subsection one (1), Code 1977,
50 is amended to read as follows:

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1 1. No person shall sell, dispense, or give to
2 any intoxicated person, or one simulating intoxication,
3 any alcoholic [liquor or beer] *beverage*.

4 Sec. 64. Section one hundred twenty-three point
5 forty-nine (123.49), subsection two (2), unnumbered
6 paragraph one (1), and paragraphs b, c, d, e, g, and
7 h, Code 1977, are amended to read as follows:

8 2. No person [or club] holding a liquor control
9 license, *retail wine permit* or retail beer permit
10 under this chapter, nor [his] agents or employees of
11 *the person*, shall do any of the following:

12 b. Sell or dispense any alcoholic beverage [or
13 beer] on the premises covered by the license or permit,
14 or permit the consumption thereon between the hours
15 of two a.m. and six a.m. on any weekday, and between
16 the hours of two a.m. on Sunday and six a.m. on the
17 following Monday, however, a holder of a liquor control
18 license or class "B" beer permit granted the privilege
19 of selling alcoholic [liquor] *beverages* or beer on
20 Sunday may sell or dispense [such liquor] *alcoholic*
21 *beverages* or beer between the hours of noon and ten
22 p.m. on Sunday.

23 c. Sell alcoholic beverages [or beer] to any person
24 on credit, except with a bona fide credit card. This
25 provision shall not apply to sales by a club to its
26 members nor to sales by a hotel or motel to bona fide
27 registered guests.

28 d. Keep on any premises covered by a liquor control
29 license any alcoholic [liquor] *beverage* in any container
30 [except] *other than* the original [package purchased from
31 the department] *container in which purchased*, except

32 [still wines placed in dispensing or serving containers
 33 for temporary storage] *wine and beer served on the*
 34 *premises for immediate consumption*, and except mixed
 35 drinks or cocktails mixed on the premises for
 36 immediate consumption. This prohibition shall not
 37 apply to common carriers holding a class "D" liquor
 38 control license.

39 e. Reuse for packaging alcoholic [liquor] *beverages*
 40 any container or receptacle used originally for
 41 packaging alcoholic [liquor] *beverages*; or adulterate,
 42 by the addition of any substance, the contents or
 43 remaining contents of an original [package] *container*
 44 of an alcoholic [liquor] *beverage*; or knowingly possess
 45 any original [package] *container* which has been so
 46 reused or adulterated.

47 g. Allow any person other than the licensee,
 48 permittee, or employees of such licensee or permittee,
 49 to use or keep on the licensed premises any alcoholic
 50 [liquor] *beverage* in any bottle or other container which

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1 is designed for the transporting of such beverages,
 2 except as permitted in section 123.95. This paragraph
 3 shall not apply to the lodging quarters of a class
 4 "B" liquor control licensee or beer permittee, or
 5 to common carriers holding a class "D" liquor control
 6 license.

7 h. Sell, give, or otherwise supply any alcoholic
 8 beverage [or beer] to any person knowing or having
 9 reasonable cause to believe [him] *the person* to be under
 10 legal age, or permit any person knowing or having
 11 reasonable cause to believe [him] *the person* to be under
 12 legal age, to consume any alcoholic beverage [or beer].

13 Sec. 65. Section one hundred twenty-three point
 14 forty-nine (123.49), subsection two (2), paragraph
 15 f, Code 1977, is amended to read as follows:

16 f. [Any] A person under legal age shall not be
 17 employed in the sale or serving of alcoholic [liquor
 18 or beer] *beverages* for consumption on the premises
 19 where sold.

20 Sec. 66. Section one hundred twenty-three point
 21 forty-nine (123.49), subsections three (3) and four
 22 (4), Code 1977, are amended to read as follows:

23 3. No person under legal age shall misrepresent
 24 his or her age for the purpose of purchasing or
 25 attempting to purchase any alcoholic beverage [or beer]

26 from any licensee or permittee. If any person under
27 legal age shall misrepresent his or her age, and the
28 licensee or permittee establishes that he made
29 reasonable inquiry to determine whether such
30 prospective purchaser was over legal age, such licensee
31 or permittee shall not be *found* guilty of selling
32 alcoholic [liquor or beer] *beverages* to minors.

33 4. No privilege of selling alcoholic [liquor or
34 beer] *beverages* on Sunday as provided in sections
35 123.36, subsection 6, and 123.134, subsection 5, shall
36 be granted to a club or other organization which
37 places restrictions on admission or membership in
38 the club or organization on the basis of sex, race,
39 religion, or national origin. However, the privilege
40 may be granted to a club or organization which places
41 restrictions on membership on the basis of sex, if
42 the club or organization has an auxiliary organization
43 open to persons of the other sex.

44 Sec. 67. Section one hundred twenty-three point
45 fifty (123.50), subsection two (2), Code 1977, is
46 amended to read as follows:

47 2. The conviction of any [liquor control] licensee
48 or [beer] permittee [for] of a violation of any of the
49 provisions of section 123.49 shall, subject to
50 subsection 3 of this section, be grounds for the

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3

1 suspension or revocation of the license or permit
2 by the department or the local authority. However,
3 if any liquor control licensee is convicted of any
4 violation of subsection 2, paragraphs "a", "d" or
5 "e", of such section, or any *wine permittee* or beer
6 permittee is convicted of a violation of paragraph
7 "a", the [liquor control] license or [beer] permit shall
8 be revoked and shall immediately be surrendered by
9 the holder, and the bond of the license or permit
10 holder shall be forfeited to the department.

11 Sec. 68. Section one hundred twenty-three point
12 fifty (123.50), subsection three (3), Code 1977, is
13 amended to read as follows:

14 3. If any licensee[, beer] or permittee, or any
15 employee of such licensee or permittee [shall be] is
16 convicted of a violation of section 123.49,
17 subsection 2, paragraph "h", or if a retail beer
18 permittee [shall be] is convicted of a violation of
19 paragraph "i" of such subsection, the director or
20 local authority shall, in addition to the other
21 penalties fixed for such violations by this section,

22 assess a penalty as follows:

23 a. Upon a first conviction, the violator's [liquor
24 control] license or [beer] permit shall be suspended
25 for a period of fourteen days.

26 b. Upon a second conviction within a period of
27 two years, the violator's [liquor control] license or
28 [beer] permit shall be suspended for a period of thirty
29 days.

30 c. Upon a third conviction within a period of
31 five years, the violator's [liquor control] license
32 or [beer] permit shall be suspended for a period of
33 sixty days.

34 d. Upon a fourth conviction within a period of
35 five years, the violator's [liquor control] license
36 or [beer] permit shall be revoked.

37 Sec. 69. Section one hundred twenty-three point
38 fifty-two (123.52), Code 1977, is amended to read
39 as follows:

40 123.52 PROHIBITED SALE. [No] A person not expressly
41 authorized by this chapter to deal in alcoholic [liquors
42 shall within the state] *beverages shall not* keep for
43 sale or offer for sale anything which is capable of
44 being mistaken for a package containing *an* alcoholic
45 [liquor] *beverage* and *which* is either labeled or branded
46 with the name of any kind of alcoholic [liquor] *beverage*,
47 whether the same contains any alcoholic [liquor] *beverage*
48 or not.

49 Sec. 70. Section one hundred twenty-three point
50 fifty-five (123.55), subsections eight (8) and nine

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1 (9), Code 1977, are amended to read as follows:

2 8. The number of [liquor control] licenses and [beer]
3 permits issued, by class, the number in effect on
4 the last day included in the report, and the number
5 which have been suspended or revoked during the period
6 covered by the report.

7 9. Amount of fees paid to the department from
8 [liquor control] licenses and [beer] permits, in gross,
9 and the amount of [liquor control license] fees returned
10 to local subdivisions of government as provided under
11 this chapter.

12 Sec. 71. Section one hundred twenty-three point
13 fifty-nine (123.59), Code 1977, is amended to read
14 as follows:

15 123.59 BOOTLEGGING. Any person who, by himself,
16 or through another acting for him, shall keep or carry

17 on his person, or in a vehicle, or leave in a place
18 for another to secure, any alcoholic [liquor or beer]
19 *beverage* with intent to sell or dispense of such
20 [liquor or beer] by gift or otherwise in violation of
21 law, or who shall, within this state, in any manner,
22 directly or indirectly, solicit, take, or accept any
23 order for the purchase, sale, shipment, or delivery
24 of [such alcoholic liquor or beer] *alcoholic beverages*
25 in violation of law, or aid in the delivery and
26 distribution of any alcoholic [liquor or beer] *beverages*
27 so ordered or shipped, or who shall in any manner
28 procure for, sell, or give any alcoholic [liquor or
29 beer] *beverage* to any person under legal age, for any
30 purpose except as authorized and permitted in this
31 chapter, shall be a bootlegger and *shall* be subject
32 to the general penalties provided by this chapter.

33 Sec. 72. Section one hundred twenty-three point
34 fifty-one (123.51), Code 1977, is amended by adding
35 the following new subsection:

36 *NEW SUBSECTION.* No signs or other matter
37 advertising any brand of wine shall be erected or
38 placed upon the outside of any premises occupied by
39 a licensee or permittee authorized to sell wine at
40 retail. This subsection shall not prohibit the use
41 of signs or other matter inside a fence or similar
42 enclosure which wholly or partially surrounds the
43 premises.

44 Sec. 73. Section one hundred twenty-three point
45 sixty (123.60), Code 1977, is amended to read as
46 follows:

47 123.60 NUISANCES. The premises where the unlawful
48 manufacture or sale, or keeping with intent to sell,
49 use or give away, of alcoholic [liquors or beer]
50 *beverages* is carried on, and any vehicle or other

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1 means of conveyance used in transporting [such liquor
2 or beer] *alcoholic beverages* in violation of law, and
3 the furniture, fixtures, vessels and contents, kept
4 or used in connection with such activities are
5 nuisances and shall be abated as provided in this
6 chapter.

7 Sec. 74. Section one hundred twenty-three point
8 seventy-one (123.71), Code 1977, is amended to read
9 as follows:

10 123.71 CONDITIONS. In no case shall a bootlegger
11 injunction proceeding, as provided in this chapter,

12 be maintained unless it be shown to the court that
13 efforts in good faith have been made to discover the
14 base of supplies or place where the defendant charged
15 as a bootlegger conducts [his] *the* unlawful business
16 or receives or manufactures the alcoholic [liquor or
17 beer,] *beverage* of which [he] *the defendant* is charged
18 with bootlegging.

19 Sec. 75. Section one hundred twenty-three point
20 seventy-two (123.72), Code 1977, is amended to read
21 as follows:

22 123.72. ORDER OF ABATEMENT. If the existence of
23 a nuisance is established in a civil or criminal
24 action, an order of abatement shall be entered as
25 a part of the judgment in the case. Such order shall
26 direct the confiscation of all alcoholic [liquor or
27 beer] *beverages* by the state; the removal from the
28 premises involved of all fixtures, furniture, vessels,
29 or movable property used in any way in conducting
30 the unlawful business; the sale of all such removed
31 property as well as any vehicle or other means of
32 conveyance which has been abated, such sale to be
33 conducted in the manner provided for the sale of
34 chattels under execution; and the effective closing
35 of the premises against use for the purpose of
36 manufacture, sale, or consumption of alcoholic [liquor
37 or beer] *beverages* for a period of one year, unless
38 sooner released by the court.

39 Sec. 76. Section one hundred twenty-three point
40 eighty-one (123.81), Code 1977, is amended to read
41 as follows:

42 123.81 FORFEITURE OF BOND. If the owner of a
43 property who has filed an abatement bond as provided
44 in this chapter fails to abate the [liquor or beer]
45 nuisance on the premises covered by the bond, or fails
46 to prevent the maintenance of [any liquor or beer] *the*
47 nuisance on said premises at any time within a period
48 of one year after entry of the abatement order, the
49 court shall, after a hearing in which such fact is
50 established, direct an entry of such violation of

Page 31

1 the terms of the owner's bond, to be made on the
2 record and the undertaking of his bond thereupon
3 forfeited.

4 Sec. 77. Section one hundred twenty-three point
5 eighty-four (123.84), Code 1977, is amended to read

6 as follows:

7 123.84 JUDGMENT. If the court after hearing finds
8 a [liquor or beer] nuisance has been maintained on the
9 premises covered by the abatement bond and that [liquor
10 or beer has] *alcoholic beverages* have been sold or
11 kept for sale on the premises contrary to law within
12 one year from the date of the giving of such bond,
13 then the court shall order the forfeiture of the bond
14 and enter judgment for the full amount of such bond
15 against the principal and sureties thereof, and the
16 lien on the real estate created pursuant to section
17 123.79 shall be decreed foreclosed and the court shall
18 provide for a special and general execution for the
19 enforcement of such decree and judgment.

20 Sec. 78. Section one hundred twenty-three point
21 ninety-one (123.91), subsection two (2) and subsection
22 three (3), unnumbered paragraph one (1), Code 1977,
23 are amended to read as follows:

24 2. Any provision of the prior laws of this state
25 relating to [intoxicating liquors or beer] *alcoholic*
26 *beverages* which were in force prior to the enactment
27 of this chapter.

28 3. Any provision of the laws of the United States
29 or of any other state relating to [intoxicating liquors
30 or beer] *alcoholic beverages*, and who is thereafter
31 convicted of a subsequent criminal offense against
32 any provision of this chapter shall be punished as
33 follows:

34 Sec. 79. Section one hundred twenty-three point
35 ninety-two (123.92), Code 1977, is amended to read
36 as follows:

37 123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT
38 OR BEER OR INTOXICANTS BY LICENSEES. Every husband,
39 wife, child, parent, guardian, employer or other
40 person who shall be injured in person or property
41 or means of support by any intoxicated person or
42 resulting from the intoxication of any such person,
43 shall have a right of action, severally or jointly
44 against any licensee or permittee who shall sell or
45 give any [beer or intoxicating liquor] *alcoholic beverage*
46 to any such person while he *or she* is intoxicated,
47 or serve any such person to a point where such person
48 is intoxicated for all damages actually sustained.

49 Every liquor control licensee and class "B" beer
50 permittee shall furnish proof of financial

1 responsibility either by the existence of a liability
2 insurance policy or by posting bond in such amount
3 as determined by the department.

4 Sec. 80. Section one hundred twenty-three point
5 ninety-five (123.95), Code 1977, is amended to read
6 as follows:

7 123.95 PREMISES MUST BE LICENSED—EXCEPTION AS
8 TO CONVENTIONS AND SOCIAL GATHERINGS. It is unlawful
9 for any person to allow the dispensing or consumption
10 of [intoxicating liquor] *alcoholic beverages*, except
11 sacramental wines [and beer], in any establishment
12 unless such establishment [is licensed] *has been issued*
13 *a retail license or permit* under this chapter.

14 However, bona fide conventions or meetings may
15 bring their own legal [liquor] *alcoholic beverages* onto
16 the licensed premises if [the liquor] *it* is served to
17 delegates or guests without cost. All other provisions
18 of this chapter shall be applicable to such premises.
19 The provisions of this section shall have no
20 application to private social gatherings of friends
21 or relatives in a private home or a private place
22 which is not of a commercial nature nor where goods
23 or services may be purchased or sold nor any charge
24 or rent or other thing of value is exchanged for the
25 use of such premises for any purpose other than for
26 sleeping quarters.

27 Sec. 81. Section one hundred twenty-three point
28 ninety-six (123.96), subsection one (1), Code 1977,
29 is amended to read as follows:

30 1. There is imposed on every person licensed to
31 sell alcoholic [beverages] *liquor* for consumption on
32 the premises where sold, a special tax equivalent
33 to fifteen percent of the price established by the
34 department on all alcoholic [beverages] *liquor* for
35 general sale to the public. Such tax shall be paid
36 by all licensees at the point of purchase from the
37 state on all alcoholic [beverages] *liquor* intended or
38 used for resale for consumption on the premises of
39 retail establishments. Such tax shall be in lieu
40 of any other sales tax applied at the state store
41 and shall be shown as a separate item on special sales
42 slips provided by the department for purchases by
43 licensees.

44 Sec. 82. Section one hundred twenty-three point
45 ninety-eight (123.98), Code 1977, is amended to read
46 as follows:

47 123.98 LABELING SHIPMENTS. It shall be unlawful

48 for any common carrier or for any person to transport
49 or convey by any means, whether for compensation or
50 not, within this state, any [intoxicating liquors]

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1 *alcoholic beverages*, unless the vessel or other package
2 containing [such liquors shall be] *those beverages is*
3 plainly and correctly identified, showing the quantity
4 and kind of [liquors] *beverages* contained therein, the
5 name of the party to whom they are to be delivered,
6 and the name of the shipper, or unless such information
7 is shown on a bill of lading or other document
8 accompanying the shipment. No person shall be
9 authorized to receive or keep [such liquors] *alcoholic*
10 *beverages* unless the same be marked or labeled as
11 required by this section. The violation of any
12 provision of this section by any common carrier, or
13 any agent or employee of any carrier, or by any person,
14 shall be punished under the provisions of this chapter.

15 [Liquors] *Alcoholic beverages* conveyed, carried,
16 transported, or delivered in violation of this section,
17 whether in the hands of the carrier or someone to
18 whom they shall have been delivered, shall be subject
19 to seizure and condemnation, as [liquors] *alcoholic*
20 *beverages* kept for illegal sale.

21 Sec. 83. Section one hundred twenty-three point
22 ninety-nine (123.99), Code 1977, is amended to read
23 as follows:

24 123.99 FALSE STATEMENTS. If any person, for the
25 purpose of procuring the shipment, transportation,
26 or conveyance of any [intoxicating liquors] *alcoholic*
27 *beverages* within this state, shall make to any person,
28 company, corporation, or common carrier, or to any
29 agent thereof, any false statements as to the character
30 or contents of any box, barrel, or other vessel or
31 package containing [such liquors] *alcoholic beverages*;
32 or shall refuse to give correct and truthful
33 information as to the contents of any such box, barrel
34 or other vessel or package so sought to be transported
35 or conveyed; or shall falsely mark, brand, or label
36 such box, barrel, or other vessel or package in order
37 to conceal the fact that the same contains [intoxicating
38 liquors] *alcoholic beverages*; or shall by any device
39 or concealment procure or attempt to procure the
40 *unlawful* conveyance or transportation of [such liquors
41 as herein prohibited, he] *alcoholic beverages, the*

42 *person* shall be fined for each offense one hundred
43 dollars and costs of prosecution, and *shall* be
44 committed to the county jail until such fine and costs
45 are paid.

46 Sec. 84. Section one hundred twenty-three point
47 one hundred (123.100), Code 1977, is amended to read
48 as follows:

49 123.100 PACKAGES IN TRANSIT. Any peace officer
50 of the county under process or warrant [to him directed]

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1 shall have the right to open any box, barrel, or other
2 vessel or package for examination, if he has reasonable
3 ground for believing that it contains [intoxicating
4 liquors] *alcoholic beverages*, either before or while
5 the same is being so transported or conveyed.

6 Sec. 85. Section one hundred twenty-three point
7 one hundred one (123,101), Code 1977, is amended to
8 read as follows:

9 123.101 RECORD OF SHIPMENTS. It shall be the
10 duty of all common carriers, or corporations, or
11 persons who [shall] for hire carry any [intoxicating
12 liquors] *alcoholic beverages* into the state, or from
13 one point to another within the state, for the purpose
14 of delivery, and who shall deliver such [intoxicating
15 liquor] *alcoholic beverages* to any person, company,
16 or corporation, to keep, at each station or office
17 where it employs an agent or other person to make
18 delivery of freight and keep records relative thereto,
19 a record book, wherein such carrier shall, promptly
20 upon receipt and prior to delivery, enter in ink,
21 in legible writing, in full, the name of the consignor
22 of each shipment of [intoxicating liquor] *alcoholic*
23 *beverages* to be delivered from or through such station,
24 from where shipped, the date of arrival, the quantity
25 and kind of [liquor] *alcoholic beverage*, so far as
26 disclosed by lettering on the package or by the
27 carrier's records, and to whom and where consigned,
28 and the date delivered.

29 Sec. 86. Section one hundred twenty-three point
30 one hundred three (123.103), Code 1977, is amended
31 to read as follows:

32 123.103 RECORD RECEIPT UPON DELIVERY. No shipment
33 billed in whole or in part as [intoxicating liquor]
34 *alcoholic beverages* shall be delivered to the consignee
35 until such consignee upon such record book enters

36 in ink, in legible writing, his or her full name and
 37 residence or place of business, giving the name of
 38 the city, and the street name and number of any, and
 39 certifies that [such liquor] *the alcoholic beverage*
 40 is for his or her own lawful purposes.

41 Sec. 87. Section one hundred twenty-three point
 42 one hundred four (123.104), Code 1977, is amended
 43 to read as follows:

44 123.104 UNLAWFUL DELIVERY. It shall be a
 45 misdemeanor for any corporation, common carrier,
 46 person, or any agent or employee thereof:

47 1. To deliver any [intoxicating liquor] *alcoholic*
 48 *beverage* to any person other than to the consignee.

49 2. To deliver any [intoxicating liquors] *alcoholic*
 50 *beverage* without having the same receipted for as

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1 provided in section 123.103.

2 3. To deliver any [intoxicating liquors] *alcoholic*
 3 *beverage* where there is reasonable ground to believe
 4 that such liquor is intended for unlawful use.

5 Sec. 88. Section one hundred twenty-three point
 6 one hundred six (123.106), Code 1977, is amended to
 7 read as follows:

8 123.106 FEDERAL STATUTES. The requirements of
 9 this chapter relative to the shipment and delivery
 10 of [intoxicating liquors] *alcoholic beverages* and the
 11 records to be kept thereof shall be construed in
 12 harmony with federal statutes relating to interstate
 13 commerce in such [liquors] *beverages*.

14 Sec. 89. Section one hundred twenty-three point
 15 one hundred seven (123.107), subsection one (1), Code
 16 1977, is amended to read as follows:

17 1. To set out exactly the kind or quantity of
 18 [intoxicating liquors] *alcoholic beverages* manufactured,
 19 sold, given in evasion of the statute, or kept for
 20 sale.

21 Sec. 90. Section one hundred twenty-three point
 22 one hundred eleven (123.111), Code 1977, is amended
 23 to read as follows:

24 123.111 PURCHASER AS WITNESS. The person
 25 purchasing any [intoxicating liquor] *alcoholic beverage*
 26 sold in violation of this chapter shall in all cases
 27 be a competent witness to prove such sale.

28 Sec. 91. Section one hundred twenty-three point
 29 one hundred fifteen (123.115), Code 1977, is amended

30 to read as follows:

31 123.115 DEFENSE. In any prosecution under this
32 chapter for the unlawful transportation of [intoxicating
33 liquors] *alcoholic beverages* it shall be a defense
34 that the character and contents of the shipment or
35 thing transported were not known to the accused or
36 to his or her agent or employee.

37 Sec. 92. Section one hundred twenty-three point
38 one hundred sixteen (123.116), Code 1977, is amended
39 to read as follows:

40 123.116 RIGHT TO RECEIVE LIQUORS. The consignee
41 of [intoxicating liquors] *alcoholic beverages* shall,
42 on demand of the carrier transporting such [liquors],
43 furnish the carrier, at the place of delivery, with
44 legal proof of the consignee's legal right to receive
45 [such liquors] *the alcoholic beverages* at the time of
46 delivery, and until such proof is furnished the carrier
47 shall be under no legal obligation to make delivery
48 nor be liable for failure to deliver.

49 Sec. 93. Section one hundred twenty-three point
50 one hundred seventeen (123.117), Code 1977, is amended

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1 to read as follows:

2 123.117 DELIVERY TO SHERIFF. If such proof is
3 not furnished the carrier within ten days after demand,
4 the carrier may deliver such [liquors] *alcoholic*
5 *beverages* to the sheriff of the county embracing the
6 place of delivery, and such delivery shall absolve
7 the carrier from all liability pertaining to such
8 [liquors] *beverages*.

9 Sec. 94. Section one hundred twenty-three point
10 one hundred eighteen (123.118), Code 1977, is amended
11 to read as follows:

12 123.118 DESTRUCTION. The sheriff shall, on receipt
13 of such [liquors] *alcoholic beverages* from the carrier,
14 report the receipt to the district court of his county,
15 and the court shall proceed to summarily enter an
16 order for the destruction or forfeiture to the state
17 of such [liquors] *beverages*.

18 Sec. 95. Section one hundred twenty-three point
19 one hundred nineteen (123.119), Code 1977, is amended
20 to read as follows:

21 123.119 EVIDENCE. In all actions, civil or
22 criminal, under the provisions of this chapter, the

23 finding of [intoxicating liquors] *alcoholic beverages*
 24 or of instruments or utensils used in the manufacture
 25 of [intoxicating liquors] *alcoholic beverages*, or
 26 materials which are being used, or are intended to
 27 be used in the manufacture of [intoxicating liquors]
 28 *alcoholic beverages*, in the possession of or under
 29 the control of any person, under and by authority
 30 of a search warrant or other process of law, and which
 31 shall have been finally adjudicated and declared
 32 forfeited by the court, shall be competent evidence
 33 of maintaining a nuisance or bootlegging, or of illegal
 34 transportation of [intoxicating liquors] *alcoholic*
 35 *beverages*, as the case may be, by such person.

36 Sec. 96. Section one hundred twenty-three point
 37 one hundred twenty (123.120), Code 1977, is amended
 38 to read as follows:

39 123.120 ATTEMPT TO DESTROY. The destruction of
 40 or attempt to destroy any liquid by any person while
 41 in the presence of peace officers or while a property
 42 is being searched by a peace officer, shall be
 43 competent evidence that such liquid is [intoxicating
 44 liquor] *an alcoholic beverage* and intended for unlawful
 45 purposes.

46 Sec. 97. Section one hundred twenty-three point
 47 one hundred twenty-one (123.121), Code 1977, is amended
 48 to read as follows:

49 123.121 VENUE. In any prosecution under this
 50 chapter for the unlawful sale of alcoholic [liquor

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1 or beer] *beverages*, a sale [of alcoholic liquor or beer]
 2 which requires a shipment or delivery of [such liquor
 3 or beer] *the alcoholic beverage* shall be deemed to
 4 be made in the county in which such delivery is made
 5 by the carrier to the consignee, or to his or her
 6 agent[,], or employee.

7 In any prosecution under this chapter for the
 8 unlawful transportation of [intoxicating liquor]
 9 *alcoholic beverages*, the offense shall be held to
 10 have been committed in any county in which [such liquor]
 11 it is received for transportation, through which it
 12 is transported, or in which it is delivered.

13 Sec. 98. Section one hundred twenty-three point
 14 one hundred forty-one (123.141), Code 1977, is amended
 15 to read as follows:

16 123.141 KEEPING LIQUOR WHERE BEER IS SOLD. No
 17 alcoholic liquor for beverage purposes *and no wine*

18 shall be used, or kept for any purpose in the place
19 of business of class "B" permittees, or on the premises
20 of such class "B" permittees, at any time. A violation
21 of any provision of this section shall be grounds
22 for suspension or revocation of the permit pursuant
23 to section 123.50, subsection 3. This section shall
24 not apply in any manner or in any way, to any railway
25 car of any dining car company, sleeping car company,
26 railroad company or railway company, having a special
27 class "B" permit; to the premises of any hotel or
28 motel for which a class "B" permit has been issued,
29 other than that part of such premises regularly used
30 by the hotel or motel for the principal purpose of
31 selling beer or food to the general public; or to
32 drug stores regularly and continuously employing a
33 registered pharmacist, from having alcohol in stock
34 for medicinal and compounding purposes.

35 Sec. 99. Section one hundred twenty-three point
36 fifty-six (123.56), Code 1977, is repealed.

37 Sec. 100. This Act shall take effect on January
38 1, 1978."

NORMAN G. RODGERS
E. KEVIN KELLY

S-3459

Division S-3459A

1 Amend Senate File 365 as follows:

2 1. Page 3, by striking lines 24 through 30 and
3 inserting in lieu thereof the following:

4 "a. Mobile food units and pushcarts.

5 b. Temporary food service establishments.

6 c. Food service establishments with annual gross
7 sales of under fifty thousand dollars other than
8 mobile food units, pushcarts, or temporary food service
9 establishments.

10 d. Food service establishments with annual gross
11 sales of between fifty thousand and one hundred
12 thousand dollars other than mobile food units,
13 pushcarts, or temporary food service establishments.

14 e. Food service establishments with annual gross
15 sales of more than one hundred thousand dollars other
16 than mobile food units, pushcarts, or temporary food
17 service establishments."

18 2. Page 4, by striking lines 15 through 22 and

19 inserting in lieu thereof the following:

20 "1. For a mobile food unit or pushcart, ten
21 dollars.

22 2. For a temporary food service establishment
23 per fixed location, ten dollars.

24 3. For a food service establishment with annual
25 gross sales of under fifty thousand dollars other
26 than a mobile food unit, pushcart, or temporary food
27 service establishment, forty dollars.

28 4. For a food service establishment with annual
29 gross sales of between fifty thousand and one hundred
30 thousand dollars other than a mobile food unit,
31 pushcart, or temporary food service establishment,
32 seventy dollars.

33 5. For a food service establishment with annual
34 gross sales of more than one hundred thousand dollars
35 other than a mobile food unit, pushcart, or temporary
36 food service establishment, one hundred dollars."

Division S-3459B

37 3. Page 19, by striking lines 20 through 35.

38 4. Page 20, by striking lines 1 through 6 and
39 inserting in lieu thereof the following section:

40 "Sec. ____ . Section one hundred ninety-one A point
41 four (191A.4), Code 1977, is amended by striking the
42 section and inserting in lieu thereof the following:

43 '191A.4 The regulatory authority shall collect
44 a fee of two dollars per vending machine for a vending
45 machine operator's license.

46 The vending machine operator's license shall not
47 be transferable from one person to another, but shall
48 require an immediate application and the payment of
49 a new fee.

50 Fees for a vending machine commissary shall be

Page 2

Division S-3459B (cont'd.)

1 the same as those for a food establishment as set
2 forth in section one hundred seventy point five (170.5)
3 of the Code or for a food service establishment as
4 set forth in section five (5) of this Act, whichever
5 is applicable."

Division S-3459A (cont'd.)

- 6 5. By renumbering sections and changing internal
7 references to conform to this amendment.

C.W. HUTCHINS
IRVIN L. BERGMAN
STEPHEN W. BIENIUS
JAMES E. BRILES
CLIFF BURROUGHS
C. JOSEPH COLEMAN
LOUIS P. CULVER
MERLIN D. HULSE
MILO MERRITT
JOHN N. NYSTROM
FORREST V. SCHWENGELS
RAY TAYLOR
DALE L. TIEDEN
BASS VAN GILST
RICHARD F. DRAKE
ALVIN V. MILLER

S-3460

- 1 Amend Senate File 358, page 5, line 14, by
2 striking the word "contract" and inserting in
3 lieu thereof the word "contact".

EARL M. WILLITS

HOUSE AMENDMENT TO SENATE FILE 317

S-3461

- 1 Amend Senate File 317 as follows:
2 1. Page 2, by inserting after line 2 the following:
3 "Sec. ____ . Section eighteen point ninety-seven
4 (18.97), subsection sixteen (16), Code 1977, is amended
5 to read as follows:
6 16. To the clerk of the district court *and each*
7 *separate office of the clerk, the county attorney,*
8 *the county auditor, the county recorder, county and*
9 *city assessor, the county treasurer, the sheriff and*
10 *each separate office of a sheriff, the public*
11 *defender's office, and the administrator of each area*
12 *education agency in the state and also for use in*
13 *each courtroom of the district court 1*
14 *copy".*

HOUSE AMENDMENT TO SENATE FILE 312

S-3462

1 Amend Senate File 312, as passed by the Senate
2 as follows:

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

5 "3. A person licensed to practice an occupation
6 or profession in this state shall be deemed to have
7 complied with the continuing education requirements
8 of this state during periods that the person serves
9 honorably on active duty in the military services,
10 or for periods that the person is a resident of another
11 state or district having a continuing education re-
12 quirement for the occupation or profession and meets
13 all requirements of that state or district for practice
14 therein, or for periods that the person is a govern-
15 ment employee working in his or her licensed spec-
16 ialty and assigned to duty outside of the United
17 States, or for other periods of active practice and
18 absence from the state approved by the appropriate
19 board of examiners."

20 2. Page 4, by inserting after line 21 the follow-
21 ing new lettered paragraph:

22 "b. Administer and enforce administrative rules
23 providing for partial re-examination of the profession-
24 al licensing examinations given by each licensing
25 board."

26 3. Page 5, line 10, by striking the word "an-
27 nual".

28 4. Page 13, line 9, by inserting after the word
29 "reimbursed" the words "subject to the rules of the
30 state comptroller".

31 5. Page 13, line 10, by striking the words "actual
32 and necessary" and inserting in lieu thereof the word
33 "their".

34 6. Page 15, by inserting after line 8, the follow-
35 ing:

36 "Sec. ____ . Section one hundred fourteen point
37 eighteen (114.18), Code 1977, is amended to read as
38 follows:

39 114.18 EXPIRATIONS AND RENEWALS. Certificates
40 of registration shall expire [annually] as determined
41 by the board. It shall be the duty of the secretary
42 of the board to notify every person registered under
43 this chapter, of the date of expiration of [his] *the*
44 certificate and the amount of the fee that shall be

45 required for its renewal [for one year]; such notice
46 shall be mailed at least one month in advance of the
47 date of the expiration of [said] *the* certificate.
48 Renewal may be effected by the payment of a fee the
49 amount of which shall be determined by the board.
50 The failure on the part of any registrant to renew

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1 [his] a certificate [annually] in the month of expiration
2 as required above shall not deprive such a person
3 of the right of renewal. A person who fails to renew
4 [his] a certificate by the expiration date shall be
5 allowed to do so within thirty days following its
6 expiration, but the board may assess a reasonable
7 penalty. [For the duration of any war in which the
8 United States is engaged the board may, in its dis-
9 cretion, defer the collection of renewal fees without
10 penalty, which have or may become due from registered
11 professional engineers who are employed in the war
12 effort, and residing outside the state, or who are
13 members of the armed forces of the United States,
14 and may renew the engineering certificates of said
15 registered professional engineers.]”

16 7. Page 16, by inserting after line 23, the follow-
17 ing:

18 “Sec. ____ . Section one hundred sixteen point
19 twelve (116.12), Code 1977, is amended to read as
20 follows:

21 116.12 RENEWALS. Licenses as accounting
22 practitioners shall expire [annually] as determined
23 by the board. The board shall notify every person
24 licensed under this chapter of the date of expiration
25 of [his] *the* license and the amount of the fee required
26 for its renewal [for one year]. The notice shall be
27 mailed at least one month in advance of the expiration
28 date. A person who fails to renew [his] a license to
29 practice as an accounting practitioner by the ex-
30 piration date shall be allowed to do so within thirty
31 days following its expiration, but the board may
32 assess a reasonable penalty.

33 Sec. ____ . Section one hundred sixteen point
34 twenty (116.20), subsection one (1), Code 1977, is
35 amended to read as follows:

36 1. The certificate of certified public accountant
37 granted by the board under section 116.5 and the
38 registration with the board as a public accountant

39 under section 116.6, and the license to practice as
40 an accounting practitioner under section 116.7 or
41 116.8 shall be renewed [annually] as determined by the
42 board. There shall be [an annual] a renewal fee, in
43 the amount to be determined from time to time by the
44 board, not to exceed fifty dollars.

45 Sec. ____ . Section one hundred sixteen point
46 twenty (116.20), subsection six (6), Code 1977, is
47 amended by striking the subsection.

48 Sec. ____ . Section one hundred seventeen point
49 twenty-seven (117.27), Code 1977, is amended to read
50 as follows:

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1 117.27 FEES. The commission shall set annual
2 fees, *except renewal fees which need not be annual*,
3 for examination and licensing of real estate brokers
4 and real estate salesmen. The commission shall
5 determine the annual cost of administering the
6 examination and shall set the examination fee accord-
7 ingly. The commission shall set the fees for the
8 real estate broker's licenses and for real estate
9 salesmen's licenses based upon the administrative
10 costs of sustaining the commission. The fees shall
11 include, but shall not be limited to, the costs for:

12 1. Per diem, expenses, and travel for commission
13 members.

14 2. Office facilities, supplies, and equipment.

15 3. Director, assistants, and clerical assistance.

16 Sec. ____ . Section one hundred seventeen point
17 twenty-eight (117.28), Code 1977, is amended to read
18 as follows:

19 117.28 EXPIRATION OF LICENSE. Every license shall
20 expire [annually] as determined by the commission.

21 A person who fails to renew [his] a license by the
22 expiration date shall be allowed to do so within
23 thirty days following its expiration, but the
24 commission may assess a reasonable penalty. The
25 commission shall upon the written request of the
26 applicant on forms prescribed by the commission, and
27 payment of the [annual] fee [therefor] as herein required,
28 issue a new license for each ensuing year in the
29 absence of any reason or condition which might war-
30 rant the revocation of a license after a hearing as
31 provided in sections 117.34 and 117.35."

32 8. Page 17, by inserting after line 22, the follow-

33 ing:

34 "Sec. ____ . Section one hundred eighteen point
35 ten (118.10), Code 1977, is amended to read as follows:

36 118.10 RENEWALS. Certificates of registration
37 shall expire [annually] as determined by the board.
38 Registered architects shall renew their certificates
39 of registration and pay a renewal fee in the manner
40 prescribed by the board. A person who fails to renew
41 [his] a certificate of registration by the expiration
42 date shall be allowed to do so within thirty days
43 following its expiration, but the board may assess
44 a reasonable penalty."

45 9. Page 18, by inserting after line 26, the follow-
46 ing:

47 "Sec. ____ . Section one hundred eighteen A point
48 thirteen (118A.13), Code 1977, is amended to read
49 as follows:

50 118A.13 RENEWALS. Certificates of registration

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1 shall expire [annually] as determined by the board.
2 Registered landscape architects shall renew their
3 certificates of registration and pay a renewal fee
4 in the manner and amount prescribed by the board.
5 A person who fails to renew [his] a certificate by the
6 expiration date shall be allowed to do so within
7 thirty days following its expiration, but the board
8 may assess a reasonable penalty."

9 10. Page 19, by inserting after line 17, the
10 following:

11 "Sec. ____ . Section one hundred twenty point eight
12 (120.8), subsection four (4), Code 1977, is amended
13 to read as follows:

14 4. Every certificate of registration shall expire
15 [annually,] and [shall] be renewed [annually] as determined
16 by the board upon application by the holder thereof,
17 without examination. Application for such renewal
18 shall be made in writing to the department, accompanied
19 by a renewal fee in an amount determined by the board
20 based upon the cost of renewing the certificate, at
21 least thirty days prior to the expiration of such
22 certificate. Every renewal shall be displayed in
23 connection with the original certificate. The board
24 shall notify each certificate holder by mail of the
25 expiration of his certificate. A person who fails
26 to renew [his] a certificate by the expiration date

27 shall be allowed to do so within thirty days following
 28 its expiration, but the board may assess a reasonable
 29 penalty.

30 Sec. ____ . Section one hundred twenty point nine
 31 (120.9), Code 1977, is amended to read as follows:

32 120.9 APPRENTICE WATCHMAKERS. Any person sixteen
 33 years of age or over, apprenticed to a registered
 34 watchmaker, may pursue the trade of watchmaking upon
 35 obtaining from the board a certificate of registration
 36 as an apprenticed watchmaker, which certificate shall
 37 be conspicuously displayed at all times in the place
 38 of employment of such apprentice. No apprentice
 39 certificate shall be renewed unless the application
 40 [therefor] shall be accompanied by a sworn statement
 41 of the employer or employers as to the length of time
 42 the applicant has been actually employed under [his]
 43 a certificate in the pursuit of the watchmaking trade.
 44 Apprentice watchmakers shall pay a fee in an amount
 45 determined by the board for the certificate which
 46 shall expire [annually] *as determined by the board* and
 47 shall pay a renewal fee [annually] in an amount
 48 determined by the board. A person who fails to renew
 49 [his] a certificate by the expiration date shall be
 50 allowed to do so within thirty days following its

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1 expiration, but the board may assess a reasonable
 2 penalty. Any applicant for a certificate of
 3 registration as a watchmaker who fails to pass the
 4 examination provided for herein may in the discretion
 5 of the board be issued a certificate as an appren-
 6 tice watchmaker.”

7 11. Page 20, by inserting after line 29, the
 8 following:

9 “Sec. ____ . Section one hundred thirty-five E
 10 point five (135E.5), Code 1977, is amended to read
 11 as follows:

12 135E.5 LICENSE FEES. Each person licensed as
 13 a nursing home administrator shall be required to
 14 pay a license fee in an amount to be fixed by the
 15 board. [Said] *The* license shall expire [annually] and
 16 [shall] be renewable [annually and] *as determined by the*
 17 *board* upon payment of the license fee. A person who
 18 fails to renew [his] a license by the expiration date
 19 shall be allowed to do so within thirty days following
 20 its expiration, but the board may assess a reasonable

21 penalty.

22 Sec. ____ . Section one hundred thirty-five E point
23 ten (135E.10), Code 1977, is amended to read as
24 follows:

25 135E.10 RENEWAL OF LICENSE. Every holder of a
26 nursing home administrator's license shall renew it
27 [annually by making application to] *as determined by*
28 the board[, except that biennially the individual
29 requesting renewal shall submit evidence satisfactory
30 to the board of continued education in this field.
31 Such] *License* renewals shall be granted as a matter
32 of course unless the board finds, after due notice
33 and hearing, that the applicant has acted or failed
34 to act in accordance with the rules or in such a
35 manner or under such circumstances as would constitute
36 grounds for suspension or revocation of a license.

37 Sec. ____ . Section one hundred forty-seven point
38 ten (147.10), Code 1977, is amended to read as follows:

39 147.10 RENEWAL. Every license to practice a
40 profession shall expire [annually as determined by
41 the board] and [shall] be renewed [annually] upon
42 application by the licensee, *as determined by the*
43 *board*, without examination. Application for [such]
44 renewal shall be made in writing to the department
45 accompanied by the required fee at least thirty days
46 prior to the expiration of [such] *the* license. Every
47 renewal shall be displayed in connection with the
48 original license. [Every year the] *The* department shall
49 notify each licensee by mail of the expiration of
50 [his] *a* license. Failure to renew the license within

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1 a reasonable time after the expiration shall not
2 invalidate the license, but a reasonable penalty may
3 be assessed by the board.

4 Sec. ____ . Section one hundred forty-seven point
5 eighty (147.80), unnumbered paragraph one (1), Code
6 1977, is amended to read as follows:

7 An examining board shall set the fees for the
8 examination of applicants, which fees shall be based
9 upon the annual cost of administering the examinations.
10 An examining board shall set the annual fees, *except*
11 *renewal fees which need not be annual*, required for
12 any of the following based upon the cost of sustaining
13 the board and the actual costs of licensing:

14 Sec. ____ . Section one hundred forty-seven point

15 one hundred (147.100), Code 1977, is amended to read
16 as follows:

17 147.100 EXPIRATIONS AND RENEWALS. Licenses shall
18 expire [annually] as determined by the examining board.

19 A person who fails to renew [his] a license by the
20 expiration date shall be allowed to do so within
21 thirty days following its expiration, but the examining
22 board may assess a reasonable penalty.

23 Sec. — . Section one hundred forty-eight point
24 five (148.5), Code 1977, is amended to read as follows:

25 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician,
26 who is a graduate of a medical school and is serving
27 only as a resident physician and who is not licensed
28 to practice medicine and surgery in this state, shall
29 be required to obtain from the medical examiners a
30 temporary or special license to practice as a resident
31 physician. The license shall be designated "Resident
32 Physician License" and shall authorize the licensee
33 to serve as a resident physician only, under the
34 supervision of a licensed practitioner of medicine
35 and surgery, in an institution approved for this
36 purpose by the medical examiners. Such license shall
37 be valid for one year and may be [annually] renewed
38 at the discretion of the medical examiners. The fee
39 for this license shall be set by the board to cover
40 the administrative costs of issuing the license, and
41 if extended beyond one year, [an annual] a renewal fee
42 as set by the board shall be required. The medical
43 examiners shall determine in each instance those
44 eligible for this license, whether or not examina-
45 tions shall be given, and the type of examinations.
46 No requirements of the law pertaining to regular
47 permanent licensure shall be mandatory for this
48 resident licensure except as specifically designated
49 by the medical examiners. The granting of a resi-
50 dent physician's license does not in any way indicate

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1 that the person so licensed is necessarily eligible
2 for regular licensure, nor are the medical examiners
3 in any way obligated to so license such individual.
4 The medical examiners shall revoke the license at
5 any time they shall determine either that the caliber
6 of work done by a licensee or the type of supervision
7 being given such licensee does not conform to reason-
8 able standards established by the medical examiners.

9 Sec. ____ . Section one hundred forty-eight point
10 ten (148.10), unnumbered paragraph two (2), Code 1977,
11 is amended to read as follows:

12 The temporary certificate shall be issued for one
13 year and, at the discretion of the medical examiners
14 may be renewed, but no person shall be entitled to
15 practice medicine and surgery or osteopathic medicine
16 and surgery in excess of three years while holding
17 a temporary certificate. The fee for this license
18 shall be set by the medical examiners and if extended
19 beyond one year [an annual] a renewal fee per year shall
20 be set by the medical examiners. The fees shall be
21 based on the administrative costs of issuing and
22 renewing the licenses. The medical examiners may
23 cancel a temporary certificate at any time, without
24 a hearing, for reasons deemed sufficient to the medical
25 examiners.

26 Sec. ____ . Section one hundred fifty A point nine
27 (150A.9), Code 1977, is amended to read as follows:

28 150A.9 RESIDENT LICENSE. Any osteopathic physician
29 and surgeon who is a graduate of a college of
30 osteopathic medicine and surgery approved by the
31 medical examiners and is serving only as a resident
32 osteopathic physician and surgeon and who is not
33 licensed to practice osteopathic medicine and surgery
34 in this state, shall be required to obtain from the
35 medical examiners a temporary or special license to
36 practice as a resident osteopathic physician and
37 surgeon. The license shall be designated "Resident
38 Osteopathic Physician and Surgeon License", and shall
39 authorize the licensee or serve as a resident only,
40 under the supervision of a licensed practitioner of
41 osteopathic medicine and surgery, in an institution
42 approved for this purpose by the medical examiners.
43 Such license shall be valid for one year and may be
44 [annually] renewed at the discretion of the medical
45 examiners. The fee for this license shall be set
46 by the board and based on the cost of issuing the
47 license, and if extended beyond one year, [an annual]
48 a renewal fee shall be required. The medical examiners
49 shall determine in each instance those eligible for
50 this license, whether or not examinations shall be

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1 given, and the type of examinations. No requirements
2 of the law pertaining to regular permanent licensure

3 shall be mandatory for this resident licensure except
4 as specifically designated by the medical examiners.
5 The granting of a resident osteopathic physician and
6 surgeon's license does not in any way indicate that
7 the person so licensed is necessarily eligible for
8 regular licensure, nor are the medical examiners in
9 any way obligated to so license such individual.
10 The medical examiners shall revoke said license at
11 any time they shall determine either that the cali-
12 ber of work done by the licensee or the type of
13 supervision being given such licensee does not conform
14 to reasonable standards established by the medical
15 examiners."

16 12. Page 21, by inserting after line 18, the
17 following:

18 "Sec. ____ . Section one hundred fifty-three point
19 twenty-two (153.22), Code 1977, is amended to read
20 as follows:

21 153.22 RESIDENT DENTIST LICENSE. Any dentist,
22 who is a graduate of an accredited dental school and
23 is serving only as a resident, intern or graduate
24 student dentist and who is not licensed to practice
25 dentistry in this state, shall be required to obtain
26 from the board of dentistry a temporary or special
27 license to practice as a resident, intern or graduate
28 dentist. The license shall be designated "Resident
29 Dentist License" and shall authorize the licensee
30 to serve as a resident, intern or graduate student
31 only, under the supervision of a licensed practitioner
32 of dentistry, in an institution approved for this
33 purpose by the board. Such license shall be valid
34 for one year and may be [annually] renewed at the
35 discretion of the board [for a period not to exceed
36 three additional years]. The fee for this license
37 and the [annual] renewal fee shall be set by the board
38 based upon the cost of issuance of the license. The
39 board shall determine in each instance those eligible
40 for this license, whether or not examinations shall
41 be given, and the type of examination. No requirements
42 of the law pertaining to regular permanent licensure
43 shall be mandatory for this resident licensure except
44 as specifically designated by the board. The granting
45 of a resident dentist's license does not in any way
46 indicate that the person so licensed is necessarily
47 eligible for regular licensure, nor is the board in
48 any way obligated to so license such individual.
49 The board may revoke said license at any time it shall
50 determine either that the caliber of work done by

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1 a licensee or the type of supervision being given
2 such licensee does not conform to reasonable standards
3 established by the board.

4 Sec. ____ . Section one hundred fifty-four point
5 six (154.6), Code 1977, is amended to read as follows:
6 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every
7 license to practice optometry shall expire [annually]
8 *as determined by the board*. Application for renewal
9 of such license shall be made in writing to the
10 department of health at least thirty days prior to
11 the [annual] expiration date[,] *and be accompanied by*
12 the required renewal fee [and the affidavit of the
13 licensee or other proof satisfactory to the department
14 and to the Iowa state board of optometry examiners,
15 that said applicant has attended, since the issuance
16 of the last license to said applicant, an educational
17 program or clinic as conducted by the Iowa optometric
18 association, or its equivalent, for a period of at
19 least two days. The attendance requirement at said
20 educational program or clinic shall not be conditioned
21 upon membership in said Iowa optometric association.
22 Nonmembers shall be admitted to said annual educational
23 program or clinic upon payment of their pro rata share
24 of the cost. In lieu of attendance at the said annual
25 educational program or clinic, it shall be the duty
26 of the board of optometry examiners to recognize and
27 approve attendance at local optometric study group
28 meetings as shall, in the judgment of said board,
29 constitute an equivalent to attendance at the annual
30 educational program of said association].

31 Sec. ____ . Section one hundred fifty-four point
32 seven (154.7), Code 1977, is amended to read as
33 follows:

34 154.7 NOTICE OF EXPIRATION. Notice of expiration
35 of the [annual] license to practice optometry shall
36 be given by the state department of health to all
37 certificate holders by mailing said notice to the
38 last known address of such licensee at least seventy-
39 five days prior to the expiration date, and said
40 notice shall contain a statement of the [educational
41 program attendance requirement and the] amount of legal
42 fee required as a condition to the renewal of the
43 license [for the coming year]. Subject to the provisions
44 of this chapter, said license shall be renewed without
45 examination.

46 Sec. ____ . Section one hundred fifty-four A point

47 fifteen (154A.15), Code 1977, is amended to read as
48 follows:

49 154A.15 LICENSE RENEWAL. Licenses shall be renewed
50 [annually] in a manner determined by the board. The

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1 renewal fee shall be determined by the board pursuant
2 to section 154A.17. The department shall notify every
3 person licensed under this chapter of the date of
4 expiration of his license and the amount of fee
5 required for its renewal [for one year]. The notice
6 shall be mailed at least one month in advance of the
7 expiration date. A person who fails to renew [his]
8 a license by the expiration date shall be allowed
9 to do so within thirty days following its expiration,
10 but the board may assess a reasonable penalty.

11 Sec. — . Section one hundred fifty-five point
12 twelve (155.12), unnumbered paragraph one (1), Code
13 1977, is amended to read as follows:

14 Licenses shall be obtained from the board for each
15 and every place of business. Applications shall be
16 upon such forms and shall contain such information
17 as the board may reasonably require. Each application
18 for license shall be made by the pharmacist-owner
19 to the secretary of the board, accompanied by the
20 license fee, which shall be paid over into the state
21 treasury and credited to the general fund if the
22 license is issued. The license fee for a pharmacy
23 license or a wholesale drug license shall be set by
24 the board and based upon the administrative costs
25 of issuing the licenses. [These licenses shall be
26 due annually on the first day of each January.] The
27 board shall issue a license upon receipt of an
28 application accompanied by the license fee and after
29 approval thereof by the board.

30 Sec. — . Section one hundred fifty-five point
31 thirteen (155.13), unnumbered paragraph one (1), Code
32 1977, is amended to read as follows:

33 Each license issued under this chapter unless
34 [sooner] suspended or revoked, shall be renewable
35 [annually] as determined by the board upon payment of
36 the [annual] license fee. The board shall have the
37 authority to deny, suspend or revoke a license in
38 any case where it finds that there has been a
39 substantial failure to comply with the provisions
40 of this chapter or the regulations promulgated

41 hereunder, or the violation thereof, and in addition
 42 the board shall have the power to deny, suspend or
 43 revoke a license, when the applicant or licensee,
 44 or any employee, providing the offense is committed
 45 on licensed premises or is in the conduct of the
 46 business licensed, is guilty of any of the following
 47 facts or offenses:
 48 Sec. ____ . Section one hundred sixty-nine point
 49 six (169.6), Code 1977, is amended to read as follows:
 50 169.6 RENEWAL. Every license issued under this

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1 chapter shall expire [annually,] and [shall] be renewed
 2 [annually] *as determined by the board* upon application
 3 by the licensee. A person who fails to renew his
 4 license by the expiration date shall be allowed to
 5 do so within thirty days following its expiration,
 6 but the board may assess a reasonable penalty.
 7 Application for such renewal shall be made in writing
 8 to the department of agriculture, accompanied by the
 9 required fee, at least thirty days prior to the
 10 expiration of such license. The department shall
 11 notify each licensee by mail of the expiration of
 12 his license. Every renewal shall be displayed in
 13 connection with the original license. [A licensed
 14 veterinarian of the state of Iowa who is called into
 15 military duty for the United States government is
 16 exempt from paying the renewal fee for such license
 17 but said license must be renewed within one year from
 18 date of discharge or the license shall be revoked.]”

19 13. Page 21, by inserting after line 18, the
 20 following:

21 “Sec. ____ . Section one hundred fifty-four B point
 22 four (154B.4), Code 1977, is amended to read as
 23 follows:

24 154B.4 ACTS PROHIBITED. Commencing July 1, [1974]
 25 1975, a person who is not [certified] *licensed* under
 26 this chapter shall not represent himself *or herself*
 27 as a [certified] *licensed* practicing psychologist, use
 28 a title or description, including the term ‘psychology’
 29 or any of its derivatives, such as ‘psychologist’ [or],
 30 ‘psychological’, ‘*psychotherapist*’ or modifiers such
 31 as ‘practicing’ or ‘[certified] *licensed*’ in a manner
 32 which implies that he *or she* is certified under this
 33 chapter, or offer to practice or practice psychology,
 34 except as otherwise permitted in this chapter. The
 35 use by a person who is not [certified] *licensed* under

36 this chapter of such terms is not prohibited by this
37 chapter, except when such terms are used in connection
38 with an offer to practice or the practice of
39 psychology.

40 Sec. ____ . Section one hundred fifty-four B point
41 six (154B.6), Code 1977, is amended to read as follows:

42 154B.6 REQUIREMENTS FOR [CERTIFICATION] *LICENSURE*.

43 Except as provided in this section, an applicant for
44 [certification] *licensure* as a psychologist [or as an
45 associate psychologist] shall meet the following
46 requirements in addition to those specified in chapter
47 147:

48 1. A [certified] *licensed* psychologist shall possess
49 a doctoral degree in psychology or its equivalent
50 from an institution approved by the board and shall

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1 have completed at least one year of supervised
2 professional experience *under the supervision of a*
3 *licensed psychologist or prior to July 1, 1976 and*
4 *person holding a license as a psychologist from the*
5 *board of examiners of the Iowa psychological*
6 *association, following the granting of the doctoral*
7 *degree, or predoctoral experience, as may be acceptable*
8 *to the board; or shall possess a masters degree in*
9 *psychology or its equivalent from an institution*
10 *approved by the board and have completed at least*
11 *five years of professional experience, at least two*
12 *of which shall have been under the supervision of*
13 *a licensed psychologist or prior to July 1, 1976 and*
14 *person holding a license as a psychologist from the*
15 *board of examiners of the Iowa psychological*
16 *association, as may be acceptable to the board.*

17 [2. A certified associate psychologist shall possess
18 a masters degree in psychology or its equivalent from
19 an institution approved by the board.]

20 [3] 2. Have passed an examination administered by
21 the board to assure his *or her* professional competence.
22 *The examination of any of its divisions may be given*
23 *by the board at any time after the applicant has met*
24 *the degree requirements of section one hundred fifty-*
25 *four B point six (154B.6) of the Code.*

26 [4] 3. Have not failed the examination required
27 in subsection 3 within the six months next preceding
28 the date of the examination.

29 The examinations required in this section may,

30 at the discretion of the board, be waived for holders
 31 by examination of licenses or certificates from states
 32 whose requirements are substantially equivalent to
 33 those of this chapter, and for holders by examination
 34 of specialty diplomas from the American board of
 35 professional psychology.

36 Any person who within one year after July 1, [1974]
 37 1975, meets the requirements specified in [subsections]
 38 *subsection 1 [and 2]* shall receive [certification]
 39 *licensure* without having passed the examination
 40 required in subsection 3 *if application for licensure*
 41 *is filed with the board of psychology examiners before*
 42 *July 1, 1977.* Any person holding a certificate from
 43 the board of examiners of the Iowa psychological
 44 association on July 1, [1974] 1975, who applies for
 45 certification before July 1, 1975, shall receive
 46 certification.

47 Sec. ____ . Section one hundred fifty-four B point
 48 seven (154B.7), Code 1977, is amended to read as
 49 follows:

50 154B.7 VOLUNTARY SURRENDER OF [CERTIFICATION]

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1 *LICENSE.* The commissioner of public health may accept
 2 the voluntary surrender of [certification] *license* if
 3 accompanied by a written statement of intention.
 4 The voluntary surrender, when accepted, shall have
 5 the same force and effect as an order of revocation.”

6 14. Page 21, by inserting after line 27, the
 7 following:

8 “Sec. ____ . Section four hundred fifty-five B
 9 point fifty-eight (455B.58), Code 1977, is amended
 10 to read as follows:

11 455B.58 DURATION. Certificates shall continue
 12 in effect for [one year from the date of issuance] a
 13 period determined by the board unless sooner revoked
 14 by the executive director, but such certificates shall
 15 remain the property of the department and the
 16 certificate shall so state. A person who fails to
 17 renew [his] a certificate by the expiration date shall
 18 be allowed to do so within thirty days following its
 19 expiration, but the board may assess a reasonable
 20 penalty.”

21 15. Page 22, by inserting after line 17, the
 22 following:

23 “Sec. ____ . Section six hundred ten point forty-
 24 five (610.45), Code 1977, is amended to read as

25 follows:

26 610.45 RENEWALS. The right to practice law in
 27 this state shall be renewed [annually] by the supreme
 28 court upon such conditions as the court shall deter-
 29 mine. Any moneys received from those persons admitted
 30 to practice law and which are designated for a client
 31 security fund or similar fund created by the supreme
 32 court shall be separately retained and administered
 33 by said court in accordance with rules promulgated
 34 by it."

35 16. Page 23, by inserting after line 6, the follow-
 36 ing:

37 "Sec. ____ . Sections one hundred fifty-four point
 38 eight (154.8) and one hundred fifty-four A point
 39 sixteen (154A.16), Code 1977, are repealed."

40 17. Renumbering sections of the bill and cor-
 41 recting internal references as necessary.

S-3463

1 Amend Senate File 358 as follows:

2 1. Page 10, line 26, by striking the word
 3 "require" and inserting in lieu thereof the word
 4 "request".

5 2. Page 14, line 31, by striking the words "or
 6 cash compromise".

7 3. Page 17, lines 12 and 13, by striking the words
 8 "criminal fraud" and inserting in lieu thereof the
 9 words "a fraudulent practice".

PHILIP B. HILL

S-3464

1 Amend Senate File 365 as follows:

2 1. Page 1, by striking line 11 and inserting in
 3 lieu thereof the following subsection:

4 "2. 'Secretary' means the secretary of agricul-
 5 ture."

6 2. Page 1, line 12, by striking the word "health"
 7 and inserting in lieu thereof the word "agriculture".

8 3. Page 2, line 6, by striking the word "health
 9 or" and inserting in lieu thereof the word "agricul-
 10 ture or".

11 4. Page 2, line 7, by striking the words "com-
 12 missioner of public health" and inserting in lieu
 13 thereof the words "secretary of agriculture".

- 14 5. Page 2, line 19, by striking the word "com-
 15 missioner" and inserting in lieu thereof the word
 16 "secretary".
- 17 6. Page 2, line 23, by striking the word "com-
 18 missioner" and inserting in lieu thereof the word
 19 "secretary".
- 20 7. Page 2, line 29, by striking the word "com-
 21 missioner" and inserting in lieu thereof the word
 22 "secretary".
- 23 8. Page 3, line 5, by striking the words "com-
 24 missioner. The commissioner" and inserting in lieu
 25 thereof the words "secretary. The secretary".
- 26 9. Page 3, line 6, by striking the word "com-
 27 missioner" and inserting in lieu thereof the word
 28 "secretary".
- 29 10. Page 3, line 17, by striking the word
 30 "commissioner" and inserting in lieu thereof the word
 31 "secretary".
- 32 11. Page 3, line 33, by striking the word
 33 "commissioner" and inserting in lieu thereof the word
 34 "secretary".
- 35 12. Page 3, line 34, by striking the word
 36 "commissioner" and inserting in lieu thereof the word
 37 "secretary".
- 38 13. Page 4, line 2, by striking the word "com-
 39 missioner" and inserting in lieu thereof the word
 40 "secretary".
- 41 14. Page 4, line 5, by striking the word "com-
 42 missioner" and inserting in lieu thereof the word
 43 "secretary".
- 44 15. Page 4, line 7, by striking the word "com-
 45 missioner" and inserting in lieu thereof the word
 46 "secretary".
- 47 16. Page 4, line 10, by striking the word "com-
 48 missioner" and inserting in lieu thereof the word
 49 "secretary".
- 50 17. Page 6, by striking line 29 and inserting

Page 2

- 1 in lieu thereof the following subsection:
 2 "1. 'Secretary' means the secretary of agricul-
 3 ture."
 4 18. Page 6, line 30, by striking the word "health"
 5 and inserting in lieu thereof the word "agriculture".
 6 19. Page 7, line 7, by striking the word "health
 7 or" and inserting in lieu thereof the word "agriculture

8 or”.

9 20. Page 7, line 8, by striking the word “com-
10 missioner” and inserting in lieu thereof the word
11 “secretary”.

12 21. Page 7, line 12, by striking the word “com-
13 missioner” and inserting in lieu thereof the word
14 “secretary”.

15 22. Page 7, line 22, by striking the words “com-
16 missioner. The commissioner” and inserting in lieu
17 thereof the words “secretary. The secretary”.

18 23. Page 7, line 23, by striking the word “com-
19 missioner” and inserting in lieu thereof the word
20 “secretary”.

21 24. Page 7, line 34, by striking the word “com-
22 missioner” and inserting in lieu thereof the word
23 “secretary”.

24 25. Page 8, line 15, by striking the word “com-
25 missioner” and inserting in lieu thereof the word
26 “secretary”.

27 26. Page 8, line 16, by striking the word “com-
28 missioner” and inserting in lieu thereof the word
29 “secretary”.

30 27. Page 8, line 19, by striking the word “com-
31 missioner” and inserting in lieu thereof the word
32 “secretary”.

33 28. Page 8, line 22, by striking the word “com-
34 missioner” and inserting in lieu thereof the word
35 “secretary”.

36 29. Page 8, line 23, by striking the word “com-
37 missioner” and inserting in lieu thereof the word
38 “secretary”.

39 30. Page 8, line 26, by striking the word “com-
40 missioner” and inserting in lieu thereof the word
41 “secretary”.

42 31. Page 12, by striking lines 1 through 12.

43 32. Page 12, by inserting after line 17 the

44 following section:

45 “Sec. —. Section one hundred fifty-nine point
46 six (159.6), Code 1977, is amended by adding the
47 following new subsections:

48 *NEW SUBSECTION.* Food service establishments as
49 set forth in sections one (1) through fifteen (15)
50 of this Act.

Page 3

1 *NEW SUBSECTION.* Hotels as set forth in sections

- 2 sixteen (16) through thirty-four (34) of this Act.”
3 33. Page 17, by striking line 23 and inserting
4 in lieu thereof the following subsection:
5 “2. ‘Secretary’ means the secretary of
6 agriculture.”
7 34. Page 17, line 24, by striking the word “health”
8 and inserting in lieu thereof the word “agriculture”.
9 35. Page 18, line 14, by striking the word “health
10 or” and inserting in lieu thereof the word “agriculture
11 or”.
12 36. Page 18, line 15, by striking the words
13 “commissioner of public health” and inserting in lieu
14 thereof the words “secretary of agriculture”.
15 37. Page 18, line 35, by striking the words
16 “[secretary,] *commissioner*” and inserting in lieu thereof
17 the words “secretary[,]”.
18 38. Page 19, line 14, by striking the words “[sec-
19 retary] *commissioner*” and inserting in lieu thereof
20 the word “secretary”.
21 39. Page 20, by striking line 31 and inserting
22 in lieu thereof the words “secretary. The secretary
23 or [his]”.
24 40. Page 20, line 32, by striking the word “*com-*
25 *missioner’s*” and inserting in lieu thereof the word
26 “*secretary’s*”.
27 41. Page 20, line 34, by striking the partial
28 word “*com-*”.
29 42. Page 20, line 35, by striking the partial
30 word “*missioner*” and inserting in lieu thereof the
31 word “*secretary*”.
32 43. Page 22, line 2, by striking the word
33 “*commissioner*” and inserting in lieu thereof the word
34 “*secretary*”.
35 44. Page 22, line 12, by striking the words
36 “*commissioner. The commissioner*” and inserting in
37 lieu thereof the words “*secretary. The secretary*”.
38 45. Page 22, line 13, by striking the word “*com-*
39 *missioner*” and inserting in lieu thereof the word
40 “*secretary*”.
41 46. Page 22, line 24, by striking the word “*com-*
42 *missioner*” and inserting in lieu thereof the word
43 “*secretary*”.
44 47. Page 22, line 29, by striking the word “*com-*
45 *missioner*” and inserting in lieu thereof the word
46 “*secretary*”.
47 48. Page 22, line 30, by striking the word “*com-*
48 *missioner*” and inserting in lieu thereof the word
49 “*secretary*”.

50 49. Page 22, line 33, by striking the word "com-

Page 4

- 1 missioner" and inserting in lieu thereof the word
 2 "secretary".
 3 50. Page 22, line 35, by striking the word "com-
 4 missioner" and inserting in lieu thereof the word
 5 "secretary".
 6 51. Page 23, line 2, by striking the word "com-
 7 missioner" and inserting in lieu thereof the word
 8 "secretary".
 9 52. Page 23, line 4, by striking the word "com-
 10 missioner" and inserting in lieu thereof the word
 11 "secretary".
 12 53. Page 23, line 6, by striking the word "com-
 13 missioner" and inserting in lieu thereof the word
 14 "secretary".
 15 54. Page 23, by striking lines 27 through 35.
 16 55. Page 24, by striking lines 1 through 5.
 17 56. Page 24, line 8, by striking the word "This"
 18 and inserting in lieu thereof the words "Except as
 19 otherwise specifically provided, this".
 20 57. By renumbering sections and changing internal
 21 references to conform to this amendment.

CLOYD E. ROBINSON
 IRVIN L. BERGMAN
 STEPHEN W. BIENIUS
 JAMES E. BRILES
 CLIFF BURROUGHS
 C. JOSEPH COLEMAN
 LOUIS P. CULVER
 WARREN E. CURTIS
 MERLIN D. HULSE
 C.W. HUTCHINS
 MILO MERRITT
 JOHN N. NYSTROM
 FORREST V. SCHWENGELS
 RAY TAYLOR
 DALE L. TIEDEN
 BASS VAN GILST
 ROLF V. CRAFT
 RICHARD F. DRAKE
 ALVIN V. MILLER

S-3465

- 1 Amend Senate File 365, page 13, by striking lines
 2 24 through 33 and inserting in lieu thereof the
 3 following subsections:
 4 "1. Less than ten thousand dollars, twenty dollars.
 5 2. Ten thousand dollars but less than one hundred
 6 thousand dollars, thirty dollars.
 7 3. One hundred thousand dollars but less than
 8 two hundred fifty thousand dollars, fifty dollars.
 9 4. Two hundred fifty thousand dollars but less
 10 than five hundred thousand dollars, seventy-five
 11 dollars.
 12 5. Five hundred thousand dollars but less than
 13 seven hundred fifty thousand dollars, one hundred
 14 dollars.
 15 6. Seven hundred fifty thousand dollars or more,
 16 one hundred fifty dollars."

C. JOSEPH COLEMAN

S-3466

- 1 Amend the Committee on Ways and Means amend-
 2 ment, S-3389, to House File 332, as amended, passed,
 3 and reprinted by the House, as follows:
 4 1. Page 2, line 24, by striking the words
 5 "seven and one-half", and inserting in lieu thereof
 6 the word "five".
 7 2. Page 2, by striking line 49 through page
 8 3, line 49.
 9 3. Page 4, lines 8 and 9, by striking the
 10 words "creating a task force on taxation,".

ROGER J. SHAFF

S-3467

- 1 Amend Senate File 365 as follows:
 2 1. Page 13, by inserting after line 33, the
 3 following:
 4 "The fees paid by a food establishment to the
 5 department shall be reduced by fifty per cent of the
 6 amount of any fees paid to the department by it for
 7 a food service establishment license for the same
 8 premises."

NORMAN G. RODGERS

S-3468

1 Amend Senate File 93, page 7, by striking
 2 lines 1 through 15 and inserting in lieu thereof
 3 the following:
 4 Sec. 13. *NEW SECTION.* The funds paid into the
 5 state treasury under this Act shall be appropriated
 6 by the general assembly to pay insofar as possible
 7 for the increased costs of welfare programs as de-
 8 termined by the department of social services, law
 9 enforcement agencies as determined by the department
 10 of public safety, and penal institutions as de-
 11 termined by the division of adult corrections,
 12 resulting from the pari-mutuel gambling permitted
 13 by this Act, and for such other purposes as the
 14 general assembly shall designate during the first
 15 session of the general assembly.

RAY TAYLOR

S-3469

1 Amend the Coleman and Hultman amendment, S-3434,
 2 to Senate File 365 as follows:
 3 1. Page 1, by striking line 11 and inserting in
 4 lieu thereof the following:
 5 "3. Page 23, by inserting after line 7 the
 6 following".

C. JOSEPH COLEMAN

S-3470

1 Amend Senate File 93 as follows:
 2 1. Page 3, line 19, by inserting after the word
 3 "licensee." the words "The commission shall not
 4 permit any licensee to allow horse racing with pari-
 5 mutuel wagering during the time of any fair within
 6 fifty miles of the pari-mutuel track."

IRVIN L. BERGMAN

S-3471

1 Amend the Coleman amendment S-3434 to page 23 of
 2 Senate File 365 as follows:
 3 1. Page 1, by inserting after line 12 the following
 4 sections:

5 "Sec. ____ . *NEW SECTION. DEFINITIONS.* As used
 6 in this amendment medical milk commission means a
 7 milk commission approved by the American association
 8 of medical milk commissions incorporated.

9 Sec. ____ . Section one hundred ninety-two point
 10 eleven (192.11), unnumbered paragraph one (1), Code
 11 1977, is amended to read as follows:

12 Only [grade "A"] *certified raw milk or grade "A"*
 13 pasteurized milk and milk products shall be sold to
 14 the final consumer, or to restaurants, soda fountains,
 15 grocery stores, or similar establishments; except
 16 in an emergency, the sale of pasteurized milk and
 17 milk products which have not been graded, or the grade
 18 of which is unknown, may be authorized by the
 19 secretary, in which case, such products shall be
 20 labeled "ungraded".

21 Sec. ____ . Section one hundred ninety-two point
 22 eleven (192.11), unnumbered paragraph four (4), Code
 23 1977, is amended to read as follows:

24 Each dairy farm, milk plant, receiving station,
 25 and transfer station whose milk or milk products are
 26 intended for consumption as [grade "A"] *certified raw*
 27 *milk or grade "A"* pasteurized milk and milk products
 28 shall be inspected by the secretary prior to the
 29 issuance of the permit provided for in section 192.5.
 30 However, if any municipal corporation *or medical milk*
 31 *commission* makes application to the secretary for
 32 authority to conduct such inspections, the secretary,
 33 upon finding that such municipal corporation *or medical*
 34 *milk commission* has qualified personnel to perform
 35 the same, shall enter into agreements with the
 36 municipal corporation *or medical milk commission*
 37 providing for such inspection. Inspection by either
 38 the secretary or approved municipal corporation *or*
 39 *medical milk commission* shall be acceptable for
 40 issuance of such permit by the secretary or municipal
 41 corporation *or medical milk commission*.

42 Sec. ____ . Chapter one hundred ninety-two (192),
 43 Code 1977, is amended by adding the following new
 44 section:

45 *NEW SECTION. CERTIFIED RAW MILK—STANDARDS.*

46 Certified raw milk is market milk which conforms to
 47 the rules, regulations, methods, and standards for
 48 the distribution of certified raw milk adopted by
 49 the American association of medical milk commissions
 50 as of December 31, 1976.

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- 1 1. Certified raw milk shall be bottled on the
- 2 premises where produced.
- 3 2. Certified raw milk shall be sold to the consumer
- 4 within forty-eight hours after production and labeled
- 5 to indicate the date of bottling to the consumer.”
- 6 2. By renumbering sections to conform to this
- 7 amendment.
- 8 3. By changing internal references to conform
- 9 to this amendment.

BOB RUSH

S-3472

- 1 Amend House File 57 as amended, passed and reprinted
- 2 by the House, as follows:
- 3 1. By striking all after the enacting clause and
- 4 inserting in lieu thereof the following:
- 5 “Section 1. *NEW SECTION. STATEMENT OF INTENT.*
- 6 It is the intent of this Act that there be made
- 7 available within the state correctional institutions
- 8 opportunities for employment of inmates in meaningful
- 9 jobs at wages commensurate with those paid persons
- 10 employed in similar jobs outside the correctional
- 11 institutions, with the following objectives:
- 12 1. To develop within those inmates willing to
- 13 accept and persevere in such employment:
- 14 a. Positive attitudes which will enable them to
- 15 eventually function as law-abiding, self-supporting
- 16 members of the community;
- 17 b. Good work habits that will assist them in
- 18 eventually securing and holding gainful employment
- 19 outside the correctional system; and
- 20 c. To the extent feasible, marketable skills that
- 21 can lead directly to gainful employment upon release
- 22 from a correctional institution.
- 23 2. To enable those inmates willing to accept and
- 24 persevere in such employment to:
- 25 a. Provide or assist in providing for their
- 26 dependents, thus tending to strengthen the inmates’
- 27 family ties while reducing the likelihood that inmates’
- 28 families will have to rely upon public assistance
- 29 for subsistence;
- 30 b. Make restitution, as the opportunity to do
- 31 so becomes available, to the victims of the offenses
- 32 for which the inmates were incarcerated, so as to

33 assist the inmates in accepting responsibility for
 34 the consequences of their acts;
 35 c. Make it feasible to require that such inmates
 36 pay some portion of the cost of board and maintenance
 37 in a correctional institution, in a manner similar
 38 to what would be necessary if they were employed in
 39 the community; and
 40 d. Accumulate savings so that such inmates will
 41 have funds for necessities upon their eventual return
 42 to the community.

43 Sec. 2. *NEW SECTION*. DEFINITIONS. As used in
 44 this division:
 45 1. "Industries board" means that state prison
 46 industries advisory board.
 47 2. "Iowa state industries" means prison industries
 48 that are established and maintained by the division
 49 of adult corrections, in consultation with the
 50 industries board, at or adjacent to the state's adult

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1 correctional institutions.
 2 3. "State director" means the director of the
 3 division of adult corrections of the department of
 4 social services, or that director's designee.

5 Sec. 3. *NEW SECTION*. PRISON INDUSTRIES ADVISORY
 6 BOARD.
 7 1. There is established a state prison industries
 8 advisory board, consisting of seven members selected
 9 as prescribed by this subsection.

10 a. Five members shall be appointed by the governor
 11 for terms of four years beginning July first of the
 12 year of appointment. They shall be chosen as follows:
 13 (1) Three members shall represent agriculture
 14 and the manufacturing and construction industries,
 15 respectively, with particular reference to the roles
 16 of their constituencies as potential employers of
 17 inmates and former inmates of the state's correctional
 18 institutions.
 19 (2) One member shall represent labor organizations,
 20 membership in which may be helpful to former inmates
 21 of the state's correctional institutions who seek
 22 to train for and obtain gainful employment.
 23 (3) One member shall represent agencies, groups
 24 and individuals in this state which plan and maintain
 25 programs of vocational and technical education oriented
 26 to development of marketable skills.
 27 b. One member each shall be designated by and

28 shall serve at the pleasure of the state director
29 and the state board of parole, respectively.

30 c. Upon the resignation, death or removal of any
31 member appointed under paragraph a of this subsection
32 the vacancy shall be filled by the governor for the
33 balance of the unexpired term. In making the initial
34 appointments under that paragraph, the governor shall
35 designate two appointees to serve terms of two years
36 and three to serve terms of four years from July 1,
37 1977.

38 2. Biennially, the industries board shall organize
39 by election of a chairperson and a vice chairperson,
40 as soon as reasonably possible after the new appointees
41 have been named. Other meetings shall be held at
42 the call of the chairperson or of any three members,
43 as necessary to enable the industries board to
44 discharge its duties. Board members shall be
45 reimbursed for expenses actually and necessarily
46 incurred in the discharge of their duties, and those
47 members not state employees shall also be entitled
48 to forty dollars per diem for each day they are so
49 engaged.

50 3. The state director shall provide such

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1 administrative and technical assistance as is necessary
2 to enable the industries board to discharge its duties.

3 The industries board shall be provided necessary
4 office and meeting space at the seat of government.

5 Sec. 4. *NEW SECTION. DUTIES OF INDUSTRIES BOARD.*

6 The industries board's principal duty shall be to
7 advise the state director regarding the management
8 of Iowa state industries so as to further the intent
9 stated by section one (1) of this Act.

10 Sec. 5. *NEW SECTION. DUTIES OF STATE DIRECTOR.*

11 The state director, with the advice of the industries
12 board, shall:

13 1. Conduct market studies and consult with public
14 bodies and officers who are subject to section seven
15 (7) of this Act, and with other potential purchasers,
16 for the purpose of determining items needed and design
17 features desired or required by potential purchasers
18 of Iowa state industries products.

19 2. Receive, investigate and take appropriate
20 action upon any complaints from potential purchasers
21 of Iowa state industries products regarding lack of
22 cooperation by Iowa state industries with public

23 bodies and officers who are subject to and are seeking
 24 to comply with section seven (7) of this Act, and
 25 with other potential purchasers.

26 3. Establish, transfer and close industrial
 27 operations at state correctional institutions, as
 28 deemed advisable to maximize opportunities for gainful
 29 employment of inmates and to adjust to actual or
 30 potential market demand for particular products.

31 4. Establish and from time to time adjust, as
 32 necessary, levels of pay for inmates employed by Iowa
 33 state industries.

34 5. Coordinate Iowa state industries, and other
 35 opportunities for gainful employment available to
 36 inmates of adult correctional institutions, with
 37 vocational and technical training opportunities and
 38 apprenticeship programs, to the greatest extent
 39 feasible.

40 6. Promote, plan, and when deemed advisable,
 41 assist in the location of privately owned and operated
 42 industrial enterprises on the grounds of adult
 43 correctional institutions, pursuant to section ten
 44 (10) of this Act.

45 Sec. 6. *NEW SECTION. AUTHORITY OF STATE DIRECTOR*
 46 *NOT IMPAIRED.* Nothing in this Act shall be construed
 47 to impair the authority of the state director over
 48 the adult correctional institutions of this state,
 49 nor over the inmates thereof. It is, however, the
 50 duty of the state director to obtain the advice of

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1 the industries board to further the intent stated
 2 by section one (1) of this Act.

3 Sec. 7. *NEW SECTION. PRICE LISTS TO PUBLIC*
 4 *OFFICIALS.* The state director shall cause to be
 5 prepared from time to time classified and itemized
 6 price lists of the products manufactured by Iowa state
 7 industries. Such lists shall be furnished to all
 8 boards of supervisors, boards of directors of school
 9 corporations, city councils, township trustees, and
 10 all other state, county, city and school departments
 11 and officials empowered to purchase supplies and
 12 equipment for public purposes.

13 Sec. 8. *NEW SECTION. PURCHASES MANDATORY.*

14 1. No product appearing in the price lists prepared
 15 pursuant to section seven (7) of this Act shall be
 16 purchased by any public body or officer referred to

17 in that section from any other source, except:

18 a. When the purchase is made under emergency
19 circumstances, which shall be explained in writing
20 by the public body or officer who made or authorized
21 the purchase if the state director so requests; or

22 b. When Iowa state industries is unable to furnish
23 needed articles, comparable in both quality and price
24 to those available from alternative sources, within
25 a reasonable length of time. Any disputes arising
26 between a purchasing authority and Iowa state
27 industries regarding similarity of articles or
28 comparability of quality or price shall be referred
29 to the director of the department of general services,
30 whose decision shall be subject to appeal as provided
31 in section eighteen point seven (18.7) of the Code.

32 2. The state director shall adopt and update as
33 necessary rules setting specific delivery schedules
34 for each of the products manufactured by Iowa state
35 industries. These delivery schedules shall define
36 what constitutes a reasonable length of time for
37 purposes of subsection one (1), paragraph b of this
38 section, except where a different delivery schedule
39 is specifically negotiated by Iowa state industries
40 and a particular purchaser.

41 3. Any other provision of the Code to the contrary
42 notwithstanding, bids need not be taken for the
43 purchase of products manufactured by Iowa state
44 industries.

45 4. Any public officer who willfully refuses or
46 willfully neglects to comply with this section shall
47 be punished by a fine of not more than one hundred
48 dollars for each offense.

49 Sec. 9. *NEW SECTION. INDUSTRIES REVOLVING FUND-*
50 *USES.*

Page 5

1 1. There is established in the treasury of the
2 state a permanent Iowa state industries revolving
3 fund. This revolving fund shall be created by the
4 transfer thereto of all moneys in the revolving fund
5 formerly established under section two hundred forty-
6 six point twenty-six (246.26) as that section appeared
7 in the Code of 1977 and prior editions, and shall
8 be maintained by depositing therein all receipts from
9 the sale of products manufactured by Iowa state
10 industries, and from sale of any property of Iowa

11 state industries found by the state director to be
12 obsolete or unneeded.

13 2. The Iowa state industries revolving fund shall
14 be used only for the following purposes:

15 a. Establishment, maintenance, transfer or closure
16 of industrial operations, or vocational, technical
17 and related training facilities and services for
18 inmates, at adult correctional institutions, as
19 authorized by the state director in consultation with
20 the industries board.

21 b. Payment of all costs incurred by the industries
22 board, including but not limited to per diem and
23 expenses of its members, and of salaries, support
24 and maintenance of Iowa state industries. Payments
25 from the revolving fund authorized by this subsection
26 shall be made in the same manner as payments from
27 appropriations for salaries, support and maintenance
28 of the institutions under the jurisdiction of the
29 state director.

30 3. The Iowa state industries revolving fund shall
31 not be used for the operation of farms at any adult
32 correctional institution unless such farms are operated
33 directly by Iowa state industries.

34 4. The fund established by this section shall
35 not revert to the general fund of the state at the
36 end of any annual or biennial period.

37 Sec. 10. *NEW SECTION. PRIVATE INDUSTRY ON GROUNDS*
38 *OF CORRECTIONAL INSTITUTIONS.*

39 1. Any other provision of the Code to the contrary
40 notwithstanding, the state director may, after
41 obtaining the advice of the industries board, lease
42 one or more buildings or portions thereof on the
43 grounds of any state adult correctional institution,
44 together with the real estate needed for reasonable
45 access to and egress from the leased buildings, for
46 a term not to exceed twenty years, to a private
47 corporation for the purpose of establishing and
48 operating a factory for the manufacture and processing
49 of products, or any other commercial enterprise deemed
50 by the state director to be consistent with the intent

Page 6

1 stated in section one (1) of this Act.

2 2. Each lease negotiated and concluded under
3 subsection one (1) of this section shall include,
4 and shall be valid only so long as the lessee adheres
5 to, the following provisions:

6 a. All persons employed in the factory or other
7 commercial enterprise operated in the leased property,
8 except the lessee's supervisory employees and necessary
9 training personnel approved by the industries board,
10 shall be inmates of the institution where the leased
11 property is located who are approved for such employ-
12 ment by the state director and the lessee.

13 b. The factory or other commercial enterprise
14 operated in the leased property shall observe at all
15 times such practices and procedures regarding security
16 as the lease may specify, or as the state director
17 may temporarily stipulate during periods of emergency.

18 c. The factory or other commercial enterprise
19 operated in the leased property shall be deemed a
20 private enterprise and subject to all the laws and
21 lawfully adopted rules of this state governing the
22 operation of similar business enterprises elsewhere.

23 3. Except as prohibited by applicable provisions
24 of the United States Code, inmates of adult
25 correctional institutions of this state may be employed
26 in the manufacture and processing of products for
27 introduction into interstate commerce, so long as
28 they are paid no less than the prevailing minimum
29 wages for work of a similar nature performed by
30 employees with similar skills in the locality in which
31 the work is being performed.

32 Sec. 11. *NEW SECTION. INMATE MAINTENANCE*
33 *EMPLOYEES' PAY SUPPLEMENT REVOLVING FUND.* There is
34 established in the treasury of the state a permanent
35 adult correctional institutions inmate maintenance
36 employees' pay supplement revolving fund, consisting
37 solely of money paid as board and maintenance by
38 inmates employed by Iowa state industries, or employed
39 pursuant to section ten (10) of this Act. The fund
40 established by this section shall be used only to
41 supplement the pay of inmates who perform maintenance
42 work within and about the adult correctional
43 institutions. Payments made from such fund shall
44 supplement and not replace all or any part of the
45 pay otherwise received by, and shall be equably
46 distributed among such inmates. The employment of
47 inmates to perform such maintenance functions shall,
48 to the greatest extent feasible, be in accord with
49 the intent stated in section one (1) of this Act.

50 Sec. 12. Sections two hundred forty-six point

- 1 twenty-one (246.21), two hundred forty-six point
 2 twenty-four (246.24), two hundred forty-six point
 3 twenty-six (246.26), two hundred forty-six point
 4 twenty-seven (246.27), and two hundred forty-six point
 5 twenty-eight (246.28), Code 1977, are repealed.
 6 Sec. 13. This Act is effective January 1, 1978.”
 7 2. Title, line 1, by inserting after the word
 8 “Act” the words “to revise the statutes governing
 9 Iowa state industries, to establish a state prison
 10 industries advisory board, and to authorize the
 11 director of the division of adult corrections to lease
 12 facilities on the grounds of any state adult
 13 correctional institution to a private corporation
 14 for the purpose of operating a venture employing
 15 inmates of that institution, and”.
 16 3. Title, by inserting a period at the end of
 17 line 3, and striking lines 4 and 5.

COMMITTEE ON STATE GOVERNMENT
 MINNETTE F. DODERER, Chairperson

S-3474

- 1 Amend the Committee on Human Resources amendment
 2 S-3438 to House File 354 as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 2, by striking lines 17, 18 and 19.

PHILIP B. HILL

S-3475

- 1 Amend the Committee on Human Resources amendment
 2 S-3438 to House File 354 as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 3, line 17, by striking the word “DEPART-
 5 MENT” and inserting in lieu thereof the word “COUNCIL”.
 6 2. Page 3, line 23, by striking the word “depart-
 7 ment” and inserting in lieu thereof the word “council”.
 8 3. Page 3, line 24, by striking the word “depart-
 9 ment” and inserting in lieu thereof the word “council”.
 10 4. Page 3, line 27, by striking the word “depart-
 11 ment” and inserting in lieu thereof the word “council”.
 12 5. Page 3, line 29, by striking the words “shall
 13 send its” and inserting in lieu thereof the words
 14 “the department shall send copies of the council’s”.
 15 6. Page 3, line 37, by striking the word “depart-
 16 ment’s” and inserting in lieu thereof the word

- 17 "council's".
 18 7. Page 3, line 39, by striking the word "depart-
 19 ment" and inserting in lieu thereof the word "council".
 20 8. Page 3, line 46, by striking the word "depart-
 21 ment's" and inserting in lieu thereof the word
 22 "council's".

BOB RUSH

S-3476

Division S-3476A

- 1 Amend House File 354 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 7, by inserting after line 33 the follow-
 4 ing new subparagraph:
 5 "(___) Have authority to direct staff personnel
 6 of the department assigned to conduct formal or summary
 7 reviews of applications for certificates of need."

Division S-3476B

- 8 2. Page 8, line 17, by striking the word "depart-
 9 ment." and inserting in lieu thereof the words "depart-
 10 ment, however no such fee shall be less than twenty-
 11 five dollars nor more than five hundred dollars."

Division S-3476C

- 12 3. Page 14, lines 29 and 30, by striking the words
 13 "damaged or destroyed by a disaster, and".
 14 4. Page 14, line 32, by striking the word
 15 "disaster" and inserting in lieu thereof the words
 16 "repair or replacement".

JOHN S. MURRAY

S-3477

- 1 Amend House File 354 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 24, by striking line 10 and inserting
 4 in lieu thereof the following:
 5 "Sec. 22. Sections one (1) and three (3) through
 6 twenty-one (21) of this Act shall take effect July
 7 1, 1978. The governor shall appoint the initial

8 members of the health facilities council no later
 9 then October 1, 1977, and the council and depart-
 10 ment shall then begin preparations to implement this
 11 Act on July 1, 1978."

BOB RUSH
 JOHN S. MURRAY

S—3478

1 Amend Senate Amendment S—3437 amending House File
 2 210 as amended, passed, and reprinted by the House
 3 as follows:
 4 1. Page 1, by striking line 5 through page 5,
 5 line 28 and inserting in lieu thereof the following:
 6 "Section 1. *NEW SECTION. LAND USE REPORT.*
 7 1. The department of soil conservation shall
 8 prepare a report to be submitted to the general
 9 assembly by January 1, 1979 describing the use of
 10 land in the state of Iowa and making recommendations
 11 as to the future use of land in this state.
 12 2. The report shall, to the maximum extent
 13 possible, use the information provided by the
 14 comprehensive state water plan prepared by the natural
 15 resources council, the plans and soil surveys prepared
 16 by the department of soil conservation and the soil
 17 conservation districts, and the geological survey
 18 prepared by the state geologist.
 19 3. The report shall describe by quantity and
 20 category the uses of land in this state at the present,
 21 five years ago, and ten years ago. The report shall
 22 describe the transitions in the use of land to
 23 different uses over the period covered in the report
 24 by quantity and category.
 25 4. The report shall also identify those transitions
 26 in land use which the department considers a misuse
 27 of the land of this state and describe the reasons
 28 for those determinations. The report shall make
 29 recommendations as to statutory changes needed to
 30 prevent further misuse of the land of the state.
 31 5. All state agencies and political subdivisions
 32 shall, to the extent their resources allow, assist
 33 and cooperate with the department of soil conservation
 34 in providing information for this report."
 35 2. Page 5, by striking lines 31 and 32 and
 36 inserting in lieu thereof the following: "Act to
 37 provide for a report on the use of land in the state

38 with recommendations as to the future land use in
 39 the state.”

CALVIN O. HULTMAN

S-3479

1 Amend the Committee on Natural Resources
 2 amendment S-3437 to House File 210 as amended,
 3 passed and reprinted by the House as follows:

4 1. Page 4, by striking lines 14 through 25
 5 and inserting in lieu thereof the following:

6 “1. There is created within the soil conser-
 7 vation department a temporary state land use pol-
 8 icy commission consisting of thirteen voting mem-
 9 bers appointed by the governor with the consent of
 10 two-thirds of the members of the Senate and four-
 11 teen ex officio, non-voting members. No more
 12 than eight members shall be of the same political
 13 affiliation. In the case of a vacancy, such
 14 vacancy shall be filled by appointment of the
 15 governor with the consent of two-thirds of the
 16 members of the Senate.

17 2. The thirteen voting members of the comm-
 18 ission shall be selected and appointed subject to
 19 the following qualifications:

20 a. Six members shall be persons engaged in
 21 actual farming operations with each being a res-
 22 ident of a different soil conservancy district
 23 established in section four hundred sixty-seven
 24 D point three (467D.3) of the Code and none
 25 being a resident of the same county.

26 b. One member shall be selected from the state
 27 at large to be representative of the mining in-
 28 dustry.

29 c. One member shall be selected from the
 30 state at large to be representative of a city
 31 with a population of over sixty thousand.

32 d. One member shall be a representative of
 33 a city with a population of over twenty-five
 34 thousand.

35 e. One member shall be a representative of
 36 a city with a population of at least ten thous-
 37 and but not over twenty-five thousand.

38 f. One member shall be a representative of
 39 a city with a population of under ten thousand.

40 g. Two members shall represent a broad cross

41 section of the public interest.

42 However, of the members of the state commis-
43 sion the eight members selected and appointed to meet
44 the qualifications of paragraphs a, b, and c of
45 this subsection shall be the members of the state
46 soil conservation committee on the effective date
47 of this Act. The voting members of the state
48 commission shall not be elected or appointed
49 officers or employees of the federal or state
50

Page 2

1 government.

2 3. The fourteen ex officio, nonvoting
3 members of the state commission are the secre-
4 tary of agriculture, the director of the state
5 agricultural extension service, the director of
6 the state conservation commission, the director of
7 the Iowa natural resources council, the exe-
8 cutive director of the office for planning and
9 programming, the state geologist, the director
10 of the Iowa development commission, the director
11 of the department of transportation, the chairman
12 of the city development board, the chairman of
13 the Iowa state commerce commission, the director
14 of the energy policy council, or their respective
15 designees, a member of a county commission app-
16 ointed by the league of Iowa municipalities, and
17 a member of the county commission appointed by
18 the Iowa state association of counties. The two
19 members appointed by the league of Iowa municipal-
20 ities and the Iowa state association of counties
21 shall serve terms as determined by their respective
22 appointing authorities.

23 4. The state commission shall organize no
24 later than one year from the effective date of
25 this Act by the election of a chairman and vice
26 chairman from among its voting members. Meetings
27 may be called by the chairman at any time and shall
28 be called by the chairman on the written request
29 of a majority of the voting members. A majority
30 of the voting members shall constitute a quorum
31 and the concurrence of a quorum of the voting mem-
32 bers shall be required to determine any matter re-
33 lating to its official duties.

34 Each member of the state commission, not

35 otherwise in the full-time employment of a public
 36 agency, is entitled to receive the sum of forty
 37 dollars for each day that he is engaged in the
 38 discharge of his official duties. Each member is
 39 also entitled to receive reimbursement for travel
 40 and other necessary expenses incurred in the per-
 41 formance of his official duties.”
 42 2. Renumber other sections as necessary.

ROGER J. SHAFF

S-3480

1 Amend Amendment 3437 to House File 210 as
 2 amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 2, by striking line 36, and insert-
 5 in lieu thereof the following:
 6 “commissioners: however, if a county’s
 7 population exceeds fifty thousand and a city
 8 contains more than one-half of the total popul-
 9 ation of a county, that city shall not partici-
 10 pate in the convention of mayors and councilmen
 11 and the county commission shall consist of three
 12 members engaged in actual farming operations
 13 appointed by the county extension council, three
 14 members appointed by and from the soil conser-
 15 vation district commissioners, three members
 16 appointed by and from the mayor and councilmen
 17 of that city, and three members appointed by and
 18 from the mayors and councilmen of cities other
 19 than that city. The temporary county land pre-
 20 servation”

ROGER J. SHAFF

S-3481

1 Amend House File 354 as amended passed and
 2 reprinted by the House as follows:
 3 1. Page 17, line 2, by inserting after the word
 4 “issuance” the words “; however, a council may grant
 5 a certificate of need for a longer period of time if
 6 the council determines that the project for which the
 7 certificate is issued cannot be completed within one
 8 year from the date of issuance”.

PHILIP B. HILL

S-3482

- 1 Amend House File 267, as passed by the House, as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "Code" the words "except a supervised financial
 5 institution organized under and holding an
 6 authorization certificate issued pursuant to chapter
 7 five hundred thirty-three (533) of the Code".

COMMITTEE ON COUNTY GOVERNMENT
 JAMES M. REDMOND, Chairperson

S-3483

- 1 Amend Senate File 93, page 7, line 4, by inserting
 2 after the word "deducted," the words "and after two hundred
 3 thousand (\$200,000) dollars annually has been deducted
 4 for teaching and research on horses at the College of
 5 Veterinary Medicine at Iowa State University,"

JOHN S. MURRAY

S-3484

- 1 Amend Senate amendment S-3437 to House File 210
 2 as amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 5, by inserting after line 3 the
 5 following:
 6 "_____. The temporary state land preservation
 7 commission shall, prior to making its recommenda-
 8 tions to the general assembly:
 9 a. Provide the citizens with information re-
 10 garding the extent of land use planning and regu-
 11 lation by this state, other states, and the federal
 12 government and other information important to stimu-
 13 late public interest in land preservation policy
 14 determination.
 15 b. Hold public hearings inviting citizen
 16 participation."
 17 2. By renumbering the subsections to conform
 18 with this amendment.

RAY TAYLOR

S-3485

1 Amend Senate File 118 as follows:

2 1. Page 1, line 13, by inserting after the word
3 "biennial." the following: "*The multiflora rose (rosa*
4 *multiflora) shall not be considered a secondary noxious*
5 *weed when cultivated for or used as understock for*
6 *cultivated roses or as ornamental shrubs in gardens.*"

DAVID M. READINGER
FORREST V. SCHWENGELS

S-3486

1 Amend Senate File 353 as follows:

2 1. Page 1, line 13, by inserting after the word
3 "each" the word "motor".

4 2. Page 1, by striking lines 16 and 17 and insert-
5 ing in lieu thereof the following: "*technique which*
6 *considers acquisition price, operating costs including*
7 *fuel efficiency, resale value and other costs of*
8 *ownership*".

9 3. Page 1, line 20, by striking the word "*Vehicles*"
10 and inserting in lieu thereof the words "*Motor*
11 *vehicles*".

12 4. Page 1, lines 21 and 22, by striking the words
13 "[type and make of motor vehicle designated] *vehicle*"
14 and inserting in lieu thereof the words "type and
15 make of motor vehicle designated".

16 5. Page 1, line 26, by inserting after the word
17 "purchase" the word "motor".

18 6. Page 1, line 28, by inserting after the word
19 "each" the word "motor".

20 7. Page 1, line 30, by inserting after the words
21 "purchase the" the words "type and make of motor".

22 8. Page 1, line 31, by inserting after the word
23 "department" the words "*and those state agencies*
24 *which purchase motor vehicles for their own use as*
25 *permitted by law*".

26 9. Page 1, line 35, by striking the words "*For*
27 *the purchase*".

28 10. Page 2, by striking lines 1 through 11 and
29 inserting in lieu thereof the following:

30 "d. The provisions of this subsection relating
31 to the preparation of life cycle cost analysis shall
32 not apply to motor vehicles purchased for use by the
33 department of public defense.

34 Sec. ____ . This Act is effective January 1, 1978."

35 11. By numbering sections to conform with this
36 amendment.

JOHN R. SCOTT
RICHARD F. DRAKE

S-3487

1 Amend Senate File 93 as follows:

Division S-3487A

2 1. Page 2, line 4, by striking the words "serve
3 without compensation" and inserting in lieu thereof
4 the words "receive per diem of forty dollars a day".
5 2. Page 2, line 5, by striking the word "but"
6 and inserting in lieu thereof the word "and".

Division S-3487B

7 3. Page 10, line 1, by striking the word "running"
8 and inserting in lieu thereof the word "horse".

GEORGE R. KINLEY

S-3488

1 Amend Senate File 93 as follows:

2 1. Page 5, by striking lines 9, 10 and 11 and
3 inserting in lieu thereof the words "a pari-mutuel
4 wager shall be guilty of a simple misdemeanor."
5 2. Page 9, by striking lines 1, 2 and 3 and
6 inserting in lieu thereof the words "commission, shall
7 be guilty of an aggravated misdemeanor."
8 3. Page 9, line 31, by striking the words "fined
9 not more than five thousand dollars or be im-" and
10 inserting in lieu thereof the words "guilty of an
11 aggravated misdemeanor."
12 4. Page 9, by striking lines 32 and 33.
13 5. Page 10, line 22, by striking the figure
14 "726.12" and inserting in lieu thereof the words
15 and figures "[726.12] ninety-nine B point twelve (99B.12)
16 of the Code".

GEORGE R. KINLEY

S-3489

- 1 Amend the Rush amendment S-3456 to Senate File 365
- 2 as follows:
- 3 1. Page 1, line 12, by striking the words "less
- 4 frequently than once a week" and inserting in lieu
- 5 thereof the words "not more often than 10 times per
- 6 month".

LUCAS J. DE KOSTER
JAMES E. BRILES

S-3490

- 1 Amend Senate File 365 as follows:
- 2 1. Page 2, line 12, by striking the word "fourteen"
- 3 and inserting in lieu thereof the word "five."

C.W. HUTCHINS

S-3492

- 1 Amend the Rodgers-Kelly amendment, S-3458, to
- 2 Senate File 75 as follows:
- 3 1. Page 24 by striking lines 31 and 32 and
- 4 inserting in lieu thereof the following:
- 5 "sell at retail; *nor shall he or she directly*
- 6 *or indirectly extend any credit for wine for more*
- 7 *than thirty days from the date of delivery; nor*
- 8 *shall he or she directly or indirectly extend any*
- 9 *credit for alcoholic [beverages] liquor or beer,".*

NORMAN G. RODGERS

S-3493

- 1 Amend Senate File 275 as follows:
- 2 1. Page 2, line 4, by striking the word "granish-
- 3 ment" and inserting in lieu thereof the word "gar-
- 4 nishment".
- 5 2. Page 2, line 10, by inserting after the word
- 6 "court" the words "or pursuant to the Iowa rules of
- 7 civil procedure".
- 8 3. Page 2, line 35, by striking the words "he
- 9 or she" and inserting in lieu thereof the words "the
- 10 claimant".
- 11 4. Page 3, line 8, by striking the words "he or
- 12 she" and inserting in lieu thereof the words "the

13 claimant”.

COMMITTEE ON JUDICIARY
GENE W. GLENN, Chairperson

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 464

S-3494

- 1 Amend Senate amendment H-3589 to House File 464,
2 as follows:
- 3 1. Page 1, by inserting after line 16 the follow-
4 ing:
5 “The provisions of subsection nine (9) of section
6 nineteen A point nine (19A.9) of the Code which
7 restricts employment of intermittent employees to
8 not more than a specified number of calendar days
9 in any twelve-month period without examination, shall
10 not apply during the period beginning on July 1, 1977
11 and ending June 30, 1978 for forty intermittent
12 employees who are employed in field offices by the
13 department of social services. It is the intent of
14 the general assembly to authorize the continued
15 employment during the 1977-1978 fiscal year of persons
16 employed to assist in meeting the current high demand
17 for income maintenance and related services and to
18 permit the department to avoid the cost of training
19 new employees. Any such employee of the department
20 of social services who has been employed and classified
21 as an intermittent employee after August 1, 1975 for
22 twelve consecutive months or more shall be eligible
23 to receive the same fringe benefits for fiscal year
24 1977-1978 as any other person employed under the
25 provisions of chapter nineteen A (19A) of the Code.”
- 26 2. Page 1, line 19, by striking the figure
27 “4,375,000” and inserting in lieu thereof the figure
28 “4,389,000”.
- 29 3. Page 1, by inserting after line 19 the follow-
30 ing:
31 “Included in this appropriation for state
32 administration is twenty-five thousand (25,000) dollars
33 for one additional prosecutor for the fraud unit.”
- 34 4. Page 1, by striking lines 22 and 23 and insert-
35 ing the following:
36 “For development and implementa-
37 tion of medicaid management in-

38 formation system \$140,000"

39 5. Page 1, by inserting after line 42 the follow-
40 ing:

41 "The department shall consult with the advisory
42 commission on corrections and prepare and submit to
43 the house and senate budget subcommittees on social
44 services recommendations concerning the three juvenile
45 institutions at Eldora, Mitchellville and Toledo with
46 a long term recommendation on the care and treatment
47 of juveniles at not more than two institutions. These
48 recommendations shall be submitted on or before
49 December 15, 1977. Members of the budget subcommittees
50 on social services shall visit the three institutions

Page 2

1 during the 1977 interim."

2 6. Page 2, line 23, by striking the figure
3 "6,401,582" and inserting in lieu thereof the figure
4 "6,500,000".

5 7. Page 2, line 31, by striking the figure
6 "725,000" and inserting in lieu thereof the figure
7 "735,000".

8 8. Page 2, line 33, by striking the figure
9 "2,275,000" and inserting in lieu thereof the figure
10 "2,290,000".

11 9. Page 2, line 37, by striking the figure
12 "1,500,000" and inserting in lieu thereof the figure
13 "1,524,000".

14 10. Page 3, line 33, by striking the words "this
15 section" and inserting in lieu thereof the words
16 "section six (6) of this Act".

17 11. Page 4, line 36, by striking the figure
18 "420,000" and inserting in lieu thereof the figure
19 "480,000".

20 12. Page 4, by striking line 45 and inserting
21 in lieu thereof the following:
22 "centers for nonprofit centers only \$250,000

23 Real property shall not be purchased with funds
24 appropriated by this subsection.

25 16. State supplementation to
26 Title XX \$750,000

27 The funds appropriated by this subsection shall
28 be used only for purchase of services to continue
29 current programs.

30 17. Notwithstanding the provisions of section
31 eight point thirty-three (8.33) of the Code,

32 unencumbered or unobligated funds appropriated by
33 Acts of the Sixty-sixth General Assembly, 1976 Session,
34 chapter one thousand one hundred thirty-two (1132),
35 section five (5), subsection two (2), remaining on
36 June 30, 1977 shall be available for expenditure
37 during the fiscal year beginning July 1, 1977 and
38 the unencumbered or unobligated funds remaining on
39 June 30, 1978 shall revert to the general fund on
40 September 30, 1978."

41 13. Page 5, by striking lines 8 through 14.

42 14. Page 5, line 40, by inserting after the period
43 the words "However, the physical structure and fixtures
44 of the riverview release center shall not be altered
45 except for normal repair and maintenance until such
46 time as the general assembly shall otherwise provide."

47 15. Page 5, line 46, by striking the word "under"
48 and inserting in lieu thereof the word "through".

49 16. Page 6, by inserting after line 9 the follow-
50 ing:

Page 3

1 "Sec. 16. It is the intent that the department
2 of social services shall increase the maximum
3 reimbursement for intermediate care facility services
4 under medicaid from nineteen dollars to nineteen
5 dollars and fifty cents and that the department shall
6 increase the fee paid to pharmacists under medicaid
7 from two dollars and fifteen cents to two dollars
8 and fifty-five cents.

9 Sec. 17. It is the intent of the general assembly
10 that the department of social services, by July 1,
11 1977, shall review every state staffing requirement
12 contained in the conditions of participation for
13 intermediate care facilities participating in the
14 medicaid program that exceeds federal government re-
15 quirements and that any such conditions of
16 participation be submitted to the administrative rules
17 review committee.

18 Sec. 18. The department of health shall delay
19 implementation of the department of health licensure
20 rules for intermediate care facilities as published
21 in the Iowa Administrative Code 'Health (470) chapter
22 58'. The department, upon consultation with the
23 health facilities advisory committee, shall review
24 these rules which exceed the federal Title XIX
25 guidelines for intermediate care facilities. All

26 such modified rules approved by the department of
27 health shall be resubmitted to the administrative
28 rules review committee. The department of health
29 may promulgate rules in areas not addressed by federal
30 regulations.

31 Sec. 19. It is the intent that the department
32 of social services shall resist the implementation
33 of the federal government spouse income regulation
34 which would allow spouse income under certain
35 circumstances to be excluded from the determination
36 of income for intermediate care facility medicaid
37 eligibility purposes.

38 Sec. 20. It is the intent of the general assembly
39 that funds appropriated for medical assistance shall
40 not be used to pay for radiology services provided
41 by a computerized axial tomographic scanner placed
42 in operation in the state of Iowa subsequent to the
43 effective date of this Act unless said computerized
44 axial tomographic scanner has been approved by the
45 health facilities construction review committee of
46 the state department of health.

47 Sec. 21. Section two hundred twenty-two point
48 eighty-six (222.86), Code 1977, is amended to read
49 as follows:

50 222.86 PAYMENT FOR CARE FROM FUND. Whenever the

Page 4

1 amount in the account of any patient in the patients'
2 personal deposit fund exceeds the sum of two hundred
3 dollars, the business manager of the hospital-school
4 or special unit may apply any amount of the excess
5 to reimburse the county of legal settlement for
6 liability incurred by such county for the payment
7 of care, support, and maintenance of the patient when
8 billed therefor by the county of legal settlement.
9 [Money earned by a patient for work performed in or
10 for a hospital-school or special unit shall not be
11 subject to this section or to attachment.]

12 Sec. 22.

13 1. The department of social services shall
14 implement a pilot program in community services
15 districts ten and two requiring mandatory second
16 opinions on elective surgery for medicaid clients.
17 The department shall reimburse board certified surgical
18 specialists to give their opinion on elective surgery
19 prescribed by the client's own physician. If there
20 is a difference in the opinion of the two physicians,

21 the client shall make the final determination. In
22 cases where the client is geographically distant from
23 the specialist, the department shall pay transportation
24 and child care expenses incurred in obtaining the
25 second opinion. The department shall maintain
26 statistical information on this program in community
27 service districts ten and two and on similar groups
28 in community service districts eight and eleven in
29 order to evaluate the impact of this program on the
30 costs of the medicaid program.

31 2. There is appropriated from the general fund
32 of the state to the department of social services
33 for the fiscal year beginning July 1, 1977 the sum
34 of fifty thousand (50,000) dollars, or so much thereof
35 as may be necessary, for the administration of the
36 pilot program mandated by this section, and for the
37 payment of evaluation costs, consultant fees and
38 client expenses incurred in connection therewith."

39 17. Page 6, by striking lines 23 through 26 and
40 inserting in lieu thereof the words "schools revolving
41 fund. Unobligated or unencumbered funds appropriated
42 by this section shall not revert to the general fund
43 of the state until the attainment of the object or
44 the completion of the work for which such appropriation
45 is made."

46 18. Page 6, by striking lines 45, 46 and 47 and
47 inserting the following: "advisory commission on
48 corrections relief submitted to the general assembly
49 subsequent to April 1, 1977. Funds appropriated by
50 this subsection may be used to match federal funds

Page 5

1 including federal funds received from the law
2 enforcement assistance administration if such funds
3 become available to the state. The construction of
4 the capital improvements shall not commence prior
5 to March 1, 1978 except as provided in section thirty
6 (30) of this Act."

7 19. Page 7, by striking lines 49 through 50.

8 20. Page 8, by striking lines 1 through 17 and
9 inserting in lieu thereof the following:

10 "Sec. 30. Unobligated or unencumbered funds
11 remaining on June 30, 1981 from funds appropriated
12 by sections twenty-five (25) through twenty-eight
13 (28) of this Act shall revert to the general fund
14 of the state on September 30, 1981. If federal funds

15 do not become available to match the funds appropriated
 16 by subsection one (1) of section twenty-eight (28)
 17 of this Act, the funds, except seventy-five thousand
 18 dollars, shall be used for planning the projects
 19 provided for in this Act including the employment
 20 of architects. In no event shall such funds, except
 21 the seventy-five thousand dollars provided for in
 22 this section, be used for construction or alteration
 23 of physical structures prior to March 1, 1978. The
 24 seventy-five thousand dollars excepted from the
 25 planning shall be used to complete the work in
 26 progress, make further necessary repairs, and install
 27 a horizontal partition in cellhouse twenty at Fort
 28 Madison as provided in subsection one (1) of section
 29 twenty-nine (29) of this Act."

30 21. Page 8, by inserting after line 17 the follow-
 31 ing new sections:

32 "Sec. 31. Section two hundred forty-six point
 33 one (246.1), Code 1977, is amended to read as follows:

34 246.1 DEFINITIONS. For the purpose of this chapter
 35 'director' or 'state director' shall mean the director
 36 of the division of *adult* corrections of the department
 37 of social services, or *that director's designee*.

38 'Sec. 32. Chapter two hundred forty-six (246),
 39 Code 1977, is amended by adding the following new
 40 section:

41 **NEW SECTION. SPECIAL TREATMENT UNIT FOR CORREC-**
 42 **TIONS INMATES.**

43 1. Beginning April 1, 1978, the medium security
 44 correctional facility at Mount Pleasant shall be util-
 45 ized as a secure facility for treatment of inmates
 46 of adult correctional institutions who exhibit
 47 treatable personality disorders, with or without
 48 accompanying history of drug or alcohol abuse. Such
 49 inmates may apply for and upon their application may
 50 be selected for treatment by the staff of the treatment

Page 6

1 facility at Mount Pleasant in accordance with section
 2 two hundred eighteen point ninety (218.90) of the
 3 Code.

4 2. The director shall coordinate with the division
 5 of mental health of the department of social services
 6 and the state psychiatric hospital at Iowa City in
 7 the creation, staffing and operation of a research
 8 and treatment program directed at the class of

9 disorders described in subsection one (1) of this
10 section, which program shall be operated at the medium
11 security correctional facility at Mount Pleasant.

12 3. The final decision regarding admission and
13 discharge of patients of the treatment facility
14 operated under this section shall rest with the
15 director. Upon discharge, the patients of the
16 treatment facility shall be transferred or placed
17 as determined by the director.

18 Sec. 33. Section two hundred twenty-three point
19 eight (223.8), Code 1977, is amended by striking the
20 section and inserting in lieu thereof the following:

21 223.8 COSTS AND CHARGES. Chapter two hundred
22 thirty (230), Code 1977, shall govern the determination
23 of costs and charges for the care and treatment of
24 mentally ill patients admitted to the Iowa security
25 medical facility, except that charges for the care
26 and treatment of any person transferred to the security
27 medical facility from an adult correctional institution
28 or from a state training school shall be paid entirely
29 from state funds. Charges for all other patients
30 at the security medical facility shall be billed to
31 the respective counties at the same ratio as for
32 patients at state hospitals for the mentally ill,
33 under section two hundred thirty point twenty (230.20)
34 of the Code.

35 Sec. 34. The department of social services shall
36 report to the budget social services subcommittees
37 of the committees on budget of the house and senate
38 by February 1, 1978 the cost and description of the
39 construction necessary to make building twenty at
40 Mount Pleasant mental health institute an internally
41 secure structure, including but not limited to
42 providing escape-proof doors and windows, air
43 conditioning, and electronic surveillance and security
44 equipment which will exceed the standards in the
45 existing plans.

46 Sec. 35. There is hereby appropriated from the
47 general fund of the state to the legislative council
48 the sum of twenty thousand (20,000) dollars, or so
49 much thereof as may be necessary, which shall be used
50 by the joint senate-house budget subcommittees on

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1 social services to conduct a study of the requirements
2 for and restrictions upon use of federal funds

3 allocated to Iowa under Title twenty (XX) of the
4 United States social security Act, the manner in which
5 the state and persons representing political
6 subdivisions of the state and other local interests
7 and organizations have planned for and acted in use
8 of these funds, the effect upon these efforts and
9 subsequent decisions by the department of social
10 services affecting the allocation and use of Title
11 twenty (XX) funds, the effect of any joint funding
12 of programs with both money appropriated by or
13 allocated to the state for the medical assistance
14 program maintained pursuant to Title nineteen (XIX)
15 of the United States social security Act and Title
16 twenty (XX) money and the necessity for the district
17 offices of the department of social services. The
18 subcommittees shall make the necessary arrangements
19 for the conduct and supervision of the study, including
20 the hiring of any necessary staff, and for formulation
21 of recommendations based upon the findings of the
22 study. The report of the study and the recommendations
23 based thereon shall be submitted to the Sixty-seventh
24 General Assembly on or before the date it convenes
25 for its regular session in the year 1978. The
26 secretary of the senate and the chief clerk of the
27 house, in consultation with the legislative council,
28 shall provide administrative services for the
29 administration of funds appropriated by this section.”

30 22. Page 9, by striking lines 33 and 34 and inserting
31 in lieu thereof the following:

32 “2. Title page, lines 1 and 2, by striking the
33 words “making an appropriation to the department of
34 social services to fund’ and inserting in lieu thereof
35 the words ‘relating to the administration and financing
36 of’.

37 3. Title page, line 3, by inserting after the
38 word ‘services’ the words ‘and to funding of capital’.”

39 23. By renumbering sections of and correcting
40 internal references in the amendment in accordance
41 with the foregoing amendments.

S—3495

1 Amend Senate amendment S—3458 to Senate File 75
2 as follows:

3 1. Page 6, line 42 by striking the word “sixty”
4 and inserting in lieu thereof the words “seventy-five”.

EUGENE M. HILL
ROGER J. SHAFF

S-3497

- 1 Amend the Rodgers-Kelly amendment, S-3458, to
 2 Senate File 75 as follows:
 3 1. Page 10, by inserting after line 32 the
 4 following:
 5 "Sec. ____ . Section one hundred twenty-three
 6 point three (123.3), subsection thirty-three (33),
 7 Code 1977, is amended to read as follows:
 8 33. "Legal age" means [eighteen] *nineteen* years
 9 of age or more."
 10 2. Page 37, by inserting after line 36 the
 11 following:
 12 "Sec. ____ . The provisions of this Act shall
 13 not apply to persons who were born on or before
 14 June 30, 1959."

RAY TAYLOR

S-3498

Division S-3498A

- 1 Amend the Rodgers-Kelly amendment, S-3458, to
 2 Senate File 75 as follows:
 3 1. Page 1, lines 17 and 18, by striking the words
 4 "or class 'C' permits" and inserting in lieu thereof
 5 the words "class 'C', or class 'D' permits".
 6 2. Page 1, by striking lines 25 through 31 and
 7 inserting in lieu thereof the following: "only.
 8 A class 'B' permit shall allow the holder to sell
 9 wine at retail for consumption on or off the premises.
 10 A class 'C' permit shall allow the holder to sell
 11 wine at retail for consumption off the premises and
 12 may be issued only to a grocery store. A class 'D'
 13 permit shall allow the holder to sell wine at retail
 14 for consumption off the premises. The holder of a
 15 class 'D' permit shall be a wine store as defined in
 16 this Act."
 17 3. Page 1, line 33, by striking the words "and.
 18 'C' wine" and inserting in lieu thereof the words
 19 ", 'C' and 'D' wine".

Division S-3498B

- 20 4. Page 3, line 4, by striking the words "one
 21 thousand" and inserting in lieu thereof the words
 22 "five hundred".

Division S—3498A (cont'd.)

23 5. Page 3, by striking lines 14 through 17 and
 24 inserting in lieu thereof the following:
 25 "4. States that the premises for which the permit
 26 is sought is and will continue to be equipped with
 27 sufficient tables and seats to accommodate twenty-
 28 five persons at one time, and in areas where such
 29 business is permitted by any valid zoning ordinance
 30 or will be so permitted on the effective date of the
 31 permit."

32 6. Page 3, by inserting after line 50 the follow-
 33 ing:

34 "Sec. ____ *NEW SECTION. CLASS 'D' APPLICATION.*
 35 Except as otherwise provided in this chapter, a class
 36 'D' permit shall be issued to any person who complies
 37 with all of the following:

38 1. Submits a written application for a permit
 39 which application shall state under oath all of the
 40 following information:

41 a. The name and place of residence of the appli-
 42 cant, and the length of time the applicant has lived
 43 at such place of residence.

44 b. That the applicant is a citizen of the state
 45 of Iowa.

46 c. The place of birth of the applicant, and if
 47 the applicant is a naturalized citizen, the time and
 48 place of naturalization.

49 d. The location of the place or building where
 50 the applicant intends to operate.

Page 2

Division S—3498A (cont'd.)

1 e. The name of the owner of the building and if
 2 that owner is not the applicant, that the applicant
 3 is the actual lessee of the premises.

4 2. Establishes all of the following facts:

5 a. That the applicant is a person of good moral
 6 character as provided in subsection eleven (11) of
 7 section one hundred twenty-three point three (123.3)
 8 of the Code.

9 b. That the place or building where the applicant
 10 intends to operate conforms to all laws, health and
 11 fire regulations applicable thereto, and is a safe
 12 and proper place or building.

13 3. Submits a bond in the sum of one thousand

14 dollars, and in the form prescribed and furnished
 15 by the department with good and sufficient sureties
 16 to be approved by the department, which is conditioned
 17 upon compliance with the provisions of this chapter.
 18 The bond shall be further conditioned to the effect
 19 that the permittee and each surety, as a part of the
 20 permit granted, shall consent to forfeiture of the
 21 principal sum of the bond in the event of suspension
 22 or revocation of the permit pursuant to this chapter.

23 4. Declares that the principal business of the
 24 establishment for which the applicant is making
 25 application for a class 'D' permit consists of the
 26 sale of wine for consumption off the premises."

27 7. Page 4, line 7, by inserting after the words
 28 "class 'C' " the words "or class 'D' ".

29 8. Page 4, by striking lines 22 and 23 and insert-
 30 ing in lieu thereof the following: "wine in its
 31 container or by the individual drink for consumption
 32 on the premises only, and may sell wine at retail
 33 in its original container for consumption off the
 34 premises."

35 9. Page 4, by inserting after line 34 the follow-
 36 ing:

37 "Sec. ____ . *NEW SECTION. AUTHORITY UNDER CLASS*
 38 *'D' PERMIT.*

39 1. A person holding a class 'D' permit may sell
 40 wine at retail for consumption off the premises.
 41 Wine shall be sold in original containers only.

42 2. A class 'D' permittee having more than one
 43 place of business where wine is sold shall be required
 44 to obtain a separate permit for each place of
 45 business."

46 10. Page 5, line 3, by striking the word "five"
 47 and inserting in lieu thereof the word "three".

48 11. Page 5, by inserting after line 27 the follow-
 49 ing:

50 "5. The annual permit fee for a class 'D' permit

Page 3

Division S—3498A (cont'd.)

1 shall be five hundred dollars."

2 12. Page 6, line 28, by striking the words "or
 3 class 'C' " and inserting in lieu thereof the words
 4 " , class 'C' or class 'D' ".

5 13. Page 8, line 11, by inserting before the word

- 6 "permit" the words "or class 'D' ".
 7 14. Page 10, line 24, by inserting after the word
 8 "*consumption*" the words "*on or*".
 9 15. Page 10, line 37, by inserting before the
 10 word "*wine*" the words "or class 'D' ".
 11 16. Page 10, line 42, by striking the letter " 'C' "
 12 and inserting in lieu thereof the letter " 'D' ".
 13 17. Page 18, lines 2, 3 and 4, by striking the
 14 words "*retail wine permit as provided in sections*
 15 *seven (7) and eight (8) of this Act,*" and inserting
 16 in lieu thereof the words "*class 'B', class 'C', or*
 17 *class 'D' retail wine permit,*".
 18 18. Page 20, line 25, by inserting after the word
 19 "license" the words "*or class 'B' wine permit*".
 20 19. Page 20, line 33, by inserting after the word
 21 "license" the words "*or permit*".
 22 20. Page 20, line 37, by inserting after the word
 23 "license" the words "*or permit*".
 24 21. Page 20, line 42, by inserting after the word
 25 "permits" the words "*and wine permits*".
 26 22. Page 26, line 18, by inserting after the word
 27 "license" the words "*or class 'B' wine permit*".
 28 12. Page 37, line 17, by inserting after the word
 29 "*wine*" the words "*unless sold under the authority*
 30 *of a class 'B' wine permit*".

NORMAN G. RODGERS
 E. KEVIN KELLY

S-3500

- 1 Amend the Rodgers-Kelly amendment, S-3458, to
 2 Senate File 75 as follows:

Division S-3500A

- 3 1. Page 6, by inserting after line 34 the
 4 following:
 5 "Sec. ____ . *NEW SECTION. COMPETITION PRESERVED.*
 6 It shall be unlawful for any holder of a certificate
 7 of compliance or an agent, or any class 'A' wine
 8 permittee or an agent to attempt to establish, or
 9 to establish, maintain, or use a monopoly of trade
 10 or commerce in this state, or to fix or maintain
 11 prices in this state, for the purpose of excluding
 12 competition by the department of beer and liquor
 13 control in the sale of wine. Notwithstanding any
 14 other penalties provided by this chapter, any person

15 who violates this section shall be subject to a fine
 16 not to exceed one thousand dollars, or be subject
 17 to suspension of the certificate or permit for a
 18 period not to exceed sixty days, or be subject to
 19 both such fine and suspension. Sections five hundred
 20 fifty-three point seven (553.7) through five hundred
 21 fifty-three point twelve (553.12) of the Code shall
 22 apply to conduct prohibited by this section.”

Division S—3500B

23 2. Page 8, line 12, by inserting after the word
 24 “purchased” the words “from the beer and liquor control
 25 department, or”.

26 3. Page 12, line 19, by inserting after the word
 27 “department” the words “*to liquor control licensees,*
 28 *wine permittees and other persons*”.

29 4. By renumbering sections of the bill and cor-
 30 recting internal references as necessary.

**RICHARD F. DRAKE
 WARREN E. CURTIS**

S—3501

1 Amend Senate File 93 as follows:

2 1. Page 1, line 23 by inserting after the
 3 period the following: “The Governor may remove
 4 any board member for cause but not until the
 5 member has first been presented with a copy of the
 6 charges against him and has been given an opportunity
 7 to be heard.”

CLOYD E. ROBINSON

S—3502

1 Amend Senate File 93 as follows:

2 1. Page 7, by inserting after line 33 the
 3 following:
 4 “The commission shall provide daily inspection
 5 of pari-mutuel wagering equipment and machines to
 6 ascertain that they have not been tampered with and
 7 are functioning properly. The inspection shall be
 8 made by a qualified employee of the commission.”

CLOYD E. ROBINSON

S-3504

- 1 Amend the Rodgers-Kelly amendment, S-3458, to
- 2 Senate File 75 as follows:
- 3 1. Page 37, by striking lines 37 and 38 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. — . This Act shall take effect on July 1,
- 6 1978."

PHILIP B. HILL

S-3506

- 1 Amend Senate File 377 as follows:

Division S-3506A

- 2 1. Page 1, by striking from lines 26 and 27 the
- 3 words "for such purposes".

Division S-3506B

- 4 2. Page 1, by striking line 34.

IRVIN L. BERGMAN
LUCAS J. DE KOSTER

S-3507

- 1 Amend Senate File 93 as follows:
- 2 1. Page 5, line 13, by inserting after the word
- 3 "running" the words "or harness".
- 4 2. Page 10, line 1, by inserting after the word
- 5 "running" the words "or harness".

JOAN ORR

S-3508

- 1 Amend the House amendment, S-3245, to Senate
- 2 File 214 as amended and passed by the Senate as
- 3 follows:
- 4 1. Page 3, by inserting after line 10 the
- 5 following:
- 6 " — . Page 8, by striking lines 31 and 32 and
- 7 inserting in lieu thereof the following: 'nance,
- 8 equipment, serological testing, and miscellaneous

9 purposes \$1,249,300' ”.

MINNETTE F. DODERER

S—3509

- 1 Amend House File 57 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by striking the words “or
- 4 any other sections of the code”.

BOB RUSH

S—3510

- 1 Amend Senate File 373 as follows:
- 2 1. Page 6, by striking lines 29 through
- 3 page 7, line 13.

ROLF V. CRAFT

S—3511

- 1 Amend Senate File 351 as follows:
- 2 1. Page 2, by striking lines 10 through 13, and
- 3 inserting in lieu thereof the following:
- 4 “2. Hold a meeting twice each year with the
- 5 Iowa State University college of veterinary
- 6 medicine. Hold other meetings as the council may
- 7 determine necessary, or as required by section six
- 8 (6) of this Act. No action taken by the council
- 9 shall be valid unless agreed to by a majority of the
- 10 council members.”.
- 11 2. Page 2, by inserting after line 21 the
- 12 following paragraph:
- 13 “___ . File an annual report with the
- 14 Secretary of Agriculture.”.

COMMITTEE ON BUDGET
WILLIAM D. PALMER, Chairperson

S—3512

- 1 Amend Senate File 259 as follows:
- 2 1. Page 1, by striking lines 7 through 19 and
- 3 inserting in lieu thereof the following: “for resale.
- 4 In the event a check is subsequently dishonored for

5 good cause the director shall immediately suspend
 6 the licensee's liquor control license for a period
 7 of thirty days".

COMMITTEE ON STATE GOVERNMENT
 MINNETTE F. DODERER, Chairperson

S-3513

1 Amend Senate File 376 as follows:
 2 1. Page 3, by striking lines 21 through 35.
 3 2. By striking pages 4 through 18.
 4 3. Page 19, by striking lines 1 through 13.
 5 4. Page 20, by striking lines 10 through 15.
 6 5. By renumbering sections of the bill as
 7 necessary.

PHILIP B. HILL

HOUSE AMENDMENT TO SENATE FILE 334

S-3514

1 Amend Senate File 334 as follows:
 2 1. Page 1, by inserting before line 1 the follow-
 3 ing new section:
 4 "Sec. ____ . Section three hundred twenty-one point
 5 one (321.1), subsection seventeen (17), Code 1977,
 6 is amended to read as follows:
 7 17. "Special mobile equipment" means every vehicle
 8 not designed or used primarily for the transportation
 9 of persons or property and incidentally operated or
 10 moved over the highways, including trailers and bulk
 11 spreaders which are not self-propelled having a gross
 12 weight of not more than [six] *twelve* tons used for the
 13 transportation of fertilizers and chemicals used for
 14 farm crop production, and other equipment used
 15 primarily for the application of fertilizers and
 16 chemicals in farm fields or for farm storage, but
 17 not including trucks mounted with applicators of such
 18 products, road construction or maintenance machinery
 19 and ditch-digging apparatus. The foregoing enumeration
 20 shall be deemed partial and shall not operate to
 21 exclude other such vehicles which are within the
 22 general terms of this subsection; provided that nothing
 23 contained in this section shall be construed to include
 24 portable mills or corn shellers mounted upon a motor
 25 vehicle or semitrailer."

- 26 2. Page 2, line 28, by striking the word "five"
 27 and inserting in lieu thereof the word "four".
 28 3. Page 3, line 8, by striking the word "six"
 29 and inserting in lieu thereof the words "[six] twelve".
 30 4. Page 3, by striking lines 12 and 13 and
 31 inserting in lieu thereof the following:
 32 "Sec. ____ The provision of this Act shall be
 33 effective November 1, 1977 for fees payable on or
 34 after November 1, 1977 for vehicle registration issued
 35 for the calendar year 1978."
 36 5. Renumber sections and correct internal
 37 references as are necessary in accordance with this
 38 amendment.
 39 6. Amend the title page as follows:
 40 Line 9 by striking the word "five" and inserting
 41 in lieu thereof the word "four".

HOUSE AMENDMENT TO SENATE FILE 289

S-3515

- 1 Amend Senate File 289 as follows:
 2 1. Page 1, by striking lines 4 and 5 and inserting
 3 in lieu thereof the words "rules one (1) through
 4 twenty-six (26) and rules twenty-nine (29) and thirty-
 5 one (31) are amended by".
 6 2. Page 1, line 6, by striking the words "three
 7 (3) through seventy-nine (79)" and inserting in lieu
 8 thereof the words "two (2) through eighty (80)".
 9 3. Page 1, by inserting after line 12 the
 10 following:
 11 "Sec. ____ Rule one (1), subsection two (2),
 12 paragraph b is amended to read as follows:
 13 b. 'Judicial officer' means justices of the supreme
 14 court, *justices of the court of appeals*, and committing
 15 magistrates."
 16 4. Page 5, by inserting after line 6 the following
 17 section:
 18 "Sec. ____ Rule five (5), subsection one (1) is
 19 amended by striking that subsection and inserting
 20 in lieu thereof the following:
 21 1. PROSECUTION ON INFORMATION. All indictable
 22 offenses may be prosecuted by a trial information.
 23 An information charging a person with an indictable
 24 offense may be filed with the clerk of the district
 25 court at any time, whether or not the grand jury is
 26 in session. The county attorney shall have the sole

27 authority to file such a trial information unless
 28 that authority is specifically granted to other
 29 prosecuting attorneys by statute.”

30 5. Page 5, line 7, by striking the word “one
 31 (1),”.

32 6. Page 5, line 8, by striking the word and figure
 33 “three (3)”.

34 7. Page 5, by striking lines 9 through 14.

35 8. Page 5, by striking lines 18 through 27.

36 9. Page 6, line 21, by striking the words “[lesser]
 37 necessarily” and inserting in lieu thereof the word
 38 “lesser”.

39 10. Page 6, line 27, by striking the words “[an]
 40 a necessarily” and inserting in lieu thereof the word
 41 “an”.

42 11. Page 8, lines 28 and 29, by striking the words
 43 “for good cause shown”.

44 12. Page 8, line 30, by inserting after the word
 45 “guilty” the word “plea”.

46 13. Page 11, lines 11 and 12, by striking the
 47 words “[on the ground that it was illegally obtained]”
 48 and inserting in lieu thereof the words “on the ground
 49 that it was illegally obtained *including, but not*
 50 *limited to, motions on any ground listed in rule*

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1 *eleven (11) of the rules of criminal procedure”.*

2 14. Page 13, by striking lines 16 through 18 and
 3 inserting in lieu thereof the words “[procedure]. *The*”.

4 15. Page 16, by striking line 22 and inserting
 5 in lieu thereof the following:

6 “Sec. 35. Rule eleven (11), headnote, is amended
 7 to read as follows:

8 Rule 11. SUPPRESSION OF EVIDENCE OBTAINED BY AN
 9 UNLAWFUL SEARCH AND SEIZURE.”

10 16. Page 16, by striking lines 34 and 35.

11 17. Page 17, by striking lines 1 through 11.

12 18. Page 17, line 21, by striking the word
 13 “GOVERNMENT” and inserting in lieu thereof the words
 14 “[GOVERNMENT] STATE”.

15 19. Page 17, lines 26 and 27, by striking the
 16 words “photograph[. Any] *and, in addition any*” and
 17 inserting in lieu thereof the words “photograph: Any”.

18 20. Page 19, by striking lines 3 through 5 and
 19 inserting in lieu thereof the following:

20 “a. DOCUMENTS AND TANGIBLE OBJECTS. If the court

21 grants the relief sought by the defendant under
 22 [subdivision] *subsection two (2)*, paragraph b,
 23 subparagraph one (1), of this rule, the court”.

24 21. Page 19, by striking lines 13 through 15 and
 25 inserting in lieu thereof the following:

26 “b. REPORTS OF EXAMINATIONS AND TESTS. If the
 27 court grants relief sought by the defendant under
 28 [subdivision] *subsection two (2)*, paragraph b,
 29 subparagraph one (1), of this rule, the court”.

30 22. Page 19, by striking lines 26 through 31 and
 31 inserting in lieu thereof the following: “[subdivision
 32 two (2)] *subsection three (3)* of this rule shall be
 33 made, if at all, within five days after any order
 34 granting similar relief to the defendant.”

35 23. Page 19, by striking lines 32 through 34 and
 36 inserting in lieu thereof the following:

37 “4. FAILURE TO EMPLOY EVIDENCE. When evidence
 38 intended for use and furnished under this rule is
 39 not actually employed at the trial, that fact shall
 40 not be commented upon at trial.”

41 24. Page 21, by striking line 6 and inserting
 42 in lieu thereof the words:

43 “Sec. 43. Rule 15, subsection one (1):”.

44 25. Page 21, by striking lines 12 through 19.

45 26. Page 23, by striking line 3 and inserting
 46 in lieu thereof the words “a, subparagraph one (1)”.

47 27. Page 23, by striking lines 8 through 13.

48 28. Page 24, line 35, by striking the letter “c.”.

49 29. Page 25, by striking lines 17 through 24.

50 30. Page 28, line 19, by striking the words “[rule

Page 3

1 ten (10)] *these rules*” and inserting in lieu thereof
 2 the words “rule ten (10)”.

3 31. Page 28, line 31, by striking the words
 4 “[asserted] *established*” and inserting in lieu thereof
 5 the word “asserted”.

6 32. Page 30, line 28, by striking the word
 7 “[considered]” and inserting in lieu thereof the word
 8 “considered”.

9 33. Page 31, line 12, by striking the words “[rules
 10 of the]” and inserting in lieu thereof the words “rules
 11 of the”.

12 34. Page 33, by striking lines 32 through page
 13 34, line 3.

14 35. Page 34, line 9, by striking the words “or
 15 judge” and inserting in lieu thereof the words “[or

16 judge]”.

17 36. Page 35, by striking lines 2 through 4 and
 18 inserting in lieu thereof the following: “rules
 19 thirty-three (33), thirty-four (34), thirty-six (36),
 20 thirty-nine (39), forty-two (42), forty-eight (48),
 21 and fifty-three (53) through fifty-six (56) are amended
 22 by sections eighty-two (82) through ninety-two (92)
 23 of this Act as follows:”.

24 37. Page 35, line 13, by striking the word “all”
 25 and inserting in lieu thereof the word “[all]”.

26 38. Page 36, by striking lines 26 through 35.

27 39. Page 37, by striking lines 1 through 16.

28 40. Renumbering and by correcting internal
 29 references as necessary.

S-3516

1 Amend Senate File 376 as follows:

2 1. Page 3, by inserting after line 20 the
 3 following new division:

4 “DIVISION ____.

5 Sec. ____ Chapter four hundred ninety-six A
 6 (496A), Code 1977, is amended by adding the following
 7 new section:

8 **NEW SECTION. OFFER TO PURCHASE STOCK—CONDITIONS**
 9 **—PENALTY.**

10 1. A person shall not offer to purchase or acquire,
 11 directly or indirectly, equity securities as defined in
 12 section seven (7) of this Act of a corporation organized
 13 under this chapter for consideration which exceeds the
 14 aggregate market values of those securities with the
 15 intent to acquire control of the corporation unless the
 16 person extends the same offer to all owners of such
 17 securities not owned or controlled by the person making
 18 the offer. The person making the offer shall do so in a
 19 writing which complies with subsection three (3) of this
 20 section.

21 2. A person who is required by subsection one (1)
 22 of this section to give notice of an offer to purchase
 23 equity securities shall purchase at the price stated in
 24 the offer the shares of any shareholder who accepts the
 25 offer in writing within sixty days after receipt by the
 26 shareholder of the offer; provided, however that the person
 27 making the offer shall not be required to purchase a
 28 greater number of shares than the number which the written
 29 offer states will be purchased. In the event the
 30 number of shares tendered for sale in acceptance of the

31 offer exceeds the number which the person offered to
 32 purchase, the person making the offer shall purchase from
 33 each shareholder who makes timely acceptance a number of
 34 shares which bears the same ratio to the total number of
 35 shares tendered for purchase by the shareholder as the
 36 number of shares the person offered to purchase or acquire
 37 bears to the total number of shares tendered in acceptance
 38 by all shareholders to whom the written offer was made.
 39 For purposes of this subsection 'tendered in acceptance'
 40 means stated in writing by the shareholder as the number of
 41 shares which the shareholder agrees to sell in response to
 42 the offer, and does not require actual delivery of the
 43 shares.

44 3. The written offer required by subsection one (1)
 45 of this section must state the price which will be paid for
 46 each share and the maximum number of shares which the
 47 person making the offer will purchase in the aggregate,
 48 and must state that (a) the offer must be accepted in a
 49 writing which states the number of shares the shareholder
 50 agrees to sell and (b) the acceptance must be received by

Page 2

1 the person making the offer not later than sixty days
 2 after delivery to the shareholder of the written offer.

3 4. For purposes of this section, a written offer
 4 to a shareholder shall be deemed delivered on the date
 5 when the written offer is mailed by first class mail,
 6 postage paid, to the shareholder at the address as shown
 7 in the records of the corporation whose shares are the
 8 subject of the offer.

9 5. A person who fails to comply with subsections
 10 one (1) or two (2) of this section commits an aggravated
 11 misdemeanor."

EARL M. WILLITS
 JAMES M. REDMOND

S-3518

1 Amend Senate File 164 as follows:
 2 1. Page 1, by striking lines 27 and 28.

COMMITTEE ON STATE GOVERNMENT
 MINNETTE F. DODERER, Chairperson

S-3520

- 1 Amend Senate File 376 as follows:
- 2 1. Page 21, by striking lines 13 through 15, and
- 3 inserting in lieu thereof the following:
- 4 "a. Effecting transactions in a security exempted
- 5 by section 502.202, subsections 1, 2, 3, *four (4)*,
- 6 *six (6)*, 10, [or] 11, *or a security issued by an*
- 7 *industrial loan company licensed under chapter five*
- 8 *hundred thirty-six A (536A), Code 1977;"*.

E. KEVIN KELLY

S-3521

- 1 Amend House File 57, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 7, by inserting after the word
- 4 "needed" the words "and the total cost of the purchase
- 5 would exceed one hundred dollars".

ROLF V. CRAFT

S-3522

- 1 Amend the Committee on State Government
- 2 amendment, S-3472, to House File 57, as amended,
- 3 passed and reprinted by the House as follows:
- 4 1. Page 4, by striking lines 13 through 48 and
- 5 inserting in lieu thereof the following:
- 6 "Sec. ____ . *NEW SECTION. MANDATORY BIDDING.*
- 7 *State agencies and governmental subdivisions of the*
- 8 *state, as defined by section eighteen point one (18.1),*
- 9 *subsections three (3) and seven (7), Code 1977, shall*
- 10 *submit bid documents to the Iowa state industries on*
- 11 *each occasion when any of the goods available from the*
- 12 *Iowa state industries are needed and the total cost of*
- 13 *the purchase would exceed one hundred dollars".*

ROLF V. CRAFT

S-3523

- 1 Amend Senate File 93 as follows:
- 2 1. Page 3, line 4, by striking the words "a
- 3 designated centralized location within the state"
- 4 and inserting in lieu thereof the words "the Iowa

- 5 state fairgrounds in des moines".
 6 2. Page 3, line 9, by striking the words "and
 7 exact location where".

EUGENE M. HILL

S-3524

- 1 Amend Senate File 93 as follows:
 2 1. Page 9, by inserting after line 14 the follow-
 3 ing:
 4 "Sec. — . *NEW SECTION. WAGERING FOR ANOTHER.* No
 5 person or corporation shall directly or indirectly
 6 purchase pari-mutuel tickets or participate in the
 7 purchase of any part of a pari-mutuel pool for another
 8 for hire or for any gratuity."
 9 2. By changing the section numbers and correcting
 10 internal references to conform with this amendment.

EUGENE M. HILL

S-3525

- 1 Amend Senate File 384 as follows:
 2 Page 1, line 10, by striking the word "*fifteen*"
 3 and inserting in lieu thereof the word "*twelve*".

ALVIN V. MILLER
 DAVID M. READINGER

S-3526

- 1 Amend Senate File 93 as follows:
 2 1. Title page, by striking line 8.

PHILIP B. HILL
 EUGENE M. HILL

S-3527

- 1 Amend Rodgers-Kelly amendment, S-3458, to Senate
 2 File 75 as follows:
 3 1. Page 7, line 8, by inserting after the word
 4 "not" the words "be less than, nor shall it".
 5 2. Page 7, line 10, by striking the figure
 6 "1977" and inserting in lieu thereof the following:
 7 "1978. Provided, however, that commencing with the

8 fiscal year ending June 30, 1980, the total amount of
 9 funds so distributed shall not exceed an amount equal
 10 to the funds distributed pursuant to those subsections
 11 during the fiscal year ending June 30, 1979.”

12 3. Page 7, line 12, by striking the words “wine
 13 in”.

14 4. Page 7, line 19, by striking the figure “1977,”
 15 and inserting in lieu thereof the following: “1978.
 16 Provided, however, that commencing with the fiscal year
 17 ending June 30, 1980, the total amount of funds so
 18 distributed shall not exceed an amount equal to the
 19 funds distributed pursuant to such subsection during the
 20 fiscal year ending June 30, 1979”.

21 5. Page 7, line 22, by striking the words “wine
 22 of”.

EARL M. WILLITS
 E. KEVIN KELLY

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 354

S-3528

1 Amend the Senate amendment H-3930, to House File
 2 354 as amended, passed and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 3 through 17.

5 2. Page 2, by inserting after line 21 the
 6 following:

7 “ ____ . Page 10, by inserting after line 2 the
 8 following new paragraph:

9 ‘ ____ . The appropriate and efficient use or
 10 prospective use of the proposed institutional health
 11 service, and of any existing similar services,
 12 including but not limited to a consideration of the
 13 capacity of the sponsor’s facility to provide the
 14 proposed service, and possible sharing or cooperative
 15 arrangements among existing facilities and providers.’ ”

16 3. Page 2, line 39, by inserting after the word
 17 “department” the words “, and to the designated health
 18 systems agency in whose area the proposed new or
 19 changed service is or will be located.”.

20 4. Page 2, line 42, by inserting after the word
 21 “process,” the words “and in any case not less than
 22 sixty days before applying for a certificate of need”.

23 5. Page 3, by striking lines 9 through 13.

- 24 6. Page 4, by striking lines 13 through 18.
 25 7. Page 4, by striking lines 38 and 39 and
 26 inserting in lieu thereof the following:
 27 "____. Page 21, by striking lines 23 through 35
 28 and inserting in lieu thereof the following:
 29 '3. In conducting its analyses and studies, the
 30 department should determine whether:
 31 a. The rates charged and costs incurred by
 32 hospitals and health care facilities are reasonably
 33 related to the services offered by those respective
 34 groups of institutions.
 35 b. Aggregate rates of hospitals and of health
 36 care facilities are reasonably related to the aggregate
 37 costs incurred by those respective groups of
 38 institutions.
 39 c. Rates are set equitably among all purchasers
 40 or classes of purchasers of hospital and of health
 41 care facility services.
 42 d. The rates for particular services, supplies
 43 or materials established by hospitals and by health
 44 care facilities are reasonable. Determination of
 45 reasonableness of rates shall.'"

HOUSE AMENDMENT TO SENATE FILE 344

S-3529

- 1 Amend Senate File 344 as follows:
 2 1. Page 1, lines 12 and 13, by inserting after
 3 the word "development;" the word "shoreline".
 4 2. Page 1, by inserting after line 16 the
 5 following:
 6 "Sec. ____ Chapter one thousand twenty-six (1026),
 7 Acts of the Sixty-fifth General Assembly, 1974 Session,
 8 section seven (7), as amended by Acts of the Sixty-
 9 sixth General Assembly, 1975 Session, chapter sixty-
 10 two (62), section eleven (11), and Acts of the Sixty-
 11 sixth General Assembly, 1976 Session, chapter one
 12 thousand two hundred five (1205), section seven (7),
 13 is amended to read as follows:
 14 Sec. 7. Funds appropriated by this Act shall not
 15 be used for the purchase, construction, or leasing
 16 of resort lodges. Unencumbered funds remaining as
 17 of June 30, 1977 shall revert to the general fund
 18 of the state on September 30, 1977 except those funds
 19 *unencumbered on June 30, 1979 and appropriated for*
 20 *the Brushy Creek project shall revert September 30,*
 21 *1979 and funds set aside for dredging under section*

22 three (3) of this Act and funds appropriated by this
 23 Act to the Volga River dam construction project shall
 24 revert to the general fund on September 30, 1979,
 25 if unencumbered as of June 30, 1979.”

26 3. Page 1, by inserting after line 16 the following
 27 section:

28 “Sec. ____ . The state conservation commission
 29 shall, from funds appropriated in section two (2)
 30 of this Act, expend no less than one hundred thousand
 31 (100,000) dollars for the purpose of acquiring scenic
 32 easements, if practical, in order to preserve the
 33 beauty of the Upper Iowa River. Such easements shall
 34 be acquired pursuant to plans outlined by the
 35 department of interior.”

36 4. Page 1, line 25, by striking the words “[shall]
 37 may” and inserting in lieu thereof the word “shall”.

38 5. Page 1, by striking lines 27 through 34.

39 6. Page 2, by striking lines 3 through 14 and
 40 inserting in lieu thereof the words: “of the state
 41 to establish a revolving fund for the purpose of
 42 providing assistance to local units of government
 43 in obtaining federal bureau of outdoor recreation
 44 reimbursement for capital improvement projects. The
 45 state conservation commission shall make a report,
 46 not later than January 15, 1978, to the budget natural
 47 resources subcommittees of the house and senate with
 48 regard to the feasibility and desirability of this
 49 approach. The state conservation commission shall
 50 not acquire further land for the expansion of the

Page 2

1 Lake McBride project until this report is submitted.”

2 7. Page 2, by inserting after line 20 the
 3 following:

4 “Sec. ____ . The state conservation commission shall
 5 explore the feasibility of acquiring easements, scenic
 6 or otherwise, in order to preserve scenic and natural
 7 areas of the state and shall define the role of
 8 easement acquisition in relation to the comprehensive
 9 plans of the commission. The state conservation
 10 commission shall report on these matters to the budget
 11 natural resources subcommittees of the house and
 12 senate no later than January 15, 1978.

13 Sec. ____ . When the development of projects in
 14 which the state conservation commission has entered
 15 into agreements with other units of governments would
 16 be delayed in funding by the state conservation

17 commission, then the commission shall give priority
18 to such projects when allocating unobligated funds
19 appropriated by this Act.

20 Sec. ____ The state conservation commission shall,
21 from funds appropriated in section two (2) of this
22 Act, expend an amount not to exceed fifty-nine thousand
23 (59,000) dollars for the purpose of developing a
24 program to resolve problems associated with the
25 Missouri River. The state conservation commission
26 shall report on the development of this program to
27 the budget natural resources subcommittees of the
28 house and senate not later than January 15, 1978.

29 Sec. ____ There if appropriated from the general
30 fund of the state to the department of agriculture
31 for the fiscal year beginning July 1, 1977 and ending
32 June 30, 1978 the sum of eighty-four thousand (84,000)
33 dollars, or so much of that as is necessary, for the
34 purpose of purchasing or converting scale trucks or
35 both purchasing and converting scale trucks.

36 Sec. ____ There is appropriated from the general
37 fund of the state to the Herbert Hoover birthplace
38 foundation for the fiscal period beginning July 1,
39 1977 and ending June 30, 1978 the sum of twenty
40 thousand (20,000) dollars, or so much thereof as is
41 necessary, for the purpose of assisting with capital
42 improvements."

43 8. Page 2, by inserting after line 20 the
44 following:

45 "Sec. ____ The state conservation commission shall
46 open all roads which pass through the Ledges State
47 Park."

48 9. Title page, line 5, by inserting after the
49 comma the words "directing the opening of certain
50 roads,".

Page 3

1 10. Title page, line 5, by inserting after the
2 word "project," the words "providing for a study of
3 the Missouri River, providing funds to the department
4 of agriculture for purchasing or converting scale
5 trucks, providing funds to assist with capital
6 improvements of the Herbert Hoover birthplace
7 foundation,".

8 11. Renumber sections and correct internal
9 references as required.

S-3530

1 Amend Senate State Government Committee amendment,
 2 S-3449, page 1, line 11, by inserting after the word
 3 "deducted," the words "and after two hundred thousand
 4 (\$200,000) dollars annually has been deducted for
 5 teaching and research on horses at the college of
 6 veterinary medicine at Iowa state university."

JOHN S. MURRAY

S-3531

1 Amend Senate File 93 as follows:
 2 1. Page 1, line 23, by inserting after the word
 3 "first." the words "No member shall serve more than two
 4 full terms on the commission."
 5 2. Page 2, by inserting after line 24, the following:
 6 "The secretary and other employees of the commission are
 7 prohibited from having any direct or indirect financial
 8 interest in any race track, in the operation of any race
 9 track or in any form of wagering, gambling or lottery,
 10 and shall disclose all background information pertinent
 11 to their close connection to horse racing."
 12 3. Page 5, by striking lines 26 through 30, and
 13 inserting in lieu thereof "such ticket on each day that
 14 the ticket is used. No free passes or complimentary
 15 tickets shall be issued. Nothing in this section shall
 16 be con-".

JOHN S. MURRAY

S-3532

1 Amend the Hill of Jasper amendment, S-3523, to
 2 Senate File 93 as follows:
 3 1. Page 1, line 5, by striking the words
 4 "des moines" and inserting in lieu thereof the words
 5 "Des Moines".

EUGENE M. HILL

S-3533

1 Amend Senate File 93 as follows:
 2 1. Page 7, line 4, by inserting after the word
 3 "deducted," the words "and after two hundred

- 4 thousand dollars (\$200,000) has been deducted for
 5 the department of public safety for the operation of
 6 an organized crime unit.”.

FORREST V. SCHWENGELS

S—3534

- 1 Amend the State Government Committee amendment,
 2 S—3449, to Senate File 93 as follows:
 3 1. Page 1, line 11, by inserting after the word
 4 “deducted,” the words “and after two hundred thousand
 5 dollars (\$200,000) has been deducted for the
 6 department of public safety for the operation of an
 7 organized crime unit.”.

FORREST V. SCHWENGELS

S—3535

- 1 Amend Senate File 93 as follows:
 2 1. Page 1, line 13, by striking the figure “1978”
 3 and inserting in lieu thereof the figure “1979”.
 4 2. Page 1, line 14, by striking the figure “1979”
 5 and inserting in lieu thereof the figure “1980”.
 6 3. Page 1, line 15, by striking the figure “1980”
 7 and inserting in lieu thereof the figure “1981”.
 8 4. Page 2, line 29, by striking the words “AND
 9 REGULATIONS”.
 10 5. Page 2, line 30, by striking the words “and
 11 regulations”.
 12 6. Page 4, line 10, by striking the words “and
 13 regulations”.

GEORGE R. KINLEY

S—3537

- 1 Amend Senate File 93 as follows:
 2 1. Page 8, line 6, by striking the words “SUNDAY
 3 RACING FORBIDDEN—”.
 4 2. Page 8, lines 7 and 8, by striking the words
 5 “No racing under this Act shall be permitted on
 6 Sunday.”

E. KEVIN KELLY

S-3538

- 1 Amend the Hill of Jasper amendment, S-3420, to
- 2 Senate File 93 as follows:
- 3 1. Page 2, by inserting after line 10, the
- 4 following:
- 5 " — . Page 4, by striking line 11, through
- 6 page 5, line 3.
- 7 — . Page 5, line 4, by striking the word 'first'."

EUGENE M. HILL

S-3539

- 1 Amend Senate File 93 as follows:
- 2 1. Page 5, line 13, by striking the word "running"
- 3 and inserting in lieu thereof the word "horse".
- 4 2. Page 10, line 1, by striking the word "running"
- 5 and inserting in lieu thereof the word "horse".

GEORGE R. KINLEY

S-3540

- 1 Amend the Hill of Jasper amendment, S-3523, to
- 2 Senate File 93 as follows:
- 3 1. Page 1, by striking lines 6 and 7, and
- 4 inserting in lieu thereof the following:
- 5 " — . Page 3, line 9, by striking the words
- 6 'and the exact location where'."

EUGENE M. HILL

S-3541

- 1 Amend the Committee on State Government amendment,
- 2 S-3449, to Senate File 93 as follows:
- 3 1. Page 1, line 9, by striking the figure "9" and
- 4 inserting in lieu thereof the figure "15".
- 5 2. Page 1, line 15, by striking the words "The
- 6 money".

JAMES M. REDMOND
GEORGE R. KINLEY
MINNETTE F. DODERER

S-3542

- 1 Amend Senate File 249 as follows:
2 1. Page 2, line 1, by inserting after the word
3 "insurer" the words "except as may be indicated
4 herein".
5 2. Page 2, line 10, by inserting after the word
6 "elects," the words "and if the agent is not given the
7 right of expirations in the agency agreement,".
8 3. Page 2, line 19, by inserting after the word
9 "elects," the words "and if the agent is not given the
10 right of expirations in the agency agreement,".

WILLARD R. HANSEN

S-3544

- 1 Amend Senate File 93 as follows:
2 1. Page 2, line 29, by striking the words "AND
3 REGULATIONS".
4 2. Page 2, line 30, by striking the words "and
5 regulations".
6 3. Page 2, line 33, by inserting after the word
7 "HORSE" the words "OR DOG".
8 4. Page 2, line 35, by striking the words "or
9 which".
10 5. Page 3, by striking lines 1 and 2 and inserting
11 in lieu thereof the words "may apply".
12 6. Page 3, line 3, by inserting after the word
13 "horse" the words "or dog".
14 7. Page 3, line 14, by striking the words "and
15 regulations".
16 8. Page 4, line 18, by inserting after the word
17 "horse" the words "or dog".
18 9. Page 4, line 20, by inserting after the word
19 "horses" the words "or dogs".
20 10. Page 4, line 25, by inserting after the word
21 "horse" the words "or dog".
22 11. Page 4, line 27, by inserting after the word
23 "horses" the words "or dogs".
24 12. Page 4, line 30, by inserting after the word
25 "horse" the words "or dog".
26 13. Page 4, line 32, by inserting after the word
27 "horses" the words "or dogs".
28 14. Page 4, line 34, by inserting after the word
29 "horses" the words "or dogs".

- 30 15. Page 5, line 3, by inserting after the word
 31 "horses" the words "or dogs".
 32 16. Page 5, line 13, by inserting after the
 33 words "meetings devoted to" the words
 34 "dog or".
 35 17. Page 5, line 17, by inserting after the word
 36 "race" the words "or dog-race".
 37 18. Page 7, line 16, by inserting after the word
 38 "HORSE" the words "OR DOG".
 39 19. Page 8, line 11, by inserting after the word
 40 "foaled" the words "or dogs whelped".
 41 20. Page 8, line 12, by inserting after the word
 42 "horses" the words "or dogs".
 43 21. Page 8, line 14, by inserting after the word
 44 "horse" the words "or dog".
 45 22. Page 8, line 15, by inserting after the word
 46 "horse" the words "or dog".
 47 23. Page 8, line 17, by inserting after the word
 48 "horse" the words "or dog".
 49 24. Page 8, line 18, by inserting after the word
 50 "race" the words "or dog-race".

Page 2

- 1 25. Page 8, line 27, by striking the words "race
 2 or horse-race" and inserting the words "or dog-race
 3 or horse- or dog-race".
 4 26. Page 8, line 31, by striking the words "races
 5 or horse-race" and inserting in lieu thereof the words
 6 "or dog races or horse- or dog-race".
 7 27. Page 9, line 6, by inserting after the word
 8 "horse" the words "or dog".
 9 28. Page 9, line 7, by inserting after the word
 10 "horse-race" the words "or dog-race".
 11 29. Page 9, line 15, by inserting after the word
 12 "HORSES" the words "OR DOGS".
 13 30. Page 9, line 18, by inserting after the word
 14 "horse" the words "or dog".
 15 31. Page 9, line 20, by inserting after the word
 16 "horse" the words "or dog".
 17 32. Page 9, line 22, by inserting after the word
 18 "horse" the words "or dog".
 19 33. Page 9, line 26, by inserting after the word
 20 "horse" the words "or dog".
 21 34. Page 9, line 27, by inserting after the word
 22 "horse" the words "or dog".
 23 35. Page 10, line 3, by inserting after the period
 24 the words "The commission may license at their discre-

- 25 tion no more than three tracks suitable for dog racing.
 26 The commission may license at their discretion
 27 no more than three race tracks suitable for harness
 28 racing.
 29 Such race tracks shall be licensed in the manner
 30 provided by this Act."
 31 36. Page 11, line 16, by inserting after the word
 32 "horse" the words "or dog".
 33 37. Amend the title, line 4, by inserting after
 34 the word "horse" the words "or dog".

FRED W. NOLTING

S-3545

- 1 Amend Senate File 93 as follows:

Division S-3545A

- 2 1. Page 9, line 21, by inserting after the word
 3 "race." the words "The use of Butazolidin in racing
 4 horses on any licensed track is forbidden."

Division S-3545B

- 5 2. Page 10, by inserting after line 3 the
 6 following:
 7 "Sec. ____ . *NEW SECTION. BETTING COMBINATIONS*
 8 *PROHIBITED.* The commission shall not permit nor
 9 authorize at any time any betting combinations of
 10 horses in one race or in different races, by whatever
 11 names such combination bets may be designated, whether
 12 as a daily double, exacta, perfecta, quiniela, or any
 13 other name."

JOAN ORR
 EUGENE M. HILL

S-3546

- 1 Amend Senate File 93, page 6, line 9, by
 2 striking the word "five" and inserting in lieu
 3 thereof the word "seven".

RAY TAYLOR

S-3547

1 Amend Senate File 93 as follows:

Division S-3547A

2 1. Page 3, lines 3 and 4, by striking the
3 words "at a designated centralized location".

Division S-3547B

4 2. Page 9, by striking line 34, through page
5 10, line 3.

RICHARD R. RAMSEY

S-3548

1 Amend the Nolting amendment, S-3544, to Senate
2 File 93 as follows:

3 1. Page 2, line 25, by striking the word "three"
4 and inserting in lieu thereof the word "one".
5 2. Page 2, line 27, by striking the word "three"
6 and inserting in lieu thereof the word "one".

FRED W. NOLTING

S-3549

1 Amend the House amendment to Senate File 312, S-
2 3462, as follows:

3 1. Page 1, by striking lines 20 through 27 and
4 inserting in lieu thereof the following:
5 " ____ . Adopt and enforce administrative rules which
6 provide for the partial reexamination of the
7 professional licensing examinations given by each
8 licensing board."
9 2. By striking page 1, line 34 through page 11,
10 line 18.
11 3. Page 12, line 4, by striking the word "license"
12 and inserting in lieu thereof the word "certificate".
13 4. Page 12, line 14, by striking the word "license"
14 and inserting in lieu thereof the word "certificate".
15 5. Page 12, line 42, by inserting after the word
16 "certificate" the words "as a psychologist".
17 6. Page 12, line 44, by striking the figure "1975"
18 and inserting in lieu thereof the figure "1977".
19 7. Page 13, by inserting after line 5 the follow-
20 ing:
21 " ____ . Page 21, by striking lines 19 through 27

22 and inserting in lieu thereof the following:

23 Sec. 18. Chapter one hundred sixty-nine (169),
24 Code 1977, is amended by adding the following new
25 section:

26 *NEW SECTION. DISCIPLINE OF LICENSEES.* A license
27 or temporary permit issued under this chapter may
28 be revoked or suspended or the licensee or permittee
29 may be otherwise disciplined by the board upon a two-
30 thirds vote of the entire board, with the secretary
31 of agriculture sitting as a voting board member for
32 this purpose only. Such an action may be taken when
33 the licensee is found guilty of any of the following
34 acts or offenses:"

LOWELL L. JUNKINS

S-3550

1 Amend House File 246 as amended, passed and
2 reprinted by the House as follows:

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

5 "Section 1. Chapter two (2), Code 1977, is amended
6 by adding sections two (2) through seven (7) of this
7 Act.

8 Sec. 2. *NEW SECTION. INTENT.* It is the intent
9 of the general assembly to establish in the legislative
10 branch of government the capability to independently
11 and intensively review the performance of state
12 agencies in operating the programs established by
13 the general assembly, to evaluate their efficiency
14 and effectiveness and to consider alternatives which
15 may improve the benefits of a program or may reduce
16 its costs to the citizens. The bureau established
17 by this Act is intended to provide the technical and
18 professional support for the general assembly's
19 oversight responsibility.

20 Sec. 3. *NEW SECTION. LEGISLATIVE OVERSIGHT BUREAU.*

21 There is established a legislative oversight bureau.
22 The director of the legislative oversight bureau shall
23 be a person of extensive experience and recognized
24 qualification in the field of governmental procedures
25 and accounting. The director shall be appointed
26 upon the nomination of the legislative council and
27 the confirmation of that nomination by two-thirds
28 of the members of each house of the general assembly.

29 When a vacancy in the office of the director occurs

30 during the legislative interim, the nomination shall
31 be submitted to the general assembly within thirty
32 days of its convening and must be acted upon by each
33 house within sixty days of its submission. When a
34 vacancy occurs during the legislative session, the
35 nomination shall be submitted within sixty days of
36 the occurrence of the vacancy and must be acted upon
37 by each house within sixty days of its submission
38 unless the general assembly adjourns prior to the
39 expiration of this schedule. If the general assembly
40 adjourns prior to the expiration of this schedule,
41 the nomination may be resubmitted as though the vacancy
42 occurred during the legislative interim. The director
43 may be removed from office for cause by a vote of
44 two-thirds of the members of each house of the general
45 assembly.

46 Each director shall be appointed to a term of ten
47 years and shall be eligible for only one reappointment.
48 A person nominated as director may serve as an acting
49 director until the nomination is confirmed or rejected
50 by the general assembly. The compensation of the

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1 director shall not be reduced during the director's
2 term in office.

3 A person shall not become a candidate for any elec-
4 tive office nor participate in any partisan political
5 activity while serving as director or acting director.
6 Any director who becomes a candidate contrary to this
7 provision shall thereby be deemed to have resigned.

8 Sec. 4. *NEW SECTION. POWERS AND DUTIES OF THE*
9 *DIRECTOR.* The director of the legislative oversight
10 bureau shall:

11 1. Employ and supervise all employees of the
12 legislative oversight bureau at such salaries and
13 in such positions and professional disciplines as
14 are within the limits of its appropriation.

15 2. Supervise and assist the staff of the
16 administrative rules review committee.

17 3. Establish policies and procedures for the
18 conduct of performance audits and program evaluations.

19 4. Conduct performance audits and program
20 evaluations of agencies and programs of the state
21 government, area education agencies established in
22 chapter two hundred seventy-three (273) of the Code,
23 and area vocational schools and community colleges

24 defined in chapter two hundred eighty A (280A) of
25 the Code upon the request of a standing committee
26 or budget subcommittee of the general assembly.

27 5. Determine the priority of performance audit
28 and program evaluation requests and allocate the
29 workload of the legislative oversight bureau.

30 6. Make an annual report to the general assembly
31 of the performance audits and program evaluations
32 conducted and in progress and of the condition of
33 the legislative oversight bureau.

34 The director shall submit the policies established
35 under subsections one (1), three (3) and five (5)
36 of this paragraph to the administrative rules review
37 committee.

38 The director of the legislative oversight bureau
39 may:

40 1. Employ such technical consultants as may be
41 necessary to conduct a performance audit or program
42 evaluation.

43 2. Conduct performance audits and program
44 evaluations upon the request of a member of the general
45 assembly if the request is cosigned by two other
46 members.

47 3. Conduct performance audits and program
48 evaluations upon the director's initiative.

49 The director shall not require any agency or
50 department of the state government to do any act which

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1 would be contrary to any applicable rule of the federal
2 government. Any disagreement between the director
3 and a state agency regarding the applicability of
4 this paragraph shall be decided by the attorney
5 general.

6 The director shall not conduct an examination of
7 the programming of a broadcasting facility under the
8 control of the state board of regents, the board of
9 directors of a merged area, or the state educational
10 radio and television facility board.

11 The director shall not conduct an examination of
12 the programs or departments of institutions under
13 the state board of regents which would be contrary
14 to academic freedom. The director shall not conduct
15 an examination of an activity under the state board
16 of regents which is substantially academic in nature.
17 For the purposes of this paragraph, 'academic' includes
18 teaching, research, educational or scholarly

19 activities.

20 Sec. 5. *NEW SECTION.* ACCESS TO RECORDS. The
21 director and the agents and employees of the
22 legislative oversight bureau shall at all times have
23 access to all offices, departments, agencies, boards,
24 bureaus, and commissions of the state, its political
25 subdivisions and private organizations providing
26 services to individuals under a contract with a state
27 agency, and to the books, records, and other
28 instrumentalities and properties used in the
29 performance of their statutory duties or contractual
30 arrangements. All officers, departments, agencies,
31 boards, bureaus, and commissions of the state, its
32 political subdivisions and such private organizations
33 shall cooperate with the director in the performance
34 of the foregoing duty, and shall make available such
35 books, records, instrumentalities, and property.

36 The director shall have the power to issue subpoenas
37 for production of any records, books, or papers to
38 which the director is authorized to have access.
39 If any person subpoenaed refuses to produce the
40 records, books, or papers, the director may apply
41 to the district court having jurisdiction over that
42 person for the enforcement of the subpoena.

43 If the information sought by the legislative
44 oversight bureau is required by law to be kept
45 confidential, the bureau shall have access to the
46 information, but shall maintain the confidentiality
47 of the information and shall be subject to the same
48 penalties for dissemination of the information.
49 However, the bureau shall not have access to personal
50 information in academic records regarding a student,

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1 prospective student, or former student of the
2 educational institution or agency maintaining the
3 records, or to medical and hospital records of the
4 condition, diagnosis, care or treatment of a patient
5 or former patient, including outpatients. The director
6 shall inform the administrative head of the agency
7 or political subdivision as to the reason for the
8 investigation of its confidential records.

9 The legislative oversight bureau shall only require
10 information which an agency is presently collecting
11 unless the director determines that additional
12 information is necessary to the performance audit

13 and is within the agency's authority to collect.

14 Sec. 6. *NEW SECTION.* PERFORMANCE AUDITS AND PRO-
15 GRAM EVALUATIONS.

16 1. The director after consulting with the
17 responsible official and the requesting party, if
18 any, shall determine the goals of the agency or program
19 for the purpose of the performance audit or program
20 evaluation.

21 2. The legislative oversight bureau at the
22 direction of the director shall independently examine
23 state agencies and programs to determine the following:

24 a. The organizational framework of the agency,
25 its adequacy and relationship to the overall structure
26 of the state government.

27 b. Areas in which significant inconsistency,
28 duplication, or overlapping of activities or programs
29 occur either within the agency or with respect to
30 other agencies or programs.

31 c. Statewide or interagency coordinating or
32 administration practices and their impact upon specific
33 programs or agencies.

34 d. Whether the program under the agency's
35 jurisdiction could be more effective if consolidated
36 with another program, transferred to another agency,
37 modified or abolished.

38 e. The productivity of the agency's operations
39 measured in terms of cost-benefit relationships or
40 other accepted measures of effectiveness.

41 f. The agency's attainment of or progress toward
42 identifiable goals established by statute, specific
43 legislative intent, the budget, the governor, or a
44 long range plan.

45 g. Agency and statewide management systems and
46 housekeeping functions including accounting procedures,
47 personnel practices, planning activities, reporting
48 and recordkeeping applications, staff qualifications,
49 employment ratios, budget controls, purchasing
50 transactions, communications patterns, public

Page 5

1 relations, and other related functions.

2 h. Agency or statewide administrative or program
3 delivery techniques which are innovative, novel,
4 experimental or unique in achieving greater efficiency,
5 reduced costs, improved use of resources or increased
6 responsiveness to expressed or anticipated needs.

- 7 i. Agency or statewide state-federal relationships,
8 financial exchanges, program coordination, administra-
9 tion and other joint activities.
- 10 j. Agency and program relationships between the
11 state and its political subdivisions analyzing
12 significant areas of state and local government contact
13 and identifying mutual or opposing program directions
14 and areas of duplicatory or overlapping programs.
- 15 k. The agency's or program's adherence to statutory
16 requirements and diligence in executing functions
17 assigned by law or policies established by the
18 governor.
- 19 1. The agency's or program's responsiveness to
20 anticipated public attitudes, citizen needs, or state
21 problems.
- 22 m. The statewide, agency or program regulatory,
23 reporting or recordkeeping requirements and the burdens
24 imposed upon the general public, political
25 subdivisions, commercial enterprise or other entities
26 in the state.
- 27 n. Whether the financial operations of the agency
28 or program are properly conducted, its financial
29 reports are presented fairly, and whether the agency
30 or program has complied with the applicable laws.
- 31 o. Whether the agency or program is managing or
32 using its resources in an efficient and economical
33 manner and if not, to determine the causes.
- 34 p. Whether the objectives established by the
35 general assembly are being met, and whether
36 alternatives which might produce the desired results
37 at a lower cost have been considered.
- 38 q. Whether administrative or statutory changes
39 are needed to achieve the intent of the general
40 assembly.
- 41 r. Other criteria determined by the director.
- 42 3. The legislative service bureau, legislative
43 fiscal bureau, auditor of state, state comptroller,
44 and citizens' aide shall cooperate with the legislative
45 oversight bureau in providing information which they
46 may have concerning the agency or program to be
47 evaluated. Employees of the legislative fiscal bureau
48 may be interchanged with the legislative oversight
49 bureau pursuant to chapter twenty-eight D (28D) of
50 the Code.

2 of an audit or evaluation, the director of the
 3 legislative oversight bureau shall provide copies
 4 to the governor and to the official whose office is
 5 the subject of the audit or evaluation. The official
 6 shall be given thirty days by the director to respond
 7 to the findings and recommendations of the audit or
 8 evaluation, and the response shall be included in
 9 the report. A summary of the findings and
 10 recommendations shall accompany each report. A report
 11 of an audit or evaluation initiated by the director
 12 shall be released upon its completion. A report of
 13 a requested audit or evaluation shall be submitted
 14 to the requesting party and released thirty days after
 15 submission if the requesting party is a standing
 16 committee or budget subcommittee or ten days if the
 17 requesting party is a member of the general assembly
 18 unless the requesting party directs an earlier re-
 19 lease. The report shall be regarded as confidential
 20 by all persons properly having custody of it until
 21 the report is released as provided by this section.
 22 Upon the release of a report, the director shall
 23 provide copies to the presiding officer of each house
 24 of the general assembly for referral to the appropriate
 25 standing committee and budget subcommittee. At the
 26 conclusion of an audit or evaluation, the director
 27 shall report the total costs of conducting each audit
 28 including the total costs to the agency or program
 29 being audited as a part of the audit report.

30 Sec. 8. Section two point forty-six (2.46), Code
 31 1977, is amended by striking subsection four (4).

32 Sec. 9. This Act is repealed January 1, 1987."

33 2. Amend the title, by striking lines 1 through
 34 3 and inserting in lieu thereof the following: An
 35 Act creating a legislative oversight bureau and
 36 specifying its powers and duties."

COMMITTEE ON STATE GOVERNMENT
 MINNETTE F. DODERER, Chairperson

S-3551

1 Amend House File 364 as follows:

2 1. Page 2, by inserting after line 17 the follow-
 3 ing section:

4 "Sec. ____ . Section ninety-seven B point forty-
 5 nine (97B.49), subsection five (5), unnumbered
 6 paragraph one (1), Code 1977, is amended to read as

7 follows:

8 5. For each active member retiring [on or after]
9 *between January 1, 1976 through December 31, 1977,*
10 *with four or more complete years of service a monthly*
11 *benefit shall be computed which is equal to one-twelfth*
12 *of an amount equal to forty percent of the final five-*
13 *year average covered wage multiplied by a fraction*
14 *of years of service. For the purposes of this*
15 *subsection, 'fraction of years of service' means a*
16 *number, not to exceed one, equal to the sum of the*
17 *years of membership service and the number of years*
18 *of prior service divided by thirty years.*

19 *For each active member retiring on or after January*
20 *1, 1978 with four or more complete years of service*
21 *the monthly benefit shall be computed using forty-*
22 *two percent of the final five-year average covered*
23 *wage."*

24 2. Page 2, by inserting after line 17 the follow-
25 ing section:

26 "Sec. ____ . There is appropriated from the general
27 fund of the state for the fiscal year beginning July
28 1, 1977 and ending June 30, 1978 to the Iowa depart-
29 ment of job service the sum of one million (1,000,000)
30 dollars, or so much thereof as may be necessary, to
31 be deposited in the Iowa public employees' retirement
32 system fund to pay the difference between the cost
33 of the increased retirement allowances granted to
34 persons qualifying pursuant to section one (1) of
35 this Act and the amount of redeposited withdrawn
36 contributions under the abolished system together
37 with interest."

38 3. Amend the title, line 1, by inserting after
39 the word "Act" the words "relating to the Iowa public
40 employees' retirement system,".

41 4. Amend the title, line 3, by inserting after
42 the word "system" the words " , to increase benefits,
43 and to make an appropriation".

44 5. By numbering and renumbering sections as
45 necessary.

COMMITTEE ON STATE GOVERNMENT
MINNETTE F. DODERER, Chairperson

S-3552

1 Amend Senate Concurrent Resolution 19 as follows:

2 1. Page 1, by striking lines 25 through 30.

EUGENE M. HILL

S-3553

- 1 Amend Senate File 373, page 4, by inserting after line 2 the
 2 following:
 3 "Section ____ . *NEW SECTION. CONFIDENTIALITY OF*
 4 *INFORMATION.*
 5 A licensed social worker, licensed master social
 6 worker, or any person working under supervision of a
 7 licensee under this Act shall not disclose any inform-
 8 ation acquired from persons consulting him or her in a
 9 professional capacity or be compelled to disclose such
 10 information except:
 11 1. When the communication reveals the contem-
 12 plation or commission of a crime.
 13 2. When the person waives the privilege by bring-
 14 ing charges against the licensee.
 15 3. With the written consent of the client, or in
 16 the case of death or disability with the consent of his
 17 or her personal representative, other person authorized
 18 to sue, or the beneficiary of an insurance policy on his
 19 or her life, health, or physical condition.
 20 Nothing in this Act shall be construed to prohibit
 21 any licensee under this Act from testifying in a court
 22 hearing concerning matters of adoption, child abuse,
 23 child neglect or other matters pertaining to the welfare
 24 of children, or from seeking collaboration or consultation
 25 with professional colleagues or administrative superiors
 26 on behalf of the client."

WILLARD R. HANSEN

HOUSE AMENDMENT TO SENATE FILE 7

S-3554

- 1 Amend Senate File 7 as follows:
 2 1. Page 1, line 9, by striking the word
 3 "three" and inserting in lieu thereof the word "two".
 4 2. Page 1, line 17, by inserting after the
 5 word "dollars," the words "but is more than two
 6 thousand dollars,".
 7 3. Page 1, line 31, by striking the words
 8 "five hundred" and inserting in lieu thereof the words
 9 "two thousand".
 10 4. Page 1, line 32, by striking the words

11 "not exceeding two thousand dollars".
 12 5. Page 2, by striking all of line 8.

HOUSE AMENDMENT TO SENATE FILE 35

S-3555

1 Amend Senate File 35 as follows:

2 1. Page 1, by inserting after line 22 the follow-
 3 ing:

4 "Sec. 2. Section two hundred thirty point twenty-
 5 five (230.25), subsection two (2), Code 1977, is
 6 amended to read as follows:

7 2. All liens created under section 230.25, as
 8 that section appeared in the Code of 1975 and prior
 9 editions of the Code, are abolished effective January
 10 1, 1977, except as otherwise provided by subsection
 11 1. The board of supervisors of each county shall,
 12 as soon as practicable after July 1, 1976, review
 13 all liens resulting from the operation of said section
 14 230.25, Code 1975, and make a determination as to
 15 the ability of the person against whom the lien exists
 16 to pay the charges represented by the lien, and if
 17 they find that the person is able to pay those charges
 18 they shall direct the county attorney of that county
 19 to take immediate action to enforce the lien. If
 20 action is commenced under this section on any lien
 21 prior to the effective date of the abolition thereof,
 22 that lien shall not be abolished but shall continue
 23 until the action is completed. *The board of*
 24 *supervisors shall release any such lien when the*
 25 *charge on which the lien is based is fully paid or*
 26 *is compromised and settled by the board in such manner*
 27 *as its members deem to be in the best interest of*
 28 *the county, or when the estate affected by the lien*
 29 *has been probated and the proceeds allowable have*
 30 *been applied on the lien.*

31 Sec. 3. Chapter two hundred thirty (230), Code
 32 1977, is amended by adding the following new section:

33 **NEW SECTION. RELEASING LIENS.** A lien obtained
 34 pursuant to an action to collect any claim arising
 35 under this chapter shall be released by the board
 36 of supervisors when the claim or claims on which the
 37 lien is based have been fully paid or compromised
 38 and settled by the board, or when the estate of which
 39 the real estate subject to the lien is a part has
 40 been probated and the proceeds allowable have been
 41 applied to the claim or claims on which the lien is

42 based.

43 Sec. 4. Section three hundred fifty-one point
44 nineteen (351.19), Code 1977, is repealed.”

45 2. Title, line 2, by inserting after the word
46 “Code” the words “, clarifying the basis for release
47 of certain liens held by counties under section two
48 hundred thirty point twenty-five (230.25), subsection
49 two (2), of the Code, and repealing the requirement
50 that unpaid dog license fees be entered as a tax by

Page 2

1 the county treasurer”.

HOUSE AMENDMENT TO SENATE FILE 224

S-3556

1 Amend Senate File 224 as follows:

2 1. Page 1, by striking lines 1 through 35.

3 2. Page 2, by striking line 1 and inserting in
4 lieu thereof the following section:

5 “Section 1. Section three hundred sixty-eight
6 point seven (368.7), Code 1977, is amended by striking
7 unnumbered paragraph two (2) and inserting in lieu
8 thereof the following:

9 An application for annexation of territory not
10 within the urbanized area of a city other than the
11 city to which the annexation is directed must be
12 approved by resolution of the council which receives
13 the application. Upon receiving approval of the
14 council, the city clerk shall file a copy of the
15 resolution, map, and legal description of the territory
16 involved with the state department of transportation.
17 The city clerk shall also file a copy of the map and
18 resolution with the county recorder, secretary of
19 state, and the board. The annexation is completed
20 upon acknowledgement by the board that it has received
21 the map and resolution and a certification by the
22 city clerk that copies of the map and resolution have
23 been filed with the county recorder and secretary
24 of state and that copies of the resolution, map, and
25 legal description of the territory involved have been
26 filed with the state department of transportation.

27 An application for annexation of territory within
28 the urbanized area of a city other than the city to
29 which the annexation is directed must be approved

- 30 both by resolution of the council which receives the
 31 application and by the board. The annexation is
 32 completed when the board has filed copies of applicable
 33 portions of the proceedings as required by section
 34 three hundred sixty-eight point twenty (368.20),
 35 subsection two (2) of the Code.”
 36 3. Page 2, line 30, by striking the word “and”
 37 inserting in lieu thereof a comma.
 38 4. Page 2, line 30, by inserting after the word
 39 “improvement” the words “and traffic control”.

S-3557

- 1 Amend Senate File 386 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 “Section 1. Sections four hundred forty-two point
 5 ten (442.10) and four hundred forty-two point eleven
 6 (442.11), Code 1977, are repealed.”
 7 2. Amend the title, lines 1 and 2, by striking
 8 the words “providing for an increase in” and insert-
 9 ing in lieu thereof the word “, repealing”.
 10 3. Amend the title, line 2, by striking the words
 11 “a continuance of”.

JOAN ORR
 ELIZABETH SHAW
 EUGENE M. HILL
 MINNETTE F. DODERER
 WILLARD R. HANSEN

S-3558

- 1 Amend Senate File 164 as follows:
 2 1. Page 1, line 6, by striking the word “twenty-
 3 five” and inserting in lieu thereof the words “one
 4 hundred”.
 5 2. Page 1, line 7, by inserting after the word
 6 “employees,” the words “or the number of employees
 7 required by subsection three (3) of this section,”.
 8 3. Page 1, by inserting after line 13 the
 9 following:
 10 “3. ‘Number of persons required’ means:
 11 a. In the case of employees at the Iowa state
 12 university of science and technology and the state
 13 university of Iowa, one hundred or more participants.
 14 b. In the case of employees at the university

- 15 of northern Iowa, fifty or more participants.
 16 c. In the case of employees at the Iowa school
 17 for the deaf and the Iowa braille and sight-saving
 18 school, twenty-five or more participants.”

RAY TAYLOR

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 490

S-3559

- 1 Amend the Senate amendment H-3793 to House File
 2 490 as follows:
 3 1. Page 1, line 8, by inserting after the word
 4 “Code” the words “, except when spillage of pesticides
 5 creates a hazardous condition”.
 6 2. Page 1, line 14, by inserting after the word
 7 “Code” the words “, except when spillage of fertilizers
 8 creates a hazardous condition”.

HOUSE AMENDMENT TO SENATE FILE 364

S-3560

- 1 Amend Senate File 364 as follows:
 2 1. Page 1, line 3, by striking the words “1976
 3 and ending June 30, 1977” and inserting in lieu
 4 thereof the words “1977 and ending June 30, 1978”.
 5 2. Page 1, by inserting after line 7 the
 6 following:
 7 “Sec. 2. There is appropriated from the general
 8 fund of the state to the department of social services
 9 for the fiscal year beginning July 1, 1977 and ending
 10 June 30, 1978 the sum of one hundred fifty thousand
 11 (150,000) dollars, or so much as is necessary, to
 12 be used to pay the state’s share of costs for improving
 13 the city of Independence’s sewer system.”
 14 3. Page 1, by striking lines 8 through 12.
 15 4. Title page, line 3, by inserting after the
 16 word “system” the words “and improving the city of
 17 Independence’s sewer system”.

S-3561

- 1 Amend House File 332 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by striking from lines 30 and 31

4 the following words "*buildings or other structures*
 5 *located on such land*" and inserting the words
 6 "*residential buildings on which homestead has been*
 7 *paid*".

ROGER J. SHAFF

S-3562

1 Amend House File 85 as follows:

Division S-3562A

2 1. Page 1, by inserting before line 1 the following
 3 sections:

4 "Section 1. Chapter five hundred ninety-five
 5 (595), Code 1977, is amended by adding the follow-
 6 ing new section:

7 *NEW SECTION.* Upon marriage either party may request
 8 a name change to that of the other party or to some
 9 other surname mutually agreed upon by the parties.
 10 The names used on the marriage license shall become
 11 the legal names of the parties to the marriage. The
 12 marriage license shall contain a statement that when
 13 a name change is requested and affixed to the marriage
 14 license, the new name is the legal name of the
 15 requesting party. If the parties request a name
 16 change, the parties shall submit to the court the
 17 information required by section six hundred seventy-
 18 four point two (674.2) of the Code, and upon
 19 solemnization of the marriage, the clerk of court
 20 shall send a certified copy of the marriage license
 21 to the recorder's office in every county in this state
 22 where real property is owned by either of the parties.

23 Sec. _____. Section six hundred seventy-four point
 24 six (674.6), Code 1977, is amended to read as follows:

25 674.6 SPOUSE MUST JOIN. If the petitioner is
 26 married, [his or her] *the spouse must join in the*
 27 *petition or file [his or her] written consent with the*
 28 *petition.*

29 If the petitioner has a minor child, the petition
 30 shall state this fact and shall state all the informa-
 31 tion about the child that is required of a petitioner
 32 in section 674.2. If the minor child is fourteen
 33 years of age or older [he shall file his], *the child's*
 34 *written consent to the change of name of that child*
 35 *is required."*

Division S—3562B

- 36 2. Page 1, line 7, by inserting after the word
 37 *“entered”* the words *“, or a person may request a name*
 38 *change to a legal name previously acquired in a former*
 39 *marriage”*.

Division S—3562A (cont'd.)

- 40 3. Page 1, by inserting after line 7 the follow-
 41 ing section:
 42 “Sec.____ . Section six hundred seventy-four point
 43 twelve (674.12), Code 1977, is repealed.”

Division S—3562C

- 44 4. By renumbering sections of the bill and correct-
 45 ing internal references as necessary.

COMMITTEE ON JUDICIARY
 GENE W. GLENN, Chairperson

S—3563

- 1 Amend Senate File 395 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 *“subdivision,”* the words *“or any land dedicated to a*
 4 *community or group of individuals on which no taxes*
 5 *have been paid for a period of ten or more years,”*.

IRVIN L. BERGMAN

HOUSE AMENDMENT TO SENATE FILE 385

S—3564

- 1 Amend Senate File 385, as passed by the Senate
 2 as follows:
 3 1. Page 1, by striking lines 11 through 15.

S—3565

- 1 Amend Senate File 394 as follows:
 2 1. Page 2, by striking lines 9 through 15.

WILLIAM D. PALMER

S-3566

- 1 Amend House File 280 as follows:
- 2 1. Page 1, line 4 by inserting after the words
- 3 "Drake university" the words ", Creighton university".

TOM SLATER

S-3567

- 1 Amend the Bergman amendment, S-3563, to Senate
- 2 File 395 as follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "land" the words "adjacent to a meandered lake or
- 5 stream which has been".

IRVIN L. BERGMAN

S-3568

- 1 Amend Senate File 397 as follows:
- 2 1. Page 1, line 6, by striking the words "[the
- 3 first] *each*" and inserting in lieu thereof the
- 4 words "the first".
- 5 2. Page 1, lines 7 and 8, by striking the words
- 6 "[2. For each additional page or fraction thereof,
- 7 two dollars.]" and inserting in lieu thereof the words
- 8 "2. For each additional page or fraction thereof,
- 9 two dollars *and fifty cents.*"

PHILIP B. HILL

S-3569

- 1 Amend the Committee on State Government amendment,
- 2 S-3550, to House File 246 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 6, by inserting after line 29, the
- 5 following:
- 6 "Sec. _____. Section two point forty-two (2.42),
- 7 Code 1977, is amended by adding the following new
- 8 subsection:
- 9 *NEW SECTION.* To fix the compensation of the director
- 10 of the legislative oversight bureau."

E. KEVIN KELLY

S—3570

1 Amend House File 332, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the following
4 new sections:

5 "Sec. ____ . Chapter twenty-four (24), Code 1977,
6 is amended by adding the following new section:

7 *NEW SECTION.* If the property tax valuations
8 effective January 1, 1978, or any succeeding year,
9 are reduced or there is an unusually low growth rate
10 in the property tax base of a political subdivision,
11 the political subdivision may appeal to the state
12 appeal board to request suspension of the statutory
13 property tax levy limitations to continue to fund
14 the present services provided. A political subdivision
15 may also appeal to the state appeal board where the
16 property tax base of the political subdivision has
17 been reduced or there is an unusually low growth rate
18 for any of the following reasons:

19 1. Any unusual increase in population as determined
20 by the preceding certified federal census.

21 2. Natural disasters or other emergencies.

22 3. Unusual problems relating to major new functions
23 required by state law.

24 4. Unusual staffing problems.

25 5. Unusual need for additional funds to permit
26 continuance of a program which provides substantial
27 benefit to its residents.

28 6. Unusual need for a new program which will
29 provide substantial benefit to residents, if the
30 political subdivision establishes the need and the
31 amount of the necessary increased cost.

32 The state appeal board may approve or modify the
33 request of the political subdivision for suspension
34 of the statutory property tax levy limitations.

35 Upon decision of the state appeal board, the state
36 comptroller shall make the necessary changes in the
37 total budget of the political subdivision and certify
38 the total budget to the governing body of the political
39 subdivision and the appropriate county auditors.

40 Sec. ____ . Chapter three hundred thirty-three
41 (333), Code 1977, is amended by adding the following
42 new section:

43 *NEW SECTION.* Each year on or before December
44 first, the county auditor shall report to the state

45 comptroller the valuation by class of property for
46 each taxing district in the county on forms prescribed
47 by the state comptroller. The valuations reported
48 shall be those valuations used for determining the
49 levy rates necessary to fund the budgets of the taxing
50 districts for the following fiscal year.

Page 2

1 Each county auditor shall certify to the governing
2 body of each taxing district in the county not later
3 than January first of each year the assessed valuations
4 of taxable property for each taxing district within
5 the county as reported to the state comptroller."

6 2. Page 5, by inserting after line 21 the follow-
7 ing new section:

8 "Sec. ____ . Section four hundred twenty-six point
9 seven (426.7), Code 1977, is amended to read as
10 follows:

11 426.7 WARRANTS DRAWN BY COMPTROLLER. After
12 receiving from the several county auditors of the
13 state the certifications provided for in section
14 426.6, and [on or before September 15 of] *during the*
15 following *fiscal year*, the state comptroller shall
16 draw warrants on the agricultural land credits fund
17 created by this chapter, payable to the county
18 treasurers of the several counties of the state in
19 the total amount certified by the county auditors
20 of the respective counties and mail said warrants
21 to the county auditors of said counties *in two equal*
22 *payments on or before September fifteenth and March*
23 *fifteenth of each fiscal year*, provided that in the
24 event the agricultural land credits fund is
25 insufficient to pay in full the total of the amounts
26 certified to the state comptroller on the first of
27 June, [he] *the state comptroller* shall prorate the fund
28 to the several county treasurers and notify the several
29 county auditors of the pro rata percentage on or
30 before August [1] *first.*"

31 3. Page 5, by inserting after line 26 the following
32 new sections:

33 "Sec. ____ . Section four hundred twenty-seven A
34 point nine (427A.9), unnumbered paragraph two (2),
35 Code 1977, is amended to read as follows:

36 The amount of the additional personal property
37 tax credit shall be a fixed amount for each tax year.
38 The amount of the additional personal property tax

39 credit shall be increased for the extended tax year
40 beginning January 1, 1974, and ending June 30, 1975,
41 and shall be increased for each tax year immediately
42 following a tax year in which the growth of state
43 general fund revenues, adjusted for changes in rate
44 or basis, exceeds five and one-half percent, *except*
45 *that the amount of the additional personal property*
46 *tax credit for taxes payable in each year of the*
47 *fiscal period beginning July 1, 1977 and ending June*
48 *30, 1979 shall not exceed the amount of the additional*
49 *personal property tax credit allowed for taxes payable*
50 *in the fiscal year beginning July 1, 1976 and ending*

Page 3

1 *June 30, 1977. An increase in the additional personal*
2 *peroperty tax credit, once granted, shall continue*
3 *for each succeeding tax year. For the purposes of*
4 *this chapter the state comptroller may estimate the*
5 *state percent of growth if necessary to avoid delay*
6 *in the collection of taxes. After nine such increases*
7 *have been made, all taxes on personal property shall*
8 *be repealed as provided in the following section.*
9 *The director of revenue and the state comptroller,*
10 *jointly, shall determine the amount of the credit*
11 *for each such tax year. Such amount shall be the*
12 *maximum amount, rounded to the nearest ten dollars,*
13 *which will permit complete funding of the replacement*
14 *obligation under this division, including the*
15 *replacement obligation for the tax credit granted*
16 *pursuant to sections 427A.1 to 427A.5, out of the*
17 *appropriation provided in this chapter.*

18 Sec.____ . Section four hundred twenty-seven A
19 point thirteen (427A.13), Code 1977, is amended to
20 read as follows:

21 427A.13 APPROPRIATION. There is hereby
22 appropriated from the general fund of the state of
23 Iowa to the personal property tax replacement fund
24 the following sums, or so much thereof as may be
25 necessary, to carry out the provisions of this chapter
26 as amended by this division. [For the fiscal year
27 beginning July 1, 1973, and ending June 30, 1974,
28 there is appropriated the sum of thirty-one million
29 nine hundred thousand dollars. For the fiscal year
30 beginning July 1, 1974, and ending June 30, 1975,
31 and each succeeding fiscal year, there is appropriated
32 the sum of thirty five million seven hundred thousand

33 dollars.] For each [fiscal] year [for which an increase
34 in the additional personal property tax credit becomes
35 effective as provided in this division, the
36 appropriation under this section shall be increased
37 by three million eight hundred thousand dollars, and
38 such increased appropriation shall continue for each
39 succeeding fiscal year. For the fiscal year for which
40 the ninth increase in the additional personal property
41 tax credit becomes effective as provided in this
42 division, and for each succeeding fiscal year] *of the*
43 *fiscal period beginning July 1, 1977 and ending June*
44 *30, 1979*, the total appropriation shall be [sixty-eight]
45 *thirty-eight million six hundred thousand dollars*
46 [per year].
47 . Sec. ____ . Section four hundred forty-one point
48 twenty-one (441.21), subsection one (1), unnumbered
49 paragraph one (1), Code 1977, is amended to read as
50 follows:

Page 4

1 All real and tangible personal property subject
2 to taxation shall be valued at its actual value which
3 shall be entered opposite each item, and *except as*
4 *otherwise provided herein for agricultural and*
5 *residential property* shall be assessed at one hundred
6 percent of such actual value, and such value so
7 assessed shall be taken and considered as the assessed
8 value and taxable value of such property upon which
9 the levy shall be made.
10 Sec. ____ . Section four hundred forty-one point
11 twenty-one (441.21), subsection one (1), unnumbered
12 paragraphs five (5) and seven (7), Code 1977, are
13 amended to read as follows:
14 In assessing and determining the actual value of
15 agricultural property [fifty percent consideration
16 shall be given to each of the following factors:
17 a. The] *the value shall be determined on the basis*
18 *of the productivity and net earning capacity of the*
19 *property determined on the basis of the use for*
20 *agricultural purposes capitalized at a rate*
21 *[representing a fair return on the investment, such*
22 *rate to be established by the state board of tax*
23 *review] of seven percent* and applied uniformly among
24 counties and among classes of property.
25 [b. The fair and reasonable market value of such
26 property as defined herein, but such market value

27 shall be based only on its current use and not on
28 its potential value for other uses.]

29 Notwithstanding any other provision of this section,
30 the actual value of any property shall not exceed
31 its fair and reasonable market value *and the assessed*
32 *value of property as determined under this section*
33 *shall not exceed the actual value or fair and*
34 *reasonable market value as determined under this*
35 *section.*

36 Sec. ____ . Section four hundred forty-one point
37 twenty-one (441.21), subsection one (1), Code 1977,
38 is amended by inserting after unnumbered paragraph
39 five (5) the following new unnumbered paragraph:

40 *NEW UNNUMBERED PARAGRAPH.* Beginning with valuations
41 established as of January 1, 1980, the actual value
42 of agricultural land shall be computed on the basis
43 of the productivity and net earning capacity of the
44 land determined on the basis of its use for
45 agricultural purposes capitalized at a rate of seven
46 percent and applied uniformly among counties and among
47 classes of property. Structures located on
48 agricultural land shall be valued at their market
49 value as defined in this subsection.

50 Sec. ____ . Section four hundred forty-one point

Page 5

1 twenty-one (441.21), subsection one (1), Code 1977,
2 is amended by adding the following new unnumbered
3 paragraphs:

4 *NEW UNNUMBERED PARAGRAPH.* For valuations
5 established as of January 1, 1978, agricultural and
6 residential property shall be assessed at a percentage
7 of the actual value of such property. The percentage
8 shall be determined by the director of revenue for
9 each assessing jurisdiction in the state in accordance
10 with the provisions of this section. For valuations
11 established as of January 1, 1978, the percentage
12 shall be the quotient of the dividend and divisor
13 as defined in this section. The dividend shall be
14 the total equalized value of such property in the
15 assessing jurisdiction in 1975, adjusted for additions
16 or deletions to said value, excluding those resulting
17 from the revaluation of existing properties, as
18 reported by the assessor on the abstracts of assessment
19 submitted in 1976 and 1977, plus seven and one-half
20 percent of the 1975 equalized value of such property
21 or the amount of value added by the revaluation of

22 existing properties in 1976, 1977 and 1978 whichever
 23 is less. The divisor shall be the total value of
 24 such property in the assessing jurisdiction as reported
 25 by the assessor on the abstract of assessment submitted
 26 in 1977, plus the amount of value added in 1978 by
 27 the revaluation of existing properties.

28 *NEW UNNUMBERED PARAGRAPH.* For valuations
 29 established as of January 1, 1979, and each succeeding
 30 year, the percentage of actual value at which
 31 agricultural and residential property shall be assessed
 32 shall be the quotient of the dividend and divisor
 33 as defined in this section. The dividend shall be
 34 the dividend as determined for valuations established
 35 as of January first of the preceding year, adjusted
 36 by the product obtained by multiplying the percentage
 37 determined for the preceding year by the amount of
 38 any additions or deletions to actual value, excluding
 39 those resulting from the revaluation of existing
 40 properties, as reported by the assessor on the abstract
 41 of assessment for the preceding year, plus seven and
 42 one-half percent of the amount so determined. The
 43 divisor shall be the total actual value of all such
 44 property in the assessing jurisdiction in the preceding
 45 year, as reported by the assessor on the abstract
 46 of assessment submitted for the preceding year, plus
 47 the amount of value added to said total actual value
 48 by the revaluation of existing properties in the
 49 current year. The director shall utilize information
 50 reported on abstracts of assessment submitted pursuant

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1 to section four hundred forty-one point forty-five
 2 (441.45) of the Code in determining such percentage.

3 *NEW UNNUMBERED PARAGRAPH.* For valuations estab-
 4 lished as of January 1, 1980 and succeeding years,
 5 the percentage of actual value at which agricultural
 6 structures shall be assessed shall be the same
 7 percentage applied to compute the assessed value of
 8 residential property.

9 *NEW UNNUMBERED PARAGRAPH.* Not later than November
 10 1, 1978, and November first of each succeeding year,
 11 the director shall certify to the county auditor of
 12 each county the percentages of actual value at which
 13 residential and agricultural property in each assessing
 14 jurisdiction in the county shall be assessed for
 15 taxation. The county auditor shall proceed to

16 determine the assessed values of agricultural and
17 residential property by applying such percentages
18 to the current actual value of such property, as
19 reported to the county auditor by the assessor, and
20 the assessed values so determined shall be the taxable
21 values of such properties upon which the levy shall
22 be made.

23 Sec. ____ . Section four hundred forty-one point
24 twenty-six (441.26), Code 1977, is amended by adding
25 the following new unnumbered paragraph:

26 *NEW UNNUMBERED PARAGRAPH.* Beginning with valuations
27 for January 1, 1977 and each succeeding year, for
28 each parcel of property entered in the assessment
29 book, the assessor shall list the classification of
30 the property.

31 Sec. ____ . Section four hundred forty-two point
32 two (442.2), unnumbered paragraph one (1), Code 1977,
33 is amended to read as follows:

34 Each school district shall cause to be levied each
35 year, for the school general fund, a foundation prop-
36 erty tax of five dollars and forty cents per thousand
37 dollars of assessed valuation on all taxable property
38 in the district. For the purpose of this chapter,
39 a school district is defined as a school corporation
40 organized under chapter 274. [Each county auditor
41 shall certify to each school district within the
42 county and to the state comptroller, not later than
43 January 1 each year, the assessed valuation of taxable
44 property for the current year in each school district
45 within the county.]

46 Sec. ____ . *TASK FORCE CREATED.* There is established
47 a task force on taxation composed of six members.
48 Of the six members, three shall be appointed by the
49 governor and three shall be appointed by the
50 legislative council. All members shall be appointed

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1 not later than June 30, 1977. Any vacancy in the
2 membership of the task force shall be filled by
3 appointment in the same manner as the original
4 appointments.

5 Members of the task force shall receive a per diem
6 of forty dollars and their actual and necessary
7 expenses.

8 Sec. ____ . *DUTIES.* The task force on taxation
9 shall conduct a study of the present taxing system

10 in this state. The study shall include, but not be
 11 limited to, the following:

12 1. The present system of state and local taxes
 13 to determine the relative burden of the present tax
 14 structure on the various segments of the state's
 15 populace.

16 2. How different types and classes of property
 17 should be valued and equalized for property tax
 18 assessment purposes.

19 3. Whether budget limitations should be imposed
 20 permanently on the political subdivisions of this
 21 state.

22 4. Which taxes may presently bear too great a
 23 burden of the taxes and which taxes may bear too small
 24 a burden.

25 Sec. ____ . STAFF. The task force on taxation shall
 26 employ a consultant to assist it in carrying out its
 27 duties and may request the assistance of any state
 28 agency to obtain such data and other information which
 29 the task force deems necessary to carry out its duties.

30 Sec. ____ . REPORT. The task force shall transmit
 31 copies of its final report to the governor and the
 32 members of the Sixty-seventh General Assembly not
 33 later than June 30, 1978. The final report shall
 34 include findings of fact and its recommendations.

35 Sec. ____ . APPROPRIATION. There is appropriated
 36 from the general fund of the state to the office of
 37 the state comptroller the sum of two hundred thousand
 38 (200,000) dollars, or so much thereof as may be
 39 necessary, for the fiscal year beginning July 1, 1977
 40 and ending June 30, 1978, for the purpose of the
 41 employment of such professional, technical and
 42 administrative staff and assistance on such basis
 43 as shall be determined by the task force and for such
 44 other expenses as shall be necessary to accomplish
 45 the purpose of this Act, including per diem and actual
 46 expenses incurred by task force members."

47 4. Amend the title, line 1, by striking everything
 48 after the word "Act" and inserting in lieu thereof
 49 the words "relating to property taxation by providing
 50 additional property tax credits for property owners

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1 by increasing the homestead tax credit and the
 2 agricultural land tax credit, providing a temporary
 3 delay in the phaseout of personal property taxes,

- 4 making changes in the procedures for assessment and
 5 valuation of certain taxable property, creating a
 6 task force on taxation, making appropriations, and
 7 making certain provisions of this Act retroactive."

NORMAN G. RODGERS
 BERL E. PRIEBE
 ALVIN V. MILLER
 LOUIS P. CULVER
 BASS VAN GILST
 JAMES V. GALLAGHER
 C. W. HUTCHINS
 LOWELL L. JUNKINS
 C. JOSEPH COLEMAN
 JOHN R. SCOTT
 MILO MERRITT
 JAMES CALHOON
 ROGER J. SHAFF
 CALVIN O. HULTMAN
 RAY TAYLOR
 DALE L. TIEDEN
 ROLF V. CRAFT
 CLIFF BURROUGHS
 STEPHEN W. BIENIUS
 LUCAS J. DE KOSTER
 RICHARD R. RAMSEY
 MERLIN D. HULSE
 IRVIN L. BERGMAN
 ELIZABETH R. MILLER
 RICHARD F. DRAKE
 JAMES E. BRILES
 FORREST V. SCHWENGELS
 JOHN N. NYSTROM

S-3571

- 1 Amend House File 584 as follows:
 2 1. Page 1, by inserting after line 29 the follow-
 3 ing:
 4 "3. DEPARTMENT OF GENERAL SERVICES—
 5 Terrace Hill
 6 a. For preparing Terrace Hill to be
 7 open to the public for at least ten hours
 8 per week plus prearranged tours commenc-
 9 ing July 1, 1978 by providing for drive-
 10 way and parking, new sidewalks to replace
 11 broken slabs and damage in sewer work,
 12 public toilets in the basement, the base-

13 ment floor and underfloor plumbing,
 14 stairway to the basement, and reconstruc-
 15 tion of the east porch, such funds to be
 16 available only if funds equal to or
 17 exceeding the amount appropriated by this
 18 subsection are contributed from sources
 19 other than the state of Iowa and are in
 20 fact in the possession of the state by
 21 January 1, 1978 \$125,000

22 b. If funds which are equal to or
 23 exceed the amount appropriated by para-
 24 graph a of this subsection are not con-
 25 tributed and not in the possession of
 26 the state by January 1, 1978 the funds
 27 appropriated by paragraph a shall revert
 28 to the general fund of the state on
 29 January 1, 1978 notwithstanding any
 30 other provision of this section provid-
 31 ing for the reversion of funds.”

32 2. Page 2, by inserting after line 6 the follow-
 33 ing:

34 “Sec. ____ . House File three hundred sixty-seven
 35 (367), section one (1), subsection sixteen (16), as
 36 enacted by the Sixty-seventh General Assembly, 1977
 37 Session, is amended to read as follows:

38 16. TERRACE HILL

39 For salaries, support, and
 40 miscellaneous purposes required
 41 to maintain Terrace Hill. [It is
 42 a condition of this appropriation
 43 that Terrace Hill be open to the
 44 public for not less than twenty
 45 hours per week beginning July 1,
 46 1977] \$ 83,677”

47 3. Renumber subsections and sections as required
 48 by this amendment.

EARL M. WILLITS
 CALVIN O. HULTMAN

S-3572

- 1 Amend the Rodgers et al. amendment, S-3570, to
- 2 House File 332 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 3, by striking lines 18 through 46.

E. KEVIN KELLY

S-3573

1 Amend the Rodgers et al. amendment, S-3570, to House
2 File 332, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 2, by inserting after line 32 the following
5 new section:

6 "Sec. ____ . Section four hundred twenty-seven A
7 point one (427A.1), subsections three (3) and four
8 (4), Code 1977, are amended to read as follows:

9 3. Notwithstanding the definition of 'attached'
10 in subsection 2, property of a household is [neither]
11 not 'attached' [nor 'placed for use upon the land']
12 if it is a kind of property which would ordinarily
13 be removed when the owner of the property moves to
14 another location. In making this determination the
15 assessing authority shall not take into account the
16 intent of the particular owner.

17 4. Notwithstanding the other provisions of this
18 section, property described in this section, if held
19 solely for sale, lease or rent as part of a business
20 regularly engaged in selling, leasing or renting such
21 property, and if the property is not yet sold, leased,
22 rented or used by any person, shall not be assessed
23 and taxed as real property. This subsection does
24 not apply to any *land or building*."

NORMAN G. RODGERS

S-3574

1 Amend the Senate Amendment S-3570 to House File 332,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 7 through 14 and
5 inserting in lieu thereof the following:

6 *NEW SECTION.* If the property tax valuations effec-
7 tive January 1, 1978, or any succeeding year, are
8 reduced or there is an unusually low growth rate in
9 the property tax base of the political subdivision,
10 the political subdivision may exceed the statutory
11 property tax levy limitations to the extent that the
12 budget does not exceed the allowable growth authorized
13 by Chapter One Thousand Sixty-seven (1067), Acts of
14 the Sixty-sixth General Assembly, 1976 Session. A
15 political subdivision

C.W. HUTCHINS

S-3575

- 1 Amend the Rodgers et al. amendment, S-3570, to
- 2 House File 332 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 4, line 31 by striking the words "and the
- 5 assessed".
- 6 2. Page 4, by striking lines 32 through 34.
- 7 3. Page 4, line 35, by striking the word "section".

EUGENE M. HILL

S-3577

- 1 Amend the Rodgers et al. amendment S-3570 to House
- 2 File 332, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 2, line 48, by striking the figure "1979"
- 5 and inserting in lieu thereof the figure "1978".
- 6 2. Page 3, line 44, by striking the figure "1979"
- 7 and inserting in lieu thereof the figure "1978".

BASS VAN GILST
 JOHN N. NYSTROM
 MILO MERRITT
 E. KEVIN KELLY
 WILLARD R. HANSEN
 CLOYD E. ROBINSON

S-3578

- 1 Amend House File 584 as follows:
- 2 1. Page 1, by inserting after line 29 the follow-
- 3 ing:
- 4 "It is the intent of the general assembly that
- 5 when funds are appropriated or allocated for furni-
- 6 ture, furniture components, and office dividers to
- 7 be utilized in the Hoover building, such furniture,
- 8 furniture components, and office dividers be pur-
- 9 chased from Iowa state industries."

EARL M. WILLITS

S-3579

- 1 Amend the House amendment, S-3462, to Senate File
- 2 312 as follows:
- 3 1. Page 13, by striking lines 6 through 34.

LOWELL L. JUNKINS

S-3581

- 1 Amend the Rodgers et al. amendment, S-3570 to
 2 House File 332, as amended, passed and reprinted by
 3 the House as follows:
 4 1. Page 4, by striking lines 29 through 31
 5 and inserting in lieu thereof the following:
 6 "[Notwithstanding any other provision of this
 7 section, the actual value of any property shall not
 8 exceed its fair and reasonable market value]".
 9 2. Page 4, line 35, by striking the period
 10 and inserting in lieu thereof the following: "[.]".

EUGENE M. HILL

S-3582

- 1 Amend the Rodgers et al. amendment, S-3570, to House
 2 File 332, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 4, by striking lines 10 through 35.
 5 2. Page 4, by striking lines 40 through 49 and
 6 inserting in lieu thereof the following:
 7 "*NEW UNNUMBERED PARAGRAPH.* Notwithstanding the
 8 provisions of this section, in assessing and
 9 determining the actual value of agricultural property
 10 as of January 1, 1978, and January 1, 1979, the actual
 11 value of agricultural property shall be determined
 12 on the basis of productivity and net earning capacity
 13 of the property determined on the basis of its use
 14 for agricultural purposes capitalized at a rate of
 15 seven percent and applied uniformly among counties
 16 and among classes of property."
 17 3. Page 5, line 29, by striking the words "and
 18 each succeeding".
 19 4. Page 5, line 30, by striking the word "year,".
 20 5. Page 5, line 35, by striking the words "January
 21 first of the preceding year" and inserting in lieu
 22 thereof the word and figures "January 1, 1978".
 23 6. Page 5, line 37, by striking the word
 24 "preceding" and inserting in lieu thereof the word
 25 "that".
 26 7. Page 5, line 41, by striking the words "the
 27 preceding year" and inserting in lieu thereof the
 28 figure "1978".

- 29 8. Page 5, line 46, by striking the words "the
 30 preceding year" and inserting in lieu thereof the
 31 figure "1978".
 32 9. Page 5, lines 48 and 49, by striking the words
 33 "the current year" and inserting in lieu thereof the
 34 figure "1979".
 35 10. Page 6, line 10, by striking the words
 36 "November first of each succeeding year" and inserting
 37 in lieu thereof the word and figures "November 1,
 38 1979".

GEORGE R. KINLEY
 PHILIP B. HILL

S-3583

- 1 Amend the Rodgers et al. amendment, S-3570, to
 2 House File 332, as amended, passed and reprinted by
 3 the House as follows:
 4 1. Page 2, line 4, by striking the word
 5 "district" and inserting in lieu thereof the word
 6 "authority".

EARL M. WILLITS
 NORMAN G. RODGERS

S-3584

- 1 Amend the Rodgers et al. amendment, S-3570, to House
 2 File 332, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 3, by striking lines 21 through 46 and
 5 inserting in lieu thereof the following:
 6 "427A.13 APPROPRIATION. There is hereby
 7 appropriated from the general fund of the state of
 8 Iowa to the personal property tax replacement fund
 9 the following sums, or so much thereof as may be
 10 necessary, to carry out the provisions of this chapter
 11 as amended by this division. For the fiscal year
 12 beginning July 1, 1973, and ending June 30, 1974,
 13 there is appropriated the sum of thirty-one million
 14 nine hundred thousand dollars. For the fiscal year
 15 beginning July 1, 1974, and ending June 30, 1975,
 16 and each succeeding fiscal year, there is appropriated
 17 the sum of thirty-five million seven hundred thousand
 18 dollars. For each year of the fiscal period beginning
 19 July 1, 1977 and ending June 30, 1979 the total
 20 appropriation shall be thirty-eight million six hundred

21 *thousand dollars and for each fiscal year for which*
 22 *an increase in the additional personal property tax*
 23 *credit becomes effective as provided in this division,*
 24 *the appropriation under this section shall be increased*
 25 *by three million eight hundred thousand dollars, and*
 26 *such increased appropriation shall continue for each*
 27 *succeeding fiscal year. For the fiscal year for which*
 28 *the ninth increase in the additional personal property*
 29 *tax credit becomes effective as provided in this*
 30 *division, and for each succeeding fiscal year, the*
 31 *total appropriation shall be sixty-eight million*
 32 *dollars per year."*

NORMAN G. RODGERS

S-3585

1 Amend House File 332, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 4, by inserting after line 1, the follow-
 4 ing sections:
 5 "Sec. ____ . Section four hundred twenty-five point
 6 seventeen (425.17), subsections five (5) and nine
 7 (9), Code 1977, are amended to read as follows:
 8 5. 'Claimant' means a person filing a claim for
 9 reimbursement under this division who has attained
 10 the age of [sixty-five] *eighteen* years on or before
 11 December [31] *thirty-first* of the base year [or who is
 12 a surviving spouse having attained the age of fifty-
 13 five years on or before December 31 of the base year,
 14 or who is totally disabled and was totally disabled
 15 on or before December 31 of the base] *and has not been*
 16 *claimed as a dependent by another person on a state*
 17 *income tax return filed in the preceding calendar*
 18 *year[,] and was domiciled in this state during the*
 19 *entire base year and is domiciled in this state at*
 20 *the time the claim is filed. 'Claimant' includes*
 21 *a vendee in possession under a contract for deed and*
 22 *may include one or more joint tenants or tenants in*
 23 *common. In the case of a claim for rent constituting*
 24 *property taxes paid, the claimant shall have rented*
 25 *the property during any part of the base year. When*
 26 *two persons of a household are able to meet the*
 27 *qualifications for a claimant, they may determine*
 28 *between them who will be the claimant. If they are*
 29 *unable to agree, the matter shall be referred to the*
 30 *director of revenue not later than July [31] *thirty-**

31 *first* of each year and his decision shall be final.
32 If a homestead is occupied by two or more persons,
33 and more than one person is able to qualify as a
34 claimant, and some or all of the qualified persons
35 are not related, the persons may determine among them
36 who will be the claimant. If they are unable to
37 agree, the matter shall be referred to the director
38 of revenue not later than July [31] *thirty-first* of
39 each year and his decision shall be final.
40 9. 'Property taxes paid' means property taxes
41 including one-half of any special assessments, but
42 exclusive of delinquent interest and charges for
43 services, paid on a claimant's homestead in this
44 state, but includes only property taxes for which
45 the claimant was liable and which were actually paid
46 by the claimant. If the property taxes have actually
47 been paid, they shall be deemed to have been paid
48 when due, regardless of the date of actual payment.
49 'Property taxes paid' shall be computed with no
50 deduction for any credit under this division or for

Page 2

1 any homestead credit allowed under section 425.1.
2 Claims for property tax reimbursement filed in 1974
3 shall be based upon the property taxes paid in 1973.
4 Claims for property tax reimbursement filed in 1975
5 shall be limited to two-thirds of the property taxes
6 paid in 1974 and the first one-half of 1975. Each
7 year thereafter, each claim shall be based upon the
8 taxes paid during the base year. If a homestead is
9 owned by two or more persons as joint tenants or
10 tenants in common, and one or more persons are not
11 a member of claimant's household, 'property taxes
12 paid' is that part of property taxes paid on the
13 homestead which equals the ownership percentage of
14 the claimant and his household. The county treasurer
15 shall include with the tax receipt a statement that
16 if the owner of the property is [sixty-five] *eighteen*
17 years of age or over [or is totally disabled, or is
18 a surviving spouse of such person who is over the
19 age of fifty-five years of age] *and has not been claimed*
20 *as a dependent by another person on a state income*
21 *tax return filed in the preceding calendar year, the*
22 person may be eligible for the credit allowed under
23 this division. If a claimant changes his homestead,
24 this shall not prevent him from filing a claim based

25 on property taxes for which the claimant was liable
 26 and which were actually paid by the claimant, but
 27 duplication of claims shall not be allowed. If a
 28 homestead is an integral part of a farm, the claimant
 29 may use the total property taxes paid for the larger
 30 unit, but not exceeding forty acres of land. If a
 31 homestead is an integral part of a multidwelling or
 32 multipurpose building the property taxes paid for
 33 the purpose of this subsection shall be prorated to
 34 reflect the portion which the value of the property
 35 that the household occupies as its homestead is to
 36 the value of the entire structure. For purposes of
 37 this subsection, 'unit' refers to that parcel of
 38 property covered by a single tax statement of which
 39 the homestead is a part.

40 Sec. ____ . Section four hundred twenty-five point
 41 seventeen (425.17), Code 1977, is amended by adding
 42 the following new subsection:

43 *NEW SUBSECTION.* 'Investment income' means that
 44 income derived from rental property, income which
 45 is received in the form of interest or dividends and
 46 any other income received from the investment of
 47 capital whether or not such income is subject to
 48 taxation.

49 Sec. ____ . Section four hundred twenty-five point
 50 seventeen (425.17), Code 1977, is amended by striking

Page 3

1 subsection six (6).

2 Sec. ____ . Section four hundred twenty-five point
 3 twenty-three (425.23), subsection one (1), Code 1977,
 4 is amended by striking the subsection and inserting
 5 in lieu thereof the following:

6 1. The tentative reimbursement shall be determined
 7 according to the following schedule:

8		Percent of property taxes paid or rent consti-					
9 If the household		tuting property taxes paid allowed as a reim-					
10 income is:		bursement for various household sizes:					
		1 per-	2 per-	3 per-	4 per-	5 per-	6 or more
		son	sons	sons	sons	sons	persons
11	\$ 0- 999.99..	100%	100%	100%	100%	100%	100%
12	1,000- 1,999.99..	100	100	100	100	100	100
13	2,000- 2,999.99..	90	90	90	90	90	90
14	3,000- 3,999.99..	75	80	80	80	80	85
15	4,000- 4,999.99..	60	65	65	70	75	80
16							
17							

18	5,000- 5,999.99..	45	55	55	60	65	70
19	6,000- 6,999.99..	30	40	45	50	55	60
20	7,000- 7,999.99..	—	30	40	45	50	55
21	8,000- 8,999.99..	—	25	35	40	45	50
22	9,000- 9,999.99..	—	—	30	35	40	45
23	10,000-10,999.99..	—	—	25	30	35	40
24	11,000-11,999.99..	—	—	—	25	30	35
25	12,000-12,999.99..	—	—	—	—	25	30
26	13,000-13,999.99..	—	—	—	—	—	25

27 Sec. ____ . Section four hundred twenty-five point
 28 twenty-six (425.26), subsection one (1), Code 1977,
 29 is amended to read as follows:

30 1. Age [and total disability, if any];

31 Sec. ____ . Section four hundred twenty-five point
 32 twenty-six (425.26), Code 1977, is amended by striking
 33 subsection nine (9).”

34 2. Page 4, line 3, by striking the word “section”
 35 and inserting in lieu thereof the word “sections”.

36 3. Page 4, by inserting after line 3, the follow-
 37 ing:

38 *NEW SECTION. INVESTMENT INCOME.* If a claimant
 39 receives investment income in excess of two thousand
 40 five hundred dollars during the base year, an amount
 41 equal to ten percent of the investment income shall
 42 be credited against the amount of property taxes paid
 43 or rent constituting property taxes paid during the
 44 base year or the maximum property tax provided in
 45 section four hundred twenty-five point twenty-four
 46 (425.24) of the Code, whichever is less, and the
 47 amount of reimbursement for property taxes paid or
 48 rent constituting property taxes paid shall be computed
 49 on the difference.

50 4. Page 5; by inserting after line 21 the following

Page 4

1 new section:

2 “Sec. ____ . Chapter four hundred twenty-six (426),
 3 Code 1977, is amended by adding the following new
 4 section:

5 *NEW SECTION.* The credit authorized under this
 6 chapter shall only be applied to those agricultural

7 lands operated as a family farm or by a family farm
 8 corporation as defined in section one hundred seventy-
 9 two C point one (172C.1) of the Code. For purposes
 10 of this chapter, 'family farm' means a farming
 11 operation owned and operated by persons related to
 12 each other as spouse, parent, grandparent, lineal
 13 ascendants of grandparents or their spouses and other
 14 lineal descendants of the grandparents or their
 15 spouses, or persons acting in a fiduciary capacity
 16 for persons so related and engaged in farming as
 17 defined in section one hundred seventy-two C point
 18 one (172C.1) of the Code."

JOAN ORR
 MINNETTE F. DODERER

S-3586

1 Amend the Rodgers, et al. amendment, S-3570,
 2 to House File 332, as amended, passed, and reprinted
 3 by the House, as follows:
 4 1. Page 6, by striking line 46 through page 7,
 5 line 46.
 6 2. Page 8, lines 5 and 6, by striking the
 7 words, "creating a task force on taxation,".

ROLF V. CRAFT

S-3587

1 Amend the Rodgers et al. amendment, S-3570, to
 2 House File 332, as amended, passed and reprinted by
 3 the House as follows:
 4 1. Page 6, by striking lines 47 through page
 5 7, line 7 and inserting in lieu thereof the following:
 6 "a task force on taxation composed of the state
 7 comptroller, the director of the department of revenue
 8 and the director of the legislative fiscal bureau."
 9 2. Page 7, lines 25 and 26, by striking the words
 10 "shall employ a" and inserting in lieu thereof the
 11 words "may request the assistance of any".
 12 3. Page 7, line 33, by striking the word and
 13 figure "June 30" and inserting in lieu thereof the

- 14 word and figure "January 9".
15 4. Page 7, lines 45 and 46, by striking the words
16 " , including per diem and actual expenses incurred
17 by task force members".

DALE L. TIEDEN

S-3588

1 Amend the Rodgers et al. amendment, S-3570, to House
2 File 332, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 3, by striking lines 21 through 46 and
5 inserting in lieu thereof the following:
6 "427A.13 APPROPRIATION. There is hereby
7 appropriated from the general fund of the state of
8 Iowa to the personal property tax replacement fund
9 the following sums, or so much thereof as may be
10 necessary, to carry out the provisions of this chapter
11 as amended by this division. For the fiscal year
12 beginning July 1, 1973, and ending June 30, 1974,
13 there is appropriated the sum of thirty-one million
14 nine hundred thousand dollars. For the fiscal year
15 beginning July 1, 1974, and ending June 30, 1975,
16 and each succeeding fiscal year, there is appropriated
17 the sum of thirty-five million seven hundred thousand
18 dollars. For *each year of the fiscal period beginning*
19 *July 1, 1977 and ending June 30, 1978 the total*
20 *appropriation shall be thirty-eight million six hundred*
21 *thousand dollars and for each fiscal year for which*
22 *an increase in the additional personal property tax*
23 *credit becomes effective as provided in this division,*
24 *the appropriation under this section shall be increased*
25 *by three million eight hundred thousand dollars, and*
26 *such increased appropriation shall continue for each*
27 *succeeding fiscal year. For the fiscal year for which*
28 *the ninth increase in the additional personal property*
29 *tax credit becomes effective as provided in this*
30 *division, and for each succeeding fiscal year, the*
31 *total appropriation shall be sixty-eight million*
32 *dollars per year."*

NORMAN G. RODGERS

S-3589

- 1 Amend Senate File 395 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "or" the words "a meandered".

IRVIN L. BERGMAN

S-3590

- 1 Amend the Committee on State Government
- 2 amendment, S-3550, to House File 246, as amended,
- 3 passed and reprinted by the House as follows:
- 4 1. Page 2, by striking line 49 through page 3,
- 5 line 5.

WILLIAM D. PALMER

S-3591

- 1 Amend Senate Joint Resolution 11 as follows:
- 2 1. Amend the title page, line 6, by striking the
- 3 words "Iowa public employees' retirement system" and
- 4 inserting in lieu thereof the words "public retirement
- 5 systems in this state".
- 6 2. Amend the title page, by striking lines 7
- 7 through 10, and inserting in lieu thereof the
- 8 following:
- 9 "WHEREAS, questions have been raised about the
- 10 differing benefits paid to public employees under
- 11 the several state and local retirement systems; and
- 12 WHEREAS, some public employees are covered under
- 13 United State social security provisions and others
- 14 are not; and
- 15 WHEREAS, some public retirement systems are funded
- 16 on an actuarially sound basis and others are not;
- 17 and
- 18 WHEREAS, the United States Congress is considering
- 19 legislation to regulate public pension plans; and".
- 20 3. Amend the title page, lines 12 and 13, by
- 21 striking the words "to the IPERS fund".
- 22 4. Page 1, by striking line 5 and inserting in
- 23 lieu thereof the words "study of the public retire-

24 ment systems in this state and the feasibility of
25 the establishment of a single integrated retirement
26 system for all public employees with study given to
27 social security coverage for all public employees,
28 including the”.

29 5. Page 1, line 7, by striking the words “IPERS
30 fund” and inserting in lieu thereof the words “various
31 funds”.

32 6. Amend the title by striking line 2 and inserting
33 in lieu thereof the words “public retirement systems
34 in this state and to make”.

MINNETTE F. DODERER

S-3592

1 Amend Senate File 393 as follows:

2 1. Page 1, by striking lines 2 through page 2,
3 line 4 and inserting in lieu thereof the following:
4 “subsection two (2), Code 1977, is amended to read as
5 follows:

6 2. If a majority of the [votes cast on the first
7 question is in the negative, the public employees shall
8 not be represented by an employee organization. If a
9 majority of the votes cast on the first question is in
10 the affirmative] *public employees who could be represented*
11 *by an employee organization vote in the affirmative on*
12 *the first question, then the employee organization receiving*
13 *a majority of the votes cast on the second question shall*
14 *represent the public employees in an appropriate bar-*
15 *gaining unit. If a majority of the public employees*
16 *who could be represented by an employee organization do*
17 *not vote in the affirmative on the first question, the*
18 *public employees shall not be represented by an employee*
19 *organization.”*

20 2. Renumber sections as necessary.

CALVIN O. HULTMAN

S-3593

1 Amend Senate File 329 as follows:

2 1. Page 11, by striking all of lines 16 through

3 35.

4 2. Page 12, by striking all of lines 1 through

5 3.

6 3. Page 14, by inserting after line 30 the
7 following section:

8 "Sec. ____ . Section four hundred eleven point six
9 (411.6), subsection seven (7), Code 1977, is amended
10 by striking paragraph c."

11 4. Page 15, by inserting after line 32 the follow
12 ing section:

13 "Sec. ____ . Section four hundred fifty-five B point
14 seven (455B.7), subsection three (3), Code 1977, is
15 amended to read as follows:

16 3. Issue orders and directives necessary to insure
17 integration and co-ordination of the programs
18 administered by the department. Notwithstanding any
19 other provision of this chapter to the contrary, each
20 commission within the department shall submit all
21 of its proposed rules to the executive committee for
22 review to insure that no conflict exists between such
23 proposed rules and the existing rules of another
24 commission within the department. If a conflict does
25 exist, the executive committee shall direct the
26 commissions involved to resolve the conflict before
27 the proposed rules are submitted to the legislative
28 [departmental] *administrative* rules review committee
29 as provided in chapter 17A.

30 Sec. ____ . Section five hundred fifteen B point
31 five (515B.5), subsection one (1), Code 1977, is
32 amended by striking paragraph g and inserting in lieu
33 thereof the following:

34 g. Reimburse each servicing facility for obli-
35 gations of the association paid by the facility and
36 for expenses incurred by the facility while handling
37 claims on behalf of the association, and pay the other
38 expenses of the association authorized by this chapter.

39 Sec. ____ . Section five hundred fifteen B point
40 five (515B.5), subsection two (2), Code 1977, is
41 amended by striking paragraph g and inserting in lieu
42 thereof the following:

43 g. If at any time the board of directors finds
44 that the amount assessed for any insolvency exceeds

45 the actual and projected liabilities of that insol-
 46 vency, it may refund such excess to member insurers
 47 in the same proportion that each contributed to the
 48 original assessment or assessments. Any assessments
 49 or refunds of any member insurer in amounts not to
 50 exceed twenty-five dollars may, at the discretion

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- 1 of the board of directors, be waived.”
- 2 5. Page 19, by striking lines 6 through 8.
- 3 6. Renumbering sections and correcting internal
- 4 references as necessary.

HOUSE AMENDMENT TO SENATE FILE 140

S—3594

- 1 Amend Senate File 140 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing new section:
- 4 “Section 1. Section four hundred twenty-two point
- 5 thirty-three (422.33), subsection one (1), unnumbered
- 6 paragraph one (1), Code 1977, is amended to read as
- 7 follows:
- 8 If the trade or business of the corporation is
- 9 carried on entirely within the state *or if the trade*
- 10 *or business consists of the operation of a farm and*
- 11 *the property is located entirely within the state,*
- 12 the tax shall be imposed on the entire net income,
- 13 but if such trade or business is carried on partly
- 14 within and partly without the state *or if the trade*
- 15 *or business consists of the operation of a farm and*
- 16 *the property is located partly within and partly*
- 17 *without the state,* the tax shall be imposed only on
- 18 the portion of the net income reasonably attributable
- 19 to the trade or business within the state, said net
- 20 income attributable to the state to be determined
- 21 as follows:”.
- 22 2. Page 3, by inserting after line 9 the follow-
- 23 ing new section:
- 24 “Sec. ____ . *NEW SECTION. TRANSITIONAL PERIOD.*

25 There shall be a transitional period to permit each
26 taxpayer subject to the tax imposed by sections four
27 hundred twenty-two point thirty-three (422.33) and
28 four hundred twenty-two point sixty (422.60) of the
29 Code to adjust to the requirements of making estimated
30 tax payments.

31 1. For a taxable year beginning on or after July
32 1, 1977, and on or before June 30, 1978, only sixty
33 percent of the estimated tax shall be required to
34 be paid during the taxable year in accordance with
35 the installment schedule in section three (3) of this
36 Act. The remaining forty percent of the estimated
37 tax shall be increased or decreased to reflect the
38 actual tax due for the taxable year and shall be paid
39 at the time of filing the final, completed return
40 for the taxable year.

41 2. For a taxable year beginning on or after July
42 1, 1978, and on or before June 30, 1979, only eighty
43 percent of the estimated tax shall be required to
44 be paid during the taxable year in accordance with
45 the installment schedule in section three (3) of this
46 Act. The remaining twenty percent of the estimated
47 tax shall be increased or decreased to reflect the
48 actual tax due for the taxable year and shall be paid
49 at the time of filing the final, completed return
50 for the taxable year.

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1 3. In the event the time for filing a tax return
2 is extended for a taxable year listed in this section
3 the remaining percentage of estimated tax due for
4 that year shall be paid not later than the last day
5 of the fourth month following the expiration of the
6 taxable year."

7 3. Page 5, by striking lines 30 through 35 and
8 inserting in lieu thereof the following new section:
9 "Sec. ____ . SPECIAL RESERVE FUND CREATED. The
10 treasurer of state shall credit the first ten million
11 dollars received after the effective date of this
12 Act from the receipts resulting from the payments
13 received upon the filing of declarations of estimated
14 tax from corporations subject to the tax imposed under

15 division three (III) of this chapter to the general
16 fund of the state. After crediting the first ten
17 million dollars received to the general fund of the
18 state, the treasurer of state shall credit the next
19 twenty-five million dollars received after the
20 effective date of this Act from the receipts resulting
21 from the payments received upon the filing of
22 declarations of estimated tax from corporations subject
23 to the tax imposed under division three (III) of this
24 chapter to a special reserve fund, which is hereby
25 created in the office of the treasurer of state."

26 4. Page 6, by striking line 1.

27 5. Page 6, by inserting after line 18 the follow-
28 ing new section:

29 "Sec. ____ . The provisions of section one (1) of
30 this Act are retroactive to January 1, 1977 for tax
31 years beginning on or after January 1, 1977 and to
32 this extent the provisions of section one (1) of this
33 Act are retroactive."

34 6. Page 6, line 19, by inserting after the word
35 "Act" the words ", except the provisions of section
36 one (1) of this Act,".

37 7. Page 6, by inserting after line 20 the follow-
38 ing new section:

39 "Sec. ____ . This Act, being deemed of immediate
40 importance, shall take effect and be in force from
41 and after its publication in The Marion Sentinel,
42 a newspaper published in Marion, Iowa, and in the
43 Farmer-Labor Press, a newspaper published in Council
44 Bluffs, Iowa."

45 8. Renumber sections and correct internal
46 references as are necessary in accordance with this
47 amendment.

48 9. Amend the title, by striking everything after
49 the word "Act" in line 1 and inserting in lieu thereof
50 the words "relating to the taxation of corporations

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1 and financial institutions to provide for the alloca-
2 tion of certain corporate income to this state for
3 corporate income tax purposes, to require the filing

4 of declarations of estimated tax and quarterly payments
 5 by corporations and financial institutions, creating
 6 a special reserve fund into which a portion of such
 7 payments are to be deposited, providing penalties,
 8 and making certain provisions of the Act retroactive.”

HOUSE AMENDMENT TO SENATE FILE 361

S-3595

1 Amend Senate File 361 as amended and passed by
 2 the Senate as follows:
 3 1. Page 2, by inserting after line 8 the following
 4 new sections:
 5 “Sec. ____ . Chapter one thousand two hundred forty-
 6 five (1245), Acts of the Sixty-sixth General Assembly,
 7 1976 Session, chapter two (2), section one thousand
 8 three hundred one (1301), rule twenty-three (23),
 9 subsection four (4), paragraphs c and d, are amended
 10 to read as follows:
 11 c. APPEAL. Appeal from an order granting or
 12 denying a motion for new trial or in arrest of judgment
 13 may be taken by the state or the defendant; *provided*
 14 *that appellate review of an order granting or denying*
 15 *a motion in arrest of judgment upon a plea of guilty*
 16 *shall not lie except where discretionary review is*
 17 *granted.* Where the court has denied the motion for
 18 new trial or in arrest of judgment, or both, appeal
 19 *or discretionary review, whichever is applicable,*
 20 may be had only after judgment is pronounced.
 21 d. CUSTODY PENDING APPELLATE DETERMINATION.
 22 Pending determination by the [supreme] *appellate* court
 23 of such appeal *or discretionary review,* the trial
 24 court shall determine whether the defendant shall
 25 remain in custody, or whether, if in custody, the
 26 defendant should be released on bail or his or her
 27 own recognizance. Where the trial court has arrested
 28 judgment and an appeal is taken by the state *or*
 29 *discretionary review is granted to the state,* and
 30 it further appears to the trial court that there is
 31 no evidence sufficient to charge the defendant with
 32 an offense, the defendant shall not be held in custody.

33 Sec. ____ . Chapter one thousand two hundred forty-
34 five (1245), Acts of the Sixty-sixth General Assembly,
35 1976 Session, chapter two (2), section one thousand
36 four hundred four (1404), is amended to read as
37 follows:

38 Sec. 1404. NEW SECTION. Perfection of an appeal
39 and application for discretionary review. An appeal
40 *and an application for discretionary review from a*
41 *judgment of sentence upon a plea of guilty* is perfected
42 by filing a written notice within sixty days after
43 judgment or order with the clerk of the court wherein
44 the judgment or order was issued. Application for
45 discretionary review is made by filing a written
46 notice within ten days after judgment or order with
47 the clerk of the court wherein the judgment or order
48 was issued.

49 Sec. ____ . Chapter one thousand two hundred forty-
50 five (1245), Acts of the Sixty-sixth General Assembly,

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1 1976 Session, chapter two (2), section one thousand
2 four hundred five (1405), subsection one (1), paragraph
3 c, is amended to read as follows:

4 c. An order [arresting judgment or] granting a new
5 trail; *or, except upon a plea of guilty, an order*
6 *arresting judgment.*

7 Sec. ____ . Chapter one thousand two hundred forty-
8 five (1245), Acts of the Sixty-sixth General Assembly,
9 1976 Session, chapter two (2), section one thousand
10 four hundred five (1405), subsection two (2), is
11 amended by adding the following new paragraph:

12 *NEW PARAGRAPH.* e. Where the court has accepted
13 a plea of guilty, an order arresting judgment upon
14 that plea.

15 Sec. ____ . Chapter one thousand two hundred forty-
16 five (1245), Acts of the Sixty-sixth General Assembly,
17 1976 Session, chapter two (2), section one thousand
18 four hundred six (1406), subsection one (1), paragraph
19 a, is amended to read as follows:

20 a. A final judgment of sentence, *except upon a*
21 *plea of guilty, and except in case of simple*

- 22 misdemeanor and ordinance violation convictions.
 23 Sec. ____ . Chapter one thousand two hundred forty-
 24 five (1245), Acts of the Sixty-sixth General Assembly,
 25 1976 Session, chapter two (2), section one thousand
 26 four hundred six (1406), subsection two (2), is amended
 27 by adding the following new paragraph:
 28 *NEW PARAGRAPH. f. Where the court has accepted*
 29 *a plea of guilty, a final judgment of sentence upon*
 30 *that plea and an order denying a motion in arrest*
 31 *of judgment upon that plea.”*
 32 2. By renumbering sections of the bill.
 33 3. Amend the title, line 1, by inserting after
 34 the word “to” the words “appellate review and”.

S-3596

- 1 Amend Senate File 393 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Section 1. Section twenty point three (20.3),
 5 subsection four (4), Code 1977, is amended to read
 6 as follows:
 7 4. ‘Employee organization’ means an organization
 8 of any kind in which public employees participate and
 9 which exists for the primary purpose of representing
 10 public employees in their employment relations. *An*
 11 *employee organization shall not represent in employment*
 12 *relations nonpublic employees nor shall an employee*
 13 *organization be affiliated with an organization that*
 14 *represents in employment relations nonpublic employees.”*

RICHARD R. RAMSEY

S-3597

- 1 Amend Senate File 393 as follows:
 2 1. Page 2, by striking line 16 and inserting in
 3 lieu thereof the following: “years. *However, if*
 4 *the collective bargaining agreement with the state,*
 5 *its boards, commissions, departments, or agencies*
 6 *is not agreed upon by April first of the year in which*
 7 *it is to take effect, the agreement shall become*

8 *effective July first of the following year. If an*
9 *exclusive bargaining representative”.*

RICHARD R. RAMSEY

S-3598

1 Amend House File 491, as amended, passed and re-
2 printed by the House as follows:

3 1. Page 10, line 25, by striking the word “*ten*”
4 and inserting in lieu thereof the word “*eight and*
5 *one-half*”.

6 2. Page 11, by striking lines 14 and 15 and in-
7 serting in lieu thereof the following: “its agencies,
8 but this exemption shall not apply to political
9 subdivisions of this state.”

10 3. Page 11, line 23, by striking the word “*eleven*
11 *and one-half*” and inserting in lieu thereof the word
12 “*ten*”.

13 4. Page 12, by striking lines 2 through 15.

14 5. Page 12, line 20, by inserting after the word
15 “[gallon]” the words “*nine and one-half cents per gallon*
16 *of*”.

17 6. Page 12, line 21, by inserting after the word
18 “[gallon]” the words “*eight cents per gallon of*”.

19 7. Page 12, by inserting after line 28 the
20 following:

21 “*The net proceeds of one quarter of one cent per*
22 *gallon of the excise taxes on diesel special fuel,*
23 *motor fuel and other special fuel collected under*
24 *the provisions of this chapter shall be credited by*
25 *the treasurer of state to the primary road fund.*

26 *The net proceeds of one quarter of one cent per*
27 *gallon of the excise taxes on diesel special fuel,*
28 *motor fuel and other special fuel collected under*
29 *the provisions of this chapter shall be used for the*
30 *reconstruction and repair of bridges in the state*
31 *determined by the transportation commission to require*
32 *maintenance to assure safe facilities for motor vehicle*
33 *operation. The transportation commission shall review*
34 *bridge reconstruction needs in the state and assign*
35 *priorities for reconstruction to bridges in the primary*
36 *road system, the secondary and farm-to-market road*

37 *system, and the street construction in cities. The*
 38 *treasurer of state shall annually credit the amount*
 39 *raised from the one quarter of one cent per gallon*
 40 *fuel excise taxes to be used for bridge reconstruction*
 41 *approved by the transportation commission in portions*
 42 *equal to one-third of the amount to the primary road*
 43 *fund, one-sixth of the amount to the secondary road*
 44 *fund, one-sixth of the amount to the farm-to-market*
 45 *road fund, and one-third of the amount to the street*
 46 *construction fund of the cities."*

COMMITTEE ON TRANSPORTATION
 CLOYD E. ROBINSON, Chairperson

S-3599

- 1 Amend the Committee on State Government
- 2 amendment, S-3550, to House File 246, as amended,
- 3 passed and reprinted by the House, as follows:
- 4 1. Page 2, by striking lines 43 through 48.

LUCAS J. DE KOSTER

S-3600

- 1 Amend the State Government Committee Amendment,
- 2 S-3350, to House File 246 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 2, line 34, by inserting after the word
- 5 "submit" the words "and obtain consent for".

TOM SLATER

S-3601

- 1 Amend House File 582, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Section ninety-seven B point forty-
- 6 one (97B.41), subsection one (1), paragraph a, Code
- 7 1977, is amended by adding the following new unnumbered
- 8 paragraph:

9 **NEW UNNUMBERED PARAGRAPH.** Wages for a member of
10 the general assembly means the total compensation
11 received by a member of the general assembly, whether
12 paid in the form of per diem or annual salary,
13 exclusive of expense and travel allowances paid to
14 a member of the general assembly. Wages includes
15 per diem payments paid to members of the general
16 assembly during interim periods between sessions of
17 the general assembly.

18 Sec. 2. Section ninety-seven B point forty-one
19 (97B.41), subsection three (3), paragraph b,
20 subparagraphs one (1) and two (2), Code 1977, are
21 amended to read as follows:

22 (1) [Members of the general assembly, elective]
23 *Elective* officials in positions for which the
24 compensation is on a fee basis, elective officials
25 of school districts, elective officials of townships,
26 and elective officials of other political subdivisions
27 who are in part-time positions, graduate medical
28 students while serving as interns or resident doctors
29 in training at any hospital, or county medical
30 examiners and deputy county medical examiners under
31 chapter 339.

32 (2) [Temporary] *Members of the general assembly*
33 *of Iowa and temporary* employees of the general assembly
34 of Iowa unless such *members or* employees shall make
35 an application to the department to be covered under
36 the provisions of this chapter.

37 Sec. 3. Section ninety-seven B point forty-one
38 (97B.41), subsection three (3), paragraph b, Code
39 1977, is amended by adding the following new
40 subparagraph:

41 **NEW SUBPARAGRAPH.** Employees of community action
42 programs, determined to be an instrumentality of the
43 state or a political subdivision, unless such employees
44 elect by filing an application with the department
45 to be covered under the provisions of this chapter.

46 Sec. 4. Section ninety-seven B point forty-one
47 (97B.41), subsection three (3), paragraph b, Code
48 1977, is amended by adding the following new
49 subparagraph:

50 **NEW SUBPARAGRAPH.** Part-time judicial magistrates

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1 appointed pursuant to either section six hundred two
2 point fifty (602.50) or section six hundred two point
3 fifty-eight (602.58) of the Code unless such
4 magistrates elect by filing an application with the
5 department to be covered under the provisions of this
6 chapter.

7 Sec. 5. Section six hundred two point fifty-four
8 (602.54), Code 1977, is amended to read as follows:

9 602.54 SALARY, EXPENSES. Each judicial magistrate
10 shall receive a salary payable from the general fund
11 of the state and also his *or her* actual and necessary
12 expenses in the performance of his *or her* duties while
13 away from the city of his *or her* residence, in
14 accordance with section 605.2. The salary of judicial
15 magistrates, except as otherwise provided herein,
16 shall be the sum of four thousand eight hundred dollars
17 annually. The judicial magistrates serving pursuant
18 to section 602.51 shall receive an annual salary of
19 nineteen thousand five hundred dollars. Judicial
20 magistrates *appointed pursuant to section six hundred*
21 *two point fifty-one of the Code* except district
22 associate judges shall be members of the Iowa public
23 employees' retirement system. *Judicial magistrates*
24 *appointed pursuant to either section six hundred two*
25 *point fifty (602.50) or section six hundred two point*
26 *fifty-eight (602.58) may elect to be members of the*
27 *Iowa public employees' retirement system upon filing*
28 *notice in writing with the Iowa department of job*
29 *service and the court administrator of the judicial*
30 *department.*

31 Sec. 6. The department of job service shall notify
32 all judicial magistrates appointed pursuant to either
33 section six hundred two point fifty (602.50) or section
34 six hundred two point fifty-eight (602.58) of the
35 Code by February 1, 1978, of their option to continue
36 membership in the Iowa public employees' retirement
37 system by filing written notice to the department
38 of job service and the court administrator of the
39 judicial department prior to March 1, 1978. If a
40 judicial magistrate appointed pursuant to either

41 section six hundred two point fifty (602.50) or section
42 six hundred two point fifty-eight (602.58) of the
43 Code does not elect to continue membership, the
44 magistrate may either receive a lump sum payment equal
45 the sum of the member's accumulated contributions
46 to the date of termination of membership or, if the
47 individual is vested, the member may leave his or
48 her contributions in the fund and elect to receive
49 retirement benefits at a future date pursuant to the
50 provisions of chapter ninety-seven B (97B) of the

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1 Code.

2 Sec. 7. A community action program determined
3 to be an instrumentality of the state or a political
4 subdivision may elect coverage for its employees under
5 chapter ninety-seven B (97B) of the Code to commence
6 at a date on or after January 1, 1971 and to end
7 Decmeber 31, 1977. The date shall be specified in
8 the application for election for coverage. Employee
9 and employer contributions for the period for which
10 an election is made shall be required in a manner
11 and amount as provided in chapter ninety-seven B (97B)
12 of the Code, as the Code was effective during the
13 covered period.

14 Sec. 8. The provisions of sections one (1) and
15 two (2) of this Act are effective January 8, 1979.
16 The provisions of sections three (3), four (4), five
17 (5), and six (6) of this Act are effective January
18 1, 1978. The provisions of section seven (7) of this
19 Act are retroactive to January 1, 1971.

20 Sec. 9. This Act, being deemed of immediate
21 importance, shall take effect and be in force from
22 and after its publication in the Muscatine Journal,
23 a newspaper published in Muscatine, Iowa, and in
24 the Iowa City Press Citizen, a newspaper published
25 in Iowa City, Iowa.

26 2. Amend the title, by striking lines 4 through
27 9 and inserting in lieu thereof the words "and members
28 of the general assembly, and making certain sections
29 retroactive".

COMMITTEE ON STATE GOVERNMENT
MINNETTE F. DODERER, Chairperson

S-3602

- 1 Amend the House Amendment, S-3529, to Senate File
- 2 344 as follows:
- 3 1. Page 2, line 47, by inserting after the
- 4 word "Park." the words "Between the dates of May
- 5 15 and October 1, the Ledges State Park shall be kept
- 6 open a minimum of forty hours per week for the public's
- 7 use and enjoyment by the state conservation commission."

JOHN N. NYSTROM

S-3603

- 1 Amend Senate File 373 as follows:
- 2 1. Page 1, by striking lines 8 and 9 and inserting
- 3 in lieu thereof the following:
- 4 "___ . 'Social worker' means a person licensed to
- 5 engage in the private practice of social work and shall
- 6 not include a person engaged in the practice of social
- 7 work who is employed by the state or any of its political subdivisions."

EUGENE M. HILL

S-3604

- 1 Amend the Willits-Hultman amendment, S-3571, to
- 2 House File 584 as passed by the House as follows:
- 3 1. Page 1, line 4, by striking the words
- 4 "DEPARTMENT OF GENERAL SERVICES" and inserting in
- 5 lieu thereof the words "THE EXECUTIVE COUNCIL".

EARL M. WILLITS
CALVIN O. HULTMAN

S-3605

- 1 Amend Senate Joint Resolution 12 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "possible" the words "after a survey of all schools

4 has determined the unemployment rate of their grad-
 5 uates which could be attributed to the lack of
 6 vocational programs taught by each school."

RAY TAYLOR

S-3606

1 Amend the House amendment, S-3529, to Senate
 2 File 344 as follows:
 3 1. Page 1, line 35, by inserting after the word
 4 "interior." the words "However, any land purchased
 5 by the state conservation commission pursuant to the
 6 open spaces land acquisition program shall be purchased
 7 from a willing seller only."

DALE L. TIEDEN

S-3607

1 Amend House File 573 as passed by the House as
 2 follows:
 3 1. Page 1, line 23, by inserting after the
 4 figure "1979." the words "*However, any unspent*
 5 *federal funds received by the energy policy council*
 6 *as reimbursement for its general operating expenses*
 7 *shall in no event revert to the general fund of the*
 8 *state but shall instead revert to the research and*
 9 *development fund of the energy policy council."*

CALVIN O. HULTMAN

S-3608

1 Amend Senate File 401 as follows:
 2 1. Page 3, line 7, by striking the word
 3 "deliver" and inserting in lieu thereof the word
 4 "delivery".

FORREST V. SCHWENGELS
 CLOYD E. ROBINSON

S-3609

1 Amend the House amendment, S-3594, to Senate
 2 File 140 as follows:
 3 1. Page 1, by striking lines 2 through 21.
 4 2. Page 2, by striking lines 27 through 44.
 5 3. Page 2, by striking line 48 through page 3,

6 line 8.

BASS VAN GILST
PHILIP B. HILL

S—3610

- 1 Amend the Committee on State Government amendment
2 S—3550 amending House File 246 as follows:
3 1. Page 1, by striking line 5 through page 2,
4 line 39 and inserting in lieu thereof the following:
5 "Section 1. Chapter eleven (11), Code 1977, is
6 amended by adding sections two (2) through five (5)
7 of this Act.
8 Sec. 2. *NEW SECTION. AUTHORITY TO CONDUCT*
9 *PERFORMANCE AUDITS.* The auditor of the state may:
10 1. Establish policies and procedures for the
11 conduct of performance audits and program evaluations.
12 2. Conduct performance audits and program
13 evaluations of agencies and programs of the state
14 government, area education agencies established in
15 chapter two hundred seventy-three (273) of the Code,
16 and area vocational schools and community colleges
17 defined in chapter two hundred eighty A (280A) of
18 the Code.
19 3. Determine the priority of performance audits
20 and program evaluations.
21 4. Make an annual report to the general assembly
22 of the performance audits and program evaluations
23 conducted and in progress."
24 2. Page 2, by striking lines 47 and 48.
25 3. Page 2, line 49, by striking the word "director"
26 and inserting in lieu thereof the words "auditor of
27 state".
28 4. Page 3, line 2, by striking the word "director"
29 and inserting in lieu thereof the words "auditor of
30 state".
31 5. Page 3, line 6, by striking the word "director"
32 and inserting in lieu thereof the words "auditor of
33 state".
34 6. Page 3, line 11, by striking the word "director"
35 and inserting in lieu thereof the words "auditor of
36 state".
37 7. Page 3, line 14, by striking the word "director"
38 and inserting in lieu thereof the words "auditor of
39 state".
40 8. Page 3, by striking lines 21 and 22 and

41 inserting in lieu thereof the words "auditor of state
42 in conducting a performance audit program evaluation
43 shall at all times have".

44 9. Page 3, line 33, by striking the word "director"
45 and inserting in lieu thereof the words "auditor of
46 state".

47 10. Page 3, line 36, by striking the word
48 "director" and inserting in lieu thereof the words
49 "auditor of state".

50 11. Page 3, line 40, by striking the word

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1 "director" and inserting in lieu thereof the words
2 "auditor of state".

3 12. Page 3, lines 43 and 44, by striking the words
4 "legislative oversight bureau" and inserting in lieu
5 thereof the words "auditor of state".

6 13. Page 3, line 45, by striking the word "bureau"
7 and inserting in lieu thereof the words "auditor of
8 state".

9 14. Page 3, line 49, by striking the word "bureau"
10 and inserting in lieu thereof the words "auditor of
11 state".

12 15. Page 4, line 5, by striking the word "director"
13 and inserting in lieu thereof the words "auditor of
14 state".

15 16. Page 4, line 9, by striking the words
16 "legislative oversight bureau" and inserting in lieu
17 thereof the words "auditor of state".

18 17. Page 4, line 11, by striking the word
19 "director" and inserting in lieu thereof the words
20 "auditor of state".

21 18. Page 4, line 16, by striking the word
22 "director" and inserting in lieu thereof the words
23 "auditor of state".

24 19. Page 4, by striking lines 21 and 22 and
25 inserting in lieu thereof the following:

26 "2. The auditor of state shall independently
27 examine".

28 20. Page 5, line 41, by striking the word
29 "director" and inserting in lieu thereof the words
30 "auditor of state".

31 21. Page 5, line 43, by striking the words "auditor
32 of state,".

33 22. Page 5, lines 44 and 45, by striking the words
34 "legislative oversight bureau" and inserting in lieu
35 thereof the words "auditor of state".

- 36 23. Page 5, by striking lines 47 through 50 and
37 inserting in lieu thereof the word "evaluated."
38 24. Page 6, by striking lines 2 and 3 and inserting
39 in lieu thereof the following: "of a performance
40 audit or program evaluation, the auditor of state
41 shall provide copies".
42 25. Page 6, by striking lines 11 through 19 and
43 inserting in lieu thereof the following: "of a
44 performance audit or program evaluation shall be
45 released upon its completion. The report shall be
46 regarded as confidential".
47 26. Page 6, line 22, by striking the word
48 "director" and inserting in lieu thereof the words
49 "auditor of state".
50 27. Page 6, line 26, by striking the word

Page 3

- 1 "director" and inserting in lieu thereof the words
2 "auditor of state".
3 28. Page 6, by striking lines 35 and 36 and
4 inserting in lieu thereof the words "Act providing
5 for the conduct of performance audits and program
6 evaluations by the auditor of state."
7 29. By renumbering the sections and subsections
8 to conform with this amendment.

PHILIP B. HILL
RAY TAYLOR

HOUSE AMENDMENT TO SENATE FILE 167

S-3611

- 1 Amend Senate File 167 as follows:
2 1. Page 1, by inserting after line 18 the
3 following:
4 "Sec. ____ . Section three hundred seven point
5 twenty-six (307.26), subsection five (5), Code 1977,
6 is amended to read as follows:
7 5. Advise and assist the director in the conduct

8 of research on railroad-highway grade crossings and
 9 encourage and develop a safety program in order to
 10 reduce injuries or fatalities *including, but not*
 11 *limited to, the following:*

12 a. *The implementation of a program of construct-*
 13 *ing rumble strips at grade crossings on selected hard*
 14 *surface roads.*

15 b. *The establishment of standards for warning*
 16 *devices for particularly hazardous crossings or for*
 17 *classes of crossings on highways, which standards*
 18 *are designed to reduce injuries, fatalities and*
 19 *property damage. Such standards shall regulate the*
 20 *use of warning devices and signs which shall be in*
 21 *addition to the requirements of section three hundred*
 22 *twenty-seven G point two (327G.2) of the Code.*
 23 *Implementation of such standards shall be the*
 24 *responsibility of the government agency or department*
 25 *or political subdivision having jurisdiction and*
 26 *control of the highway and such implementation shall*
 27 *be deemed adequate for the purposes of railroad grade*
 28 *crossing protection. The department, or the political*
 29 *subdivision having jurisdiction, may direct the*
 30 *installation of temporary protection while awaiting*
 31 *installation of permanent protection. Unless the*
 32 *department finds that a railroad grade crossing is*
 33 *particularly hazardous, it shall be presumed to be*
 34 *not particularly hazardous."*

35 2. Page 2, line 12, by inserting after the word
 36 "materials" the following: ", agricultural limestone".

37 3. Page 2, line 14, by inserting after the word
 38 "of" the following: "agricultural limestone and".

39 4. Page 3, line 10, by inserting after the word
 40 "number." the following: "Registration plates issued
 41 for a county sheriff's patrol vehicles shall display
 42 one seven pointed gold star on a green background
 43 followed by the letter 'S' and the call number of
 44 the vehicle."

45 5. Page 3, by inserting after line 25 the
 46 following:

47 "Sec. ____ . Section three hundred twenty-one point
 48 twenty-four (321.24), unnumbered paragraph one (1),
 49 Code 1977, is amended to read as follows:

50 Upon receipt of the application for title and

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1 payment of the required fees for motor vehicle,
2 trailer, or semitrailer, the county treasurer shall,
3 when satisfied as to the genuineness and regularity
4 thereof, issue a registration receipt and certificate
5 of title and shall file the application, the
6 manufacturer's or importer's certificate, certificate
7 of title, or other evidence of ownership, as prescribed
8 by the department. The registration receipt shall
9 be delivered to the owner and shall contain upon the
10 face thereof the date issued, the name and address
11 of the owner, the registration number assigned to
12 the vehicle, the title number assigned to the owner
13 of the vehicle, the amount of the fee paid, the amount
14 of tax paid pursuant to section 423.7, type of fuel
15 used and such description of the vehicle as determined
16 by the department and upon the reverse side a form
17 for notice of transfer of the vehicle. The county
18 treasurer shall maintain in the county record system
19 information contained on the registration receipt.
20 Such information shall be accessible by registration
21 number and shall be open for public inspection during
22 reasonable business hours. Such copies as the
23 department may require shall be sent to the department
24 in the manner and at such time as the department may
25 direct. The certificate of title shall contain upon
26 the face thereof the identical information required
27 upon the face of the registration receipt. In addition
28 thereto, the certificate of title shall contain a
29 statement of the owner's title, the amount of tax
30 paid pursuant to section 423.7, name and address of
31 previous owner, and a statement of all security
32 interests and encumbrances as shown in the application,
33 upon the vehicle therein described including the
34 nature of the security interest, [amount,] date of
35 notation and name and address of the secured party.
36 Said certificate shall bear thereon the seal of the
37 county treasurer, the signature of the county treasurer
38 or that of the deputy county treasurer, and shall
39 provide space for the signature of the owner. The

40 owner shall sign the certificate of title in the space
 41 provided with pen and ink upon receipt of certificate
 42 of title. The certificate of title shall contain
 43 upon the reverse side a form for assignment of title
 44 or interest and warranty thereof by the owner, for
 45 reassignments by a licensed dealer and for application
 46 for a new certificate of title by the transferee as
 47 provided in this chapter. All certificates of title
 48 shall be typewritten or printed by other mechanical
 49 means. The original certificate of title shall be
 50 delivered to the owner in the event no security

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1 interest or encumbrance appears thereon. Otherwise
 2 the certificate of title shall be delivered by the
 3 county treasurer to the person holding the first
 4 security interest or encumbrance as shown in the
 5 certificate. The county treasurer shall maintain
 6 in the county records system information contained
 7 on the certificate of title. Such information shall
 8 be accessible by title certificate number for a period
 9 of three years from the date of notification of
 10 cancellation of title or that a new title has been
 11 issued as provided in this chapter. Such copies as
 12 the department may require shall be sent to the
 13 department in the manner and at such time as the
 14 department shall direct. The department shall
 15 designate a uniform system of title numbers so as
 16 to indicate the county of issuance.”

17 6. Page 4, line 3, by inserting after the word
 18 “person” the words “known to the dealer to be”.

19 7. Page 7, line 33, by striking the words
 20 “Individualized registration plates” and inserting
 21 in lieu thereof the words “[INDIVIDUALIZED] *PERSONALIZED*
 22 *REGISTRATION PLATES*”.

23 8. Page 8, by inserting after line 18 the
 24 following:

25 “Sec. ____ . Section three hundred twenty-one point
 26 thirty-five (321.35), unnumbered paragraphs one (1)
 27 and (2), Code 1977, are amended by striking the
 28 paragraphs.”

29 9. Page 10, line 8, by striking the word “not”

30 and inserting in lieu thereof the word "[not]".
 31 10. Page 10, lines 8 and 9, by striking the words
 32 "social security" and inserting in lieu thereof the
 33 words "[social security] *motor vehicle license*".

34 11. Page 12, by inserting after line 19 the
 35 following:

36 "Sec. ____ . Section three hundred twenty-one point
 37 fifty (321.50), subsection one (1), Code 1977, is
 38 amended to read as follows:

39 1. A security interest in a vehicle subject to
 40 registration under the laws of this state, except
 41 trailers whose empty weight is two thousand pounds
 42 or less, [and wagon box trailers subject to a
 43 registration fee of five dollars or less,] and new
 44 or used vehicles held by a dealer or manufacturer
 45 as inventory for sale, is perfected by the delivery
 46 to the county treasurer of the county where the
 47 certificate of title was issued or, in the case of
 48 a new certificate, to the county treasurer where the
 49 certificate will be issued of an application for
 50 certificate of title which lists such security

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1 interest, or an application for notation of security
 2 interest signed by the owner, *or by one owner of a*
 3 *vehicle, owned jointly by more than one person or*
 4 a certificate of title from another jurisdiction which
 5 shows such security interest, and a fee of two dollars
 6 for each security interest shown. If the owner or
 7 secured party is in possession of the certificate
 8 of title, it must also be delivered at this time in
 9 order to perfect the security interest. If a vehicle
 10 is subject to a security interest when brought into
 11 this state, the validity of the security interest
 12 and the date of perfection is determined by the Uniform
 13 Commerical Code, section 554.9103. Delivery as
 14 provided in this subsection shall be deemed to be
 15 indication of a security interest on a certificate
 16 of title for purposes of chapter 554."

17 12. Page 16, lines 13 and 14, by striking the
 18 words "[unless and until it receives the registration
 19 card completed as herein provided] and inserting in

20 lieu thereof the words "unless [and until] it receives
 21 the registration card completed as [herein] provided
 22 in this section".

23 13. Page 22, by inserting after line 29 the
 24 following:

25 "Sec. ____ . Section three hundred twenty-one point
 26 one hundred seventy-seven (321.177), subsection one
 27 (1), Code 1977, is amended to read as follows:

28 1. To any person, as an operator, who is under
 29 the age of eighteen years, without his or her first
 30 having successfully completed an approved driver
 31 education course, in which case, the minimum age shall
 32 be sixteen years. However, the department may issue
 33 a restricted license as provided in section 321.194,
 34 or an instruction permit as provided in section
 35 321.180, to any person who is at least fourteen years
 36 of age. The department may issue a license restricted
 37 only for use for motorized bicycles as provided in
 38 section 321.189, subsection 2, to any person fourteen
 39 years of age or older who has successfully completed
 40 [an approved driver's education course established
 41 by the department of public instruction to acquaint
 42 the motorized bicycle operator with] a written
 43 examination on the rules of the road and a vision
 44 test.

45 Sec. ____ . Section three hundred twenty-one point
 46 one hundred seventy-eight (321.178), subsection one
 47 (1), unnumbered paragraph three (3), Code 1977, is
 48 amended to read as follows:

49 "Student," for purposes of this section, means
 50 any person between the ages of fifteen years and

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1 twenty-one years who resides in the public school
 2 district and who satisfies the preliminary licensing
 3 requirements of the department [or any person between
 4 fourteen and twenty one years of age who resides in
 5 the public school district, who satisfies the
 6 preliminary licensing requirements of the department
 7 for operation of a motorized bicycle and who is
 8 enrolled in an approved driver education course for

9 the purpose of qualifying for a motorized bicycle
 10 license as provided for in section 321.189, subsection
 11 2].”

12 14. Striking page 22, line 33 through page 23,
 13 line 10, and inserting in lieu thereof the following:

14 “2. YOUTHS NOT ATTENDING SCHOOL—NO [DRIVER’S
 15 TRAINING] *DRIVER EDUCATION* REQUIRED.

16 a. Any person [under the age of] *between sixteen*
 17 *and eighteen years of age* who is not attending a
 18 public or private school in which an approved driver’s
 19 education course is offered or available, shall not
 20 be required to complete an approved driver’s education
 21 course prior to being entitled to receive a one-year
 22 probationary operator’s license from the department.
 23 [Any person who re-enters any private or public school
 24 prior to age eighteen shall be required to attend
 25 an approved driver’s education course.] *A person shall*
 26 *not have a probationary operator’s license revoked*
 27 *or suspended upon reentering school prior to age*
 28 *eighteen.*

29 b. *The department shall cancel a probationary*
 30 *operator’s license upon proof of a conviction for*
 31 *a moving traffic violation.”*

32 15. Page 23, by inserting after line 10 the
 33 following:

34 “Sec. ____ . Section three hundred twenty-one point
 35 one hundred seventy-eight (321.178), Code 1977, is
 36 amended by striking subsection three (3).”

37 16. Page 23, by inserting after line 29 the follow-
 38 ing:

39 “Sec. ____ . Section three hundred twenty-one point
 40 one hundred eighty-nine (321.189), subsection one
 41 (1), Code 1977, is amended to read as follows:

42 1. **MOTOR VEHICLE LICENSE.** [The] *Upon the payment*
 43 *of the required fee, the department shall [upon payment*
 44 *of the required fee,] issue to every qualifying*
 45 *applicant [qualifying therefor] and operator’s license,*
 46 *motorized bicycle license, or chauffeur’s license,*
 47 *as applied for[, which]. Appearing on this license*
 48 *shall [bear thereon] be a distinguishing number assigned*
 49 *to the licensee[,]; the licensee’s full name, date of*
 50 *birth, occupation, sex, residence address[,]; a colored*

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1 photograph; [and] a brief description of the licensee[,];
2 and the usual signature of the licensee. If *prior*
3 *to the renewal date*, a person desires to obtain an
4 operator's or chauffeur's license in the form
5 authorized by this section [prior to the person's
6 renewal date], such license may be issued as a voluntary
7 replacement upon payment of the required fee. The
8 number of places where licenses are available shall
9 not be reduced because of procedures or equipment
10 required in placing colored photographs on licenses
11 or permits. The department shall provide a space
12 on every license where the licensee may affix a decal
13 or sticker indicating that the licensee is a donor
14 under the Uniform Anatomical Gift Act and *shall provide*
15 a space [shall be provided] where the licensee may affix
16 a symbol indicating the presence of a medical
17 condition. The license may contain such other
18 information as the department may by rule require.
19 No license shall be valid unless it bears the usual
20 signature of the licensee. [The distinguishing number
21 assigned to a licensee shall not be the licensee's
22 social security number.] The department shall not
23 retain a positive or negative photograph of the
24 licensee. The licensee may affix a decal or sticker
25 on the license in the space provided which indicates
26 that the licensee is a donor under the Uniform
27 Anatomical Gift Act. The decal shall not be larger
28 than one-half inch in diameter. The use of the decal
29 or sticker on the license shall be authorized only
30 if the licensee has complied with the provisions for
31 making a gift under the Uniform Anatomical Gift Act
32 and shall be effective only if the licensee carries
33 on or about the licensee's person a duly signed and
34 executed donor card as authorized by the Uniform
35 Anatomical Gift Act.

36 Sec.____ . Section three hundred twenty-one point
37 one hundred eighty-nine (321.189), subsection two
38 (2), paragraphs a and e, Code 1977, are amended to
39 read as follows:

40 a. The department may issue a motorized bicycle
41 license to any person fourteen years of age or older

42 who has passed [the approved driver education course
43 required for applicants for such license] *a vision*
44 *test and a written examination on the rules of the*
45 *road*. A motorized bicycle license shall entitle the
46 licensee to operate a motorized bicycle while having
47 the license in immediate possession on the highways
48 of the state for a period of two years.
49 e. A motorized bicycle license shall terminate
50 upon issuance to the licensee of an operator's or

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1 chauffeur's license [valid for operation of motorcycles].
2 A valid motorized bicycle license shall be returned
3 to the department prior to issuance of an operator's
4 or chauffeur's license [valid for operation of
5 motorcycles]."
6 17. Page 25, by inserting after line 32 the follow-
7 ing new section:
8 "Sec. ____ . Section three hundred twenty-one point
9 three hundred forty-two (321.342), Code 1977, is
10 amended by adding the following new unnumbered
11 paragraph:
12 *NEW UNNUMBERED PARAGRAPH.* The department, city,
13 or county shall be required to post the standard sign
14 as prescribed by the manual on uniform traffic control
15 devices adopted by the department pursuant to section
16 three hundred twenty-one point two hundred fifty-two
17 (321.252) of the Code in advance of each railroad
18 grade crossing to warn the motorist that he or she
19 is approaching a railroad grade crossing. Upon
20 properly posting all railroad grade crossings within
21 its jurisdiction and upon implementing the standards
22 established in accordance with section three hundred
23 seven point twenty-six (307.26) of the Code, the
24 department, city, or county shall not have any other
25 affirmative duty to warn a motor vehicle operator
26 approaching or at the railroad grade crossing."
27 18. Page 26, line 24, by striking the words "*less*
28 *than four tons*" and inserting in lieu thereof the
29 words "*four tons or less*".
30 19. Page 27, line 2, by striking the words "*less*
31 *than four tons*" and inserting in lieu thereof the

32 words "four tons or less".

33 20. Page 27, by inserting after line 4 the follow-
34 ing new sections:

35 "Sec. ____ . Section three hundred twenty-one point
36 four hundred fifty-four (321.454), Code 1977, is
37 amended to read as follows:

38 321.454 WIDTH OF VEHICLES. The total outside
39 width of any vehicle or the load thereon shall not
40 exceed eight feet *except that a bus having a total*
41 *outside width not exceeding eight feet six inches,*
42 *exclusive of safety equipment, shall be exempt from*
43 *the permit requirements of chapter three hundred*
44 *twenty-one E (321E) of the Code and may be operated*
45 *on the public highways of the state. However, if*
46 *hay, straw or stover moved on any implement of*
47 *husbandry and the total width of load of the implement*
48 *of husbandry exceeds eight feet in width, the implement*
49 *of husbandry shall not be subject to the permit*
50 *requirements of chapter 321E. If hay, straw or stover*

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1 is moved on any other vehicle subject to registration,
2 such moves shall be subject to the permit requirements
3 for transporting loads exceeding eight feet in width
4 as required under chapter 321E.

5 Sec. ____ . Section three hundred twenty-one point
6 four hundred fifty-seven (321.457), subsections one
7 (1) and two (2), Code 1977, are amended to read as
8 follows:

9 1. No single truck, unladen or with load, shall
10 have an overall length, inclusive of front and rear
11 bumpers, in excess of [thirty-five] *forty* feet.

12 2. No single bus, unladen or with load, shall
13 have an overall length, inclusive of front and rear
14 bumpers, in excess of forty feet [provided that a
15 bus in excess of thirty five feet in overall length
16 shall not have less than three axles]."

17 21. Page 27, line 15, by inserting after the word
18 "roadway." the words "*The provisions of this section*
19 *shall not apply to vehicles loaded with hay or stover*
20 *or the products listed in section three hundred twenty-*
21 *one point four hundred sixty-six (321.466), unnumbered*

22 paragraphs six (6) and seven (7) of the Code.”

23 22. Page 27, by inserting after line 15 the
24 following:

25 “Sec. ____ . Section three hundred twenty-one point
26 four hundred seventy-three (321.473), Code 1977, is
27 amended by adding the following new unnumbered
28 paragraph:

29 *NEW UNNUMBERED PARAGRAPH.* The department may issue
30 annual special permits for the operation of compacted
31 rubbish vehicles and vehicles which transport compacted
32 rubbish from a rubbish collection point to a landfill
33 area exceeding the weight limitation of section three
34 hundred twenty-one point four hundred sixty-three
35 (321.463) of the Code, but not exceeding a rear axle
36 gross weight for two axle vehicles of twenty-two
37 thousand pounds for the period commencing July 1,
38 1978 and ending June 30, 1983 and twenty thousand
39 pounds commencing July 1, 1982 and thereafter, and
40 for tandem axle vehicles or transferable auxiliary
41 axle vehicles not exceeding a gross weight on the
42 rear axles of thirty-six thousand pounds. Annual
43 special permits for the operation on secondary roads
44 shall be approved by the county engineer. Annual
45 special permits for a particular vehicle shall not
46 be issued by the department unless prior approval
47 is given by the county engineer of the county in which
48 the vehicle will be operated. Annual special permits
49 for operation on primary roads shall be approved by
50 the state department of transportation. Compacted

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1 rubbish vehicles and vehicles which transport compacted
2 rubbish from a rubbish collection point to a landfill
3 area operated pursuant to an annual special permit
4 shall be operated only over routes designated by the
5 local authority. Annual special permits for a
6 particular vehicle shall not be issued by the
7 department unless approved by the local authority
8 responsible for the roads over which the vehicle will
9 be operated. Annual special permits approved by the
10 issuing authority shall be issued upon payment of
11 an annual fee, in addition to other registration fees

12 imposed, of one hundred dollars to be paid to the
 13 department for all nongovernmental vehicles.”

14 23. Page 27, by inserting after line 29 the
 15 following:

16 “NEW SECTION. A copy of the permits issued by
 17 the state or county to move mobile homes shall be
 18 sent to the county treasurer of the county of final
 19 destination by the permit issuing officer. A one
 20 dollar fee shall be added to the permit charge to
 21 cover the costs of this service.”

22 24. Page 28, line 34, by inserting after the word
 23 “rider’s” the words “or the owner-operator’s”.

24 25. Page 28, line 35, by inserting after the word
 25 “rider’s” the words “or the owner-operator’s”.

26 26. Page 29, line 1, by inserting after the word
 27 “employment” the words “or other common destination
 28 of the group”.

29 27. Page 29, line 6, by inserting after the word
 30 “rider’s” the words “or the owner-operator’s”.

31 28. Page 29, line 7, by inserting after the word
 32 “rider’s” the words “or the owner-operator’s”.

33 29. Page 29, line 7, by inserting after the word
 34 “employment” the words “or other common destination
 35 of the group”.

36 30. Page 30, line 6, by inserting after the word
 37 “is” the word “fit,”.

38 31. Page 30, by inserting after line 34 the follow-
 39 ing section:

40 “Sec. ____ . Section three hundred twenty-seven
 41 G point thirty-two (327G.32), Code 1977, is amended
 42 to read as follows:

43 327G.32 BLOCKING HIGHWAY CROSSING. A railroad
 44 corporation or its employees shall not operate any
 45 train in such a manner as to prevent vehicular use
 46 of any highway, street or alley for a period of time
 47 in excess of ten minutes except:

- 48 1. When necessary to comply with signals affect-
- 49 ing the safety of the movement of trains.
- 50 2. When necessary to avoid striking any object

2 3. When the train is disabled.

3 [4. When the train is in motion except while engaged
4 in switching operations.

5 5. When there is no vehicular traffic waiting
6 to use the crossing.

7 6.] 4. When necessary to comply with governmental
8 safety regulations *including, but not limited to,*
9 *speed ordinances and speed regulations.*

10 Any officer or employee of a railroad corporation
11 violating any provision of this section shall, upon
12 conviction be subject to the penalty provided in
13 section 327G.14. An employee shall not be guilty
14 of such violation if his action was necessary to
15 comply with the direct order or instructions of a
16 railroad corporation or its supervisors. Such guilt
17 shall then be with the railroad corporation.

18 The provisions of this section notwithstanding,
19 a political subdivision may pass a resolution or
20 ordinance regulating the length of time a specific
21 crossing may be blocked if the political subdivision
22 demonstrates such a resolution or ordinance is
23 necessary for public safety or convenience. If such
24 a resolution or ordinance is passed the political
25 subdivision shall [immediately] *within thirty days of*
26 *the effective date of the resolution or ordinance*
27 *notify the board and the railroad corporation using*
28 *the crossing affected by the resolution or ordinance.*
29 *The resolution or ordinance shall not become effective*
30 *unless the board and the railroad corporation are*
31 *notified within thirty days.* The resolution or
32 ordinance shall become effective thirty days after
33 such notification unless a person files an objection
34 to the resolution or ordinance with the board. If
35 an objection is filed the board shall hold a hearing
36 according to the rules established by the board.
37 The board may disapprove the resolution or ordinance
38 if public safety or convenience does not require such
39 a resolution or ordinance. *The resolution approved*
40 *by the political subdivision shall be prima facie*
41 *evidence that the resolution is adopted to preserve*
42 *public safety or convenience.*

43 *The board when considering rebuttal evidence shall*

44 *weigh the benefits accruing to the political*
45 *subdivision as it bears to the general public use*
46 *compared to the burden placed on the railroad oper-*
47 *ation. Public safety or convenience may include,*
48 *but shall not be limited to, high traffic density*
49 *at a specific crossing of a main artery or interfer-*
50 *ence with the flow of authorized emergency vehicles.*

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1 Political subdivisions shall notify the board
2 within sixty days of the effective date of this Act,
3 of each existing resolution or ordinance which does
4 not conform with the provisions of this section.
5 *Political subdivisions not notifying the board of*
6 *an existing resolution or ordinance during the calendar*
7 *year beginning January 1, 1976 shall have an additional*
8 *sixty days after the effective date of this Act to*
9 *notify the board. Failure to do so shall render the*
10 *resolution or ordinance void.*

11 Such ordinances or resolutions may remain in effect
12 until the board has acted upon each ordinance or
13 resolution under the procedures specified in this
14 section."

15 32. Page 31, lines 5 and 6, are amended by strik-
16 ing the words and figure "three hundred twenty-one
17 point thirty-five (321.35)."

18 34. Amend the title, line 24, by inserting after
19 the word "turns," the words "relating to the width
20 and length of buses which may be operated on the
21 highways of this state,".

22 35. Amend the title page 1, line 5, by inserting
23 after the word "vehicles," the words "gold stars on
24 county sheriff's patrol vehicles, the elimination
25 of the requirement for completion of a driver education
26 course to obtain a motorized bicycle license, changing
27 the requirements of perfection of certain security
28 interests, use of a social security number on motor
29 vehicle license applications, special permits for
30 rubbish collection vehicles,".

31 36. Amend the title page 1, line 24, by striking
32 the words "less than four tons" and inserting in lieu
33 thereof the words "four tons or less".

- 34 37. Renumber sections and correct internal
35 references in conformance with this amendment.

S-3612

- 1 Amend the Committee on State Government
2 amendment, S-3550, to House File 246 as amended,
3 passed and reprinted by the House as follows:
4 1. Page 2, line 36, by striking the word
5 "to" and inserting in lieu thereof the word "from".

TOM SLATER

HOUSE AMENDMENT TO SENATE FILE 319

S-3613

- 1 Amend Senate File 319 as follows:
2 1. Page 1, by inserting before line 1 the follow-
3 ing section:
4 "Section 1. Chapter one thousand two hundred
5 forty-five (1245), Acts of the Sixty-sixth General
6 Assembly, 1976 Session, chapter three (3), section
7 eight hundred three (803), is amended to read as
8 follows:
9 SEC. 803. NEW SECTION. PLACE OF PROBABLE CAUSE
10 HEARING. The probable cause hearing shall be held
11 in the same county as the alleged parole violator
12 had his or her initial appearance. [The clerk of court
13 shall provide a room suitable for the probable cause
14 hearing.]"
15 2. Page 1, line 7, by inserting after the word
16 "chapter" the words "and who is an attorney".
17 3. Renumbering the remaining sections to con-
18 form to this amendment.
19 4. Title page, line 1, by striking the word
20 "revisions" and inserting in lieu thereof the word
21 "revision".

HOUSE AMENDMENT TO SENATE FILE 137

S-3614

1 Amend Senate File 137, as amended and passed by
2 the Senate as follows:

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

5 DIVISION I

6 Section 1. *NEW SECTION. DEFINITIONS.* As used
7 in this division, unless the context otherwise
8 requires:

9 1. "Board" means the financial institutions board
10 created by section two (2) of this Act.

11 2. "Department" means and includes the department
12 of banking, the department of credit unions, the
13 department of savings and loan associations, and the
14 department of supervised lenders.

15 3. "General counsel" means the person appointed
16 under section nine (9) of this Act.

17 4. "Superintendent" means and includes the
18 superintendent of banking, the superintendent of
19 credit unions, the superintendent of savings and loan
20 associations, and the superintendent of supervised
21 lenders.

22 5. "Supervised lender" means a person licensed
23 under chapter five hundred thirty-six (536) or five
24 hundred thirty-six A (536A) of the Code.

25 Sec. 2. *NEW SECTION. FINANCIAL INSTITUTIONS*
26 *BOARD.*

27 1. There is created a financial institutions board
28 which shall consist of seven members, not more than
29 four of whom shall be of the same political party.
30 Members of the financial institutions board shall
31 be appointed by the governor, subject to confirmation
32 by the Senate. The membership of the financial
33 institutions board shall be chosen from various
34 sections of the state and according to the following
35 provisions:

36 a. One member shall be an executive officer of
37 a state bank;

38 b. One member shall be an executive officer of
39 a savings and loan association organized under Iowa
40 law;

41 c. One member shall be either a director or a
42 manager of a credit union organized under Iowa law.

43 d. One member shall be an executive officer of

44 a lender licensed under chapters five hundred thirty-
45 six (536) or five hundred thirty-six A (536A) of the
46 Code; and

47 e. Three members shall be residents of the state
48 who are not directly affiliated with any bank, savings
49 and loan association, credit union, or lender licensed
50 under chapters five hundred thirty-six (536) or five

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1 hundred thirty-six A (536A) of the Code. A person
2 who by reason of having an account with any of the
3 regulated institutions, thereby having ownership in
4 that institution because of that account, shall not
5 be considered directly affiliated to that institution
6 in which such an account is held.

7 2. Members of the financial institutions board
8 shall serve terms of four years, commencing July first
9 of the year of appointment and until a successor has
10 been appointed. The governor shall appoint initial
11 members of the board for irregular terms commencing
12 July 1, 1977 as follows:

13 a. The bank officer shall be appointed for a term
14 ending June 30, 1981; and

15 b. The savings and loan association officer shall
16 be appointed for a term ending June 30, 1980; and

17 c. The credit union member shall be appointed
18 for a term term ending June 30, 1979; and

19 d. The chapter five hundred thirty-six (536) or
20 five hundred thirty-six A (536A) licensee member shall
21 be appointed for a term ending June 30, 1978; and

22 e. The remaining members shall be appointed for
23 terms ending June thirtieth of the years 1981, 1980
24 and 1979, respectively.

25 Upon the expiration of the initial terms,
26 appointments shall be made for regular four-year
27 terms.

28 3. The members of the financial institutions board
29 shall select one of their public members to serve
30 as chairperson of the board for a two-year term.
31 The chairperson shall preside at meetings of the
32 board, except as the rules of the board otherwise
33 may provide.

34 4. Four members of the financial institutions
35 board shall constitute a quorum for the transaction
36 of business; provided that the affirmative vote of
37 a majority of the full membership of the board is
38 required to take any substantive action. All members
39 of the board shall have the right to vote on any
40 matter within the jurisdiction of the board.

41 5. A member of the financial institutions board
42 shall be allowed actual and necessary expenses incurred
43 in the performance of duties, and in lieu of salary
44 shall receive a per diem of forty dollars each day
45 in which engaged in official duties.

46 6. A member of the financial institutions board
47 may be removed from office for any of the causes and
48 in the manner provided in chapter sixty-six (66) of
49 the Code. Removal from office shall not be in lieu
50 of any other penalty provided by law.

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1 7. Any vacancy on the board which occurs when
2 the general assembly is not in session shall be filled
3 by appointment by the governor, which appointment
4 shall expire at the end of thirty days following the
5 convening of the next session of the general assembly.
6 Prior to the expiration of the thirty-day period,
7 the governor shall transmit to the senate for its
8 approval the name of the appointee for the unexpired
9 portion of the regular term. Any vacancy occurring
10 when the general assembly is in session shall be
11 filled in the same manner as regular appointments
12 are made, and before the end of the session, and for
13 the unexpired portion of the regular term.

14 Sec. 3. *NEW SECTION. BOARD MEETINGS.* The
15 financial institutions board shall meet regularly
16 once each month; and in addition shall meet at the
17 call of its chairperson, upon not less than two days'
18 notice. Upon the written request of any two board
19 members, or upon the written request of the
20 superintendent of banking, or the superintendent of
21 savings and loan associations, or the superintendent
22 of credit unions, or the superintendent of supervised

23 lenders, a meeting of the financial institutions board
24 shall be called, upon not less than two days' notice.

25 Sec. 4. *NEW SECTION. DEPARTMENTS SUBJECT TO*
26 *BOARD.* The financial institutions board shall have
27 the authority conferred by this chapter with respect
28 to the department of banking, the department of credit
29 unions, the department of savings and loan
30 associations, and the department of supervised lenders.

31 Sec. 5. *NEW SECTION. DUTIES OF BOARD.* The
32 financial institutions board shall:

33 1. Act with each superintendent in an advisory
34 capacity, either upon the request of a superintendent
35 or upon its own motion, concerning laws which the
36 superintendent is charged to administer;

37 2. Review all existing or proposed rules of a
38 superintendent which are required to be promulgated
39 under chapter seventeen A (17A) of the Code by any
40 law of this state which a superintendent has the duty
41 to administer;

42 3. Promulgate rules, subject to chapter seventeen
43 A (17A) of the Code, relating to the exercise of the
44 powers and duties of the financial institutions board;

45 4. Review the budget of each superintendent prior
46 to the submission of the budget to the governor and
47 the general assembly, and make recommendations to
48 the governor and the general assembly respecting each
49 budget;

50 5. Accomplish and maintain uniformity, to the

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1 extent permitted by applicable laws, in the
2 administrative and internal operations guidelines
3 used within the departments;

4 6. Establish and maintain uniformity in the
5 application of chapters five hundred twenty-seven
6 (527) and five hundred thirty-seven (537) of the Code;

7 7. Submit legislative proposals to the general
8 assembly, and review any legislative proposal
9 recommended by the superintendent of the department;

10 and

11 8. Exercise any other duties established in the
12 financial institutions board by law.

13 Sec. 6. *NEW SECTION. AUTHORITY OVER DEPARTMENTAL*
14 *ACTIONS.*

15 1. The financial institutions board is empowered
16 to exercise the following specific powers with respect

17 to actions of the superintendent of banking, the
18 superintendent of savings and loan associations, the
19 superintendent of credit unions, and the superintendent
20 of supervised lenders:

21 a. To disapprove any proposed administrative rule
22 relating to the administration of chapter five hundred
23 twenty-seven (527) of the Code, if the board determines
24 that the rule would be inconsistent with other
25 departmental rules promulgated under the authority
26 of that chapter.

27 b. To make recommendations to the governor and
28 to the general assembly with respect to the budget
29 proposal of a department.

30 2. A superintendent shall not promulgate any rule
31 which has been disapproved by the financial
32 institutions board.

33 *Sec. 7. NEW SECTION. COSTS OF ADMINISTRATION.*

34 1. All expenses incurred in the administration
35 of this chapter shall be paid from appropriations.
36 The state comptroller shall draw warrants on the
37 treasurer of state for all disbursements authorized
38 by the provisions of this chapter upon itemized and
39 verified vouchers bearing the approval of the executive
40 secretary of the financial institutions board.

41 2. Expenses incurred in the administration of
42 this chapter shall be certified annually by the
43 treasurer of state to the respective superintendents,
44 and shall be assessed by the respective superinten-
45 dents against financial institutions as follows:

46 a. Twenty-five percent of the expenses shall be
47 expenses of administering chapter five hundred twenty-
48 four (524) of the Code, and shall be assessed against
49 state banks by the superintendent of banking in the
50 same manner as other general administration expenses

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1 of the department of banking are assessed under section
2 five hundred twenty-four point two hundred nineteen
3 (524.219) of the Code.

4 b. Twenty-five percent of the expenses shall be
5 expenses of administering chapter five hundred thirty-
6 three (533) of the Code, and shall be assessed against
7 credit unions by the superintendent of credit unions
8 in the same manner as other general administration
9 expenses of the department of credit unions are
10 assessed under section twenty (20) of this Act.

11 c. Twenty-five percent of the expenses shall be
 12 expenses of administering chapter five hundred thirty-
 13 four (534) of the Code, and shall be assessed against
 14 savings and loan associations by the superintendent
 15 of savings and loan associations in the same manner
 16 as other general administration expenses of the
 17 department of savings and loan association are assessed
 18 under section five hundred thirty-four point sixty-
 19 one (534.61) of the Code.

20 d. Twenty-five percent of the expenses shall be
 21 expenses of administering chapters five hundred thirty-
 22 six (536) and five hundred thirty-six A (536A) of
 23 the Code, and shall be assessed against supervised
 24 lenders by the superintendent of supervised lenders
 25 in the same manner as other general administration
 26 expenses of the department of supervised lenders are
 27 assessed under sections five hundred thirty-six point
 28 ten (536.10) and five hundred thirty-six A point
 29 twelve (536A.12) of the Code.

30 3. Notwithstanding any provision of chapters five
 31 hundred twenty-four (524), five hundred thirty-three
 32 (533), five hundred thirty-four (534), five hundred
 33 thirty-six (536), or five hundred thirty-six A (536A)
 34 of the Code to the contrary, amounts received by a
 35 superintendent which represent payment of the
 36 assessments imposed by this section shall be credited
 37 to the general fund, and not to any revolving fund
 38 or other departmental account.

39 **Sec. 8. NEW SECTION. EXECUTIVE SECRETARY—**
 40 **ASSISTANCE FROM DEPARTMENTS.**

41 1. The financial institutions board shall employ
 42 an executive secretary who shall hold office during
 43 the pleasure of the board, and who shall perform such
 44 duties as may be required by the financial institutions
 45 board. The executive secretary shall receive a salary
 46 as determined by the merit employment department,
 47 and shall be reimbursed for actual and necessary
 48 expenses incurred in the performance of official
 49 duties. The executive secretary shall be employed
 50 full-time and shall not be an officer or director

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1 of, or otherwise be affiliated with, any bank, credit
 2 union, savings and loan association, or supervised
 3 lender.

4 2. The executive secretary shall keep a complete

5 record of the proceedings of the financial institutions
6 board.

7 3. Except as provided in section nine (9) of this
8 Act, the financial institutions board shall not employ
9 other personnel. The financial institutions board
10 may request that the superintendent of banking, the
11 superintendent of credit unions, the superintendent
12 of savings and loan associations, or the superintendent
13 of supervised lenders make personnel of their
14 departments available from time to time to assist
15 the board, and each superintendent shall make per-
16 sonnel available except when such would result in
17 the neglect of other duties of the department.

18 Sec. 9. *NEW SECTION. GENERAL COUNSEL:*

19 1. Within sixty days after the effective date
20 of this Act, the financial institutions board shall
21 appoint an attorney who is licensed to practice in
22 this state as general counsel for a term ending June
23 30, 1981, and until a successor is appointed.
24 Effective July 1, 1981 and every fourth year thereafter
25 a general counsel shall be appointed for a term of
26 four years and until a successor is appointed. A
27 vacancy in the office of general counsel shall be
28 filled for the unexpired term in the same manner as
29 original appointments.

30 2. The financial institutions board shall obtain
31 the advice and consent of the respective
32 superintendents of the departments of banking, credit
33 unions, savings and loan associations and supervised
34 lenders with respect to all applicants for the office
35 of general counsel. Applications for the office shall
36 be received, upon reasonable publication of notice
37 of a vacancy, for a period of thirty days before final
38 consideration is given to applicants.

39 3. The general counsel shall receive a salary
40 of thirty-five thousand dollars per year, unless
41 otherwise provided by the general assembly, and shall
42 be reimbursed for actual and necessary expenses
43 reasonably incurred in the performance of official
44 duties.

45 4. The general counsel shall devote full time
46 to the duties of office, and shall not be a member
47 of any political committee or contribute to any
48 political campaign fund or take any part in political
49 campaigns or be a candidate for any political office.

50 5. The financial institutions board may remove

1 the general counsel for any malfeasance or nonfeasance
 2 in office, or for any cause which renders the person
 3 ineligible for appointment, or incapable or unfit
 4 to discharge the duties of office, and findings of
 5 the board with respect to removal of the general
 6 counsel shall be conclusive.

7 **Sec. 10 NEW SECTION. DUTIES OF GENERAL COUNSEL.**

8 The general counsel shall have the following duties:

9 1. To act as attorney for, and legal advisor of,
 10 the financial institutions board and the departments
 11 of banking, credit unions, savings and loan
 12 associations and supervised lenders;

13 2. To investigate as directed by the board or
 14 any superintendent the legality of any acts or
 15 practices of a bank, credit union, savings and loan
 16 association or supervised lender, and to institute
 17 civil proceedings before any superintendent or any
 18 court to obtain compliance by any such financial
 19 institution with the laws of this state which the
 20 superintendent is charged with enforcing; and

21 3. To appear for the board or any department in
 22 all actions instituted in any state or federal court
 23 which involves the validity of any rule or order of
 24 a superintendent, and prosecute in any state or federal
 25 court in the name of the state all actions necessary
 26 to enforce or to restrain the violation of any rule
 27 or order of a superintendent.

28 **Sec. 11. NEW SECTION. OFFICE—ASSISTANTS—**
 29 **EXPENSES.** The office of general counsel shall be
 30 at the seat of state government. The general counsel
 31 shall be given access to all files, records, and
 32 documents in the custody of any department. The
 33 general counsel may employ one confidential secretary,
 34 but shall not employ other assistants. Each
 35 superintendent shall make available to the general
 36 counsel from time to time such assistants as the
 37 general counsel may require in fulfilling the duties
 38 of counsel to the respective departments or to the
 39 board. All salaries and expenses of the office of
 40 general counsel shall be costs of administering this
 41 chapter, and shall be paid, certified and assessed
 42 as provided in section seven (7) of this Act.

43 **DIVISION II**

44 **Sec. 12.** Section five hundred twenty-four point
 45 one hundred three (524.103), Code 1977, is amended
 46 by adding the following new subsections:

47 *NEW SUBSECTION.* "Financial institutions board"
48 means the board created under section two (2) of this
49 Act.
50 *NEW SUBSECTION.* "General counsel" means the person

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1 appointed under section nine (9) of this Act.

2 Sec. 13. Section five hundred twenty-four point
3 two hundred one (524.201), Code 1977, is amended by
4 adding the following new subsection:

5 *NEW SUBSECTION.* The governor shall obtain the
6 advice of the financial institutions board with respect
7 to any appointee to a regular term or vacancy as
8 superintendent of banking.

9 Sec. 14. Section five hundred twenty-four point
10 two hundred two (524.202), Code 1977, is amended to
11 read as follows:

12 524.202 SUPERINTENDENT—SALARY. The superintendent
13 shall receive a salary to be fixed by the [state banking]
14 *financial institutions* board. The superintendent
15 shall be entitled to receive reimbursement for expenses
16 incurred in the performance of his duties, subject
17 to the provisions of section 524.209.

18 Sec. 15. Section five hundred twenty-four point
19 two hundred four (524.204), subsection three (3),
20 Code 1977, is amended to read as follows:

21 3. The deputy superintendent shall receive a
22 salary to be fixed by the [state banking] *financial*
23 *institutions* board. The deputy superintendent shall
24 be entitled to receive reimbursement for expenses
25 incurred in the performance of his duties, subject
26 to the provisions of section 524.209.

27 Sec. 16. Section five hundred twenty-four point
28 two hundred five (524.205), Code 1977, is amended
29 by striking the section and inserting in lieu thereof
30 the following:

31 524.205 FINANCIAL INSTITUTIONS BOARD—GENERAL
32 COUNSEL.

33 1. The financial institutions board shall act
34 with the superintendent in an advisory capacity
35 concerning the administration of this chapter, and
36 shall have other duties as provided in division one
37 (1) of this Act.

38 2. The general counsel shall act with the
39 superintendent in an advisory capacity concerning
40 the administration of this chapter, and shall have

41 other duties as provided in division one (I) of this
42 Act.

43

DIVISION III

44 Sec. 17. Chapter five hundred thirty-three (533),
45 Code 1977, is amended by adding the following new
46 sections:

47 *NEW SECTION.* DEPARTMENT OF CREDIT UNIONS. There
48 is created the department of credit unions which shall
49 be the office of the superintendent, and shall include
50 other personnel employed in the discharge of the

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1 duties and responsibilities imposed upon the
2 superintendent by the laws of this state.

3 *NEW SECTION. SUPERINTENDENT OF CREDIT UNIONS.*

4 1. APPOINTMENT. The governor shall appoint,
5 subject to the approval of at least two-thirds of
6 the members of the senate, for an irregular term
7 ending June 30, 1980, and for each four-year period
8 thereafter, a superintendent of credit unions. An
9 appointee shall be selected solely with regard to
10 qualifications and fitness for office. The
11 superintendent shall hold office at the seat of
12 government.

13 2. TERM—REMOVAL—VACANCY. The regular term of
14 office of the superintendent shall be four years from
15 the first day of July of the year of his appointment,
16 subject to removal at the pleasure of the governor.
17 A vacancy in the office of superintendent occurring
18 while the general assembly is not in session shall
19 be filled by appointment by the governor, which
20 appointment shall expire at the end of thirty days
21 from the time the general assembly next convenes.
22 Prior to the expiration of that thirty days the
23 governor shall transmit to the senate for confirmation
24 an appointment for the unexpired portion of the regular
25 term. A vacancy occurring during a session of the
26 general assembly shall be filled as regular
27 appointments are made and before the end of the session
28 and for the unexpired portion of the regular term.

29 3. The governor shall obtain the advice of the
30 financial institutions board with respect to any
31 appointee to a regular term or vacancy as
32 superintendent.

33 4. SALARY AND EXPENSES. The superintendent shall
34 receive a salary to be fixed by the governor and

35 comptroller, and shall be reimbursed for actual and
36 necessary expenses incurred in the performance of
37 duties.

38 5. BOND AND OATH. The superintendent, upon
39 appointment, shall give bond to the state, signed
40 by a responsible surety company, in the penal sum
41 of two thousand dollars, conditioned upon faithful
42 and impartial discharge of his duties, and upon proper
43 accounting for all funds and other valuables which
44 may come into his hands. The superintendent shall
45 take an oath of office, and the bond and oath shall
46 be approved by and filed with the governor. The cost
47 of the bond shall be paid by the department as an
48 expense.

49 *NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT.*

50 The superintendent shall make an annual report in

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1 writing to the financial institutions board and to
2 the general assembly. A copy of the report shall
3 be furnished by the superintendent at cost to each
4 credit union or other person on request. The annual
5 report shall contain:

6 1. A summary of applications approved or denied
7 by the superintendent since the last report.

8 2. A summary of the assets, liabilities and capital
9 structure of all credit unions as of December thirty-
10 first of the year for which the report is made.

11 3. A statement of the receipts and disbursements
12 of the department during the calendar year ending
13 the preceding December thirty-first, and of the funds
14 on hand on that date.

15 4. Information which the superintendent may deem
16 appropriate and advisable to disclose.

17 5. Information which the financial institutions
18 board may require to be included.

19 *NEW SECTION. PERSONNEL.* The superintendent may
20 employ, subject to the approval of the governor and
21 state comptroller, assistants, examiners and other
22 personnel necessary for the proper execution of duties
23 and responsibilities. Chapter nineteen A (19A) of
24 the Code shall apply to all department personnel
25 except the superintendent and his or secretary. The
26 salary of the secretary shall be fixed by the
27 superintendent. Examiners' salaries shall be
28 commensurate with those of national credit union
29 administration examiners having similar duties.

30 Department personnel shall be reimbursed for the
 31 actual and necessary expenses incurred by them in
 32 the performance of their duties. All salaries and
 33 reimbursements shall be department expenses.

34 Before engaging in official duties each examiner
 35 shall take an oath of office and shall give bond to
 36 the state, signed by a responsible surety company,
 37 in the penal sum of two thousand dollars, conditioned
 38 upon faithful and impartial discharge of duties and
 39 upon proper accounting for all funds and other
 40 valuables which may come into his or her hands. Each
 41 bond and oath shall be approved by and filed with
 42 the superintendent. The cost of bonds shall be paid
 43 by the department as an expense.

44 *NEW SECTION. EXPENSES OF THE DEPARTMENT. All*
 45 expenses incurred by the department shall be paid
 46 from appropriations. All fees shall be payable to
 47 the superintendent who shall pay all fees and other
 48 money received by him to the treasurer of state within
 49 the time required by section twelve point ten (12.10)
 50 of the Code. The treasurer shall hold the funds in

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1 an account in the name of the department for the
 2 payment of the expenses of the department. The account
 3 at all times shall be subject to the warrant of the
 4 state comptroller, drawn upon the written request
 5 of the superintendent, for the payment of expenses
 6 of the department.

7 The superintendent shall account for receipts and
 8 disbursements according to the separate duties imposed
 9 upon him by the laws of this state.

10 *NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL*
 11 *COUNSEL.*

12 1. The financial institutions board shall act
 13 with the superintendent in an advisory capacity
 14 concerning the administration of this chapter, and
 15 shall have other duties as provided in division one
 16 (1) of this Act.

17 2. The general counsel shall act with the
 18 superintendent in an advisory capacity concerning
 19 the administration of this chapter, and shall have
 20 other duties as provided in division one (1) of this
 21 Act.

22 *NEW SECTION. SUBPOENA—CONTEMPT.*

23 1. The superintendent, and upon the approval of

24 the superintendent, any assistant or examiner shall
25 have the power to subpoena witnesses, to compel their
26 attendance, to administer oaths, to examine any person
27 under oath and to require the production of relevant
28 books or papers. The examination may be conducted
29 on any subject relating to the duties imposed upon,
30 or powers vested in, the superintendent under the
31 provisions of this Act.

32 2. When a person subpoenaed pursuant to subsection
33 one (1) of this section neglects or refuses to obey
34 the terms of the subpoena, or to produce books or
35 papers or to give testimony, as required, the
36 superintendent may apply to the district court of
37 Polk county for the enforcement of the subpoena or
38 for the issuance of an order compelling compliance
39 as the court directs.

40 3. The refusal without reasonable cause of a
41 person to obey an order of the district court, issued
42 pursuant to subsection two (2) of this section, shall
43 be considered contempt of court.

44 **NEW SECTION. RECORDS OF CREDIT UNION DEPARTMENT.**

45 Records of the credit union department are public
46 records subject to the provisions of chapter sixty-
47 eight A (68A) of the Code, except that papers,
48 documents, reports, reports of examinations and other
49 writings relating specifically to the supervision
50 and regulation of a specific credit union or persons

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1 by the superintendent pursuant to the laws of this
2 state are not public records and shall not be open
3 for examination or copying by the public or for
4 examination or publication by the news media.

5 The superintendent and all employees and deputies
6 may give information secured from or about credit
7 unions to the Iowa credit union league and its
8 affiliates. The superintendent may provide information
9 regarding credit unions to the administrator of any
10 share insurance corporation including the national
11 credit union administration, for the purpose of
12 availability of the national credit union insurance
13 fund to the credit unions.

14 The superintendent or other employees of the
15 department shall not be subpoenaed in any cause or
16 proceeding to give testimony concerning information
17 relating to the supervision and regulation of a

18 specific credit union or persons by the superintendent
 19 pursuant to the laws of this state, nor shall the
 20 records of the credit union department which relate
 21 to the supervision and regulation of a specific credit
 22 union or persons be offered in evidence in a court
 23 or subject to subpoena by a party except where
 24 relevant:

25 1. In actions or proceedings brought by the
 26 superintendent.

27 2. In matters in which an interested and proper
 28 party seeks review of a decision of the superintendent.

29 3. In actions or proceedings which arise out of
 30 the criminal provisions of the laws of this state
 31 or of the United States. The superintendent may give
 32 information secured from or about credit unions to
 33 the Iowa Credit Union League and its affiliates.
 34 The superintendent may provide information regarding
 35 credit unions to the administrator of any share
 36 insurance corporation including the National Credit
 37 Union Administration, for the purpose of availability
 38 of the national credit union insurance fund to the
 39 credit unions.

40 4. In actions brought as shareholder derivative
 41 suits against a credit union.

42 5. In actions brought to recover moneys or to
 43 recover upon an indemnity bond for embezzlement,
 44 misappropriation or misuse of credit union funds.

45 *NEW SECTION. CONFLICTS PROHIBITED.* The
 46 superintendent and employees of the department shall
 47 not be members of nor have any business dealings with
 48 a credit union. Credit unions shall not accept moneys
 49 for deposit and shall not have any business transaction
 50 with the superintendent or an employee of the credit

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1 union department. If a person willfully receives
 2 or accepts a deposit or undertakes to establish a
 3 business dealing contrary to this section, upon
 4 conviction that person shall be guilty of a serious
 5 misdemeanor, and shall be permanently disqualified
 6 from acting as an officer, director or employee of
 7 a state chartered credit union and permanently
 8 disqualified from acting as superintendent or employee
 9 of the state credit union department.

10 Sec. 18. Section five hundred thirty-three point
 11 one (533.1), unnumbered paragraphs two (2) and three
 12 (3), and subsections three (3) through seven (7),

13 Code 1977, are amended to read as follows:

14 ADMINISTRATION. The superintendent [of banking]
 15 shall be charged with the execution of the laws of
 16 this state relating to credit unions.

17 ORGANIZATION. Any seven residents of the state
 18 of Iowa may apply to the superintendent [of banking]
 19 for permission to organize a credit union.

20 3. The articles and the bylaws, both executed
 21 in duplicate, shall be forwarded with a fee of ten
 22 dollars to the superintendent [of banking].

23 4. The superintendent shall, within thirty days
 24 of the receipt of said articles and bylaws, determine
 25 whether they conform with the provisions of this
 26 chapter, and whether or not the organization of the
 27 credit union in question would benefit [the] *its* members
 28 [of it] and be consistent with the purposes of this
 29 chapter.

30 5. The superintendent shall thereupon notify the
 31 applicants of his *or her* decision. If [it] *the decision*
 32 is favorable [he] *the superintendent* shall issue a
 33 certificate of approval[,] *which shall be* attached to
 34 the duplicate articles of incorporation and *the*
 35 *superintendent shall* return the same, together with
 36 the duplicate bylaws to the applicants.

37 6. The applicants shall thereupon file [the said]
 38 *this* duplicate of the articles of incorporation[, with]
 39 *and the attached* certificate of approval [attached
 40 thereto,] with the county recorder of the county within
 41 which the credit union is to [do] *have its principal*
 42 *place of business*[,who]. *The county recorder* shall
 43 record and index the same and return it[,] with his
 44 *or her* certificate of record attached [thereto,] to
 45 the [said] superintendent [of banking] for permanent
 46 record.

47 7. The applicants shall thereupon become and be
 48 a credit union, incorporated in accordance with the
 49 provisions of this chapter.

50 In order to simplify the organization of credit

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1 unions, the superintendent [of banking, upon the taking
 2 effect of this chapter, or as soon thereafter as
 3 sufficient fees shall have accumulated to liquidate
 4 the cost of same,] shall cause to be prepared an
 5 approved form of articles of incorporation and a form
 6 of bylaws, consistent with this chapter which may

7 be used by credit union incorporators for their
8 guidance, and on written application of any seven
9 residents of the state, shall supply them without
10 charge with blank articles of incorporation and a
11 copy of [said] *this* form of suggested bylaws.

12 Sec. 19. Section five hundred thirty-three point
13 four (533.4), subsection five (5), paragraph e, and
14 subsection thirteen (13), Code 1977, are amended to
15 read as follows:

16 e. Purchase of notes of liquidating credit unions
17 with the approval of the superintendent [of banking].

18 13. Upon the approval of the superintendent [of
19 banking], serve an employee group having an insufficient
20 number of members to form or conduct the affairs of
21 a separate credit union. *There shall be no requirement*
22 *for the existence of a common bond relationship between*
23 *the said small employee group and the credit union.*
24 *effecting such service.*

25 Sec. 20. Section five hundred thirty-three point
26 six (533.6), Code 1977, is amended to read as follows:
27 533.6 REPORTS—EXAMINATIONS.

28 1. Credit unions organized under this chapter
29 shall report *annually on or before the first day of*
30 *February* to the superintendent [of banking annually
31 on or before the first day of February] on blanks
32 supplied by [him] *the superintendent* for that purpose.
33 Additional reports may be required. If any report
34 remains in arrears for more than five days, a fine
35 of five dollars for each day such report remains in
36 arrears may be levied against [such] *the* offending
37 credit union *in addition to the fine for failure to*
38 *pay the annual fee.* If such report is not returned
39 within thirty days of the due date, the superintendent
40 [of banking] may, after written notice to the president
41 of [such] *the* credit union [of his intention to do so],
42 suspend or revoke the certificate of approval, take
43 possession of the business and property of such credit
44 union, and order its dissolution.

45 2. The superintendent [of banking] shall *annually*
46 examine, or cause to be examined, each credit union
47 [annually]. Each credit union and all of its officers
48 and agents shall give to the representatives of [said]
49 *the* superintendent free access to all books, papers,
50 securities, records and other sources of information

2 examination said representatives shall have the power
3 to subpoena witnesses, administer oaths, compel the
4 giving of testimony, and require the submission of
5 documents]. A report of such examination shall be
6 forwarded to the [president] *chairperson* of each credit
7 union within thirty days after the completion of the
8 examination. Within thirty days of the receipt of
9 [such] *this* report, a meeting of the directors shall
10 be called to consider matters contained in the report
11 and the action taken shall be set forth in the minutes
12 of the board. [The superintendent may furnish to the
13 administrator or any other official of the national
14 credit union administration any information or report
15 relating to examinations and reports of the status
16 of any state credit union insured by the national
17 credit union administration.] The superintendent [of
18 banking] may accept, in lieu of the annual examination
19 of a credit union, an audit report conducted by a
20 certified public accounting firm selected from a list
21 of firms previously approved by the superintendent
22 [of banking]. The cost of the audit shall be paid by
23 the credit union.

24 3. The superintendent [of banking] may require any
25 credit union[,] whose records are inadequate or whose
26 books have not been balanced as of the end of the
27 month not less than thirty days previously or whose
28 affairs are in an unfavorable condition, to submit
29 to an additional examination each year.

30 [4. Each credit union shall pay to the
31 superintendent of banking a fee for making
32 examinations, based on the actual cost of the operation
33 of the credit union division of the department of
34 banking and the proportionate share of administrative
35 expenses in the operation of the department of banking,
36 attributable to credit unions, to be determined by
37 the superintendent of banking, in accordance with
38 chapter 17A.]

39 4. *At the time of filing its annual report each*
40 *credit union shall pay an annual filing fee, which*
41 *shall be based on the actual costs and administrative*
42 *expenses in the operation of the department, as*
43 *determined by the superintendent. The fee shall be*
44 *established by the superintendent by rule pursuant*
45 *to chapter seventeen A (17A) of the Code, and may*
46 *not be changed more frequently than annually, and*
47 *when changed shall be effective on January first of*
48 *the year following the year in which the change was*

49 *adopted.*

50 *The superintendent shall assess against each credit*

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1 *union the actual and necessary expenses incidental*
2 *to any examination made pursuant to an order under*
3 *authority of this chapter. Upon completion, the*
4 *examiner in charge shall render a bill for the fee,*
5 *in triplicate, and shall deliver one copy to the*
6 *credit union and one copy to the superintendent.*
7 *Failure to pay the fee to the superintendent within*
8 *ten days after the date of receipt of the bill shall*
9 *subject the credit union to an additional fee equal*
10 *to five percent of the amount of the fee for each*
11 *day the payment is delinquent.*

12 *Failure of a credit union to pay an annual filing*
13 *fee or examination fee shall result in a penalty of*
14 *five dollars per day, or for any part of a day, during*
15 *which the credit union is delinquent, and may be the*
16 *grounds for revocation of the charter of the credit*
17 *union which failed to make payment.*

18 5. If it shall appear that any credit union is
19 insolvent or that it has violated any of the provisions
20 of this chapter, the superintendent [of banking] may,
21 after a hearing or [giving] after an opportunity for
22 a hearing is given, order [such] that credit union to
23 correct [such] the condition [and]. *The superintendent*
24 *shall grant [it] the credit union not less than sixty*
25 *days within which to comply [and failure so] with the*
26 *order. Failure to [do] comply shall afford the [said]*
27 *superintendent grounds to revoke the certificate of*
28 *approval and shall afford the superintendent the*
29 *authority to apply to the district court of the*
30 *district in which [such] this credit union is located*
31 *for the appointment of a receiver for the credit*
32 *union. The district court shall appoint the*
33 *superintendent as receiver unless the superintendent*
34 *has tendered the appointment to the administrator*
35 *of the national credit union administration. The*
36 *administrator as receiver shall possess the rights,*
37 *powers, and privileges granted by state law to a*
38 *receiver of a state credit union. Neither the*
39 *superintendent nor the administrator shall be required*
40 *to furnish bond as receiver of a state credit union.*

41 Sec. 21. Section five hundred thirty-three point
42 twenty (533.20), Code 1977, is amended to read as

43 follows:

44 533.20 VOLUNTARY DISSOLUTION. The process of
45 voluntary dissolution shall be as follows:

46 1. At a special meeting called for [the] *that*
47 purpose, [notice of which purpose must be contained
48 in the call,] a credit union may dissolve upon the
49 affirmative vote of a majority of its members eligible
50 to vote at the special meeting. *Notice of the*

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1 *meeting's purpose shall be contained in the meet-*
2 *ing's notice.* Any member eligible to vote and not
3 present at the meeting may, within twenty days after
4 the date on which the meeting was held, vote in favor
5 of dissolution by signing a statement in the form
6 approved by the superintendent [of banking and the].
7 *This* vote shall have the same force and effect as
8 if cast at the meeting.

9 2. The credit union shall cease to do business
10 except for the purposes of liquidation immediately
11 upon [the] giving [of] notice of the special meeting [of
12 the] *called for the* members [to] vote on dissolution
13 [and the]. *The* board of directors shall immediately
14 notify the superintendent [of banking] of the intention
15 of the credit union to dissolve. The credit union
16 shall not resume *its regular* business unless the
17 dissolution fails to receive the required vote of
18 the members or *unless* the members [shall] have revoked
19 prior affirmative action to dissolve as provided for
20 in subsection 4 of this section.

21 3. The board of directors shall have power to
22 terminate and settle the affairs of a credit union
23 in voluntary dissolution. The credit union shall
24 continue in existence for the purpose of discharging
25 its liabilities, collecting and distributing its
26 assets, and doing all acts required in order to
27 terminate its affairs. The credit union may sue and
28 be sued for the purpose of enforcing such liabilities
29 and *for the purpose of* collecting its assets until
30 its affairs are fully settled. During the course
31 of dissolution proceedings, the credit union shall
32 make such reports and shall be subject to such
33 examinations as the superintendent [of banking] may
34 require. If at any time[,] after *the* affirmative vote
35 of a majority of the members of a credit union to
36 dissolve the credit union, the superintendent [of

37 banking] finds that the credit union is not making
38 reasonable progress toward terminating its affairs
39 or finds that the credit union is insolvent, [he] the
40 superintendent may apply to the district court for
41 [a] an appointment of a receiver [to be appointed] to
42 terminate the affairs of the credit union.
43 4. [A credit union may, at] At any time prior to
44 any distribution of its assets, a credit union may
45 revoke the voluntary dissolution proceedings [upon]
46 by the affirmative vote of a majority of its members
47 eligible to vote. *This vote, if taken, shall be at*
48 a special meeting called for that purpose in the
49 manner prescribed by the bylaws. The board of
50 directors shall immediately notify the superintendent

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1 [of banking] of any such action to revoke voluntary
2 dissolution proceedings.
3 5. Upon such proof as is satisfactory to the
4 superintendent [of banking] that all assets have been
5 liquidated from which there is a reasonable expectance
6 of realization, that the liabilities of the credit
7 union have been discharged and distribution made to
8 its members, and that the liquidation has been
9 completed, the superintendent [of banking] shall issue
10 a certificate of dissolution, which *certificate* shall
11 be filed and recorded in the county in which the
12 credit union has its principal place of business and
13 in the county in which its original articles of
14 incorporation were filed and recorded. Upon the
15 issuance of a certificate of dissolution, the existence
16 of the credit union shall cease.

17 Sec. 22. Section five hundred thirty-three point
18 twenty-one (533.21), subsections one (1) through three
19 (3), Code 1977, are amended to read as follows:

20 1. In all situations in which the superintendent
21 has been appointed as receiver as provided in [section
22 533.6 and section 533.20 he] *this chapter, the*
23 *superintendent* shall make a diligent effort to collect
24 and realize on the assets of the credit union, and
25 shall make distribution of the proceeds from time
26 to time to those entitled thereto in the order provided
27 for by law. The superintendent may execute *as receiver*
28 *or after the receivership has terminated* assignments,
29 releases, and satisfactions to effectuate sales and
30 transfers [as receiver or after the receivership has
31 terminated]. Upon the order of the court in which

32 the receivership is pending, the superintendent may
33 sell or compound all bad or doubtful debts[, and, on
34 a like order,]. *Upon the order of the court in which*
35 *the receivership is pending, the superintendent may*
36 *sell all the real and personal property of the credit*
37 *union, on such terms as the court shall direct.*

38 2. All expenses of the receivership and dissolution
39 shall be [fixed] *determined* by the superintendent,
40 subject to the approval of the district court, and
41 shall be paid out of the assets of the credit union.

42 3. At the termination of the receivership, the
43 superintendent shall file [his] a final report [containing]
44 *which shall contain* the details of his or her actions
45 [therein, together with] *and* such additional facts as
46 the court may require.

47 Sec. 23. Section five hundred thirty-three point
48 twenty-two (533.22), subsection three (3), Code 1977,
49 is amended to read as follows:

50 3. The superintendent [of banking] shall assume

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1 custody of the records of a credit union dissolved
2 pursuant to this chapter and shall retain [them] *these*
3 *records* in accordance with the provisions of section
4 533.26. The superintendent may cause film, photo-
5 graphic, photostatic, or other copies of [such] *these*
6 records to be made and *the superintendent shall retain*
7 [such] *these* copies in lieu of the original records.

8 Sec. 24. Section five hundred thirty-three point
9 twenty-seven (533.27), unnumbered paragraph two (2),
10 Code 1977, is amended to read as follows:

11 For the purpose of assisting credit unions in the
12 retention of only necessary records and files, or
13 for the destruction of those which are obsolete or
14 unnecessary, credit unions are authorized to destroy
15 such records and files or classes thereof within the
16 period of limitation of actions upon the joint
17 recommendation of the superintendent [of banking] and
18 [a] *the credit union review board* [relating to records
19 consisting of the directors of the Iowa credit union
20 league].

21 Sec. 25. Section five hundred thirty-three point
22 thirty (533.30), subsections one (1), three (3), and
23 four (4), Code 1977, are amended to read as follows:

24 1. A credit union may[, with the approval of the
25 superintendent of banking,] merge with another credit

26 union under the existing organization of the other
 27 credit union *if the merger receives approval of the*
 28 *superintendent and if the merger is pursuant to a*
 29 *plan agreed upon by the majority of the board of*
 30 *directors of each credit union joining in the merger*
 31 *and which plan is approved by the affirmative vote*
 32 *of a majority of the members of the merging credit*
 33 *unions.*

34 3. The certificate and a copy of the *agreed plan*
 35 *of merger [agreed upon] shall be forwarded to the*
 36 *superintendent [of banking], certified by him or her,*
 37 *and returned to both credit unions within thirty days*
 38 *of the date of receipt by the superintendent.*

39 4. Upon return of the certificates from the
 40 superintendent [of banking], all property, property
 41 rights, and members' interest of the merged credit
 42 union shall vest in the surviving credit union without
 43 [deed, endorsement] *the legal need for deeds, endors-*
 44 *ments or other [instrument] instruments of transfer,*
 45 *and all debts, obligations and liabilities of the*
 46 *merged credit union [are] shall be assumed by the*
 47 *surviving credit union under whose charter the merger*
 48 *was effected. The rights and privileges of the members*
 49 *of the merged credit union shall remain intact.*
 50 Credit union membership in the surviving credit un-

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1 ion shall be available to persons within the field
 2 of membership of the merged credit union.

3 Sec. 26. Section five hundred thirty-three point
 4 thirty-three (533.33), subsection one (1), Code 1977,
 5 is amended to read as follows:

6 1. The superintendent may tender to the
 7 administrator of the national credit union
 8 administration the appointment as receiver for an
 9 insured credit union. If the administrator of the
 10 national credit union administration accepts the
 11 appointment as receiver, the rights of the members
 12 and [other] *the rights of creditors of the insured*
 13 *credit union shall be determined in accordance with*
 14 *the laws of this state.*

15 Sec. 27. Section five hundred thirty-three point
 16 thirty-four (533.34), Code 1977, is amended to read
 17 as follows:

18 533.34 CONVERSION OF STATE CREDIT UNION INTO
 19 FEDERAL CREDIT UNION.

20 1. A state credit union may convert into a federal
 21 credit union [upon] *with the approval of the*
 22 *superintendent and by the affirmative vote of a*
 23 *majority of [its] the credit union's members eligible*
 24 *to vote[.]. This vote, if taken, shall be at a special*
 25 *meeting called for that purpose and shall be in the*
 26 *manner prescribed by the bylaws [and with the approval*
 27 *of the administrator of the national credit union*
 28 *administration]. Any member eligible to vote and not*
 29 *present at the meeting may, within twenty days after*
 30 *the date on which the meeting was held, vote in favor*
 31 *of conversion by signing a statement in a form*
 32 *satisfactory to the superintendent [of banking and*
 33 *the]. This vote shall have the same force and effect*
 34 *as if cast at the meeting.*

35 2. The board of directors of the state credit
 36 union shall notify the superintendent [of banking] of
 37 any proposed conversion and of any abandonment or
 38 disapproval of the conversion by the members or by
 39 the administrator of the national credit union
 40 administration. The board of directors of the state
 41 credit union shall file with the superintendent
 42 appropriate evidence of approval of the conversion
 43 by the administrator of the national credit union
 44 administration and *shall* notify the superintendent
 45 of the date on which the conversion is to be effective.

46 3. Upon receipt of satisfactory proof that the
 47 state credit union has complied with all applicable
 48 laws of this state and *of* the United States, the
 49 superintendent shall issue a certificate of conversion
 50 which shall be filed and recorded in the county in

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1 which the state credit union has its principal place
 2 of business and in the county in which its original
 3 articles of incorporation were filed and recorded.

4 Sec. 28. Section five hundred thirty-three point
 5 thirty-five (533.35), subsection one (1) and two (2),
 6 Code 1977, are amended to read as follows:

7 1. A federal credit union may convert into a state
 8 credit union [upon] *by compliance with the laws of the*
 9 *United States and upon the approval [by] of the*
 10 *superintendent [of banking]. Application for approval*
 11 *of the conversion to a state credit union shall be*
 12 *submitted to the superintendent in the form prescribed*
 13 *by the superintendent, together with the articles*

14 of incorporation and bylaws as required by section
15 533.1. The superintendent [of banking] may cause an
16 examination to be made of any converting federal
17 credit union [and the]. *The* credit union shall pay
18 to the superintendent the same examination fee *as*
19 paid for examinations of state credit unions.

20 2. If the superintendent [shall] *should* approve
21 the application of a federal credit union for
22 conversion to a state credit union, he *or she* shall
23 cause the articles of incorporation of the resulting
24 state credit union to be filed and recorded in the
25 county in which the credit union has its principal
26 place of business and *he or she* shall issue a
27 certificate of authority *to do business under the*
28 *laws of this state* to the resulting state credit union
29 [to do business under the laws of this state]. The
30 credit union shall then become a state credit union
31 subject to the laws of this state. The superintendent
32 shall furnish a copy of the certificate to the
33 administrator of the national credit union
34 administration.

35 Sec. 29. Section five hundred thirty-three point
36 thirty-six (533.36), Code 1977, is amended by adding
37 the following new subsections:

38 *NEW SUBSECTION.* "Superintendent" means the
39 superintendent of credit unions.

40 *NEW SUBSECTION.* "Department" means the department
41 of credit unions.

42 *NEW SUBSECTION.* "Financial institutions board"
43 means the board created under section two (2) of this
44 Act.

45 *NEW SUBSECTION.* "General counsel" means the person
46 appointed under section nine (9) of this Act.

47 Sec. 30. The credit union examination supervisor,
48 examiners and other staff existing within the
49 department of banking, credit union section, are
50 transferred to the department of credit unions. The

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1 Iowa merit employment commission shall promulgate
2 rules to carry out this transfer and shall arbitrate
3 and decide any written appeal made by any employee
4 concerning this transfer. No employee shall lose,
5 because of this transfer, any benefits accrued to him,
6 including but not limited to salary, retirement,
7 vacation, sick leave or longevity.

8 The state comptroller, pursuant to section eight
9 point thirty-nine (8.39) of the Code, shall determine
10 what portion of the appropriation made to the
11 department of banking will be in excess of need, if
12 any, because of the transfer of duties and personnel
13 as provided in this section, and shall transfer such
14 amounts to the account of the department of credit
15 unions. The comptroller also shall determine what
16 other funds or accounts, including reserves, are held
17 in the name or for the use or benefit of the existing
18 section of credit unions within the department of
19 banking, and shall transfer all assets and liabilities
20 to the account of the department of credit unions.

21 Sec. 31. All effective rules, regulations, forms,
22 orders and directives promulgated by the superintendent
23 of banking or other authority pursuant to chapter
24 five hundred thirty-three (533) of the Code shall
25 continue in full force and effect as rules,
26 regulations, forms, orders and directives of the
27 superintendent of credit unions until amended, supple-
28 mented or repealed by affirmative action of the
29 superintendent of credit unions. Any approval or
30 certificate of authority, or any other form of
31 permission or license granted or issued by the
32 superintendent of banking or other authority pursuant
33 to chapter five hundred thirty-three (533) of the
34 Code, and in effect on the effective date of this
35 Act, shall continue to be in effect until it expires
36 according to the terms of its issuance or until it
37 is otherwise revoked, suspended or withdrawn as
38 provided by law.

39 Sec. 32. All existing bonds, deposits, reserves
40 or other funds established pursuant to chapter five
41 hundred thirty-three (533) of the Code, and of which
42 the superintendent of banking is the beneficiary,
43 trustee, or payee, or by which the superintendent
44 of banking acquired right, authority or power, shall
45 continue in effect, and all right, authority, power
46 or benefit shall inure to the superintendent of credit
47 unions who for all intents and purposes shall be a
48 lawful substitute for the superintendent of bank-
49 ing. All legal proceedings, conservatorships,
50 receiverships or other actions pending shall be

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1 continued, and any rights, duties or liabilities of
2 the superintendent of banking in those actions shall

3 be rights, duties or liabilities of the superintendent
4 of credit unions.

5 Sec. 33. Sections five hundred thirty-three point
6 two (533.2), five hundred thirty-three point eight
7 (533.8), five hundred thirty-three point seventeen
8 (533.17), subsections one (1) and three (3), five
9 hundred thirty-three point twenty-three (533.23),
10 Code 1977, are amended by striking the words
11 "superintendent of banking" wherever in those sections,
12 subsections, or paragraphs they may appear, and
13 inserting in lieu thereof the word "superintendent".

14 DIVISION IV

15 Sec. 34. Section five hundred thirty-four point
16 two (534.2), Code 1977, is amended by striking
17 subsection two (2) and inserting in lieu thereof the
18 following:

19 2. "Superintendent" means the superintendent of
20 savings and loan associations.

21 Sec. 35. Section five hundred thirty-four point
22 two (534.2), Code 1977, is amended by adding the
23 following new subsections:

24 *NEW SUBSECTION.* "Department" means the department
25 of savings and loan associations.

26 *NEW SUBSECTION.* "Financial institutions board"
27 means the board created under section two (2) of this
28 Act.

29 *NEW SUBSECTION.* "General counsel" means the person
30 appointed under section nine (9) of this Act.

31 Sec. 36. Chapter five hundred thirty-four (534),
32 Code 1977, is amended by adding the following new
33 sections:

34 *NEW SECTION. DEPARTMENT OF SAVINGS AND LOAN*
35 *ASSOCIATIONS.* There is created a department of savings
36 and loan associations which shall be the office of
37 the superintendent and shall include other personnel
38 necessary for the discharge of the duties and
39 responsibilities imposed upon the superintendent by
40 the laws of this state.

41 *NEW SECTION. SUPERINTENDENT OF SAVINGS AND LOAN*
42 *ASSOCIATIONS.*

43 1. *APPOINTMENT.* The governor shall appoint,
44 subject to the confirmation of at least two-thirds
45 of the members of the senate, for an irregular term
46 ending June 30, 1980 and for each four-year period
47 thereafter, a superintendent of savings and loan
48 associations. An appointee shall be selected solely
49 with regard to qualification and fitness to discharge
50 the duties of office. The superintendent shall hold

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1 office at the seat of state government.

2 2. TERM—REMOVAL—VACANCY. The regular term of
3 office of the superintendent shall be four years from
4 the first day of July of the year of his or her
5 appointment, subject to removal at the pleasure of
6 the governor. A vacancy in the office of
7 superintendent occurring while the general assem-
8 bly is not in session shall be filled by temporary
9 appointment by the governor, which appointment shall
10 expire at the end of thirty days from the time the
11 general assembly next convenes. Prior to the
12 expiration of that thirty days the governor shall
13 transmit to the senate for confirmation an appointment
14 for the unexpired portion of the regular term. A
15 vacancy occurring during a session of the general
16 assembly shall be filled as regular appointments are
17 made and before the end of the session and for the
18 unexpired portion of the regular term.

19 3. The governor shall obtain the advice of the
20 financial institutions board with respect to any
21 appointee to a regular term or vacancy as
22 superintendent of savings and loan associations.

23 4. SALARY AND EXPENSES. The superintendent shall
24 receive a salary to be fixed by the governor and
25 comptroller and he or she shall be entitled to
26 reimbursement for expenses incurred in the performance
27 of duties.

28 5. DUTIES AND POWERS. The superintendent shall
29 be charged with the administration and execution of
30 the laws relating to savings and loan associations,
31 and with other duties and responsibilities as provided
32 by law.

33 6. BOND AND OATH. The superintendent, upon
34 appointment, shall give bond to the state, signed
35 by a responsible surety company, in the penal sum
36 of two thousand dollars, conditioned upon faithful
37 and impartial discharge of duties, and upon proper
38 accounting for all funds and other valuables which
39 may come into his or her hands. The superintendent
40 also shall take an oath of office, and the bond and
41 oath shall be approved by and filed with the governor.
42 The cost of the bond shall be paid by the department
43 as an expense.

44 NEW SECTION. PERSONNEL. The superintendent may
45 employ, subject to the approval of the governor and
46 the state comptroller, examiners, assistants and other

47 personnel necessary for the execution of the duties
 48 and obligations imposed upon the superintendent.
 49 Chapter nineteen A (19A) of the Code shall apply to
 50 all department personnel except the superintendent

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1 and his or her secretary. The salary of the secre-
 2 tary shall be fixed by the superintendent. Examiners'
 3 salaries shall be commensurate with those for examiners
 4 of the federal savings and loan insurance corporation
 5 in this area of the United States. Department
 6 personnel shall be reimbursed for the actual and
 7 necessary expenses incurred by them in the performance
 8 of their duties.

9 Before engaging in his or her duties each examiner
 10 shall take an oath of office and shall give bond to
 11 the state, signed by a responsible surety company,
 12 in the penal sum of two thousand dollars, conditioned
 13 upon faithful and impartial discharge of his or her
 14 duties and upon proper accounting for all funds and
 15 other valuables which may come into his or her hands.
 16 The bond and oath shall be approved by and filed with
 17 the governor. The cost of bonds shall be paid by
 18 the department as an expense.

19 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
 20 **COUNSEL.** "

21 1. The financial institutions board shall act
 22 with the superintendent in an advisory capacity
 23 concerning the administration of this chapter, and
 24 shall have other duties as provided in division one
 25 (I) of this Act.

26 2. The general counsel shall act with the
 27 superintendent in an advisory capacity concerning
 28 the administration of this chapter, and shall have
 29 other duties as provided in division one (I) of this
 30 Act.

31 Sec. 37. Section five hundred thirty-four point
 32 thirty-eight (534.38), Code 1977, is amended to read
 33 as follows:

34 534.38 APPROVAL BY MEMBERS. Such plan shall be
 35 submitted to the members of both associations, either
 36 at the regular meeting or at special meetings called
 37 for that purpose, and if approved by a vote of fifty-
 38 one percent of the members of each association, voted
 39 in person or by proxy at said meeting, the same shall
 40 then be filed [in the office of the auditor of state]
 41 *with the superintendent*, who shall issue a certificate

42 authorizing the consolidation.
 43 Sec. 38. Section five hundred thirty-four point
 44 forty-one (534.41), subsection six (6), Code 1977,
 45 is amended to read as follows:
 46 6. RECORD REQUIRED.
 47 a. A record of such examination shall be kept
 48 in the [auditor's office] *department*, showing in detail
 49 as to each association all matters connected with
 50 the conduct of the business, its financial standing

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1 and everything touching its solvency, plan of business
 2 and integrity.
 3 b. Such examinations and reports, and other
 4 information connected therewith, shall be [kept]
 5 confidential [in the office of the auditor of state
 6 and the supervisor of savings and loan associations,]
 7 and shall not be subject to publication or disclosure
 8 to others except as in this chapter provided. However,
 9 any evidence of felonious acts on the part of the
 10 officers, directors or employees of such association
 11 may be referred by the [office of the auditor of state]
 12 *superintendent* to proper authorities. Members of
 13 such associations, other than their officers and
 14 directors, shall not be entitled to inspection of
 15 any such records or information and shall not be
 16 entitled to any information relative to the names
 17 of the members of any association, or the amounts
 18 invested by them, as disclosed in the [auditor's office]
 19 *records of the department*, or in the records of any
 20 such association.

21 Sec. 39. Section five hundred thirty-four point
 22 three (534.3), subsection one (1), Code 1977, is
 23 amended to read as follows:
 24 1. PETITION FOR CERTIFICATE OF INCORPORATION.
 25 At any time hereafter any five or more individuals
 26 (hereinafter referred to as the "incorporators") *who*
 27 *are* citizens of this state may form an association
 28 to promote thrift and home financing, subject to
 29 approval as hereinafter provided in this chapter by
 30 signing and acknowledging, before an officer competent
 31 to take acknowledgments of deeds, two copies of a
 32 petition for a certificate of incorporation in the
 33 form prescribed by the [savings and loan supervisor]
 34 *superintendent*, and of the bylaws in a form approved
 35 by the [savings and loan supervisor] *superintendent*,

36 which shall be filed with the [savings and loan
37 supervisor in the office of the auditor of state]
38 *superintendent and* accompanied by an incorporation
39 fee.

40 Sec. 40. Section five hundred thirty-four point
41 three (534.3), subsection three (3), paragraph a,
42 Code 1977, is amended to read as follows:

43 a. The proposed articles of incorporation for
44 any proposed new association, together with proposed
45 bylaws, shall be [presented to the auditor of state]
46 *filed with the superintendent* and by him or her
47 submitted to the state executive council and if it
48 finds that they are in conformity with the law and
49 based upon a plan equitable in all respects to its
50 members, and further finds from the best sources at

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1 its command and from such investigation as it may
2 deem necessary, that the proposed incorporators are
3 persons of good character, ability and responsibility[;],
4 that a reasonable necessity exists for such new
5 institution in the community to be served[;], that it
6 can be established and operated without undue injury
7 to existing local thrift and home financing
8 institutions and that the proposed name of such
9 institution is not similar to that of any other
10 association operating in the same community and is
11 not misleading or deceitful, the executive council
12 shall attach thereto its certificate of approval and
13 enter its approval of record, and thereupon such
14 articles of incorporation shall be recorded in the
15 office of the secretary of state and in the office
16 of the recorder of the county in which the as-
17 sociation's principal place of business is to be
18 situated and then *shall* be filed [in the office of
19 the auditor of state] *with the superintendent* who shall
20 at that time issue a certificate authorizing the
21 association to transact business as a building and
22 loan or savings and loan association.

23 Sec. 41. Section five hundred thirty-four point
24 four (534.4), subsection one (1), paragraph d,
25 unnumbered subparagraphs two (2) and three (3), Code
26 1977, are amended to read as follows:

27 The population of any such city shall be determined
28 by the [said supervisor] *superintendent* in accordance
29 with the latest federal decennial census.

30 The treasurer of the incorporators committee shall
31 file with the [said supervisor] *superintendent* a fidelity
32 bond, signed by [himself] *the treasurer* and an authorized
33 surety company acceptable to the [supervisor]
34 *superintendent*, in a penal sum at least equal to the
35 required paid-in savings liability and expense fund
36 as hereinbefore required, payable to the [supervisor
37 of building and loan associations] *superintendent*.
38 Such bond shall assure the safekeeping and delivery
39 to the association, after issuance of a certificate
40 of incorporation, and after the association's
41 authorized officers have filed the required bonds
42 of all of such required paid-in savings liability
43 and expense fund, or in the event of failure to
44 complete organization, such bond shall assure the
45 return to the persons providing such paid-in savings
46 liability and expense funds of the amounts contributed
47 thereto by them, less any necessary cost and expenses.
48 Sec. 42. Section five hundred thirty-four point
49 sixty-six (534.66), subsection six (6), Code 1977,
50 is amended to read as follows:

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1 6. APPROVAL—CERTIFICATE OF AUTHORITY. If the
2 executive council approves the plan or method of
3 business of any such building and loan association,
4 it shall endorse its approval upon the statement of
5 the resources and liabilities and plan of business
6 presented to it, and such statement shall thereupon
7 be filed [in the office of the auditor of state] *with*
8 *the superintendent*, who shall issue a certificate
9 to such building and loan association to transact
10 business within the state, if such association has
11 deposited with him *or her* the mortgages and securities
12 required by the other provisions of this chapter.

13 Sec. 43. The supervisor, examiners and other staff
14 existing within the savings and loan division of the
15 office of the auditor of state are transferred to
16 the department of savings and loan associations.
17 The Iowa merit employment commission shall promulgate
18 rules to carry out this transfer and shall arbitrate
19 and decide any written appeal made by any employee
20 concerning this transfer. No employee shall lose,
21 because of this transfer, any benefits he or she may
22 have accrued, including but not limited to salary,
23 retirement, vacation, sick leave or longevity.

24 The state comptroller, pursuant to section eight
25 point thirty-nine (8.39) of the Code, shall determine
26 what portion of the appropriation made to the auditor
27 of state will be in excess of need, if any, because
28 of the transfer of duties and personnel as provided
29 in this section, and shall transfer such amounts to
30 the account of the department. The comptroller also
31 shall determine what other funds or accounts, including
32 reserves, are held in the name or for the benefit
33 of the division of savings and loans, and shall
34 transfer all assets and liabilities to the account
35 of the department.

36 Sec. 44. All rules, regulations, forms, orders,
37 and directives promulgated by the auditor of state
38 or the supervisor of savings and loan associations
39 pursuant to chapter five hundred thirty-four (534)
40 of the Code, shall continue in full force and effect
41 as rules, regulations, forms, orders and directives
42 of the department of savings and loan associations
43 until amended, supplemented or repealed by affirmative
44 action of the superintendent. Any approval,
45 certificate of authority, or other form of permission
46 or license granted or issued by the auditor, executive
47 council or supervisor pursuant to chapter five hundred
48 thirty-four (534) of the Code, and in effect on the
49 effective date of this Act, shall continue to be in
50 effect until it expires according to the terms of

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1 its issuance or until it is otherwise revoked,
2 suspended or withdrawn as provided by law.
3 Sec. 45. All existing bonds, deposits, reserves
4 or other funds established pursuant to chapter five
5 hundred thirty-four (534) of the Code, of which the
6 auditor of state or the supervisor of savings and
7 loan associations is the beneficiary, trustee, or
8 payee, or by which the auditor or the supervisor
9 acquired right, authority or power, shall continue
10 in effect, and all right, authority, power or benefit
11 shall inure to the superintendent who shall be for
12 all intents and purposes a lawful substitute for the
13 auditor or supervisor. All pending legal proceedings,
14 conservatorships, receiverships or other actions
15 initiated pursuant to chapter five hundred thirty-
16 four (534) of the Code, shall be continued and any
17 rights, duties or liabilities of the auditor or

18 supervisor in those actions shall be rights, duties
19 or liabilities of the superintendent.
20 Sec. 46. Sections five hundred thirty-four point
21 two (534.2), subsections two (2) and nineteen (19),
22 five hundred thirty-four point three (534.3),
23 subsection one (1), five hundred thirty-four point
24 three (534.3), subsection three (3), paragraph c,
25 five hundred thirty-four point five (534.5),
26 subsections one (1) and two (2), five hundred thirty-
27 four point six (534.6), five hundred thirty-four point
28 seventeen (534.17), subsection two (2), unnumbered
29 paragraph two (2), five hundred thirty-four point
30 eighteen (534.18), five hundred thirty-four point
31 nineteen (534.19), subsection seven (7), unnumbered
32 paragraph one (1), five hundred thirty-four point
33 nineteen (534.19), subsections nine (9), thirteen
34 (13), fifteen (15), and subsection eighteen (18),
35 unnumbered paragraphs one (1) and two (2), five hundred
36 thirty-four point twenty (534.20), unnumbered paragraph
37 two (2), five hundred thirty-four point twenty-one
38 (534.21), subsections one (1) and four (4), five
39 hundred thirty-four point twenty-four (534.24),
40 subsections one (1) and two (2), five hundred thirty-
41 four point thirty-two (534.32), five hundred thirty-
42 four point thirty-four (534.34), five hundred thirty-
43 four point forty-one (534.41), five hundred thirty-
44 four point forty-two (534.42), five hundred thirty-
45 four point forty-six (534.46), five hundred thirty-
46 four point sixty-one (534.61), and five hundred thirty-
47 four point sixty-eight (534.68), Code 1977, are amended
48 by striking the words "savings and loan supervisor",
49 "supervisor", "supervisor of savings and loan
50 associations", and "supervisor of state chartered

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1 associations" wherever they may appear in those
2 sections, subsections, and paragraphs, and inserting
3 in lieu thereof the word "superintendent".
4 Sec. 47. Sections five hundred thirty-four point
5 three (534.3), subsection three (3), paragraph b,
6 five hundred thirty-four point seven (534.7),
7 subsections one (1) and two (2), five hundred thirty-
8 four point twenty-nine (534.29), five hundred thirty-
9 four point thirty (534.30), five hundred thirty-four
10 point forty-one (534.41), five hundred thirty-four
11 point forty-seven (534.47), five hundred thirty-four

12 point forty-nine (534.49), five hundred thirty-four
 13 point fifty-one (534.51), subsections one (1) and
 14 two (2), five hundred thirty-four point fifty-two
 15 (534.52), five hundred thirty-four point fifty-three
 16 (534.53), five hundred thirty-four point fifty-four
 17 (534.54), five hundred thirty-four point fifty-five
 18 (534.55), five hundred thirty-four point fifty-six
 19 (534.56), five hundred thirty-four point fifty-eight
 20 (534.58), five hundred thirty-four point sixty
 21 (534.60), five hundred thirty-four point sixty-one
 22 (534.61), five hundred thirty-four point sixty-two
 23 (534.62), five hundred thirty-four point sixty-three
 24 (534.63), and five hundred thirty-four point sixty-
 25 six (534.66), Code 1977, are amended by striking the
 26 words "auditor", "state auditor", "auditor of state",
 27 "auditor of this state", and "auditor of the state"
 28 wherever they may appear in those sections,
 29 subsections, and paragraphs, and inserting in lieu
 30 thereof the word "superintendent".
 31 Sec. 48. Section five hundred thirty-four point
 32 forty-one (534.41), Code 1977, is amended by striking
 33 subsection one (1); and unnumbered paragraphs one
 34 (1) through four (4), subsection two (2).

35 DIVISION V

36 Sec. 49. Chapter five hundred thirty-six (536),
 37 Code 1977, is amended by adding the following new
 38 section:

39 *NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL* 40 *COUNSEL.*

41 1. The financial institutions board shall act
 42 with the superintendent in an advisory capacity
 43 concerning the administration of this chapter, and
 44 shall have other duties as provided in division one
 45 (I) of this Act.

46 2. The general counsel shall act with the
 47 superintendent in an advisory capacity concerning
 48 the administration of this chapter, and shall have
 49 other duties as provided in division one (I) of this
 50 Act.

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1 Sec. 50. Section five hundred thirty-six point
 2 four (536.4), unnumbered paragraph three (3), Code
 3 1977, is amended to read as follows:
 4 If the application is denied the superintendent
 5 shall within twenty days thereafter file [with the

6 banking] *in the records of the* department a written
7 transcript of the evidence and decision and findings
8 with respect thereto containing the reasons supporting
9 the denial, and forthwith serve upon the applicant
10 a copy thereof.

11 Sec. 51. Section five hundred thirty-six point
12 nine (536.9), subsection seven (7), Code 1977, is
13 amended to read as follows:

14 7. Whenever the superintendent shall revoke or
15 suspend a license issued under this chapter, he *or*
16 *she* shall forthwith file [with the banking] *in the*
17 *records of the department* a written transcript of
18 the evidence and order to that effect and findings
19 with respect thereto containing the reasons supporting
20 the revocation or suspension, and forthwith serve
21 upon the licensee a copy thereof.

22 Sec. 52. Section five hundred thirty-six point
23 ten (536.10), unnumbered paragraph three (3), Code
24 1977, is amended to read as follows:

25 Every licensee subject to examination, supervision
26 and regulation by the superintendent, shall pay to
27 the superintendent an examination fee, based on the
28 actual [cost of the operation of the small loan division
29 of the department of banking, and the proportionate
30 share of] *costs and* administrative expenses in the
31 operation of the department [of banking] *which are*
32 *attributable to the [small loan division] administration*
33 *of this chapter*, as determined by the superintendent
34 [of banking]. Such fee shall apply equally to all
35 licenses and shall not be changed more frequently
36 than annually and when changed, shall be effective
37 on January [1] *first* of the year following the year
38 in which the change is [approved] *adopted*.

39 Sec. 53. Section five hundred thirty-six point
40 twenty-one (536.21), Code 1977, is amended to read
41 as follows:

42 536.21 RULES. The superintendent [is hereby
43 authorized and empowered to make such reasonable and
44 relevant rules] *may promulgate rules pursuant to chapter*
45 *seventeen A (17A) of the Code* as may be necessary
46 for the execution and the enforcement of the provisions
47 of this chapter [, in addition hereto and not
48 inconsistent herewith]. All rules shall be filed and
49 entered by the superintendent in the [banking department
50 in an indexed, permanent book or record, with the

1 effective date thereof suitably indicated, and such
2 book or record shall be a public document] *records*
3 *of the department.*

4 Sec. 54. Section five hundred thirty-six point
5 twenty-eight (536.28), Code 1977, is amended by adding
6 the following new subsections:

7 *NEW SUBSECTION.* "Superintendent" means the
8 superintendent of supervised lenders.

9 *NEW SUBSECTION.* "Department" means the department
10 of supervised lenders.

11 *NEW SUBSECTION.* "Financial institutions board"
12 means the board created under section two (2) of this
13 Act.

14 *NEW SUBSECTION.* "General counsel" means the person
15 appointed under section nine (9) of this Act.

16 Sec. 55. Sections five hundred thirty-six point
17 one (536.1), five hundred thirty-six point twenty-
18 two (536.22) and five hundred thirty-six point twenty-
19 four (536.24), Code 1977, are amended by striking
20 the words "superintendent of banking" wherever in
21 those provisions those words appear and inserting
22 in lieu thereof the word "superintendent".

23 Sec. 56. Sections five hundred thirty-six point
24 thirteen (536.13), section title and subsection one
25 (1), and five hundred thirty-six point twenty-three
26 (536.23), Code 1977, are amended by striking the words
27 "banking board" and "state banking board" wherever
28 in those provisions those words appear and inserting
29 in lieu thereof the words "financial institutions
30 board".

31 Sec. 57. Section five hundred thirty-six A point
32 two (536A.2), Code 1977, is amended by adding the
33 following new subsections:

34 *NEW SUBSECTION.* "Superintendent" means the
35 superintendent of supervised lenders.

36 *NEW SUBSECTION.* "Department" means the department
37 of supervised lenders.

38 *NEW SUBSECTION.* "Financial institutions board"
39 means the board created under section two (2) of this
40 Act.

41 *NEW SUBSECTION.* "General counsel" means the person
42 appointed under section nine (9) of this Act.

43 Sec. 58. Section five hundred thirty-six A point
44 fifteen (536A.15), Code 1977, is amended to read as
45 follows:

46 536A.15 EXAMINATION OF LICENSEES—*FEE.* The [auditor]
47 *superintendent* or his duly authorized representative

48 shall, at least once each year without previous notice,
49 examine and audit the books, accounts and records
50 of each licensee engaged in the industrial loan

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1 business as defined by this chapter. Any licensee,
2 in lieu of such examination and audit by the [auditor]
3 *superintendent* or his duly authorized representative,
4 at the option of the [auditor] *superintendent*, may be
5 audited at the expense of the licensee by a certified
6 public accountant licensed to practice in the state
7 of Iowa. After receiving such an audit the [auditor]
8 *superintendent* may make such further examination of
9 the licensee as he may deem necessary. A record of
10 each examination shall be kept in the [auditor's office]
11 *records of the department*. Such examinations and
12 reports, and other information connected therewith,
13 shall be [kept] confidential [in the office of the auditor]
14 and shall not be subject to publication or disclosure
15 to others except as in this chapter provided. Any
16 evidence of criminal acts committed by officers,
17 directors or employees of any industrial loan
18 association shall be reported by the [auditor]
19 *superintendent* to the proper authorities. [The licensee
20 shall be charged and shall pay the actual costs of
21 the examination.]

22 *Every licensee shall pay to the superintendent*
23 *an examination fee, based on the actual costs and*
24 *administrative expenses in the operation of the*
25 *department which are attributable to the adminis-*
26 *tration of this chapter, as determined by the*
27 *superintendent. The fee shall apply equally to all*
28 *licensees and shall not be changed more frequently*
29 *than annually, and when changed shall be effective*
30 *on January first of the year following the year in*
31 *which the change is adopted.*

32 Sec. 59. Sections five hundred thirty-six A point
33 three (536A.3), five hundred thirty-six A point four
34 (536A.4), five hundred thirty-six A point six (536A.6),
35 five hundred thirty-six A point seven (536A.7), five
36 hundred thirty-six A point nine (536A.9), five hundred
37 thirty-six A point ten (536A.10), five hundred thirty-
38 six A point eleven (536A.11), five hundred thirty-
39 six A point twelve (536A.12), five hundred thirty-
40 six A point thirteen (536A.13), five hundred thirty-
41 six A point fourteen (536A.14), five hundred thirty-

42 six A point sixteen (536A.16), five hundred thirty-
 43 six A point seventeen (536A.17), five hundred thirty-
 44 six A point eighteen (536A.18), five hundred thirty-
 45 six A point nineteen (536A.19), five hundred thirty-
 46 six A point twenty-one (536A.21), five hundred thirty-
 47 six A point twenty-eight (536A.28), five hundred
 48 thirty-six A point twenty-nine (536A.29), and five
 49 hundred thirty-six A point thirty (536A.30), Code
 50 1977, are amended by striking the words "auditor of

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1 the state of Iowa" and "auditor" wherever those words
 2 appear in those sections and inserting in lieu thereof
 3 the word "superintendent".

4 Sec. 60. Section five hundred thirty-six A point
 5 two (536A.2), Code 1977, is amended by striking
 6 subsection four (4).

7 DIVISION VI

8 Sec. 61. The following new sections are enacted
 9 as a new chapter five hundred thirty-six B (536B)
 10 of the Code.

11 *NEW SECTION. DEFINITIONS.* As used in this chapter,
 12 unless the context otherwise requires:

13 1. "Superintendent" means the superintendent of
 14 supervised lenders.

15 2. "Department" means the department of supervised
 16 lenders.

17 3. "Supervised lender" means and includes a person
 18 licensed under the provisions of chapters five hundred
 19 thirty-six (536) or five hundred thirty-six A (536A)
 20 of the Code.

21 4. "Financial institutions board" means the board
 22 created under section two (2) of this Act.

23 5. "General counsel" means the person appointed
 24 under section nine (9) of this Act.

25 *NEW SECTION. DEPARTMENT OF SUPERVISED LENDERS.*

26 There is created a department of supervised lenders
 27 which shall be the office of the superintendent, and
 28 shall include personnel necessary for the discharge
 29 of the duties and responsibilities imposed upon the
 30 superintendent by the laws of this state.

31 *NEW SECTION. SUPERINTENDENT.*

32 1. APPOINTMENT. The governor shall appoint,
 33 subject to confirmation of at least two-thirds of
 34 the members of the senate, for an irregular term
 35 ending June 30, 1981, and for each four-year period

36 thereafter, a superintendent of supervised loan
37 licensees. An appointee shall be selected solely
38 with regard to qualifications and fitness for office.
39 The superintendent shall hold office at the seat of
40 government.

41 2. TERM—REMOVAL—VACANCY. The regular term of
42 office of the superintendent shall be four years from
43 the first day of July of the year of his appointment,
44 subject to removal at the pleasure of the governor.
45 A vacancy in the office of superintendent occurring
46 while the general assembly is not in session shall
47 be filled by appointment by the governor, which
48 appointment shall expire at the end of thirty days
49 from the time the general assembly next convenes.
50 Prior to the expiration of that thirty days the

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1 governor shall transmit to the senate for confirmation
2 an appointment for the unexpired portion of the regular
3 term. A vacancy occurring during a session of the
4 general assembly shall be filled as regular
5 appointments are made and before the end of the session
6 and for the unexpired portion of the regular term.

7 3. The governor shall obtain the advice of the
8 financial institutions board with respect to any
9 appointee to a regular term or vacancy as
10 superintendent of supervised lenders.

11 4. SALARY AND EXPENSES. The superintendent shall
12 receive a salary to be fixed by the governor and
13 comptroller, and shall be entitled to reimbursement
14 for expenses incurred in the performance of duties.

15 5. DUTIES AND POWERS. The superintendent shall
16 have the powers, duties and responsibilities provided
17 in chapters five hundred thirty-six (536) and five
18 hundred thirty-six A (536A) of the Code and other
19 powers, duties and responsibilities as the law may
20 provide.

21 6. BOND AND OATH. The superintendent, upon
22 appointment, shall give bond to the state, signed
23 by a responsible surety company, in the penal sum
24 of two thousand dollars, conditioned upon faithful
25 and impartial discharge of duties, and upon proper
26 accounting for all funds and other valuables which
27 may come into his or her hands. The superintendent
28 also shall take an oath of office, and the bond and
29 oath shall be approved by and filed with the governor.

30 The cost of the bond shall be paid by the department
31 as an expense.

32 *NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT.*

33 The superintendent shall make an annual report in
34 writing to the financial institutions board and the
35 general assembly. A copy of the report shall be
36 furnished at cost by the superintendent to each
37 supervised lender or other person upon request. The
38 annual report shall contain:

39 1. A summary of license applications approved
40 or denied by the superintendent since the last report.

41 2. A summary of the assets, liabilities and capital
42 structure of all supervised lenders as of December
43 thirty-first of the year for which the report is made.

44 3. A statement of the receipts and disbursements
45 of department funds during the calendar year ending
46 the preceding December thirty-first, and of the funds
47 on hand on that date.

48 4. Information which the superintendent may deem
49 appropriate and advisable to disclose.

50 5. Information which the financial institutions

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1 board may require to be included.

2 *NEW SECTION. PERSONNEL.* The superintendent may
3 employ, subject to the approval of the governor and
4 the state comptroller, assistants, examiners and other
5 personnel necessary for the proper execution of his
6 or her duties and responsibilities. Chapter nineteen
7 A (19A) of the Code shall apply to all department
8 personnel except the superintendent and his or her
9 secretary. The salary of the secretary shall be fixed
10 by the superintendent. Examiner's salaries shall
11 be commensurate with those for examiners of the federal
12 deposit insurance corporation in this area of the
13 United States. Department personnel shall be
14 reimbursed for the actual and necessary expenses
15 incurred by them in the performance of their duties.

16 Before engaging in his or her duties each examiner
17 shall take an oath of office and shall give bond to
18 the state, signed by a responsible surety company,
19 in the penal sum of two thousand dollars, conditioned
20 upon faithful and impartial discharge of his or her
21 duty and upon proper accounting for all funds and
22 other valuables which may come into his or her hands.
23 Each bond and oath shall be approved by and filed

24 with the director. The cost of bonds shall be paid
25 by the department as an expense.

26 **NEW SECTION. EXPENSES OF THE DEPARTMENT. All**
27 expenses incurred by the department shall be paid
28 from appropriations. All fees shall be payable to
29 the superintendent who shall pay all fees and other
30 money received to the treasurer of state within the
31 time required by section twelve point ten (12.10)
32 of the Code. The treasurer shall hold the funds in
33 an account in the name of the department for the
34 payment of the expenses of the department. The account
35 at all times shall be subject to the warrant of the
36 state comptroller, drawn upon the written request
37 of the superintendent, for the payment of expenses
38 of the department.

39 The superintendent shall account for receipts and
40 disbursements according to the separate duties imposed
41 by the laws of this state.

42 **NEW SECTION. FINANCIAL INSTITUTIONS BOARD—GENERAL**
43 **COUNSEL.**

44 1. The financial institutions board shall act
45 with the superintendent in an advisory capacity
46 concerning the administration of this chapter, and
47 shall have other duties as provided in division one
48 (I) of this Act.

49 2. The general counsel shall act with the
50 superintendent in an advisory capacity concerning

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1 the administration of this chapter, and shall have
2 other duties as provided in division one (I) of this
3 Act.

4 **Sec. 62. The loan institution examination**
5 **supervisor, examiners and other related staff existing**
6 **within the loan institution section of the department**
7 **of banking are transferred to the department of**
8 **supervised lenders. The Iowa merit employment**
9 **commission shall promulgate rules to carry out this**
10 **transfer and shall arbitrate and decide any written**
11 **appeal made by any employee concerning this transfer.**
12 **No employee shall lose, because of this transfer, any**
13 **benefits accrued to him, including but not limited**
14 **to salary, retirement, vacation, sick leave or**
15 **longevity.**

16 The state comptroller, pursuant to section eight
17 point thirty-nine (8.39) of the Code, shall determine

18 : what portion of the appropriation made to the
19 department of banking will be in excess of need, if
20 any, because of the transfer of duties and personnel
21 a provided in this section, and shall transfer such
22 amounts to the account of the department of supervised
23 lenders. The comptroller also shall determine what
24 other funds or accounts, including reserves, are held
25 in the name or for the benefit of the loan institution
26 section of the department of banking and shall transfer
27 all assets and liabilities to the account of the
28 department of supervised lenders.

29 Sec. 63. All rules, regulations, forms, orders,
30 and directives promulgated by the superintendent of
31 banking or the banking board pursuant to chapter five
32 hundred thirty-six (536) of the Code, shall continue
33 in full force and effect as rules, regulations, forms,
34 orders and directives of the department of supervised
35 lenders until amended, supplemented or repealed by
36 affirmative action of the superintendent. Any
37 approval, certificate of authority, or any other form
38 of permission or license granted or issued by the
39 superintendent of banking or the banking board pursuant
40 to chapter five hundred thirty-six (536) of the Code,
41 and in effect on the date of enactment of this section,
42 shall continue to be in effect until it expires
43 according to the terms of its issuance or until it
44 is otherwise revoked, suspended or withdrawn as
45 provided by law.

46 Sec. 64. The supervisor, examiners and other staff
47 existing within the industrial loan division of the
48 office of the auditor of state are transferred to
49 the department of supervised lenders. The Iowa merit
50 employment commission shall promulgate rules to carry

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1 out this transfer and shall arbitrate and decide any
2 written appeal made by any employee concerning this
3 transfer. No employee shall lose, because of this
4 transfer, any benefits accrued to him, including but
5 not limited to salary, retirement, vacation, sick
6 leave or longevity.

7 The state comptroller, pursuant to section eight
8 point thirty-nine (8.39) of the Code, shall determine
9 what portion of the appropriation made to the auditor
10 of state will be in excess of need, if any, because
11 of the transfer of duties and personnel as provided

12 in this section, and shall transfer such amounts to
13 the account of the department of supervised lenders.
14 The comptroller also shall determine what other funds
15 or accounts, including reserves, are held in the name
16 or for the benefit of the industrial loan division
17 of the office of the auditor of state and shall
18 transfer all assets and liabilities to the account
19 of the department of supervised lenders.

20 Sec. 65. All rules, regulations, forms, orders,
21 and directives promulgated by the auditor of state
22 or the supervisor pursuant to chapter five hundred
23 thirty-six A (536A) of the Code, shall continue in
24 full force and effect as rules, regulations, forms,
25 orders and directives of the department of supervised
26 lenders until amended, supplemented or repealed by
27 affirmative action of the superintendent. Any
28 approval, certificate of authority, or other form
29 of permission or license granted or issued by the
30 auditor, executive council or supervisor pursuant
31 to chapter five hundred thirty-six A (536A) of the
32 Code, and in effect on the effective date of this
33 Act, shall continue to be in effect until it expires
34 according to the terms of its issuance or until it
35 is otherwise revoked, suspended or withdrawn as
36 provided by law.

37 Sec. 66. All existing bonds, deposits, reserves
38 or other funds established pursuant to chapters five
39 hundred thirty-six (536) or five hundred thirty-six
40 A (536A) of the Code, of which the superintendent
41 of banking, the auditor of state, or another official
42 of the state of Iowa, is the beneficiary, trustee,
43 or payee, or by which the official acquired right,
44 authority or power, shall continue in effect, and
45 all right, power, authority or benefit shall inure
46 to the superintendent who shall be, for all intents
47 and purposes, a lawful substitute for the auditor,
48 superintendent of banking, or other official. All
49 pending legal proceedings, conservatorships,
50 receiverships or other actions initiated pursuant

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1 to chapter five hundred thirty-six (536) or five
2 hundred thirty-six A (536A) of the Code, shall continue
3 and any rights, duties, or liabilities of the auditor,
4 superintendent of banking, or other official shall
5 be rights, duties or liabilities of the superintendent.

- 6 Sec. 67. The Code editor shall codify sections
 7 one (1) through eleven (11) of this Act as a new
 8 chapter of the Code.”
 9 2. Amend the title by striking lines 1 through
 10 3 and inserting in lieu thereof the following:
 11 “An Act relating to the administration of the laws
 12 regulating financial institutions, including banks,
 13 savings and loan associations, credit unions, and
 14 persons licensed under chapters five hundred thirty-
 15 six (536) or five hundred thirty-six A (536A) of the
 16 Code.”

S-3615

- 1 Amend the committee on state government amendment
 2 S-3550 to House File 246 as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 2, by inserting after line 46 the follow-
 5 ing:
 6 “ ____ . Conduct performance audit evaluations upon
 7 the request of the governor.”

RICHARD R. RAMSEY

S-3617

- 1 Amend the Committee on State Government
 2 amendment, S-3550, to House File 246, as amended,
 3 passed and reprinted by the House as follows:
 4 1. Page 2, line 11, by striking the word
 5 “all” and inserting in lieu thereof the words “a
 6 staff of not more than six full-time”.
 7 2. Page 2, lines 11 and 12, by striking the words
 8 “of the legislative oversight bureau”.

RICHARD R. RAMSEY

HOUSE AMENDMENT TO SENATE FILE 363

S-3618

- 1 Amend Senate File 363 as follows:
 2 1. Page 1, line 19, by striking the word and
 3 figure “Sec. 2.” and inserting in lieu thereof the
 4 word and figure “Sec. 3.”
 5 2. Page 2, by inserting after line 21 the follow-
 6 ing section:

7 "Sec. ____ . Section six hundred point eight (600.8)
8 subsection three (3), Code 1977, is amended by striking
9 the subsection and inserting in lieu thereof the
10 following:

11 3. The department, an agency or an investigator
12 shall conduct all investigations and reports required
13 under subsection two (2) of this section."

14 3. Page 3, by inserting after line 3 the follow-
15 ing paragraph:

16 "Any interstate investigations or placements shall
17 follow the procedures and regulations under the inter-
18 state compact on the placement of children. Such
19 investigations and placements shall be in compliance
20 with the laws of the states involved."

21 4. Page 3, by striking lines 24 and 25 and
22 inserting in lieu thereof the words:

23 "[e] d. Any other person who is required to consent".

24 5. Page 3, by inserting after line 26 the following
25 words:

26 "Nothing in this subsection shall require the
27 petitioner to give notice to self or to petitioner's
28 spouse."

29 6. Page 4, line 4, by striking the words "*of*
30 *notice*" and inserting in lieu thereof the words "*of*
31 *service*".

32 7. Page 4, line 8, by striking the words "two
33 (2) and three (3)" and inserting in lieu thereof the
34 words "two (2), three (3) and five (5)".

35 8. Page 4, by inserting after line 32 the follow-
36 ing:

37 "5. An interlocutory or a final adoption decree
38 shall be entered with the clerk of the court. Such
39 decree shall set forth any facts of the adoption
40 petition which have been proven to the satisfaction
41 of the court and any other facts considered to be
42 relevant by the court and shall grant the adoption
43 petition. If so designated in the adoption decree,
44 the name of the adopted person shall be changed by
45 issuance of that decree. The clerk of the court
46 shall, within thirty days of issuance, deliver one
47 certified copy of any adoption decree to the
48 petitioner, one copy of any adoption [abstract] *decree*
49 to the department and any agency or person making
50 an independent placement who placed a monor person

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1 for adoption, and one certification of adoption as

- 2 prescribed in section 144.19 to the state registrar
 3 of vital statistics. Upon receipt of the
 4 certification, the state registrar shall prepare a
 5 new birth certificate pursuant to section 144.23 and
 6 deliver to the parents named in the decree and any
 7 adult person adopted by the decree a copy of the new
 8 birth certificate. The parents shall pay the fee
 9 prescribed in section 144.46. If the person adopted
 10 was born outside the state, the state registrar shall
 11 forward the certification of adoption to the
 12 appropriate agency in the state of birth. A copy
 13 of any interlocutory adoption decree vacation shall
 14 be delivered and another birth certificate shall be
 15 prepared in the same manner as a certification of
 16 adoption is delivered and the birth certificate was
 17 originally prepared.”
- 18 9. Page 10, line one, by inserting after the word
 19 “court” the words “except that notice need not be
 20 served on the petitioner or on any necessary party
 21 who is spouse of the petitioner”.
- 22 10. Page 11, line 16, by striking the words “or
 23 unlocated” and inserting in lieu thereof the word
 24 “[unlocated]”.
- 25 11. Page 13, line 8, by striking the word “that”
 26 and inserting in lieu thereof the words “shall issue”.
- 27 12. Page 13, line 9, by striking the words “shall
 28 be issued”.
- 29 13. Renumbering the remaining sections of the
 30 bill to conform to this amendment.

HOUSE AMENDMENT TO SENATE FILE 333

S-3619

- 1 Amend Senate File 333 as follows:
 2 1. Page 2, by striking lines 11 through 23 and
 3 inserting in lieu thereof the following: “two hundred
 4 twenty-nine point twelve (229.12), Code 1977, is
 5 amended to read as follows:
 6 229.12 HEARING PROCEDURE.
 7 1. At the hospitalization hearing, evidence in
 8 support of the contentions made in the application
 9 shall be presented by the county attorney. During
 10 the hearing the applicant and the respondent shall
 11 be afforded an opportunity to testify and to present
 12 and cross-examine witnesses, and the court may receive
 13 the testimony of any other interested person. The
 14 respondent has the right to be present at the hearing.

15 If the respondent exercises that right and has been
 16 medicated within twelve hours, or such longer period
 17 of time as the court may designate, prior to the
 18 beginning of the hearing or an adjourned session
 19 thereof, the judge shall be informed of that fact
 20 and of the probable effects of the medication upon
 21 convening of the hearing.

22 2. All persons not necessary for the conduct of
 23 the proceeding shall be excluded, except that the
 24 court may admit persons having a legitimate interest
 25 in the proceeding. *Upon motion of the county attorney,*
 26 *the judge may exclude the respondent from the hearing*
 27 *during the testimony of any particular witness if*
 28 *the judge determines that that witness' testimony*
 29 *is likely to cause the respondent severe emotional*
 30 *trauma.*

31 3. The respondent's welfare shall be paramount
 32 and the hearing shall be conducted in as informal
 33 a manner as may be consistent with orderly procedure,
 34 but consistent therewith the issue shall be tried
 35 as a civil matter. Such discovery as is permitted
 36 under the Iowa rules of civil procedure shall be
 37 available to the respondent. The court shall re-
 38 ceive all relevant and material evidence which may
 39 be offered and need not be bound by the rules of
 40 evidence. There shall be a presumption in favor of
 41 the respondent, and the burden of evidence in support
 42 of the contentions made in the application shall be
 43 upon the applicant. If upon completion of the hearing
 44 the court finds that the contention that the respondent
 45 is seriously mentally impaired has not been sustained
 46 by clear and convincing evidence, it shall deny the
 47 application and terminate the proceeding.

48 4. *If the respondent is not taken into custody*
 49 *under section two hundred twenty-nine point eleven*
 50 *(229.11) of the Code, but the court subsequently finds*

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1 *good cause to believe that the respondent is about*
 2 *to depart from the jurisdiction of the court, the*
 3 *court may order such limited detention of the*
 4 *respondent as is authorized by section two hundred*
 5 *twenty-nine point eleven (229.11) of the Code and*
 6 *is necessary to insure that the respondent will not*
 7 *depart from the jurisdiction of the court without*
 8 *the court's approval until the proceeding relative*
 9 *to the respondent has been concluded."*

10 2. Page 2, by inserting after line 11 the
11 following:

12 "Sec. ____ . Section two hundred twenty-nine point
13 seven (229.7), Code 1977, is amended to read as
14 follows:

15 229.7 SERVICE OF NOTICE UPON RESPONDENT. Upon
16 the filing of an application for involuntary
17 hospitalization, the clerk shall docket the case and
18 immediately notify a district court judge who shall
19 review the application and accompanying documentation.
20 If the application is adequate as to form, the judge
21 may set a time and place for a hearing on the
22 application, if feasible, [and] *but the hearing shall*
23 *not be held less than forty-eight hours after notice*
24 *to the respondent unless the respondent waives such*
25 *minimum prior notice requirement. The judge shall*
26 *direct the clerk to send copies of the application*
27 *and supporting documentation, together with a notice*
28 *informing the respondent of the procedures required*
29 *by this chapter, to the sheriff or his or her deputy*
30 *for immediate service upon the respondent. If the*
31 *respondent is taken into custody under section 229.11,*
32 *service of the application, documentation and notice*
33 *upon the respondent shall be made at the time he or*
34 *she is taken into custody.*

35 Sec. ____ . Section two hundred twenty-nine point
36 eight (229.8), subsection three (3), paragraph a,
37 Code 1977, is amended to read as follows:

38 a. If not previously done, set a time and place
39 for a hospitalization hearing, which shall be at the
40 earliest practicable time *not less than forty-eight*
41 *hours after notice to the respondent, unless the*
42 *respondent waives such minimum prior notice*
43 *requirement; and".*

44 3. Page 2, line 25, by striking the words and
45 numeral "subsection two (2)" and inserting in lieu
46 thereof the words and numerals "subsections two (2)
47 and three (3)".

48 4. Page 2, line 33, by striking the word
49 "Immediately" and inserting in lieu thereof the word
50 "[Immediately]".

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1 5. Page 2, by striking lines 34 and 35 and insert-
2 ing in lieu thereof the words "[upon taking the person
3 into custody, the nearest available magistrate, as

- 4 defined in section 748.1, shall be notified]”.
- 5 6. Page 3, by striking lines 1 through 15 and
6 inserting in lieu thereof the following: “[and shall
7 immediately proceed to the facility. The magistrate
8 shall in the manner prescribed by section 229.8,
9 subsection 1 insure that the person has or is provided
10 legal counsel at the earliest practicable time, and
11 shall arrange for the counsel to be present, if
12 practicable, before proceeding under this section.]
13 *A person believed mentally ill, and therefore likely*
14 *to injure himself or herself or others if not*
15 *immediately detained, may be delivered to a hospital*
16 *by someone other than a peace officer. Upon delivery*
17 *of the person believed mentally ill to the hospital,*
18 *the chief medical officer may order treatment of that*
19 *person, including chemotherapy, but only to the extent*
20 *necessary to preserve the person’s life or to*
21 *appropriately control behavior by the person which*
22 *is likely to result in physical injury to that person*
23 *or others if allowed to continue. The peace”.*
- 24 7. Page 3, lines 17 and 18, by striking the words
25 “remain until the magistrate’s arrival and shall”
26 and inserting in lieu thereof the words “[remain until
27 the magistrate’s arrival and shall]”.
- 28 8. Page 3, line 19, by striking the words
29 “magistrate. If the magistrate” and inserting in
30 lieu thereof the words “[magistrate] *chief medical*
31 *officer. If the [magistrate] chief medical officer”.*
- 32 9. Page 3, line 20, by striking the words “probable
33 cause” and inserting in lieu thereof the words
34 “[probable cause] *reason*”
- 35 10. Page 3, line 23, by striking the word
36 “magistrate” and inserting in lieu thereof the words
37 “*chief medical officer*”.
- 38 11. Page 3, line 24, by striking the word “enter”
39 and inserting in lieu thereof the words “[enter]
40 *prepare*”.
- 41 12. Page 3, line 27, by striking the word
42 “magistrate’s” and inserting in lieu thereof the words
43 “[magistrate’s] *chief medical officer’s*”.
- 44 13. Page 3, line 30, by striking the words
45 “probable cause” and inserting in lieu thereof the
46 words “[probable cause] *reason*”
- 47 14. Page 3, by striking lines 33, 34 and 35, and
48 inserting in lieu thereof the words “[A] *If it is*
49 *necessary to transport the person to an appropriate*
50 *hospital, a*”.

Page 4

1 15. Page 4, by striking line 1 and inserting in
2 lieu thereof the words "[certified] copy of the order".
3 16. Page 4, by striking line 4 and inserting in
4 lieu thereof the following: "time. *The chief medical*
5 *officer shall notify the nearest available magistrate,*
6 *as defined in section seven hundred forty-eight point*
7 *one (748.1) of the Code, of the order at once if the*
8 *order is prepared between the hours of eight o'clock*
9 *a.m. and eight o'clock p.m.; if the order is prepared*
10 *between the hours of eight o'clock p.m. of one day*
11 *and eight o'clock a.m. of the following day, such*
12 *magistrate shall be notified by the chief medical*
13 *officer not later than eight o'clock a.m. of the*
14 *latter day. Upon being so notified the magistrate*
15 *shall immediately proceed to the hospital where the*
16 *person is detained, review the matter, and either*
17 *affirm or dismiss the chief medical officer's order.*
18 *Unless convinced upon initial inquiry that there are*
19 *no grounds for affirming the chief medical officer's*
20 *order, the magistrate shall in the manner prescribed*
21 *by section two hundred twenty-nine point eight (229.8),*
22 *subsection one (1) of the Code insure that the person*
23 *has or is provided legal counsel at the earliest*
24 *practicable time, and shall arrange for the counsel*
25 *to be present, if practicable, before proceeding*
26 *further under this section. If the chief medical*
27 *officer's order is affirmed by the magistrate, a copy*
28 *of the order shall be filed as early as reasonably*
29 *possible on the next business day with the clerk of*
30 *the district court in the county where it is*
31 *anticipated that an order will be filed under section*
32 *two hundred twenty-nine point six (229.6) of the Code.*
33 3. *The chief medical officer of the hospital shall*
34 *examine and may detain and care for the person taken*
35 *into custody and detained under an order prepared*
36 *pursuant to subsection two (2) of this section for*
37 *a period not to exceed forty-eight hours from the*
38 *time such order is dated, excluding Saturdays, Sundays*
39 *and holidays, unless the order is sooner dismissed*
40 *by a magistrate. The hospital may provide treatment*
41 *which is necessary to preserve the person's life,*
42 *or to appropriately control behavior by the person*
43 *which is likely to result in physical injury to himself*
44 *or herself or others if allowed to continue, but may*
45 *not otherwise provide treatment to the person without*

46 his or her consent. The person shall be discharged
 47 from the hospital and released from custody not later
 48 than the expiration of that period, unless an
 49 application for his or her involuntary hospitalization
 50 is sooner filed with the clerk pursuant to section

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1 229.6. The detention of any person by the procedure
 2 and not in excess of the period of time prescribed
 3 by this section shall not render the peace officer,
 4 physician or hospital so detaining that person liable
 5 in a criminal or civil action for false arrest or
 6 false imprisonment if the peace officer, physician
 7 or hospital had reasonable grounds to believe the
 8 person so detained was mentally ill and likely to
 9 physically injure himself or herself or others if
 10 not immediately detained.”

11 17. Page 9, by striking lines 19 and 20 and
 12 inserting in lieu thereof the following:

13 “Sec. 14. Sections two hundred twenty-six point
 14 six (226.6), subsection five (5), and two hundred
 15 twenty-nine point forty-four (229.44), Code 1977,
 16 are repealed.”

HOUSE AMENDMENT TO SENATE FILE 318

S—3620

1 Amend Senate File 318 as follows:

2 1. Page 1, line 11, by inserting after the number
 3 “(1408),” the words and numbers “division fourteen
 4 (XIV), sections”.

5 2. Page 5, by inserting after line 10 the following
 6 section:

7 “Sec. ____ . Division fourteen (XIV) is amended
 8 by adding the following new section:

9 **NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.**

10 1. Except as provided in subsection three (3),
 11 it is unlawful for a person knowingly to:

12 a. Transfer or cause to be transferred any sounds
 13 recorded on a phonograph record, disc, wire, tape,
 14 film or other article without the consent of the
 15 owner; or

16 b. Sell; distribute; circulate; offer for sale,
 17 distribution or circulation; possess for the purpose
 18 of sale, distribution or circulation; or cause to
 19 be sold, distributed, circulated; offered for sale,

20 distribution or circulation; or possessed for sale,
 21 distribution or circulation, any article or device
 22 on which sounds have been transferred without the
 23 consent of the person who owns the master phonograph
 24 record, master disc, master tape or other device or
 25 article from which the sounds are derived.

26 2. It is unlawful for a person to sell, distribute,
 27 circulate, offer for sale, distribution or circulation
 28 or possess for the purposes of sale, distribution
 29 or circulation, any phonograph record, disc, wire,
 30 tape, film or other article on which sounds have been
 31 transferred unless the phonograph record, disc, wire,
 32 tape, film or other article bears the actual name
 33 and address of the transferor of the sounds in a
 34 prominent place on its outside face or package.

35 3. This section does not apply to a person who
 36 transfers or causes to be transferred sounds intended
 37 for or in connection with radio or television broadcast
 38 transmission or related uses, synchronized sound
 39 tracks of motion pictures or sound tracts recorded
 40 for synchronizing with motion pictures, for archival
 41 purposes or for the personal use of the person
 42 transferring or causing the transfer and without any
 43 compensation being derived by the person from the
 44 transfer.

45 4. A person who violates the provisions of this
 46 section is guilty of theft."

47 3. Page 9, line 1, by inserting after the numeral
 48 "(1203)," the words and numerals "section one thousand
 49 three hundred two (1302), Rule fifty-three (53)."

50 4. Page 9, line 21, by inserting after the letter

Page 2

1 "b" the letter "c,".

2 5. Page 9, by inserting after line 22 the following
 3 paragraph:

4 "c. [Special agents appointed by the commissioner
 5 of public safety and] *Peace officer* members of the
 6 department of public safety[, except members of the
 7 clerical force,] as defined in [section ninety-seven
 8 A point one (97A.1), subsection two (2)] *chapter eighty*
 9 *(80)* of the Code."

10 6. Page 19, by inserting after line 11 the follow-
 11 ing:

12 "Sec. ____ . Section one thousand three hundred
 13 two (1302), Rule fifty-three (53):

14 Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF
 15 APPEARANCE. In a specified simple misdemeanor *other*
 16 *than one charged upon a uniform citation and complaint*
 17 a court may accept a forfeiture of collateral security
 18 in lieu of appearance, as a proper disposition of
 19 a case[, except for nonscheduled traffic violations].
 20 Each judicial district, by action of a majority of
 21 the district judges, may determine the misdemeanors
 22 subject to such disposition and promulgate by rule
 23 a list of same and disseminate to all magistrates
 24 in the district. A copy of such rule shall be
 25 transmitted to the clerk of the supreme court. Prior
 26 to termination of the case by forfeiture under this
 27 rule, the defendant must execute a written request
 28 for same. Unless vacated upon application within
 29 thirty days of the forfeiture, such forfeiture shall
 30 constitute a conviction in satisfaction.

31 *In the event a simple misdemeanor is charged upon*
 32 *the uniform citation and complaint defined in section*
 33 *seven hundred fifty-three point thirteen (753.13)*
 34 *of the Code and the defendant either has submitted*
 35 *unsecured appearance bond as provided in that section*
 36 *or has submitted bail as provided in subsection three*
 37 *(3) of section seven hundred fifty-three point sixteen*
 38 *(753.16) of the Code, the court may enter a conviction*
 39 *pursuant to his or her written appearance and may*
 40 *enter a judgment of forfeiture of the collateral in*
 41 *satisfaction of the judgment and sentence; provided*
 42 *that if the defendant submitted unsecured appearance*
 43 *bond or if bail remains uncollected, execution may*
 44 *issue upon the judgment of the court at any time after*
 45 *entry of the judgment."*

46 7. Page 26, line 4, by striking the words "not
 47 requiring a court appearance".

48 8. Page 26, by striking line 6 and inserting in
 49 lieu thereof the words "has submitted an unsecured
 50 appearance bond or has submitted bail in the form

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1 of cash, check,".

2 9. Page 26, line 12, by inserting after the word
 3 "bond" the words "or bail".

4 10. Page 26, line 16, by inserting after the word
 5 "sections" the words and figure "one hundred two
 6 (102),".

7 11. Page 26, line 22, by striking the word and

8 figure "ninety-one (91)" and inserting in lieu thereof
9 the word and figure "ninety-two (92)".

10 12. Page 26, by inserting after line 23 the
11 following section:

12 "Sec. ____ . Section one hundred two (102),
13 unnumbered paragraph one (1):

14 Upon a plea of guilty, a verdict of guilty, or
15 a special verdict upon which a judgment of conviction
16 of any public offense may be rendered, the court shall
17 receive from the state and from the defendant any
18 information which may be offered which is relevant
19 to the question of sentencing. The court may consider
20 information from other sources[, and, if the offense
21 is a felony, shall order that a presentence
22 investigation be made. If the offense is not a felony,
23 the court may, in its discretion, order that a
24 presentence investigation be made whenever the maximum
25 period of confinement which may be imposed is in
26 excess of thirty days.] *The court shall order a
27 presentence investigation when the offense is a class
28 B, class C, or class D felony. The court may order
29 a presentence investigation when the offense is an
30 aggravated or serious misdemeanor.*"

31 13. Page 31, line 33, by inserting after the
32 number "(78)," the words and number one hundred forty
33 "(140),".

34 14. Page 32, by inserting after line 6 the
35 following new section:

36 "Sec. ____ . Section ninety-nine B point eleven
37 (99B.11), subsection two (2), Code 1977, is amended
38 by adding the following new paragraph:

39 *NEW PARAGRAPH. Cribbage, bridge, chess, checkers,
40 dominoes, pinochle and similar contests, leagues or
41 tournaments. The provisions of this paragraph are
42 retroactive to August 15, 1975.*"

43 15. Page 32, by inserting after line 13 the
44 following section:

45 "Sec. ____ . Section one hundred forty (140),
46 amending section 135C.21 of the 1975 Code is amended
47 by striking the section and inserting in lieu thereof
48 the following:

49 SEC. 140. Section one hundred thirty-five C point
50 twenty-one (135C.21), subsections one (1) and two

Page 4

1 (2), Code 1977, are amended to read as follows:

2 1. Any person establishing, conducting, managing,

3 or operating any health care facility without a license
4 shall be guilty of a *serious* misdemeanor [and, upon
5 conviction thereof, shall be fined not less than one
6 hundred dollars nor more than one thousand dollars
7 or be imprisoned in the county jail for not more than
8 six months, or both]. Each day of continuing violation
9 after conviction or notice from the department by
10 certified mail of a violation shall be considered
11 a separate offense or chargeable offense. Any such
12 person establishing, conducting, managing or operating
13 any health care facility without a license may be
14 by any court of competent jurisdiction temporarily
15 or permanently restrained therefrom in any action-
16 brought by the state.

17 2. Any person who prevents or interferes with
18 or attempts to impede in any way any duly authorized
19 representative of the department or of any of the
20 agencies referred to in section 135C.17 in the lawful
21 enforcement of this chapter or of the rules adopted
22 pursuant to it is guilty of a *simple* misdemeanor [and,
23 upon conviction, shall be subject to a fine of not
24 less than fifty nor more than five hundred dollars
25 or imprisonment in the county jail for not more than
26 ninety days or both.] As used in this subsection,
27 lawful enforcement includes but is not limited to:"

28 16. Page 35, by inserting after line 32 the
29 following new section:

30 "Sec. ____ . Section six hundred two point forty-
31 two (602.42), Code 1977, is amended by adding the
32 following new subsection:

33 *NEW SUBSECTION.* A member of a judicial magis-
34 trate nominating commission shall be reimbursed for
35 actual and necessary expenses reasonably incurred
36 in the performance of official duties. Reimburse-
37 ments shall be payable out of the court expense fund
38 of the county in which the member serves, upon
39 certification of such expenses to the county auditor
40 by the district court clerk. Each judicial district
41 may make rules under rule three hundred seventy-two
42 (372) of the rules of civil procedure to provide for
43 the administration of this subsection."

44 17. Page 36, line 12, by inserting the letter
45 "a." after the numeral "1."

46 18. Page 37, by inserting after line 21 the follow-
47 ing new paragraphs:

48 "b. The uniform citation and complaint shall
49 contain the following statement with a space
50 immediately below it for the signature of the person

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1 being charged:

2 "I hereby give my unsecured appearance bond in
3 the amount of _____ dollars and enter my
4 written appearance. I agree that if I fail to appear
5 in person or by counsel to defend against the offense
6 charged in this citation the court is authorized to
7 enter a conviction and render judgment against me
8 for the amount of my appearance bond in satisfaction
9 of the penalty plus court costs."

10 c. Unless the officer issuing the citation arrests
11 the alleged offender, or permits admission or requires
12 submission of bail as provided in subsection three
13 (3) of section seven hundred fifty-three point sixteen
14 (753.16) of the Code, the officer shall enter in the
15 blank contained in the statement required by paragraph
16 a of this subsection one of the following amounts
17 and shall require the person to sign the written
18 appearance:

19 (1) If the offense is one to which a scheduled
20 fine is applicable, an amount equal to one and one-
21 half times the scheduled fine plus five dollars costs;
22 or

23 (2) If the offense is one for which a court appear-
24 ance is mandatory, the amount of one hundred dollars
25 plus five dollars costs.

26 d. The written appearance defined in paragraph
27 b of this subsection shall not be used for any offense
28 other than a simple misdemeanor."

29 19. Page 39, line 8, by inserting after the word
30 "paragraphs" the letter "b,".

31 20. Page 39, line 8, by striking the word and
32 letters "k and l" and inserting in lieu thereof the
33 word and letters "k, l and n".

34 21. Page 39, by inserting after line 15 the fol-
35 lowing:

36 "b. For registration violations under sections
37 three hundred twenty-one point seventeen (321.17),
38 three hundred twenty-one point thirty-two (321.32),
39 three hundred twenty-one point thirty-four (321.34),
40 three hundred twenty-one point thirty-seven (321.37),
41 three hundred twenty-one point thirty-eight (321.38),
42 three hundred twenty-one point forty-one (321.41),
43 [three hundred twenty-one point ninety-eight (321.98)]
44 and three hundred twenty-one point one hundred ninety
45 (321.190) of the Code, the scheduled fine is five

46 dollars. For violations of section three hundred
 47 twenty-one point one hundred ninety (321.190) of the
 48 Code, the case shall be dismissed without imposition
 49 of fine or costs if a license valid at the time of
 50 the issuance of the citation is presented by the

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1 defendant to the magistrate or scheduled violations
 2 office.”

3 22. Page 39, line 34, by inserting after the word
 4 “weight” the words, *length, width*”.

5 23. Page 40, line 5, by inserting after the
 6 numerals “(321.437),” the words and numerals “*three*
 7 *hundred twenty-one point four hundred fifty-four*
 8 *(321.454),”*.”

9 24. Page 40, by inserting after line 19 the fol-
 10 lowing:

11 “n. For violation of intrastate hauling on foreign
 12 registration under sections three hundred twenty-one
 13 point fifty-four (321.54) and three hundred twenty-
 14 one point fifty-five (321.55) of the Code; use of
 15 registration under section three hundred twenty-one
 16 point ninety-nine (321.99) of the Code; and display
 17 of registration or plates under section three hundred
 18 twenty-one point ninety-eight (321.98) of the Code,
 19 the scheduled fine is twenty dollars.

20 *For no evidence or improper evidence of intra-*
 21 *state authority carried or displayed under section*
 22 *three hundred twenty-five point thirty-four (325.34);*
 23 *operation of vehicle by an unqualified driver under*
 24 *sections three hundred twenty-five point thirty-four*
 25 *(325.34) and three hundred twenty-seven point twenty-*
 26 *two (327.22); and operating a vehicle in violation*
 27 *of maximum hours of service or failure to maintain*
 28 *and display evidence of hours of service under sections*
 29 *three hundred twenty-five point thirty-four (325.34)*
 30 *and three hundred twenty-seven point twenty-two*
 31 *(327.22) of the Code, the scheduled fine is twenty-*
 32 *five dollars.*

33 *For no or improper carrier identification markings*
 34 *under section three hundred twenty-seven B point one*
 35 *(327B.1) of the Code, the scheduled fine is fifteen*
 36 *dollars.*

37 *For no or improper evidence of interstate authority*
 38 *carried or displayed under section three hundred*
 39 *twenty-seven B point one (327B.1) of the Code, the*

40 *scheduled fine is one hundred dollars.*”

41 25. Page 40, by striking lines 20 through 35 and
42 inserting in lieu thereof the following:

43 “Sec. ____ .Section five hundred nineteen (519),
44 amending section seven hundred fifty-three point
45 sixteen (753.16) of the Code is amended by striking
46 the section and inserting in lieu thereof the follow-
47 ing:

48 SEC. 519. Section seven hundred fifty-three point
49 sixteen (753.16), subsections one (1), two (2), and
50 three (3), Code 1977, are amended to read as follows:

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1 1. In cases of scheduled violations, the defen-
2 dant, before the time specified in the citation and
3 complaint for appearance before the court, may sign
4 the admission of violation on the citation and
5 complaint and deliver or mail the citation and
6 complaint, together with the minimum fine for the
7 violation, plus five dollars costs, to a [traffic]
8 *scheduled violations office* in the county. The office
9 shall, if the offense is a moving violation *under*
10 *chapter three hundred twenty-one (321) of the Code*,
11 forward a copy of the citation and complaint and
12 admission to the [commissioner of public safety]
13 *department of transportation* as required by section
14 321.207. Thereupon the defendant shall not be required
15 to appear before the court. The admission shall
16 constitute a conviction.

17 2. A defendant charged with a scheduled violation
18 by information may obtain two copies of the information
19 from the court and, before the time he *or she* is
20 required to appear before the court, deliver or mail
21 such copies, together with his *or her* admission, fine,
22 and five dollars costs, to the [traffic] *scheduled*
23 *violations office* in the county. The procedure, fine,
24 and costs shall be the same as when the charge is
25 by citation and complaint, with the admission and
26 the number of the defendant's operator's or chauffeur's
27 license placed upon the information *when the violation*
28 *involves the use of a motor vehicle*.

29 3. When section 753.15 and this section are
30 applicable but the officer does not deem it advisable
31 to release the defendant and no court in the county
32 is in session:

33 a. If the defendant wishes to admit the violation,

34 the officer may release the defendant upon observing
 35 [him] *the person* mail the citation and complaint,
 36 admission, and minimum fine, together with five dollars
 37 costs, to a traffic violations office in the county,
 38 in an envelope furnished by the officer. *The admission*
 39 *shall constitute a conviction and judgment in the*
 40 *amount of the scheduled fine plus five dollars costs.*
 41 The officer may allow the defendant to use a credit
 42 card pursuant to rules adopted pursuant to section
 43 753.21 by the department of public safety or to mail
 44 a check in the proper amount in lieu of cash. If
 45 the check is not paid by the drawee for any reason,
 46 the defendant may be held in contempt of court. The
 47 officer shall advise the defendant of the penalty
 48 for nonpayment of the check.

49 b. If the defendant does not comply with paragraph
 50 "a" of this subsection, the officer may release the

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1 defendant upon observing him mail to a court in the
 2 county the citation and complaint and one and one-
 3 half times the minimum fine together with five dollars
 4 costs, or in lieu of one and one-half times the fine
 5 and the costs, a guaranteed arrest bond certificate
 6 as provided in section 321.1, subsection 71, as bail
 7 together with the following statement signed by the
 8 defendant:

9 "I agree that either (1) I will appear pursuant
 10 to this citation or (2) if I do not [so] appear [the
 11 amount deposited as bail will be forfeited] *in person*
 12 *or by counsel to defend against the offense charged*
 13 *in this citation the court is authorized to enter*
 14 *a conviction and render judgment against me for the*
 15 *amount of one and one-half times the scheduled fine*
 16 *plus five dollars costs."*

17 c. If the defendant does not comply with paragraph
 18 "a" or "b", or in any event when section [755.4] *four*
 19 *hundred seven (407) of chapter two (2) of this Act*
 20 is applicable, the officer may arrest and confine
 21 the defendant if authorized by the latter section,
 22 and proceed with him according to [chapter 757 or 758]
 23 *division four (IV) of chapter two (2) of this Act."*

24 26. Page 44, by inserting after line 5 the
 25 following section:

26 "Sec. ____ . Chapter four (4) is amended by adding
 27 the following section after section twenty-five (25):

28 SEC. ____ . Section fifty-six point twenty-nine
29 (56.29), subsection five (5), Code 1977, is amended
30 to read as follows:

31 5. Any person convicted of a violation of any
32 of the provisions of this section shall be [subject
33 to imprisonment in the county jail for not more than
34 one year and by a fine not to exceed one thousand
35 dollars] *guilty of a serious misdemeanor.*”

36 27. Page 44, by inserting after line 15 the
37 following sections:

38 “Sec. ____ . Chapter four (4) is amended by adding
39 the following section after section thirty-eight (38):

40 SEC. ____ . Section eighty-three A point thirteen
41 (83A.13), subsection four (4), Code 1977, is amended
42 to read as follows:

43 4. A person who falsifies information required
44 to be submitted under this section shall be guilty
45 of a *simple* misdemeanor [and upon conviction shall
46 be punished by a fine not to exceed one hundred dollars
47 or by imprisonment for a period not to exceed thirty
48 days or be punished by both such fine and imprisonment].

49 Sec. ____ . Chapter four (4) is amended by adding
50 the following sections after section sixty-nine (69):

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1 SEC. ____ . Section ninety-nine B point two (99B.2),
2 subsection three (3), Code 1977, is amended to read
3 as follows:

4 3. Each licensee required by subsection 2 to
5 maintain records shall submit quarterly reports to
6 the department on forms furnished by the department.
7 The reports shall contain a compilation of the
8 information required to be recorded by subsection
9 2, and shall include all of the transactions occurring
10 during the three-month period for which the report
11 is submitted. Failure to submit the quarterly reports
12 shall constitute grounds for revocation of the license.
13 Willful failure to submit quarterly reports is a
14 *serious* misdemeanor.

15 SEC. ____ . Section ninety-nine B point six (99B.6),
16 subsection one (1), paragraph k, Code 1977, is amended
17 to read as follows:

18 k. No person under the age of eighteen years may
19 participate in the gambling except pursuant to sections
20 99B.3, 99B.5 and 99B.7. Any licensee knowingly
21 allowing a person under the age of eighteen to
22 participate in the gambling prohibited by this

23 paragraph or any person knowingly participating in
 24 such gambling with a person under the age of eighteen,
 25 shall be guilty of a *simple* misdemeanor [and, upon
 26 conviction, be punished by imprisonment in the county
 27 jail for not more than thirty days and a fine of not
 28 more than one hundred dollars or both].

29 SEC. ____ . Section ninety-nine B point six (99B.6),
 30 subsection four (4), Code 1977, is amended to read
 31 as follows:

32 4. The holder of a license issued pursuant to
 33 this section and every agent of that licensee who
 34 is required by the licensee to exercise control over
 35 the use of the premises who knowingly permits or
 36 engages in acts or omissions which constitute a
 37 violation of subsection 1 commits a *serious*
 38 misdemeanor. A licensee has knowledge of acts or
 39 omissions if any agent of the licensee has knowledge
 40 of those acts or omissions.

41 SEC. ____ . Section ninety-nine B point nine (99B.9),
 42 subsection four (4), Code 1977, is amended to read
 43 as follows:

44 4. The holder of a license issued pursuant to
 45 this section and every agent of that licensee who
 46 is required by the licensee to exercise control over
 47 the use of the premises who knowingly permits acts
 48 or omissions which constitute a violation of subsection
 49 1 commits a *serious* misdemeanor. A licensee has
 50 knowledge of acts or omissions if any agent of the

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1 licensee has knowledge of those acts or omissions.

2 SEC. ____ . Section ninety-nine B point fifteen
 3 (99B.15), Code 1977, is amended to read as follows:

4 99B.15 APPLICABILITY OF CHAPTER. It is the intent
 5 and purpose of this chapter to authorize gambling
 6 in this state only to the extent specifically permitted
 7 by a section of this chapter. Except as otherwise
 8 provided in this chapter, the knowing failure of any
 9 person to comply with the limitations imposed by this
 10 chapter constitutes unlawful gambling, a *serious*
 11 misdemeanor [, which is punishable as provided in chapter
 12 726].

13 SEC. ____ . Section ninety-nine B point sixteen
 14 (99B.16), Code 1977, is amended to read as follows:

15 99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS.
 16 A licensee who willfully fails to maintain the records

17 when required by section 99B.2, or who willfully fails
 18 to submit records when required by that section commits
 19 a *serious* misdemeanor [punishable by imprisonment in
 20 the county jail for not more than one year, or by
 21 a fine of not more than one thousand dollars, or by
 22 both imprisonment and fine].

23 SEC. ____ . Chapter four (4) is amended by adding
 24 the following section after section ninety (90):

25 SEC. ____ . Section one hundred nine A point ten
 26 (109A.10), Code 1977, is amended to read as follows:

27 109A.10 PENALTIES. Whoever violates any of the
 28 provisions of this chapter shall be [fined not less
 29 than ten dollars nor more than one hundred dollars
 30 or be imprisoned in the county jail not more than
 31 thirty days] *guilty of a simple misdemeanor*.

32 Sec. ____ . Chapter four (4) is amended by adding
 33 the following section after section ninety-four (94):

34 SEC. ____ . Section one hundred ten B point six
 35 (110B.6), Code 1977, is amended to read as follows:

36 110B.6 PENALTY. Any person violating any of the
 37 provisions of this chapter shall be *guilty of a simple*
 38 *misdemeanor* [and, upon conviction, shall be fined not
 39 less than ten dollars nor more than one hundred dollars
 40 or imprisoned in the county jail for not more than
 41 thirty days].

42 Sec. ____ . Chapter four (4) is amended by adding
 43 the following sections after section one hundred
 44 ninety (190):

45 SEC. ____ . Section one hundred seventy-two A point
 46 ten (172A.10), unnumbered paragraph two (2), Code
 47 1977, is amended to read as follows:

48 Any person convicted of violating any provision
 49 of this chapter shall be [punished by a fine of not
 50 less than five hundred dollars nor more than two

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1 thousand five hundred dollars, or by imprisonment
 2 in the county jail for not more than six months, or
 3 by both fine and imprisonment] *guilty of a serious*
 4 *misdemeanor*.

5 SEC. ____ . Section one hundred seventy-two B point
 6 six (172B.6), Code 1977, is amended to read as follows:
 7 172B.6 OFFENSES AND PENALTIES.

8 1. A person who is convicted of violating section
 9 172B.2 [may be sentenced to a fine not to exceed one
 10 hundred dollars, or to imprisonment in the county
 11 jail for a period not to exceed thirty days, or both

12 the fine and imprisonment] *shall be guilty of a simple*
 13 *misdemeanor.*

14 2. A person who makes or utters a transportation
 15 certificate with knowledge that some or all of the
 16 information contained in the certificate is false,
 17 or a person who alters, forges, or counterfeits a
 18 transportation certificate, or the receipt prescribed
 19 in section 172B.4, commits a [public offense and upon
 20 conviction may be sentenced to a term in the state
 21 penitentiary not to exceed ten years, to a fine not
 22 to exceed five thousand dollars, or to both the fine
 23 and imprisonment] *class C felony.*

24 Sec. ____ . Chapter four (4) is amended by adding
 25 the following section after section two hundred (200):

26 SEC. ____ . Section one hundred eighty-five C point
 27 thirty-one (185C.31), Code 1977, is amended to read
 28 as follows:

29 185C.31 PENALTY. It is a *simple* misdemeanor for
 30 any person to willfully violate any provision of this
 31 chapter or for any person to willfully render or
 32 furnish a false or fraudulent report, statement, or
 33 record required by the secretary.”

34 28. Page 45, by inserting after line 4 the
 35 following sections:

36 “Sec. ____ . Chapter four (4) is amended by adding
 37 the following section after section two hundred fifty
 38 (250):

39 SEC. ____ . Section two hundred thirty-seven A point
 40 nineteen (237A.19), Code 1977, is amended to read
 41 as follows:

42 237A.19 PENALTY. A person who establishes,
 43 conducts, manages, or operates a center without a
 44 license shall be guilty of a *serious* misdemeanor.
 45 Each day of continuing violation after conviction,
 46 or notice from the department by certified mail of
 47 the violation, shall be considered a separate offense.

48 Sec. ____ . Chapter four (4) is amended by adding
 49 the following section after section two hundred fifty-
 50 seven (257):

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1 SEC. ____ . Section two hundred fifty-two B point
 2 ten (252B.10), subsection one (1), Code 1977, is
 3 amended to read as follows:

4 1. Any person who willfully requests, obtains,
 5 or seeks to obtain paternity determination and support

6 collection data available under section 252B.9 under
7 false pretenses, or who willfully communicates or
8 seeks to communicate such data to any agency or person
9 except in accordance with this chapter, shall [, upon
10 conviction, for each such offense be punished by a
11 fine of not more than one thousand dollars or by
12 imprisonment in the state penitentiary for not more
13 than two years, or by both fine and imprisonment] *be*
14 *guilty of an aggravated misdemeanor*. Any person who
15 knowingly, but without criminal purposes, communicates
16 or seeks to communicate paternity determination and
17 support collection data except in accordance with
18 this chapter shall [for each such offense be fined
19 not more than one hundred dollars or be imprisoned
20 not more than ten days] *be guilty of a simple*
21 *misdemeanor*.

22 Sec. ____ . Chapter four (4) is amended by adding
23 the following section after section two hundred
24 seventy-eight (278):

25 SEC. ____ . Section three hundred twenty-one point
26 one hundred ninety (321.190), subsection two (2),
27 unnumbered paragraph one (1), Code 1977, is amended
28 to read as follows:

29 It is a *simple* misdemeanor, punishable as provided
30 in section 321.482, for any person:

31 Sec. ____ . Chapter four (4) is amended by adding
32 the following section after section two hundred eighty-
33 one (281):

34 SEC. ____ . Section three hundred twenty-one point
35 two hundred sixty-six (321.266), subsection four (4),
36 Code 1977, is amended to read as follows:

37 4. Any carrier transporting hazardous materials
38 by rail, air, water, or upon a public highway in this
39 state, in the case of an accident involving the
40 transportation of hazardous materials, shall
41 immediately notify the police radio broadcasting
42 system established by the commissioner of public
43 safety pursuant to section 750.1 or shall notify a
44 peace officer of the county, township, or municipality
45 in which the accident occurs. When a local law
46 enforcement agency is informed of the accident, the
47 agency shall notify the Iowa highway safety patrol.
48 For purposes of this section 'hazardous substances'
49 shall mean hazardous substances as defined in the
50 federal Transportation Safety Act of 1974 (Public

1 Law 93-633, section 103). A person who violates any
2 provision of this subsection shall, upon conviction,
3 be guilty of a *serious* misdemeanor.”

4 29. Page 47, by inserting after line 27 the
5 following section:

6 “Sec. ____ . Chapter four (4) is amended by adding
7 the following section after section three hundred
8 seventy-seven (377):

9 SEC. ____ . Section four hundred seventy-six A point
10 fourteen (476A.14), subsection three (3), Code 1977,
11 is amended to read as follows:’

12 3. Persons convicted of violating any provision
13 of this chapter shall be guilty of a *simple* misdemeanor
14 [and shall be fined not more than one hundred dollars
15 or be imprisoned for not more than thirty days].”

16 30. Page 48, line 2, by striking the words “*an*
17 *aggravated misdemeanor*” and inserting in lieu thereof
18 the words “*a class D felony*”.

19 31. Page 48, by inserting after line 2 the
20 following section:

21 “Sec. ____ . Chapter four (4) is amended by adding
22 the following section after section four hundred
23 seventy-one (471):

24 SEC. ____ . Section five hundred fifty-three point
25 fourteen (553.14), Code 1977, is amended to read as
26 follows:

27 553.14 CRIMINAL PENALTIES. A person or a natural
28 person having substantial control over an enterprise
29 who knowingly and willfully engages in conduct
30 prohibited by this chapter shall be, [upon conviction,
31 fined not to exceed twenty-five thousand dollars,
32 imprisoned in the county jail for not more than six
33 months or both so fined and imprisoned] *guilty of a*
34 *serious misdemeanor*.”

35 32. Page 49, by inserting after line 5 the
36 following sections:

37 “Sec. ____ . Chapter four (4) is amended by adding
38 the following sections after section five hundred
39 five (505):

40 SEC. ____ . Section seven hundred twenty-six point
41 one (726.1), Code 1977, is amended to read as follows:

42 726.1 KEEPING GAMBLING HOUSES. Any person who
43 keeps a house, shop, or place resorted to for the
44 purpose of gambling, or permits any person in any
45 house, shop, or other place under his *or her* control
46 or care to conduct bookmaking or to play at cards,
47 dice, faro, roulette, equality, punchboard, slot

48 machine or other game for money or other thing, commits
 49 a *serious* misdemeanor.
 50 SEC. ____ . Section seven hundred twenty-six point

Page 14

1 three (726.3), Code 1977, is amended to read as
 2 follows:

3 726.3 GAMING AND BETTING—PENALTY. Any person
 4 who participates in any game for any sum of money
 5 or other property of any value, or who makes any bet
 6 or wager for money or other property of value, or
 7 who engages in bookmaking commits a *serious*
 8 misdemeanor.

9 SEC. ____ . Chapter four (4) is amended by adding
 10 the following sections after section five hundred
 11 six (506):

12 SEC. ____ . Section seven hundred twenty-six point
 13 eight (726.8), unnumbered paragraph one (1), Code
 14 1977, is amended to read as follows:

15 If any person make or aid in making or establishing,
 16 or advertise or make public any scheme for any lottery;
 17 or advertise, offer for sale, sell, negotiate, dispose
 18 of, purchase, or receive any ticket or part of a
 19 ticket in any lottery or number thereof; or have in
 20 his *or her* possession any ticket, part of a ticket,
 21 or paper purporting to be the number of any ticket
 22 of any lottery, with the intent to sell or dispose
 23 of the same on his *or her* own account or as the agent
 24 of another, the person commits a *serious* misdemeanor.

25 SEC. ____ . Section seven hundred twenty-six point
 26 fourteen (726.14), Code 1977, is amended to read as
 27 follows:

28 726.14 PENALTY. A person who commits an offense
 29 declared in this chapter or chapter 99B to be a
 30 misdemeanor shall be [subject to imprisonment in the
 31 county jail for a period not exceeding one year, or
 32 to a fine not exceeding one thousand dollars, or to
 33 both fine and imprisonment] *guilty of a serious*
 34 *misdemeanor*.

35 SEC. ____ . Section seven hundred twenty-six point
 36 fifteen (726.15), Code 1977, is amended to read as
 37 follows:

38 726.15 PROTECTION MONEY PROHIBITED. Any officer
 39 or employee of this state, or of a county, city, or
 40 judicial district who asks for, receives or collects
 41 any money or other consideration for and with the

42 understanding that the officer or employee will aid,
 43 exempt, or otherwise protect another person from
 44 detection, arrest or conviction of any violation of
 45 this chapter or chapter 99B commits [a felony punishable
 46 by a fine not to exceed five thousand dollars or by
 47 imprisonment for a term not to exceed two years, or
 48 by both fine and imprisonment] *an aggravated*
 49 *misdemeanor.*
 50 SEC. ____ . Section seven hundred twenty-six point

Page 15

1 sixteen (726.16), Code 1977, is amended to read as
 2 follows:
 3 726.16 COLLECTION SERVICE PROHIBITED. Any person
 4 who knowingly offers, gives or sells his or her
 5 services for use in collecting or enforcing any debt
 6 arising from gambling, whether or not lawful gambling,
 7 commits [a felony, punishable by a fine not to exceed
 8 five thousand dollars or by imprisonment for a term
 9 not to exceed two years, or by both fine and
 10 imprisonment] *an aggravated misdemeanor.*"
 11 33. Page 50, line 8, by striking the word "Section"
 12 and inserting in lieu thereof the word "Sections".
 13 34. Page 50, line 9, by inserting after the number
 14 "(339.5)" the words and numbers "and seven hundred
 15 thirteen point forty-five (713.45)".
 16 35. Page 50, line 9, by striking the word "is"
 17 and inserting in lieu thereof the word "are".
 18 36. Renumbering the remaining sections and
 19 correcting internal references to conform to this
 20 amendment.

S-3621

1 Amend the House amendment, S-3619, to Senate
 2 File 333 as follows:
 3 1. Page 3, by striking lines 1 through 47.
 4 2. Page 4, by striking line 3 through page 5,
 5 line 10.

GENE W. GLENN

S-3622

1 Amend the Committee on State Government amend-
 2 ment, S-3472, to House File 57, as amended, passed
 3 and reprinted by the House as follows:

- 4 1. Page 4, by striking lines 13 through 48 and
 5 inserting in lieu thereof the following:
 6 "Sec. ____ . NEW SECTION. PURCHASE MANDATORY.
 7 No articles or supplies so listed, except in
 8 case of emergency, shall be purchased for public use
 9 by the aforesaid public officials, bodies, and de-
 10 partments from any private source unless the state
 11 director is unable to promptly furnish such articles
 12 or supplies. Any public officer who willfully
 13 refuses or willfully neglects to comply with this
 14 section shall be punished by a fine of not more than
 15 one hundred dollars."

ROLF V. CRAFT
 ROBERT M. CARR

S-3623

- 1 Amend the House amendment, S-3614, to Senate File
 2 137 as follows:
 3 1. Page 4, by inserting after line 6 the following:
 4 " ____ . Have authority to extend by rule the
 5 provisions of chapter five hundred twenty-seven (527)
 6 of the Code to lenders licensed under chapter five
 7 hundred thirty-six A (536A) of the Code in order to
 8 achieve uniformity between all departments;".

CLOYD E. ROBINSON

S-3624

- 1 Amend the Glenn amendment, S-3621, to the House
 2 amendment, S-3619, to Senate File 333 as follows:
 3 1. Page 1, line 3, by striking the figure "47"
 4 and inserting in lieu thereof the figure "46".

GENE W. GLENN

S-3625

- 1 Amend the House amendment, S-3614, to Senate
 2 File 137 as follows:
 3 1. Page 3, by striking line 50 through page 4,
 4 line 3.
 5 2. Page 4, by striking lines 7 through 9.
 6 3. Page 4, by striking lines 30 through 32.
 7 4. Page 8, by striking lines 2 through 11 and

8 inserting in lieu thereof the following:

9 "Sec. ____ . Section five hundred twenty-four point
10 two hundred one (524.201), Code 1977, is amended by
11 adding the following new subsections:

12 *NEW SUBSECTION.* The superintendent may be removed
13 from office for any of the causes and in the manner
14 provided in chapter sixty-six (66) of the Code. Removal
15 from office shall not be in lieu of any other penalty
16 provided by law.

17 *NEW SUBSECTION.* The governor shall obtain the
18 advice of the financial institutions board with respect
19 to any appointee to a regular term or vacancy as
20 superintendent of banking."

21 5. Page 9, line 10, by inserting after the word
22 "office." the words "No person shall be appointed who
23 has not had at least five years credit union experience."

24 6. Page 9, by striking line 16 and inserting in
25 lieu thereof the words "subject to removal from office
26 for any of the causes, and in the manner, provided in
27 chapter sixty-six (66) of the Code. Removal from office
28 shall not be in lieu of any other penalty provided by law."

29 7. Page 9, lines 34 and 35, by striking the words
30 "governor and comptroller" and inserting in lieu thereof
31 the words "financial institutions board".

32 8. Page 10, by inserting after line 43, the
33 following new section:

34 *"NEW SECTION. EMPLOYEE EXPENSES.* The
35 superintendent, and when specifically authorized by the
36 superintendent, the assistants, examiners and other
37 employees of the department, shall be entitled to receive
38 reimbursement for expenses incurred while attending
39 conventions, meetings, conferences, schools, or seminars
40 relating to the performance of their duties, and such
41 expenses shall be department expenses."

42 9. Page 12, by striking lines 31 through 39 and
43 inserting in lieu thereof the words "or of the United
44 States."

45 10. Page 23, line 50, by inserting after the word
46 "office" the words ", and no person shall be appointed
47 who has not had at least five years experience in a
48 savings and loan association or in the regulation or
49 examination of savings and loan associations".

50 11. Page 24, lines 5 and 6, by striking the words

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1 "at the pleasure of the governor" and inserting in
2 lieu thereof the words "from office for any of the

3 causes, and in the manner, provided in chapter sixty-
4 six (66) of the Code. Removal from office shall not
5 be in lieu of any other penalty provided by law”.

6 12. Page 24, lines 24 and 25, by striking the
7 words “governor and comptroller” and inserting in lieu
8 thereof the words “financial institutions board”.

9 13. Page 25, by inserting after line 8, the
10 following new section:

11 “NEW SECTION. EMPLOYEE EXPENSES. The
12 superintendent, and when specifically authorized by the
13 superintendent, the assistants, examiners and other
14 employees of the department, shall be entitled to
15 receive reimbursement for expenses incurred while
16 attending conventions, meetings, conferences, schools,
17 or seminars relating to the performance of their duties,
18 and such expenses shall be department expenses.”

19 14. Page 34, line 38, by inserting after the word
20 “office” the words “, and no person shall be appointed
21 who has not had at least five years experience with a
22 supervised lender or in the regulation or examination
23 of supervised lenders”.

24 15. Page 34, line 44, by striking the words “at
25 the pleasure of the governor” and inserting in lieu
26 thereof the words “from office for any of the causes,
27 and in the manner, provided in chapter sixty-six (66)
28 of the Code. Removal from office shall not be in lieu
29 of any other penalty provided by law”.

30 16. Page 35, lines 12 and 13, by striking the words
31 “governor and comptroller” and inserting in lieu thereof
32 the words “financial institutions board”.

33 17. Page 36, by inserting after line 41, the
34 following new section:

35 “NEW SECTION. EMPLOYEE EXPENSES. The
36 superintendent, and when specifically authorized by the
37 superintendent, the assistants, examiners and other
38 employees of the department, shall be entitled to receive
39 reimbursement for expenses incurred while attending
40 conventions, meetings, conferences, schools, or
41 seminars relating to the performance of their duties,
42 and such expenses shall be department expenses.

43 The superintendent shall account for receipts and
44 disbursements according to the separate duties imposed by
45 the laws of this state.”

46 18. Page 39, by inserting after line 5, the following:

47 “Sec. ____ . Section five hundred twenty-four point
48 two hundred eight (524.208), Code 1977, is amended by
49 striking the words “state banking board” wherever those
50 words appear in that section and inserting in lieu

Page 3

1 thereof the words "financial institutions board".

CLOYD E. ROBINSON
JOHN S. MURRAY

S-3626

1 Amend the House amendment, S-3620, to Senate File
2 318 as follows:
3 1. Page 2, by striking lines 10 through 50.
4 2. Page 3, by striking line 1.
5 3. Page 4, by striking lines 46 through 50.
6 4. Page 5, by striking lines 1 through 28.
7 5. Page 8, by striking lines 10 through 16 and
8 inserting in lieu thereof the words "to this citation
9 or (2) if I do not [so] appear the amount deposited
10 as bail will be forfeited."

GENE W. GLENN

S-3627

1 Amend House File 584 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 29 the
4 following:
5 "3. DEPARTMENT OF GENERAL SERVICES—
6 Terrace Hill
7 a. For preparing Terrace Hill to be
8 open to the public for at least ten hours
9 per week plus prearranged tours commencing
10 July 1, 1978 by providing for driveway
11 and parking, new sidewalks to replace broken
12 slabs and damage in sewer work, public
13 toilets in the basement, the basement floor
14 and underfloor plumbing, stairway to the
15 basement, and reconstruction of the east
16 porch, such funds to be available
17 only if funds equal to or exceeding the
18 amount appropriated by this subsection
19 are contributed from sources other
20 than the state of Iowa and are in
21 fact in the possession of the state by
22 January 1, 1978 \$125,000
23 b. If funds which are equal to or
24 exceed the amount appropriated by para-

25 graph of this subsection are not con-
 26 tributed and not in the possession of
 27 the state by January 1, 1978 the funds
 28 appropriated by paragraph a shall revert
 29 to the general fund of the state on
 30 January 1, 1978 notwithstanding any other
 31 provision of this section providing for
 32 the reversion of funds.”

33 2. Page 2, by inserting after line 6 the following:
 34 “Sec. ____ . House File three hundred sixty-
 35 seven (367), section one (1), subsection sixteen
 36 (16), as enacted by the Sixty-seventh General Assembly,
 37 1977 Session, is amended to read as follows:

38 16. TERRACE HILL
 39 For salaries, support, and
 40 miscellaneous purposes required
 41 to maintain Terrace Hill. [It is
 42 a condition of this appropriation
 43 that Terrace Hill be open to the
 44 public for not less than twenty
 45 hours per week beginning July 1,
 46 1977] \$83,677”

47 3. Renumber subsections and sections as required by
 48 this amendment.

COMMITTEE ON BUDGET
 WILLIAM D. PALMER, Chairperson

S-3628

1 Amend House File 584 as passed by the House as
 2 follows:

3 1. Page 1, by inserting after line 29 the
 4 following:

5 “It is the intent of the general assembly that
 6 when funds are appropriated or allocated for furniture,
 7 furniture components, and office dividers to be
 8 utilized in the Hoover building, such furniture,
 9 furniture components, and office dividers be purchased
 10 from Iowa state industries.”

COMMITTEE ON BUDGET
 WILLIAM D. PALMER, Chairperson

S-3629

1 Amend Senate Concurrent Resolution 14 as follows:
 2 1. Page 2, line 7, by striking the words

3 "resources and" and inserting in lieu thereof the word
 4 "resources,".
 5 2. Page 2, line 8, by inserting after the word
 6 "resources," the words "three members of the house
 7 social services budget subcommittee, and three members
 8 of the senate social services budget subcommittee,".

COMMITTEE ON BUDGET
 WILLIAM D. PALMER, Chairperson

S-3630

1 Amend the Budget Committee amendment, S-3627,
 2 to House File 584 as passed by the House as follows:
 3 1. Page 1, line 5, by striking the words
 4 "DEPARTMENT OF GENERAL SERVICES" and inserting in lieu
 5 thereof the words "THE EXECUTIVE COUNCIL".

EARL M. WILLITS

S-3632

1 Amend the Committee on Judiciary amendment S-3562
 2 to House File 85 as follows:
 3 1. Page 1, by inserting after line 35 the follow-
 4 ing:
 5 *"If the petitioner includes a minor child under*
 6 *fourteen in the petition filed in accordance with*
 7 *this chapter, both parents as stated on the birth*
 8 *certificate of the minor child shall file their written*
 9 *consent for the name change. If both parents do not*
 10 *file their consent, the court shall decide the appro-*
 11 *priateness of the change of the minor child's name.*
 12 Sec. — . Section six hundred seventy-four point
 13 seven (674.7), Code 1977, is amended to read as
 14 follows:
 15 674.7 COPY TO STATE DEPARTMENT. When the court
 16 grants a decree of change of name, the clerk of the
 17 court shall [mail a certified copy to the state regis-
 18 trar of vital statistics of the state department of
 19 health and] furnish the petitioner with a certified
 20 copy of the decree *and mail an abstract of a decree*
 21 *requiring a name change to be reflected on a birth*
 22 *certificate to the state registrar of vital statis-*
 23 *tics of the state department of health on a form pro-*
 24 *vided by the state registrar."*
 25 2. By renumbering sections and correcting internal

26 references as necessary.

DAVID M. READINGER

S-3633

- 1 Amend the House amendment, S-3611, to Senate File
2 167 as follows:
- 3 1. Page 1, by striking lines 31 through 34 and
4 inserting in lieu thereof the words "*installation of*
5 *permanent protection. A railroad crossing shall not*
6 *be found to be particularly hazardous for any purpose*
7 *unless the department has determined it to be*
8 *particularly hazardous.*"
- 9 2. Page 4, by inserting after line 28 the
10 following: "[the age of sixteen years; provided that,
11 effective August 1, 1966, the department shall not
12 issue a license to any person, as an operator, who is
13 under the age of seventeen years and effective August
14 1, 1967, the department shall not issue a license to
15 any person, as an operator, who is under]".
- 16 3. Page 8, line 38, by striking the figure "1983"
17 and inserting in lieu thereof the figure "1982".

RICHARD F. DRAKE
CLOYD E. ROBINSON

S-3634

- 1 Amend the Committee on Judiciary amendment,
2 S-3562, to House File 85 as follows:
- 3 1. Page 1, by inserting after line 3, the
4 following:
- 5 "Sec. ____ . Section one hundred forty-four point
6 thirteen (144.13), Code 1977, is amended by adding the
7 following paragraph:
- 8 ____ . If the parents of the child have the same
9 surname at the time of the birth of the child, the child
10 shall acquire the surname of its parents, and such
11 surname shall be entered on the certificate of birth
12 of such child. If the parents of the child do not
13 have the same surname at the time of the birth of the
14 child, the child shall acquire the surname of its mother,
15 and such surname shall be entered on the certificate
16 of birth of such child."

RICHARD R. RAMSEY

S-3636

- 1 Amend the Committee on Judiciary amendment,
- 2 S-3562, to House File 85 as follows:
- 3 1. Page 1, by inserting after line 22 the following:
- 4 "An individual can, however, have only one legal name
- 5 at any one time."

RICHARD R. RAMSEY

S-3639

- 1 Amend the Committee on Judiciary amendment, S-3562,
- 2 to House File 85 as follows:
- 3 1. Page 1, by striking lines 36 through 39, and
- 4 inserting in lieu thereof the following:
- 5 " —. Page 1, by striking lines 3 through 7, and
- 6 inserting in lieu thereof the following:
- 7 674.13 FURTHER CHANGE BARRED. No person shall
- 8 change his or her name more than once under the provisions
- 9 of this chapter *unless just cause is shown. However,*
- 10 *a person may change his or her name back to the name*
- 11 *appearing on his or her original birth certificate after*
- 12 *each decree dissolving a marriage is entered, or a*
- 13 *person may request a name change to a legal name pre-*
- 14 *viously acquired in a former marriage."*

JAMES M. REDMOND
 ROLF V. CRAFT
 BOB RUSH
 FORREST F. ASHCRAFT

S-3640

- 1 Amend Senate File 404 as follows:
- 2 1. Page 1, line 14, by inserting after the
- 3 word "Code." the following: "The board and depart-
- 4 ment heads shall adopt training reimbursement
- 5 policies. The policies will give priority to
- 6 attendance of training functions conducted at the
- 7 local level or using remote audio or audio-visual
- 8 presentations."

RAY TAYLOR

S-3641

- 1 Amend the Committee on Judiciary amendment, S-3562,

2 to House File 85 as follows:
 3 1. Page 1, by inserting after line 3, the
 4 following:
 5 "Sec. ____ . Section one hundred forty-four point
 6 thirteen (144.13), Code 1977, is amended by adding the
 7 following paragraph:
 8 ____ . If the parents of the child have the same
 9 surname at the time of the birth of the child, the child
 10 shall acquire the surname of its parents, and such
 11 surname shall be entered on the certificate of birth of
 12 such child. If the parents of the child do not have the
 13 same surname at the time of the birth of the child
 14 the surname of the child shall be that of one of its
 15 parents, or a hyphenated combination of the surnames
 16 of the parents. If the parents cannot agree on a
 17 surname for the child, the child shall acquire the surname
 18 of its mother, and such surname shall be entered on the
 19 certificate of birth of such child."

EARL M. WILLITS

S-3642

1 Amend House File 85 as follows:
 2 1. Page 1, by inserting after line 7 the
 3 following:
 4 "Sec. ____ . Chapter six hundred seventy-four
 5 (674), Code 1977, is amended by adding the following
 6 new section:
 7 *NEW SECTION. FILING OF NAME CHANGE.* Except as
 8 provided for in section six hundred seventy-four point
 9 two (674.2), Code 1977, any individual who changes his
 10 or her name pursuant to any law of this state shall,
 11 within thirty days after having effected such name change,
 12 file with the division of vital statistics of the department
 13 of health an affidavit attesting to the fact that the
 14 individual's name has been changed. The division of
 15 vital statistics of the department of health shall
 16 maintain a record of such name change. A person who
 17 fails to file his or her name change pursuant to this
 18 section shall be guilty of a simple misdemeanor.
 19 All such records maintained by the division of
 20 vital statistics of the department of health regarding
 21 effected name changes shall be available for inspection
 22 by the public."

RICHARD R. RAMSEY

S-3643

- 1 Amend the Willits amendment S-3578 to House File
2 584 as follows:
3 1. Page 1, line 9, by inserting after the word
4 "industries." the following:
5 "However, if the furniture and office dividers,
6 or a portion of the required furniture and office
7 dividers, cannot be delivered in an adequate time
8 or would not be available in an adequate time, the
9 department of general services may purchase the
10 required amount of furniture and dividers from another
11 vendor after first making a report to the legislative
12 council of the conditions which have arisen making
13 such delivery or availability untimely. The
14 legislative council may make such recommendations
15 to the director of the department of general services
16 as it deems necessary."

RAY TAYLOR

S-3644

- 1 Amend the House amendment, S-3611, to Senate File
2 167 as follows:
3 1. Page 1, by striking lines 31 through 34 and
4 inserting in lieu thereof the words "*installation of*
5 *permanent protection. A railroad crossing shall not*
6 *be found to be particularly hazardous for any purpose*
7 *unless the department has determined it to be*
8 *particularly hazardous.*"
9 2. Page 4, by inserting after line 28 the
10 following: "[the age of sixteen years; provided that,
11 effective August 1, 1966, the department shall not
12 issue a license to any person, as an operator, who is
13 under the age of seventeen years and effective August
14 1, 1967, the department shall not issue a license to
15 any person, as an operator, who is under]".
16 3. Page 8, line 39, by striking the figure "1982"
17 and inserting in lieu thereof the figure "1983".

RICHARD F. DRAKE
CLOYD E. ROBINSON

S-3646

- 1 Amend the House amendment, S-3614, to Senate File 137

2 as follows:

- 3 1. Page 3, lines 43 and 44, by striking the words "exercise
4 of the powers and duties" and inserting in lieu thereof the
5 words "internal operating procedures".
- 6 2. Page 3, by striking line 50 through page 4, line 3.
- 7 3. Page 4, by striking lines 7 through 9.
- 8 4. Page 4, by striking lines 30 through 32.
- 9 5. Page 5, line 21, by inserting after the word "chapters"
10 the words "five hundred thirty-three A (533A), five hundred
11 thirty-three B (533B)".
- 12 6. Page 7, line 16, by striking the word "association"
13 and inserting in lieu thereof the words "association, licensee
14 under chapter five hundred thirty-three A (533A) or five hundred
15 thirty-three B (533B)".
- 16 7. Page 8, by striking lines 2 through 11 and inserting
17 in lieu thereof the following:
18 "Sec. ____ . Section five hundred twenty-four point two hundred
19 one (524.201), Code 1977, is amended by adding the following
20 new subsections:
21 *NEW SUBSECTION.* The superintendent may be removed from
22 office for any of the causes and in the manner provided in
23 chapter sixty-six (66) of the Code. Removal from office
24 shall not be in lieu of any other penalty provided by law.
25 *NEW SUBSECTION.* The governor shall obtain the advice of
26 the financial institutions board with respect to any appointee
27 to a regular term or vacancy as superintendent of banking."
28 8. Page 8, by inserting after line 42 the following:
29 "Sec. ____ . Section five hundred twenty-four point two
30 hundred eight (524.208), Code 1977, is amended to read as
31 follows:
32 **524.208 ASSISTANTS, EXAMINERS AND OTHER EMPLOYEES.**
33 The superintendent may appoint such assistants, examiners
34 and other employees as he may deem necessary to the proper
35 discharge of the duties imposed upon him by the laws of this
36 state. The merit system as established by chapter 19A, shall
37 apply to all employees of the department of banking, except
38 the superintendent, deputy superintendent and one stenographer
39 or secretary. The salary of such stenographer or secretary
40 shall be fixed by the [state banking board] *superintendent*.
41 Pay plans shall be established for employees subject to the
42 merit system, other than clerical, who examine the accounts
43 and affairs of state banks and who examine the accounts and
44 affairs of other persons, subject to supervision and regula-
45 tion by the superintendent which are substantially equivalent
46 to those paid by the Federal Deposit Insurance Corporation
47 and other federal supervisory agencies in this area of the
48 United States."

49 9. Page 9, line 10, by inserting after the word "office."
 50 the words "No person shall be appointed who has not had at

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1 least five years credit union experience."

2 10. Page 9, by striking line 16 and inserting in lieu
 3 thereof the words "subject to removal from office for any
 4 of the causes, and in the manner, provided in chapter sixty-
 5 six (66) of the Code. Removal from office shall not be in
 6 lieu of any other penalty provided by law."

7 11. Page 9, lines 34 and 35, by striking the words "governor
 8 and comptroller" and inserting in lieu thereof the words
 9 "financial institutions board".

10 12. Page 9, line 41, by striking the word "two" and inserting
 11 in lieu thereof the words "one hundred".

12 13. Page 10, by striking lines 34 through 43 and inserting
 13 in lieu thereof the following:

14 "The superintendent shall acquire good and sufficient bond
 15 in a company authorized to do business in this state insuring
 16 the faithful performance of assistants, examiners, and all
 17 other employees of the department of credit unions and
 18 insuring against any liability which may accrue in the case
 19 of the loss of any property of a credit union, of a customer
 20 of a credit union or of any other person, in the course of
 21 any examination, investigation, or other function required
 22 or allowed by the laws of this state."

23 14. Page 10, by inserting after line 43, the following new
 24 section:

25 "NEW SECTION. EMPLOYEE EXPENSES. The superintendent, and
 26 when specifically authorized by the superintendent, the assis-
 27 tants, examiners and other employees of the department, shall
 28 be entitled to receive reimbursement for expenses incurred
 29 while attending conventions, meetings, conferences, schools,
 30 or seminars relating to the performance of their duties, and
 31 such expenses shall be department expenses."

32 15. Page 10, by striking lines 44 through 50.

33 16. Page 11, by striking lines 1 through 6 and inserting
 34 in lieu thereof the following:

35 "NEW SECTION. EXPENSES OF THE DEPARTMENT. All expenses
 36 required in the discharge of the duties and responsibilities
 37 imposed upon the superintendent by the laws of this state
 38 shall be paid from funds appropriated from the general fund
 39 of the state. The superintendent shall pay all fees and other
 40 money received by the superintendent to the treasurer of state
 41 within the time required by section 12.10. The treasurer of
 42 state shall deposit such funds in the general fund of the state.

43 Funds appropriated to the department of credit unions shall be
 44 subject at all times to the warrant of the state comptroller,
 45 drawn upon written requisition of the superintendent or a
 46 designated representative, for the payment of all salaries and
 47 other expenses necessary to carry out the duties of the de-
 48 partment of credit unions.”
 49 17. Page 12, by striking lines 31 through 39 and inserting
 50 in lieu thereof the words “or of the United States.”

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1 18. Page 23, line 50 by inserting after the word “office”
 2 the words “, and no person shall be appointed who has not had
 3 at least five years experience in a savings and loan associa-
 4 tion or in the regulation or examination of savings and loan
 5 associations”.

6 19. Page 24, lines 5 and 6, by striking the words “at the
 7 pleasure of the governor” and inserting in lieu thereof the
 8 words “from office for any of the causes, and in the manner,
 9 provided in chapter sixty-six (66) of the Code. Removal from
 10 office shall not be in lieu of any other penalty provided by
 11 law”.

12 20. Page 24, lines 24 and 25, by striking the words “governor
 13 and comptroller” and inserting in lieu thereof the words
 14 “financial institutions board”.

15 21. Page 24, line 36, by striking the word “two” and inserting
 16 in lieu thereof the words “one hundred”.

17 22. Page 25, by inserting after line 8, the following new
 18 section:
 19 “**NEW SECTION. EMPLOYEE EXPENSES.** The superintendent, and
 20 when specifically authorized by the superintendent, the assis-
 21 tants, examiners and other employees of the department, shall
 22 be entitled to receive reimbursement for expenses incurred
 23 while attending conventions, meetings, conferences, schools,
 24 or seminars relating to the performance of their duties, and
 25 such expenses shall be department expenses.”

26 23. Page 25, by striking lines 9 through 18 and inserting
 27 in lieu thereof the following:
 28 “The superintendent shall acquire good and sufficient
 29 bond in a company authorized to do business in this state
 30 insuring the faithful performance of assistants, examiners,
 31 and all other employees of the department of savings and
 32 loan associations and insuring against any liability which
 33 may accrue in the case of the loss of any property of a
 34 savings and loan association, of a customer of a savings
 35 and loan association or of any other person, in the course
 36 of any examination, investigation, or other function re-

37 quired or allowed by the laws of this state.”

38 24. Page 26, by inserting after line 20 the following new
39 section:

40 “Sec. ____ . Section five hundred thirty-four point sixty-
41 one (534.61), subsection one (1), Code 1977, is amended by
42 striking the subsection and inserting in lieu thereof the
43 following:

44 1. All expenses required in the discharge of the duties
45 and responsibilities imposed upon the superintendent by the
46 laws of this state shall be paid from funds appropriated from
47 the general fund of the state. The superintendent shall pay
48 all fees and other money received by the superintendent to the
49 treasurer of state within the time required by section 12.10.
50 The treasurer of state shall deposit such funds in the general

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1 fund of the state. Funds appropriated to the department of
2 savings and loan associations shall be subject at all times
3 to the warrant of the state comptroller, drawn upon written
4 requisition of the superintendent or a designated represen-
5 tative, for the payment of all salaries and other expenses
6 necessary to carry out the duties of the department of savings
7 and loan associations.

8 The superintendent shall account for receipts and disburse-
9 ments according to the separate duties imposed upon the
10 superintendent by any provisions of the laws of this state.

11 25. Page 30, by inserting after line 35, the following
12 new sections:

13 “Sec. ____ . Section five hundred thirty-three A point one
14 (533A.1), subsection three (3), Code 1977, is amended to read
15 as follows:

16 3. “Superintendent” means the superintendent of [banking]
17 *supervised lenders*.

18 Sec. ____ . Section five hundred thirty-three B point one
19 (533B.1), Code 1977, is amended to read as follows:

20 533B.1 PERMISSION FROM SUPERINTENDENT OF [BANKING]
SUPERVISED

21 *LENDERS*. No person shall engage in the business of selling written
22 instruments for the transmission or payment of money, whether
23 in the form of checks, drafts, money orders, travelers checks
24 or otherwise, unless such person’s net worth is at all times
25 at least twenty-five thousand dollars as shown by financial
26 statements satisfactory to the superintendent of [banking]
27 *supervised lenders* and such person has deposited and at all
28 times keeps on deposit with the superintendent of [banking]
29 *supervised lenders* fifty thousand dollars in cash or secur-

30 ities satisfactory to the superintendent of [banking] *supervised*
 31 *lenders*. However, the superintendent of [banking] *supervised*
 32 *lenders* may at his or her option accept a surety bond in the
 33 sum of fifty thousand dollars in the form satisfactory to him
 34 or her and issued by a surety company acceptable to him or her
 35 in lieu of such deposit. Such deposit or bond shall be for the
 36 protection of purchasers or holders of instruments sold by such
 37 person and the superintendent or any aggrieved party may enforce
 38 claims on such instruments against such deposit or bond.
 39 Simultaneously with the making of such deposit or delivery
 40 of such bond and annually thereafter each such person shall
 41 pay to the superintendent of [banking] *supervised lenders* an
 42 annual fee of one hundred dollars.”

43 26. Page 34, line 18, by inserting after the word “chapters”
 44 the words “five hundred thirty-three A (533A),”.

45 27. Page 34, line 38, by inserting after the word “office”
 46 the words “, and no person shall be appointed who has not had
 47 at least five years experience with a supervised lender or
 48 in the regulation or examination of supervised lenders”.

49 28. Page 34, line 44, by striking the words “at the pleasure
 50 of the governor” and inserting in lieu thereof the words

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1 “from office for any of the causes, and in the manner, pro-
 2 vided in chapter sixty-six (66) of the Code. Removal from
 3 office shall not be in lieu of any other penalty provided
 4 by law”.

5 29. Page 35, lines 12 and 13, by striking the words
 6 “governor and comptroller” and inserting in lieu thereof
 7 the words “financial institutions board”.

8 30. Page 35, line 17, by inserting after the word “chapters”
 9 the words “five hundred thirty-three A (533A), five hundred
 10 thirty-three B (533B),”.

11 31. Page 35, line 24, by striking the word “two” and inserting
 12 in lieu thereof the words “one hundred”.

13 32. Page 36, by striking lines 16 through 25 and inserting
 14 in lieu thereof the following:
 15 “The superintendent shall acquire good and sufficient bond
 16 in a company authorized to do business in this state insuring
 17 the faithful performance of assistants, examiners, and all
 18 other employees of the department of supervised lenders and
 19 insuring against any liability which may accrue in the case
 20 of the loss of any property of a supervised lender, of a
 21 customer of a supervised lender or of any other person,
 22 in the course of any examination, investigation, or other
 23 function required or allowed by the laws of this state.”

24 33. Page 36, by striking lines 26 through 38 and inserting

25 in lieu thereof the following:

26 "NEW SECTION. EXPENSES OF THE DEPARTMENT. All expenses
 27 required in the discharge of the duties and responsibilities
 28 imposed upon the superintendent by the laws of this state shall
 29 be paid from funds appropriated from the general fund of the
 30 state. The superintendent shall pay all fees and other money
 31 received by the superintendent to the treasurer of state within
 32 the time required by section 12.10. The treasurer of state
 33 shall deposit such funds in the general fund of the state.
 34 Funds appropriated to the department of supervised lenders
 35 shall be subject at all times to the warrant of the state
 36 comptroller, drawn upon written requisition of the superin-
 37 tendent or a designated representative, for the payment of
 38 all salaries and other expenses necessary to carry out the
 39 duties of the department of supervised lenders."

40 34. Page 36, by inserting after line 41, the following new
 41 section:

42 "NEW SECTION. EMPLOYEE EXPENSES. The superintendent, and
 43 when specifically authorized by the superintendent, the assis-
 44 tants, examiners and other employees of the department, shall
 45 be entitled to receive reimbursement for expenses incurred
 46 while attending conventions, meetings, conferences, schools,
 47 or seminars relating to the performance of their duties,
 48 and such expenses shall be department expenses.

49 The superintendent shall account for receipts and dis-
 50 bursements according to the separate duties imposed by

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1 the laws of this state."

2 35. Page 37, line 31, by striking the word "chapter" and
 3 inserting in lieu thereof the words "chapters five hundred
 4 thirty-three A(533A), five hundred thirty-three B (533B) and".

5 36. Page 37, line 40, by striking the word "chapter"
 6 and inserting in lieu thereof the words "chapters five hundred
 7 thirty-three A (533A), five hundred thirty-three B (533B) or".

8 37. Page 38, line 38, by inserting after the word "chapters"
 9 the words "five hundred thirty-three A (533A), five hundred
 10 thirty-three B (533B),".

11 38. Page 39, line 1, by striking the word "chapter" and
 12 inserting in lieu thereof the words "chapters five hundred
 13 thirty-three A (533A), five hundred thirty-three B (533B),".

14 39. Page 39, line 14, by inserting after the word "chapters"
 15 the words "five hundred thirty-three A (533A), five hundred
 16 thirty-three B (533B),".

CLOYD E. ROBINSON
 JOHN S. MURRAY

S-3647

1 Amend House File 85 as follows:

2 1. Page 1, by inserting after line 7 the
3 following:

4 "Sec. ____ . Chapter six hundred seventy-four
5 (674), Code 1977, is amended by adding the following
6 new section:

7 *NEW SECTION. FILING OF NAME CHANGE.* Except as
8 provided for in section six hundred seventy-four point sev-
9 en (674.7), Code 1977, any individual who changes his
10 or her name pursuant to any law of this state shall,
11 within thirty days after having effected such name change,
12 file with the division of vital statistics of the department
13 of health an affidavit attesting to the fact that the
14 individual's name has been changed. The division of
15 vital statistics of the department of health shall
16 maintain a record of such name change. A person who
17 fails to file his or her name change pursuant to this
18 section shall be guilty of a simple misdemeanor.

19 All such records maintained by the division of
20 vital statistics of the department of health regarding
21 effected name changes shall be available for inspection
22 by the public."

RICHARD R. RAMSEY

S-3648

1 Amend House amendment, S-3611, to Senate File 167
2 as follows:

3 1. Page 3, by inserting after line 33 the
4 following: "*The motor vehicle license number shall
5 not be the social security number of the transferee
6 unless requested by the transferee.*"

7 2. Page 6, by striking line 22 and inserting in
8 lieu thereof the following: "[social security number.]
9 *The department shall advise an applicant that he or
10 she may request a number other than a social security
11 number as the motor vehicle license number. The
12 department shall not*".

PHILIP B. HILL
RICHARD F. DRAKE
FRED W. NOLTING

S-3649

- 1 Amend the House amendment, S-3620, to Senate File
2 318 as follows:
3 1. Page 2, by striking lines 10 through 50.
4 2. Page 3, by striking line 1.
5 3. Page 4, by striking lines 46 through 50.
6 4. Page 5, by striking lines 1 through 28.
7 5. Page 8, by striking lines 10 through 16 and
8 inserting in lieu thereof the words "to this citation
9 or (2) if I do not [so] appear the amount deposited
10 as bail will be forfeited."

BOB RUSH

S-3650

- 1 Amend the House amendment, S-3529, to Senate
2 File 344 as follows:
3 1. Page 1, line 31, by inserting after the word
4 "scenic" the words "or other."
5 2. Page 1, by striking lines 33 through 35 and
6 inserting in lieu thereof the words "beauty of the
7 Upper Iowa River."
8 3. Page 1, line 41, by striking the words "to
9 establish" and inserting in lieu thereof the words
10 "for the state to own or control and provide funds for
11 the project in order to complete such project. As a
12 part of this review, the conservation commission shall
13 study the potential benefit to the people of the state
14 of establishing".
15 4. Page 2, by striking lines 20 through 23 and
16 inserting in lieu thereof the following:
17 "Sec. ____ . There is appropriated from the general
18 fund of the state the amount of fifty-nine thousand
19 (\$59,000) dollars or so much thereof as necessary for
20 the purpose of developing a".

LOWELL L. JUNKINS

S-3651

- 1 Amend the Committee on Budget amendment, S-3628,
2 to House File 584 as follows:
3 1. Page 1, line 10, by inserting after the word
4 "industries." the following:
5 "However, if the furniture and office dividers,

6 or a portion of the required furniture and office
 7 dividers, cannot be delivered in an adequate time, the
 8 department of general services may purchase the
 9 required amount of furniture and dividers from another
 10 vendor after first making a report to the legislative
 11 council of the conditions which have arisen making
 12 such delivery or availability untimely. The
 13 legislative council may make such recommendations
 14 to the director of the department of general services
 15 as it deems necessary."

RAY TAYLOR

S-3652

- 1 Amend House File 545, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 3, by striking lines 7 through 9.
 4 2. Page 4, by striking lines 9 through 12.
 5 3. Page 4, by striking lines 25 through 27.
 6 4. Page 4, by striking lines 33 through 35.
 7 5. Page 5, by striking lines 1 through 3.
 8 6. Page 5, by striking lines 11 through 13.

C. W. HUTCHINS
 C. JOSEPH COLEMAN
 DALE L. TIEDEN
 E. KEVIN KELLY
 LUCAS J. DE KOSTER
 JAMES E. BRILES

S-3653

- 1 Amend the House amendment, S-3529, to Senate File
 2 344 as follows:
 3 1. Page 1, by inserting after line 3, the
 4 following:
 5 ____ . Page 1, by inserting after line 16 the
 6 following:
 7 "Any land purchased by the state conservation
 8 commission pursuant to the open spaces land acquisition
 9 program shall be purchased from a willing seller only."

DALE L. TIEDEN

S-3654

- 1 Amend the House amendment, S-3520, to Senate File

- 2 318 as follows:
 3 1. Page 2, by striking lines 10 through 50.
 4 2. Page 3, by striking line 1.
 5 3. Page 4, by striking lines 45 through 50.
 6 4. Page 5, by striking lines 1 through 28.
 7 5. Page 8, by striking lines 10 through 16 and
 8 inserting in lieu thereof the words "to this citation
 9 or (2) if I do not [so] appear the amount deposited as
 10 bail will be forfeited."

BOB RUSH

S-3655

- 1 Amend House File 594 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 15, line 28, by inserting after the word
 4 "rehabilitation" the words "and who is either addicted
 5 or dependent on a chemical substance".

JOHN S. MURRAY

S-3656

- 1 Amend Senate File 396 as follows:
 2 1. Page 1, lines 9 and 10, by striking the words
 3 "after the member's seventieth birthday" and inserting
 4 in lieu thereof the words "[after the member's
 5 seventieth birthday] in which the member attains the
 6 age of seventy years".
 7 2. Page 1, by inserting after line 18 the
 8 following:
 9 "Sec. ____ . Section ninety-seven B point forty-
 10 one (97B.41), subsection one (1), paragraph b,
 11 subparagraph five (5), Code 1977, is amended to read
 12 as follows:
 13 (5) Effective July 1, 1973, and prior to July
 14 1, 1977, covered wages shall not include wages to
 15 a member after the first of the month coinciding with
 16 or next following his seventieth birthday, or after
 17 the effective date of his retirement unless he is
 18 re-employed, as provided under section 97B.48,
 19 subsection 3. Beginning July 1, 1977, covered wages
 20 shall not include wages to a member after the month
 21 in which the member attains his or her seventieth
 22 birthday, or after the effective date of the member's
 23 retirement unless the member is re-employed as provided
 24 under section ninety-seven B point forty-eight

25 (97B.48), subsection thirteen (13), of the Code.”

26 3. Page 1, by inserting after line 18 the following
27 sections:

28 “Sec. ____ . Section ninety-seven B point forty-
29 one (97B.41), subsection eighteen (18), Code 1977,
30 is amended to read as follows:

31 18. “Membership service” means service rendered
32 by a member after July 4, 1953, and prior to the first
33 of the month [coinciding with or next following his
34 seventieth birthday] *in which the member attains the*
35 *age of seventy years*. Years of membership service
36 shall be counted to the complete quarter calendar
37 year.

38 Sec. ____ . Section ninety-seven B point forty-five
39 (97B.45), unnumbered paragraph one (1), Code 1977,
40 is amended to read as follows:

41 A member’s normal retirement date shall be the
42 first of the month [coinciding with or next following
43 his sixty-fifth birthday] *in which a member attains*
44 *the age of sixty-five years*. A member may retire
45 after [his sixty-fifth birthday] *the first of the month*
46 *in which the member attains the age of sixty-five*
47 *years* except as otherwise provided in section 97B.46.
48 A member retiring on or after his or her normal
49 retirement date, as provided in section 97B.46, shall
50 submit a written notice to the department setting

Page 2

1 forth the date the retirement is to become effective,
2 provided that such date shall be after [his] *the member’s*
3 last day of service and not before the first day of
4 the sixth calendar month preceding the month in which
5 the notice is filed, except that credit for service
6 shall cease when contributions cease as provided in
7 section 97B.11.

8 Sec. ____ . Section ninety-seven B point forty-six
9 (97B.46), Code 1977, is amended to read as follows:

10 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member
11 may, on the request of the employer, remain in the
12 active employ of the employer beyond the date [he] *the*
13 *member* attains the age of sixty-five for such period
14 or periods as the employer from time to time shall
15 approve, provided, however, that credit for such
16 service shall cease when contributions cease as
17 provided in section 97B.11. The member shall retire
18 from the employment of the employer at the end of
19 the last approved period, on the first day of the

20 month [next following or coinciding with] *in which* such
 21 date *occurs*. A member remaining in service [past his
 22 seventieth birthday] *after attaining the age of seventy*
 23 years shall be entitled to receive a retirement
 24 allowance under section 97B.49 as applicable commencing
 25 with payment for the calendar month within which the
 26 written notice is submitted to the department, except
 27 that if [he] *the member* fails to submit the notice on
 28 a timely basis, retroactive payments shall be made
 29 for no more than six months immediately preceding
 30 the month in which the written notice is submitted.

31 Sec.____. Section ninety-seven B point forty-seven
 32 (97B.47), Code 1977, is amended to read as follows:
 33 97B.47 *EARLY RETIREMENT DATE*. A member's early
 34 retirement date shall be the first of [any] *the* month
 35 [coinciding with or following his fifty-fifth birthday
 36 and] *in which a member attains the age of fifty-five*
 37 *years or the first of any month after attaining the*
 38 *age of fifty-five years* prior to [his] *the member's*
 39 normal retirement date, provided such date shall be
 40 after the last day of service. A member may retire
 41 on [his] *the member's* early retirement date by submitting
 42 written notice to the department setting forth the
 43 early retirement date which shall not be before the
 44 first day of the sixth calendar month preceding the
 45 month in which such notice is filed.

46 Sec.____. Section ninety-seven B point forty-eight
 47 (97B.48), subsection three (3), Code 1977, is amended
 48 to read as follows:

49 3. If at any time after the first day of the month
 50 [coinciding with or next following his fifty-fifth

Page 3

1 birthday] *in which the member attains the age of fifty-*
 2 *five years* and until [his sixty-fifth birthday] *the*
 3 *first day of the month in which the member attains*
 4 *the age of fifty-five years*, a member who is retired
 5 under this chapter is in regular full-time employment,
 6 [his] *the member's* retirement allowance shall be
 7 suspended for as long as [he] *the member*, remains in
 8 employment. However, employment shall not be regarded
 9 as full-time employment until [he] *the member* receives
 10 remuneration in an amount in excess of two thousand
 11 one hundred dollars for any calendar year. Effective
 12 the first of the month [coinciding with or next
 13 following his sixty-fifth birthday] *in which a member*
 14 *attains the age of sixty-five years*, a retired member

15 shall be entitled to receive a retirement allowance
16 after return to covered employment regardless of the
17 amount of remuneration received. As of the first
18 of the month [coinciding with or next following the
19 member's seventieth birthday] *in which the member*
20 *attains the age of seventy years*, [he] *the member* shall
21 be entitled to receive a retirement allowance
22 determined under section 97B.49, regardless of the
23 amount of remuneration received. Upon any retirement
24 after re-employment, a retired member shall be entitled
25 to have his *or her* retirement allowance redetermined
26 under this section or sections 97B.49 or 97B.50,
27 whichever is applicable, based upon the employee's
28 and [his] employer's additional contributions, and any
29 membership service of the employee after [his] re-
30 employment.

31 Sec. ____ . Section ninety-seven B point fifty-three
32 (97B.53), subsection two (2), Code 1977, is amended
33 to read as follows:

34 2. If the employment with the employers of a member
35 is terminated prior to [his] *the member's* retirement,
36 other than by death, but after [he] *the member* has
37 either

38 a. Completed at least four years of service, or

39 b. Has attained the age of fifty-five, [he] *the*
40 *member* shall receive a monthly retirement allowance
41 commencing on the first day of the month [next following
42 or coinciding with the date he] *in which the member*
43 *attains the age of sixty-five years*, if [he] *the member*
44 is then alive, or, if the member so elects in
45 accordance with section 97B.47, commencing on the
46 first day of [any] *the* month [coinciding or next following
47 the date he] *in which the member* attains the age of
48 fifty-five and *any month thereafter* prior to the date
49 [he] *the member* attains the age of sixty-five years,
50 and continuing on the first day of each month

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1 thereafter during [his] *the member's* lifetime, provided
2 the member does not receive prior to the date [his]
3 *the member's* retirement allowance is to commence a
4 refund of accumulated contributions under any of the
5 provisions of this chapter. The amount of each such
6 monthly retirement allowance shall be determined as
7 provided in either section 97B.49 or in section 97B.50,
8 whichever is applicable."

9 4. Amend the title, line 2, by inserting after
 10 the word "members," the words "to change the method
 11 of computing the retirement date,".

LUCAS J. DE KOSTER
 JOHN N. NYSTROM

S-3657

1 Amend House File 594 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by inserting before line 1 the following
 4 section:
 5 "Section 1. *NEW SECTION. DECLARATION OF POLICY.*
 6 It is the policy of this state:
 7 1. That substance abusers and persons suffering
 8 from chemical dependency be afforded the opportunity
 9 to receive quality treatment and directed into
 10 rehabilitation services which will help them resume
 11 a socially acceptable and productive role in society.
 12 2. To encourage substance abuse education and
 13 prevention efforts and to insure that such efforts
 14 are coordinated to provide a high quality of services
 15 without unnecessary duplication.
 16 3. To insure that substance abuse programs are
 17 being operated by individuals who are qualified in
 18 their field whether through formal education or through
 19 employment or personal experience.
 20 This section is effective January 1, 1978."
 21 2. Page 4, line 5, by inserting after the word
 22 "governor" the words "for a four-year term".
 23 3. Page 9, line 21, by inserting after the word
 24 "treatment" the words "*and rehabilitation*".
 25 4. Page 9, line 22, by inserting after the word
 26 "Prevention" the words "*and education*".
 27 5. Page 10, line 32, by striking the words "drug
 28 dependent persons" and inserting in lieu thereof the
 29 words "substance abusers".
 30 6. Page 11, by inserting after line 2, the
 31 following:
 32 "e. Alcoholics anonymous."
 33 7. Page 12, lines 30 and 31, by striking the words
 34 "may be sought".
 35 8. Page 17, lines 25 and 26, by striking the words
 36 "to protect himself *or herself*" and inserting in lieu
 37 thereof the words "[to protect himself] *for self-*
 38 *protection*".

39 9. Page 18, lines 2 and 3, by striking the words
40 "physically injure himself or herself or" and inserting
41 in lieu thereof the words "inflict physical self harm
42 or inflict physical harm on".

43 10. Page 18, line 19, by striking the words "harm
44 on himself or herself or" and inserting in lieu thereof
45 the words "*self* harm [on himself] or *threatened*,
46 *attempted or inflicted physical harm on*".

47 11. Page 18, lines 20 and 21, by striking the
48 words "harm on himself or herself or" and inserting
49 in lieu thereof the words "*self* harm [on himself] or
50 *is likely to physically harm*".

Page 2

1 12. Page 19, line 4, by striking the words "harm
2 on himself or herself or" and inserting in lieu thereof
3 the words "*self* harm [on himself] or *inflict physical*
4 *harm on*".

5 13. Page 27, by inserting after line 1, the
6 following section:

7 "Sec. ____ . Chapter one hundred twenty-five (125),
8 Code 1977, is amended by adding the following new
9 sections after section one hundred twenty-five point
10 thirty-six (125.36):

11 **NEW SECTION. USE OF FUNDS.** The director shall
12 not be required to distribute or guarantee funds:

13 1. To any program which does not meet licensing
14 standards,

15 2. To any program providing unnecessary,
16 duplicative or overlapping services within the same
17 geographical area, or

18 3. To any program which has adequate resources
19 at its disposal.

20 This section is effective January 1, 1978.

21 **NEW SECTION. AUDITS.** All licensed substance abuse
22 programs shall be subject to regular audit by the
23 auditor of state or to special audits requested by
24 the director.

25 This section is effective January 1, 1978.

26 **NEW SECTION. FUTURE STATUS OF DEPARTMENT.** The
27 provisions of chapter one hundred twenty-five (125)
28 of the Code are repealed effective July 1, 1982.

29 The first session of the Sixty-ninth General Assembly
30 meeting in the year 1981 shall review the activities
31 and performance of the department and shall not later
32 than July 1, 1981 make a determination concerning

33 the status and duties of the department.
 34 This section is effective January 1, 1978."
 35 14. By renumbering and correcting internal
 36 references as necessary to conform with this amendment
 37 and to any amendments previously adopted prior to
 38 the reprinting of House File 594 as amended.

COMMITTEE ON HUMAN RESOURCES
 CHARLES P. MILLER, Chairperson

S-3658

1 Amend Senate File 407 as follows:
 2 1. Page 1, line 2, by inserting after the word
 3 "instruction" the words "and to the department of general
 4 services".

BASS VAN GILST

S-3659

1 Amend Senate File 401 as follows:
 2 1. Page 1, line 3, by inserting after the word
 3 "ESTABLISHED." the numeral "1."
 4 2. Page 1, line 16, by inserting after the word
 5 "time" the words "*less the amount which is permitted*
 6 *by subsection two (2) of this section to be deducted*
 7 *therefrom*".
 8 3. Page 1, by inserting after line 21 the follow-
 9 ing new subsections:
 10 "2. *The person, firm or corporation receiving*
 11 *payments under a contract referred to in subsection*
 12 *one (1) of this section shall be entitled to deduct*
 13 *from the amount required by that subsection to be*
 14 *held in trust the costs incurred by the person, firm*
 15 *or corporation under the agreement in acquiring*
 16 *personal property referred to in subsection one (1)*
 17 *of this section if all the following conditions*
 18 *are met:*
 19 *a. The personal property is identifiable as the*
 20 *property of the buyer;*
 21 *b. A negotiable warehouse receipt has been issued*
 22 *for the personal property which provides that the*
 23 *personal property is to be delivered to the order*
 24 *of the buyer who must be named in the warehouse*
 25 *receipt; and*
 26 *c. The warehouse receipt contains express terms*

27 *waiving the right to all warehouseman's liens,*
 28 *specifying that the personal property will be delivered*
 29 *upon order free of any liabilities for which the*
 30 *warehouseman would be entitled to assert a lien or*
 31 *security interest, and stating that the personal*
 32 *property will be delivered upon order at the expense*
 33 *of the warehouseman to a specified Iowa city, which*
 34 *shall be the city of residence of the buyer or a city*
 35 *agreed upon by the buyer and seller.*

36 3. As used in this section, 'costs incurred in
 37 acquiring personal property' shall mean the sum of
 38 the costs of labor and materials plus one hundred
 39 percent of those costs."

40 4. Page 1, line 35, by inserting after the word
 41 "contract," the words "the amounts deducted pursuant
 42 to subsection two (2) of section five hundred twenty-
 43 three A point one (523A.1) of the Code,".

44 5. Page 2, line 17, by inserting after the word
 45 "year," the words "the amounts deducted from trust
 46 deposits pursuant to subsection two (2) of section
 47 five hundred twenty-three A point one (523A.1) of
 48 the Code,".

EUGENE M. HILL

S-3660

1 Amend Senate Joint Resolution 12 as follows:

2 1. Page 1, by inserting after line 11, the
 3 following:

4 "Sec. ____ . The general assembly also urges the
 5 state board to recommend that each school district
 6 conduct surveys to determine the unemployment rate
 7 of their graduates which could be attributed to
 8 the lack of vocational programs in each school and
 9 also to determine which vocational courses would
 10 be the most beneficial to their high school
 11 graduates."

RAY TAYLOR

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 573

S-3661

1 Amend the Senate amendment H-4213 to House
 2 File 573 as follows:

3 1. Page 1, by striking lines 3 through 9 and
4 inserting in lieu thereof the following:

5 "1. Page 1, by striking line 24 and inserting
6 in lieu thereof the following:

7 Sec. 4. Federal funds received during fiscal
8 year 1976-1977 by the energy policy council as
9 reimbursement for general operating expenses
10 incurred during the fiscal year 1975-1976 are
11 appropriated to the energy policy council for the
12 purpose of funding energy research and development
13 projects. Such funds unencumbered on June 30, 1978
14 shall revert to the general fund on September 30,
15 1978.

16 Sec. 5. Funds appropriated by section one (1)
17 of this Act shall be used".

18 2. Title page, line 2, by adding after the word
19 "research" the words "and to the energy policy
20 council for energy research and development".

S-3662

1 Amend the House amendment, S-3611, to Senate File
2 167, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 5, by striking lines 17 through 28 and
5 inserting in lieu thereof the following: "*and eighteen*
6 *years of age who is not [attending] in attendance at*
7 *school or in a public or private school [in which] where*
8 *an approved driver's education course is offered or*
9 *available, [shall not be required to complete] may be*
10 *issued a one-year probationary operator's license*
11 *without having completed an approved driver's education*
12 *course [prior to being entitled to receive a one-year*
13 *probationary operator's license from the department.*
14 *Any person who re-enters any private or public school*
15 *prior to age eighteen shall be required to attend*
16 *an approved driver's education course.] Such person*
17 *shall not have a probationary operator's license*
18 *revoked or suspended upon reentering school prior*
19 *to age eighteen provided the student enrolls in and*
20 *completes the classroom portion of an approved driver's*
21 *education course as soon as a course is available.*"

ELIZABETH SHAW

S-3663

1 Amend the Junkins amendment, S-3650, to House

- 2 amendment, S-3529, to Senate File 344 as follows:
3 1. Page 1, line 17, by inserting after the word
4 "appropriated" the words "to the state conservation
5 commission".

LOWELL L. JUNKINS

S-3664

- 1 Amend the House amendment, S-3529, to Senate
2 File 344 as follows:
3 1. Page 2, by striking line 47 and inserting in
4 lieu thereof the words "Park from September fifteenth
5 to November first of each year."

LOWELL L. JUNKINS
JOHN N. NYSTROM

S-3665

- 1 Amend Senate Amendment S-3646 to House Amendment
2 S-3614 to Senate File 137 as follows:
3 1. Page 1, by striking lines 3 through 5.
4 2. Page 1, by striking line 6 and inserting in
5 lieu thereof the following:
6 "2. Page 3, by striking line 50 through page 4,
7 line 3, and inserting in lieu thereof the following:
8 '5. Review administrative and internal operations
9 guidelines used within the departments and make
10 recommendations to encourage reasonable uniformity among
11 departments to the extent permitted by applicable law.'"
12 3. Page 1, by striking line 7.
13 4. Page 1, by striking line 8 and inserting in
14 lieu thereof the following:
15 "4. Page 4, line 32, by inserting after the
16 word 'board' the words 'without first holding a
17 public hearing and thereafter submitting to the
18 financial institutions board written findings and
19 conclusions in support of the proposed rule'."

JOHN S. MURRAY
CLOYD E. ROBINSON

S-3666

- 1 Amend House File 491, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 15 the
 4 following:
 5 "Sec. — . The section of this Act amending
 6 section three hundred twenty-four point thirty-
 7 four (324.34), unnumbered paragraph one (1), Code
 8 1977, shall become effective the day the maximum
 9 length limitation for movement of vehicles, imposed
 10 under section three hundred twenty-one point four
 11 hundred fifty-seven (321.457), subsection six (6),
 12 of the Code, and combinations of vehicles on the
 13 highways of the state is extended to a length
 14 equal to but not exceeding sixty-five feet."

E. KEVIN KELLY

S-3667

1 Amend House File 252, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 1 through 23 and
 4 inserting in lieu thereof the following:
 5 "Section 1. Section one hundred thirty-five E
 6 point one (135E.1), subsection three (3), Code 1977,
 7 is amended to read as follows:
 8 3. 'Nursing home' means any institution or facil-
 9 ity, or part thereof, defined as [such] *a residential*
 10 *care facility, an intermediate care facility, or a*
 11 *skilled nursing facility* for licensing purposes under
 12 [state law] *chapter one hundred thirty-five C (135C)*
 13 *of the Code* or pursuant to the rules and regulations
 14 for nursing homes established *thereunder* by the state
 15 department of [public] health, whether proprietary
 16 or nonprofit, including but not limited to, nursing
 17 homes owned or administered by the federal or state
 18 government or an agency or political subdivision
 19 thereof.
 20 Sec. 2. Section one hundred thirty-five E point
 21 two (135E.2), subsection one (1), Code 1977, is amended
 22 to read as follows:
 23 1. Four members shall be licensed nursing home
 24 administrators, one of whom shall be an administrator
 25 of a nonproprietary nursing home, *and at least one*
 26 *of whom shall be an administrator of a residential*
 27 *care facility.*
 28 Sec. 3. Section one hundred thirty-five E point
 29 three (135E.3), Code 1977, is amended to read as
 30 follows:

31 135E.3 QUALIFICATIONS FOR LICENSURE. The board
 32 shall have authority to issue licenses to *any* qualified
 33 [persons as nursing home administrators] *person as an*
 34 *administrator of a skilled nursing facility or an*
 35 *intermediate care facility, or as an administrator*
 36 *of a residential care facility*, and shall establish
 37 qualification criteria for such nursing home
 38 administrators. No license shall be issued to a
 39 person as a nursing home administrator unless:
 40 1. The applicant is of sound mental health and
 41 physically able to perform the duties.
 42 2. [He] *The applicant* has satisfactorily completed
 43 a course of instruction and training prescribed by
 44 the board, which course shall be so designed as to
 45 content and so administered as to present sufficient
 46 knowledge of the needs properly to be served by nursing
 47 homes *of the category for which the license is issued*;
 48 knowledge of the laws governing the operation of
 49 nursing homes and the protection of the interests
 50 of patients therein; and knowledge of the elements

Page 2

1 of good nursing home administration; or have presented
 2 evidence satisfactory to the board of sufficient
 3 education, training, or experience in the foregoing
 4 fields to administer, supervise, and manage a nursing
 5 home *of the category for which the license is issued*.
 6 3. [He] *The applicant* has passed an examination
 7 administered by the board and designed to test for
 8 competence in the subject matter referred to in sub-
 9 section 2 of this section.

10 Sec. 4. Section one hundred thirty-five E point
 11 eight (135E.8), Code 1977, is amended to read as
 12 follows:

13 135E.8 EXCLUSIVE JURISDICTION OF BOARD. The board
 14 shall have authority to determine the qualifications,
 15 skill, and fitness of any person to serve as an
 16 administrator of a [nursing home] *skilled nursing*
 17 *facility or intermediate care facility, or of a*
 18 *residential care facility*, under the provisions of
 19 this [division] *chapter*, and the holder of a license
 20 under the provisions of this [division] *chapter* shall
 21 be deemed qualified to serve as the administrator
 22 of a nursing home *of the category for which the license*
 23 *is issued*.
 24 *Any other provision of this chapter to the con-*

25 *trary notwithstanding, the board shall, prior to July*
 26 *1, 1979, consider any applicant for a license as an*
 27 *administrator of a residential care facility to have*
 28 *sufficient experience, within the meaning of this*
 29 *section and section one hundred thirty-five E point*
 30 *two (135E.2) of the Code, if the applicant has operated*
 31 *a facility licensed as a residential care facility*
 32 *under chapter one hundred thirty-five C (135C) of*
 33 *the Code for at least three years.”*

34 2. Title, line 1, by inserting after the word
 35 “Act” the words “establishing two separate categories
 36 of licenses for.”.

E. KEVIN KELLY

S-3668

1 Amend House File 63 as amended and passed and
 2 reprinted by the House as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof:
 5 “Sec. 1. Section seven hundred fifty point seven
 6 (750.7), Code 1977, is amended by striking the section
 7 and inserting in lieu thereof the following:
 8 ‘750.7 COMMUNICATION WITH LOCAL AGENCIES. The
 9 department of public safety shall maintain law enforce-
 10 ment communications with local enforcement agencies.’ ”

RICHARD F. DRAKE
 CLOYD E. ROBINSON
 JAMES V. GALLAGHER
 DALE L. TIEDEN
 FORREST F. ASHCRAFT

S-3669

1 Amend the House amendment, S-3529, to Senate
 2 File 344 as follows:
 3 1. Page 2, by striking lines 43 through 50.

EARL M. WILLITS

S-3670

1 Amend the Kelly amendment, S-3667, to House File 252
 2 as amended, passed and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 3, by striking the word and figure

- 5 "through 23" and inserting in lieu thereof the word
 6 and figures "2 and 3".
 7 2. Page 1, by striking lines 42 through 50.
 8 3. Page 2, by striking lines 1 through 5 and
 9 inserting in lieu thereof the following:
 10 "2. Page 1, by inserting after line 23 the follow-
 11 ing:"
 12 4. Page 2, line 34, by striking the figure "2"
 13 and inserting in lieu thereof the figure "3".

C. W. HUTCHINS

S—3671

- 1 Amend House File 381 as follows:
 2 1. Page 1, line 10, by striking the words "*the*
 3 *doctor*" and inserting in lieu thereof "*a board certified*
 4 *pathologist or radiologist*".

EUGENE M. HILL

S—3673

- 1 Amend the Robinson-Murray amendment, S—3646, to
 2 the House amendment, S—3614, to Senate File 137 as
 3 follows:
 4 1. Page 1, by inserting after line 7, the
 5 following:
 6 _____ . Page 4, line 21, by inserting after the
 7 word "rule" the words ", including rules".

CLOYD E. ROBINSON

S—3674

- 1 Amend the House amendment, S—3614, to Senate File
 2 137 as follows:
 3 1. Page 39, by inserting after line 8 the
 4 following:
 5 "Section 1. The persons who are serving on the
 6 state banking board as of June 30, 1977, shall be
 7 authorized to continue to serve as members of the
 8 state banking board until January 1, 1978. Effective
 9 January 1, 1978, the state banking board is abolished.
 10 In the event of a vacancy on the state banking board
 11 which occurs before January 1, 1978, the governor
 12 may appoint a qualified person to serve as a member

13 of the state banking board until January 1, 1978.
 14 Sec. 2. Section one (1) of this amendment shall
 15 take effect July 1, 1977. All other sections of this
 16 Act shall take effect January 1, 1978."
 17 2. By renumbering sections and correcting internal
 18 references as necessary.

CLOYD E. ROBINSON

S-3675

1 Amend House File 595, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 26, by striking the words
 4 "subsection two".
 5 2. Page 2, line 26, by striking the figure and
 6 word "(2) of".
 7 3. Page 3, by striking lines 7 through 9 and
 8 inserting in lieu thereof the following:
 9 "d. With respect to any services performed after
 10 July 1, 1977, in any capacity for an educational
 11 institution other than an institution of higher
 12 education, compensation".
 13 4. Page 3, by inserting after line 17 the
 14 following:
 15 "e. With respect to services performed after July 1,
 16 1977, in an instructional, research, or principal
 17 administrative capacity in an institution of higher
 18 education, compensation payable on the basis of such
 19 services shall be denied to any individual for any
 20 week which commences during an established and
 21 customary vacation period or holiday recess if such
 22 individual performs such services in the period
 23 immediately before such vacation period or holiday
 24 recess, and there is a reasonable assurance that such
 25 individual will perform such services in the period
 26 immediately following such vacation period or holiday
 27 recess."

COMMITTEE ON WAYS AND MEANS
 NORMAN RODGERS, Chairperson

S-3676

1 Amend the Committee on State Government amendment,
 2 S-3472, to House File 57 as amended, passed and reprinted
 3 by the House as follows:
 4 1. Page 4, line 12, by inserting after the word

- 5 "purposes." the words "Prices of those products
6 manufactured by Iowa State Industries shall include
7 all costs, both direct and indirect, as determined by
8 generally accepted accounting principles."

DALE L. TIEDEN

S-3678

- 1 Amend the Committee on State Government amendment,
2 S-3472, to House File 57, as amended, passed and
3 reprinted by the House, as follows:
4 1. Page 6, line 50, by striking the word "Sections"
5 and inserting in lieu thereof the words "Chapter two
6 hundred sixteen (216) and sections".

ROBERT M. CARR

S-3679

- 1 Amend the Committee on State Government
2 amendment, S-3472, to House File 57 as amended, passed
3 and reprinted by the House as follows:
4 1. Page 6, by inserting after line 49, the
5 following:
6 "Sec. ____ . Effective July 1, 1978, and
7 notwithstanding any other provisions of this Act,
8 goods made available by Iowa State Industries shall
9 be restricted to items, materials, supplies and equipment
10 which are formulated and/or manufactured by Iowa State
11 Industries and shall not include goods, materials,
12 supplies or equipment which are merely purchased by
13 Iowa State Industries for repacking or resale."

DALE L. TIEDEN

S-3680

- 1 Amend State Government Committee amendment
2 S-3472, to House File 57 as amended, passed and
3 reprinted by the House as follows:
4 1. Page 6, by striking lines 29 through 31 and
5 inserting in lieu thereof the following: "wage."

BERL E. PRIEBE
JAMES V. GALLAGHER

HOUSE AMENDMENT TO SENATE FILE 337

S-3681

1 Amend Senate File 337 as follows:

2 1. Strike page 4, line 18, through page 5, line
3 3, and insert in lieu thereof the following:

4	4.8%	.8	.6	0	0	0	0	0	0	0
5	9.5%	1.0	.7	.5	.3	0	0	0	0	0
6	14.3%	1.2	.8	.6	.5	.4	0	0	0	0
7	19.0%	1.4	1.0	.7	.6	.5	.3	0	0	0
8	23.8%	1.6	1.2	.8	.8	.6	.4	.2	0	0
9	28.6%	1.8	1.4	1.0	.9	.7	.5	.2	.1	0
10	33.3%	2.0	1.6	1.2	1.0	.8	.6	.3	.2	.1
11	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2	.1
12	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3	.2
13	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
14	52.4%	3.2	2.6	2.1	1.5	1.2	1.0	.7	.5	.2
15	57.1%	3.5	2.9	2.5	1.7	1.3	1.1	.8	.6	.2
16	61.9%	3.8	3.3	2.8	2.0	1.5	1.3	.9	.7	.3
17	66.6%	4.2	3.7	3.1	2.4	1.7	1.5	1.1	.9	.5
18	71.4%	4.6	4.1	3.5	2.9	1.9	1.7	1.3	1.0	.5
19	76.2%	5.0	4.5	3.9	3.4	2.3	1.9	1.7	1.0	.7
20	80.9%	5.5	5.0	4.4	4.0	3.0	2.5	2.0	1.5	.8
21	85.7%	6.0	5.5	5.0	4.5	3.7	3.1	2.5	2.0	1.0
22	90.4%	6.0	6.0	5.5	5.0	4.4	3.8	3.2	2.5	1.8
23	95.2%	6.0	6.0	6.0	5.5	5.0	4.5	4.0	3.0	2.5
24	100.0%	6.0	6.0	6.0	6.0	5.5	5.0	4.5	4.0	4.0

25 2. Page 5, line 26, by inserting after the figure
26 "0.75." the words "Provided further that effective
27 January 1, 1979, any employer assigned a contribution
28 rate under the provisions of the paragraph shall not
29 be required to contribute to the unemployment
30 compensation trust fund if the employer's percentage
31 of excess is seven point five percent or greater for
32 the rate year and the employer has not been charged
33 with benefit payments for any time within the forty
34 calendar quarters immediately preceding the rate
35 computation date for the rate year."

36 3. Page 5, line 30, by inserting after the word
37 "quarter." the words "The provisions of this paragraph
38 shall apply only to employers who have paid taxable
39 wages for the four calendar quarters immediately
40 preceding the computation date of an amount less than
41 one hundred thousand dollars, provided that the
42 aforesaid amount shall annually increase by the same
43 amount as the percentage increase in the taxable wage
44 base, as calculated under section ninety-six point

45 nineteen (96.19), subsection twenty-one (21), Code
 46 1977.”
 47 4. Page 7, by inserting after line 32 the
 48 following: “*NEW SECTION.* The Iowa Department of
 49 Job Service shall submit an actuarial report annually
 50

Page 2

1 to the general assembly.”

S—3682

1 Amend the Committee on State Government
 2 amendment, S—3472, to House File 57 as follows:
 3 1. Page 3, by striking lines 6 through 9 and
 4 inserting in lieu thereof the following: “The
 5 industries board’s principle duties shall be to
 6 promulgate and adopt rules and to advise the state
 7 director regarding the management of Iowa state
 8 industries so as to further the intent stated by
 9 section one (1) of this Act.”

PHILIP B. HILL

S—3683

1 Amend House File 595, as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 3, by inserting after line 17 the
 4 following:
 5 “Sec. ____ . Section ninety-six point five (96.5),
 6 subsection one (1), paragraph g, unnumbered paragraph
 7 one (1), Code 1977, is amended to read as follows:
 8 ‘g. In the case where he or she left his or her
 9 work voluntarily without good cause attributable to
 10 his or her employer under circumstances which did or
 11 would disqualify him or her for benefits, except as
 12 provided in subsection 1, paragraph “a”, under this
 13 subsection he or she, subsequent to such leaving,
 14 worked in and was paid wages for *twenty hours of*
 15 *insured work in each week* for not less than six
 16 consecutive weeks, provided he or she is otherwise
 17 eligible.’ ”.

RAY TAYLOR

S—3684

1 Amend the amendment, S-3657, to House File 594 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 " ____ . Page 1, line 30, by striking the word
6 'substance' and inserting in lieu thereof the words
7 'alcohol and drug'.

8 ____ . Page 1, line 32, by striking the word
9 'substance' and inserting in lieu thereof the words
10 'alcohol and drug'.

11 ____ . Page 1, line 34, by striking the word
12 'substance' and inserting in lieu thereof the words
13 'alcohol and drug'.

14 ____ . Page 2, line 12, by striking the word
15 'substance' and inserting in lieu thereof the words
16 'alcohol and drug'.

17 ____ . Page 2, line 16, by striking the word
18 'substance' and inserting in lieu thereof the words
19 'alcohol and drug'.

20 ____ . Page 3, line 10, by striking the word
21 'substance' and inserting in lieu thereof the words
22 'alcohol and drug'."

23 2. Page 2, by inserting after line 34 the
24 following:

25 " ____ . Amend the title, line 2, by striking the
26 word 'substance' and inserting in lieu thereof the
27 words 'alcohol and drug'."

PHILIP B. HILL

S-3685

1 Amend House File 595 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, by inserting after line 14 the
4 following:

5 "Sec. 15. Section ninety-six point nineteen
6 (96.19), subsection seven (7), paragraph a,
7 subparagraph one (1), Code 1977, is amended to read
8 as follows:

9 (1) Any officer of a corporation[,]. *Provided that*
10 *the term 'employment' shall not include such officer*
11 *if the officer is a majority stockholder and the*
12 *officer shall not be considered an employee of the*
13 *corporation unless such services are subject to a*
14 *tax to be paid under any federal law imposing a tax*

15 *against which credit may be taken for contributions*
 16 *required to be paid into a state unemployment fund*
 17 *or such services are required to be covered under*
 18 *this chapter of the Code, as a condition to receipt*
 19 *of a full tax credit against the tax imposed by the*
 20 *Federal Unemployment Tax Act (26 U.S.C. 3301-3309),*
 21 *or”.*
 22 2. Renumber the sections as necessary.

DAVID M. READINGER
 LUCAS J. DE KOSTER

S-3686

1 Amend House File 252, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking line 1 and inserting in
 4 lieu thereof the following:
 5 “Section 1. Section one hundred thirty-five C
 6 point twenty-one (135C.21), subsection one (1), Code
 7 1977, is amended to read as follows:
 8 1. Any person establishing, conducting, managing,
 9 or operating any health care facility without a license
 10 *for such facility* shall be guilty of a misdemeanor
 11 and, upon conviction thereof, shall be fined not less
 12 than one hundred dollars nor more than one thousand
 13 dollars or be imprisoned in the county jail for not
 14 more than six months, or both. Each day of continuing
 15 violation after conviction or notice from the
 16 department by certified mail of a violation shall
 17 be considered a separate offense or chargeable offense.
 18 Any such person establishing, conducting, managing
 19 or operating any health care facility without a license
 20 may be by any court of competent jurisdiction
 21 temporarily or permanently restrained therefrom in
 22 any action brought by the state.
 23 Sec. 2. Section one hundred thirty-five E point
 24 one (135E.1), subsection three (3), Code 1977, is
 25 amended to read as follows:
 26 3. ‘Nursing home’ means any institution or
 27 facility, or part thereof, defined as [such] *a skilled*
 28 *nursing facility or an intermediate care facility*
 29 *for licensing purposes under [state law] chapter one*
 30 *hundred thirty-five C (135C) of the Code or pursuant*
 31 *to the rules and regulations for nursing homes*
 32 *established thereunder by the state department of*
 33 *[public] health, whether proprietary or nonprofit,*

34 including but not limited to, nursing homes owned
 35 or administered by the federal or state government
 36 or an agency or political subdivisions thereof.

37 Sec. 3. Section one hundred thirty-five E point
 38 three”.

39 2. Title, line 1, by striking the words “experience
 40 requirement” and inserting in lieu thereof the word
 41 “requirements”.

C. W. HUTCHINS
 CHARLES P. MILLER
 FORREST V. SCHWENGELS
 BERL E. PRIEBE

S-3687

1 Amend House File 381 as passed by
 2 the House as follows:
 3 1. Page 1, line 9, by inserting after the word
 4 “relationship” the words “between the hospital and
 5 the doctor,”.

6 2. Page 1, line 10, by striking the words
 7 “between the” and inserting in lieu thereof the
 8 words “between a nonprofit”.

RAY TAYLOR

S-3688

1 Amend House File 381, page 1, by striking lines
 2 2 through 13 and inserting in lieu thereof the following:
 3 “six (135B.26), Code 1977, is repealed.”

JOHN S. MURRAY

S-3689

1 Amend House File 249 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-three
 6 point four (423.4), Code 1977, is amended by adding
 7 the following new subsection:

8 *NEW SUBSECTION.* A vehicle as defined in section
 9 three hundred twenty-one point one (321.1), subsections
 10 four (4), six (6), eight (8), nine (9), and ten (10) of

11 the Code, except such vehicles subject to registration
 12 which are designed primarily for carrying persons, when
 13 purchased for lease or rental outside the state of Iowa
 14 and actually so leased or rented and subsequent to the
 15 lease or rental the sole use in Iowa is in interstate
 16 commerce or interstate transportation.”

NORMAN RODGERS

HOUSE AMENDMENT TO SENATE FILE 383

S-3690

1 Amend Senate File 383, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking everything after the
 4 enacting clause and inserting in lieu thereof the
 5 following:
 6 “Section 1. Chapter twenty-five A (25A), Code
 7 1977, is amended by adding the following new section:
 8 **NEW SECTION. EMPLOYEES DEFENDED AND INDEMNIFIED.**
 9 The state shall defend and, except in cases of mal-
 10 feasant in office or willful and wanton conduct,
 11 shall indemnify and hold harmless any employee of the
 12 state against any claim as defined in section twenty-
 13 five A point two (25A.2), subsection five (5),
 14 paragraph b, of the Code, including claims arising under
 15 the Constitution, statutes, or rules of the United
 16 States or of any state.
 17 Sec. 2. Section twenty-five A point twenty-one
 18 (25A.21), Code 1977, is repealed.
 19 Sec. 3. The provisions of section one (1) of this
 20 Act are retroactive to July 1, 1975.”

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 584

S-3691

1 Amend Senate amendment, H-4241, to House File 584,
 2 as follows:
 3 1. Page 2, line 4, by striking the figure
 4 “\$83,677” and inserting in lieu thereof the figure
 5 “\$69,618”.

HOUSE AMENDMENT TO SENATE FILE 185

S-3692

1 Amend Senate File 185 as follows:

2 1. Page 1, by inserting after line 12, the
3 following:

4 "The state comptroller shall not issue any warrants
5 for the payment of funds appropriated by this
6 subsection until such time as the office of attorney
7 general complies with the provisions of sections
8 seventeen A point three (17A.3) and seventeen A point
9 nine (17A.9) of the Code."

10 2. Page 1, by inserting after line 25 the
11 following:

12 "4. Prosecuting intern program \$35,000
13 Funds appropriated by this
14 subsection may be used to
15 match federal funds. Counties
16 participating in the prosecuting
17 intern program shall provide funds
18 that total the amount appropriated
19 by this subsection."

S-3693

1 Amend House File 594 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 28, by inserting after line 12 the follow-
4 ing:

5 "Sec. The governor may by executive order
6 delay the implementation of section thirty-four (34)
7 through forty-one (41) of this Act until July 1, 1978
8 if the governor finds that delayed implementation
9 of sections thirty-four (34) through forty-one (41)
10 of this Act would allow the state and local substance
11 abuse programs the opportunity to solve any
12 administrative and fiscal problems which may occur
13 as the result of implementation of the funding formula
14 for substance abuse programs contained in sections
15 thirty-four (34) through forty-one (41) of this Act.
16 If the implementation of sections thirty-four (34)
17 through forty-one (41) of this Act is delayed pursuant
18 to this section, the provisions of sections one hundred
19 twenty-five point twenty-six (125.26) through one
20 hundred twenty-five point thirty-four (125.34) of
21 the Code shall continue to be in force as they existed
22 prior to January 1, 1978 until sections thirty-four
23 (34) through forty-one (41) of this Act are implemented
24 by the governor on July 1, 1978."

25 2. By renumbering and correcting internal refer-

26 ences in accordance with this amendment.

ROBERT M. CARR
JOHN S. MURRAY
BOB RUSH

HOUSE AMENDMENT TO SENATE FILE 259

S—3694

- 1 Amend Senate File 259, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting in lieu thereof the following:
- 5 "paragraph, a vendor may accept a check from, and
- 6 signed by, the holder of a retail liquor control
- 7 license as provided in section one hundred twenty-
- 8 three point thirty (123.30), subsection three (3),
- 9 Code 1977, in payment of alcoholic liquor purchased".

S—3695

- 1 Amend Senate Concurrent Resolution 26 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "corporations" the words "and that such special
- 4 session shall not exceed ten session days".

WILLARD R. HANSEN

HOUSE AMENDMENT TO SENATE FILE 402

S—3696

- 1 Amend Senate File 402, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 27 through 31 and
- 4 inserting in lieu thereof the following: "of
- 5 chapter four hundred ninety-nine (499) of the Code."

S—3697

- 1 Amend the House amendment, S—3692, to Senate
- 2 File 185 as follows:
- 3 1. Page 1, by striking lines 4 through 9.

RICHARD R. RAMSEY
C. JOSEPH COLEMAN
PHILIP B. HILL

S-3698

- 1 Amend House File 594 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 20, by inserting after line 34 the
4 following:
5 "Sec. — . Section one hundred twenty-five point
6 twenty (125.20), Code 1977, is amended by adding the
7 following new subsection:
8 *NEW SUBSECTION.* Notwithstanding the provisions
9 of subsection one (1) of this section a patient's
10 records may be disclosed to medical personnel in a
11 medical emergency with or without the patient's
12 consent."
13 2. By renumbering and correcting internal
14 references as necessary.

ROBERT M. CARR

S-3699

- 1 Amend the Ramsey et al. amendment, S-3697, to
2 House amendment, S-3692, to Senate File 185 as
3 follows:
4 1. Page 1, line 3, by striking the figure "4"
5 and inserting in lieu thereof the figure "2".

RICHARD R. RAMSEY

S-3700

- 1 Amend Senate Concurrent Resolution 27 as follows:
2 1. Page 1, line 2, by striking the word
3 and figure "May 19" and inserting in lieu thereof the
4 word and figure "May 20".
5 2. Page 1, line 3, by striking the word "eleven"
6 and inserting in lieu thereof the word "fifteen".
7 3. Page 2, line 1, by striking the word
8 and figure "May 19" and inserting in lieu thereof the
9 word and figure "May 20".
10 4. Page 2, line 3, by striking the word and
11 figure "June 6" and inserting in lieu thereof the
12 word and figure "June 13".
13 5. Page 2, lines 8 and 9, by striking the word
14 and figure "May 19" and inserting in lieu thereof
15 the word and figure "May 20".
16 6. Page 2, line 11, by striking the word and

- 17 figure "June 6" and inserting in lieu thereof the
 18 word and figure "June 13".
- 19 7. Page 2, line 16, by inserting after the word
 20 "to" the words "paragraph one (1) of".
- 21 8. Page 2, line 17, by striking the word and
 22 figure "May 20" and inserting in lieu thereof the
 23 word and figure "May 21".
- 24 9. Page 2, line 17, by striking the word and
 25 figure "June 5" and inserting in lieu thereof the
 26 word and figure "June 12".
- 27 10. Page 2, line 19, by inserting after the word
 28 "to" the words "paragraph one (1) of".
- 29 11. Page 2, line 20, by striking the word and
 30 figure "June 6" and inserting in lieu thereof the
 31 word and figure "June 13".
- 32 12. Page 2, line 23, by striking the word and
 33 figure "May 20" and inserting in lieu thereof the
 34 word and figure "May 21".
- 35 13. Page 2, line 23, by striking the words and
 36 figure "to June 5" and inserting in lieu thereof
 37 the words and figure "to June 12".
- 38 14. Page 2, line 23, by striking the words and
 39 figure "after June 5" and inserting in lieu thereof
 40 the words and figure "after June 12".
- 41 15. Page 2, line 24, by inserting after the period
 42 the following new sentence: "Nothing in this resolution
 43 shall preclude either the authorization of payment at
 44 any time of compensation, expenses or travel pursuant
 45 to paragraph two (2) through seven (7) of section two
 46 point ten (2.10) of the Code."
- 47 16. Page 2, line 25, by striking the word and
 48 figure "May 19" and inserting in lieu thereof the word
 49 and figure "May 20".
- 50 17. Page 2, line 30, by striking the word and

Page 2

- 1 figure "June 6" and inserting in lieu thereof the
 2 word and figure "June 13".

LOWELL L. JUNKINS

S-3701

- 1 Amend House File 564, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 26 the following

4 new section:
 5 "Sec. ____ . Section forty-eight point five (48.5),
 6 subsection two (2), Code 1977, is amended by adding
 7 the following new lettered paragraph:
 8 *NEW LETTERED PARAGRAPH.* 'Cost of preparation'
 9 means the actual cost as determined in section forty-
 10 seven point eight (47.8), subsection four (4), of
 11 the Code, and shall include but not be limited to,
 12 the cost of administration, personnel, and all direct
 13 and indirect operational costs."
 14 2. Renumber sections and correct internal
 15 references as are necessary in accordance with this
 16 amendment.

RICHARD F. DRAKE

S-3702

1 Amend the amendment, S-3598, to House File 491 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by inserting after line 2 the following:
 4 "1. Page 10, line 24, by inserting after the word
 5 'state' the words '*prior to July 1, 1978.*'"
 6 2. Page 1, by inserting after line 5 the following:
 7 "3. Page 10, line 25, by inserting after the word
 8 'gallon' the words '*and beginning July 1, 1978, an*
 9 *excise tax of nine and one-half cents per gallon.*'"
 10 3. Page 1, by inserting after line 9 the following:
 11 "5. Page 11, line 22, by inserting after the word
 12 'fuel' the words '*prior to July 1, 1978.*'"
 13 4. Page 1, by inserting after line 12 the
 14 following:
 15 "7. Page 11, line 23, by inserting after the word
 16 'gallon' the words '*and beginning July 1, 1978, the*
 17 *rate of tax shall be eleven cents per gallon.*'"
 18 5. Page 1, by striking lines 14 through 16 and
 19 inserting in lieu thereof the following:
 20 "9. Page 12, line 20, by inserting after the word
 21 'fuel' the words '*less the proceeds of one-half cent*
 22 *per gallon.*'"
 23 6. Page 1, by striking lines 17 and 18 and
 24 inserting in lieu thereof the following:
 25 "10. Page 12, line 22, by inserting after the
 26 word 'fuel' the words '*less the proceeds of one-half*
 27 *cent per gallon on motor fuel and other special fuel.*'"
 28 7. Renumber as necessary.

RICHARD F. DRAKE
 ROBERT M. CARR
 STEPHEN W. BIENIUS

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 332

S-3703

1 Amend the Senate amendment, H-4176, to House File
2 332, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 8, by striking the words "any
5 succeeding year" and inserting in lieu thereof the
6 word and figures "January 1, 1979".

7 2. Page 3, line 17, by striking the figure "1978"
8 and inserting in lieu thereof the figure "1979".

9 3. Page 3, by inserting after line 36 the following
10 new section:

11 "Sec. ____ . Section four hundred twenty-seven A
12 point thirteen (427A.13), Code 1977, is amended to
13 read as follows:

14 427A.13 APPROPRIATION. There is hereby
15 appropriated from the general fund of the state of
16 Iowa to the personal property tax replacement fund
17 the following sums, or so much thereof as may be
18 necessary, to carry out the provisions of this chapter
19 as amended by this division. For the fiscal year
20 beginning July 1, 1973, and ending June 30, 1974,
21 there is appropriated the sum of thirty-one million
22 nine hundred thousand dollars. For the fiscal year
23 beginning July 1, 1974, and ending June 30, 1975,
24 and each succeeding fiscal year, there is appropriated
25 the sum of thirty-five million seven hundred thousand
26 dollars. For *each year of the fiscal period beginning*
27 *July 1, 1977 and ending June 30, 1979 the total*
28 *appropriation shall be thirty-eight million six hundred*
29 *thousand dollars and for each fiscal year for which*
30 *an increase in the additional personal property tax*
31 *credit becomes effective as provided in this division,*
32 *the appropriation under this section shall be increased*
33 *by three million eight hundred thousand dollars, and*
34 *such increased appropriation shall continue for each*
35 *succeeding fiscal year. For the fiscal year for which*
36 *the ninth increase in the additional personal property*
37 *tax credit becomes effective as provided in this*
38 *division, and for each succeeding fiscal year, the*
39 *total appropriation shall be sixty-eight million*
40 *dollars per year."*

41 4. Page 4, line 5, by striking the word
42 "assessing" and inserting in lieu thereof the word

43 "assessing".
 44 5. Page 4, by inserting after line 13 the following
 45 new section:
 46 "Sec. ____ . Section four hundred forty-one point
 47 twenty-one (441.21), subsection one (1), unnumbered
 48 paragraph seven (7), Code 1977, is amended to read
 49 as follows:
 50 Notwithstanding any other provision of this section,

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1 the actual value of any property shall not exceed
 2 its fair and reasonable market value. *For agricultural*
 3 *property, the assessed value as determined under this*
 4 *section shall not exceed the actual value of such*
 5 *property and the assessed value of residential property*
 6 *as determined under this section shall not exceed*
 7 *the fair and reasonable market value of such property."*
 8 6. Page 4, line 21, by striking the word "such"
 9 and inserting in lieu thereof the words "each class
 10 of".
 11 7. Page 4, line 22, by inserting after the word
 12 "determined" the words "for each class of property".
 13 8. Page 4, line 23, by striking the words "each
 14 assessing jurisdiction in".
 15 9. Page 4, line 29, by striking the words
 16 "assessing jurisdiction" and inserting in lieu thereof
 17 the word "state".
 18 10. Page 4, line 32, by striking the word
 19 "assessor" and inserting in lieu thereof the word
 20 "assessors".
 21 11. Page 4, line 33, by striking the words "seven
 22 and one-half" and inserting in lieu thereof the word
 23 "six".
 24 12. Page 4, line 38, by striking the words
 25 "assessing jurisdiction" and inserting in lieu thereof
 26 the word "state".
 27 13. Page 4, line 39, by striking the words
 28 "assessor on the abstract" and inserting in lieu
 29 thereof the words "assessors on the abstracts".
 30 14. Page 4, line 47, by inserting after the words
 31 "The dividend" the words "for each class of property".
 32 15. Page 4, line 47, by inserting after the word
 33 "determined" the words "for each class of property".
 34 16. Page 5, line 3, by striking the words "assessor
 35 on the abstract" and inserting in lieu thereof the
 36 words "assessors on the abstracts".

- 37 17. Page 5, line 4, by striking the words "seven
38 and one-half" and inserting in lieu thereof the word
39 "six".
- 40 18. Page 5, line 5, by inserting after the word
41 "divisor" the words "for each class of property".
- 42 19. Page 5, lines 6 and 7, by striking the words
43 "assessing jurisdiction" and inserting in lieu thereof
44 the word "state".
- 45 20. Page 5, line 8, by striking the words "assessor
46 on the abstract" and inserting in lieu thereof the
47 words "assessors on the abstracts".
- 48 21. Page 5, by striking lines 15 through 20.
- 49 22. Page 5, line 26, by striking the word "assessed"
50 and inserting in lieu thereof the word "assessed".

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- 1 23. Page 5, by inserting after line 33 the
2 following:
3 "NEW UNNUMBERED PARAGRAPH. Beginning with
4 valuations established as of January 1, 1978, the
5 assessors shall report the aggregate taxable values
6 and the number of dwellings located on agricultural
7 land and the aggregate taxable value of all other
8 structures on agricultural land. Beginning with
9 valuations established as of January 1, 1980, such
10 agricultural structures and agricultural dwellings
11 located on agricultural land shall be valued at their
12 market value as defined in this section and
13 agricultural structures and agricultural dwellings
14 shall each constitute a separate class of property."
15 24. Page 6, by inserting after line 6, the
16 following new section:
17 "Sec. ____ . Chapter four hundred forty-five (445),
18 Code 1977, is amended by adding the following new
19 section:
20 *NEW SECTION.* When agricultural land or residential
21 property which is being or has been valued and assessed
22 under the provisions of section four hundred forty-
23 one point twenty-one (441.21) of the Code is no longer
24 used for the purpose for which it was valued and
25 assessed under the provisions of section four hundred
26 forty-one point twenty-one (441.21) of the Code, such
27 property shall be subject to an additional tax. The
28 tax shall be computed by multiplying the consolidated
29 levy for each of the five preceding years times the
30 fair, and reasonable market value for each of the five

31 preceding years less the consolidated levy for the
 32 preceding five years by the assessed value of the
 33 property for the preceding five years. Such additional
 34 taxes shall be entered against the property on the
 35 tax list for the current year and shall constitute
 36 a lien against the property in the same manner as
 37 a lien for property taxes. The additional taxes shall
 38 be collected in the same manner as all other property
 39 taxes except that such taxes shall be credited to
 40 the general fund of the city if such taxes are
 41 collected on property located within the city or to
 42 the general fund of the county if such tax is collected
 43 on property located in the unincorporated area of
 44 the county.”

45 25. Page 6, by inserting after line 6 the following
 46 new section:

47 Sec. ____ . The legislative council is directed to
 48 create a ten-member study committee which shall include
 49 members of the standing committees on ways and means
 50 of the senate and house of representatives representing

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1 both political parties, which committee shall conduct
 2 during the 1977 legislative interim a comprehensive
 3 study of the present taxing system in this state.
 4 The study shall include, but not be limited to, the
 5 following:

- 6 1. The present system of state and local taxes
 7 to determine the relative burden of the present tax
 8 structure on the various segments of the state's
 9 populace.
 - 10 2. How different types and classes of property
 11 should be valued and equalized for property tax
 12 assessment purposes.
 - 13 3. Whether budget limitations should be imposed
 14 permanently on the political subdivisions of this
 15 state.
 - 16 4. Which taxes may presently bear too great a
 17 burden of the taxes and which taxes may bear too small
 18 a burden.
- 19 The study committee may employ consultants with
 20 the approval of the legislative council, to assist
 21 it in carrying out its duties and may request the
 22 assistance of any state agency to obtain such data
 23 and other information which the task force deems
 24 necessary to carry out its duties. Expenses of the

25 study committee, including the cost for employing
 26 persons or business firms to assist the committee
 27 in its study shall be paid from funds available under
 28 section two point twelve (2.12) of the Code.

29 The study committee shall transmit copies of its
 30 final report to the governor and the members of the
 31 Sixty-seventh General Assembly, 1978 Session, not
 32 later than January 30, 1978. The final report shall
 33 include findings of fact and its recommendations.

34 26. Page 6, by striking lines 7 through 50.

35 27. Page 7, by striking lines 1 through 7.

36 28. Page 7, lines 16 and 17, by striking the words
 37 "creating a task force on taxation,".

38 29. Renumber sections and correct internal
 39 references as may be necessary in accordance with
 40 this amendment.

41 30. Amend the title, line 16, by inserting after
 42 the word "property," the words "creating a legislative
 43 study committee to study the present tax structure,".

HOUSE AMENDMENT TO SENATE FILE 112

S-3704

1 Amend Senate File 112, as follows:

2 1. Page 1, line 11, by striking the words "or
 3 parole".

4 2. Page 1, by inserting after line 20 the following
 5 new subsections:

6 "6. 'Project' means a locally functioning part
 7 of a community-based correctional program, officed
 8 and operating in a physical location separate from
 9 the offices of the district department.

10 7. 'Project advisory committee' means a committee
 11 of no more than seven persons which shall act in an
 12 advisory capacity to the director on matters pertaining
 13 to the planning, operation and other pertinent
 14 functions of each project in the judicial district.
 15 The members of the project advisory committee for
 16 each such project shall be initially appointed by
 17 the director from among the general public. No member
 18 of the project advisory committee shall hold public
 19 office or public employment during membership on such
 20 committee. The terms of the initial members of the
 21 project advisory committee shall be staggered to
 22 permit the terms of just over half of the members
 23 to expire in two years and those of the remaining

24 members to expire in one year. Subsequent appointments
 25 to the project advisory committee shall be by vote
 26 of a majority of the whole project advisory committee
 27 for two-year terms."

28 3. Page 1, by striking lines 34 and 35 and
 29 inserting in lieu thereof the following:

30 "1. The board of directors of each district
 31 department shall be composed as follows:"

32 4. Page 2, by striking lines 1 through 35 and
 33 inserting in lieu thereof the following:

34 "a. One member shall be chosen from and by the
 35 board of supervisors of each county in the judicial
 36 district and shall be so designated annually by the
 37 respective boards of supervisors at the organiza-
 38 tional meetings held under section three hundred
 39 thirty-one point thirteen (331.13) of the Code.

40 b. One member shall be chosen from each of the
 41 project advisory committees within the judicial
 42 district, which person shall be designated annually,
 43 no later than January fifteenth by and from the project
 44 advisory committee.

45 c. A number of members equal to the number of
 46 authorized board members from project advisory
 47 committees shall be appointed by the judges of the
 48 judicial district no later than January fifteenth
 49 of each year.

50 Within thirty days after the members of the district

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1 board have been so designated for the year, the
 2 district board shall organize by election of a
 3 chairperson, a vice chairperson and members of the
 4 executive committee as required by subsection two
 5 (2) of this section. The district board shall meet
 6 at least quarterly during the calendar year but may
 7 meet more frequently upon the call of the chairperson
 8 or upon a call signed by a majority, determined by
 9 weighted vote computed as in subsection four (4) of
 10 this section hereinafter, of the members of the board.

11 2. Each district board shall have an executive
 12 committee consisting of the chairperson and vice
 13 chairperson and at least one but no more than five
 14 other members of the district board. Either the
 15 chairperson or the vice chairperson shall be a
 16 supervisor, and the remaining representation on the
 17 executive committee shall be divided as equally as

18 possible among supervisor members, project advisory
 19 committee members, and judicially-appointed members.
 20 The executive committee may exercise all of the powers
 21 and discharge all of the duties of the district board,
 22 as prescribed by this Act, except those specifically
 23 withheld from the executive committee by action of
 24 the district board.

25 3. The members of the district board and of the
 26 executive committee shall be reimbursed from funds
 27 of the district department for travel and other
 28 expenses necessarily incurred in attending meetings
 29 of those bodies, or while otherwise engaged on business
 30 of the district department.

31 4. Each member of the district board shall have
 32 one vote on the board. However, upon the request
 33 of any supervisory members, the vote on any matter
 34 before the board shall be taken by weighted vote.
 35 In each such case, the vote of the supervisor
 36 representative of the least populous county in the
 37 judicial district shall have a weight of one unit,
 38 and the vote of each of the other supervisor members
 39 shall have a weight which bears the same proportion
 40 to one unit as the population of the county that
 41 supervisor member represents bears to the population
 42 of the least populous county in the district. In
 43 the event of weighted vote, the vote of each member
 44 appointed from a project advisory committee and each
 45 judicially appointed member shall have a weight of
 46 one unit."

47 5. Page 3, by striking line 1.

48 6. Page 3, line 12, by inserting after the period
 49 the words "For purposes of collective bargaining under
 50 chapter twenty (20) of the Code, employees of the

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1 district board who are not exempt from chapter twenty
 2 (20) of the Code shall be employees of the state,
 3 and the employees of all of the district boards shall
 4 be included within one collective bargaining unit."

5 7. Page 3, line 18, by striking the words
 6 "reimbursement of" and inserting in lieu thereof the
 7 words "advancement of funds to".

8 8. Page 4, line 13, by inserting after the word
 9 "acceptable," the words "and with approval of the
 10 director of the division of adult corrections of the

11 department of social services or that director's
12 designee".

13 9. Page 4, line 35, by inserting after the period
14 the words "Funds appropriated pursuant to the budget
15 requests of the respective district departments shall
16 be allocated on a quarterly basis, and the state
17 comptroller shall authorize advancement of the funds
18 so allocated to each district department's
19 administrative agent at the beginning of each fiscal
20 quarter."

21 10. Page 5, lines 1 and 2, by striking the words
22 "included but not limited to" and inserting in lieu
23 thereof the words "other than".

24 11. Page 7, by inserting after line 30 the
25 following sections:

26 "Sec. ____ . Section two hundred forty-seven point
27 twenty-four (247.24), Code 1977, is amended to read
28 as follows:

29 247.24 PAROLE AGENT AND PROBATION AGENT AS PEACE
30 [OFFICER] OFFICERS. Any agent or investigator appointed
31 or employed by the chief parole agent or by the
32 director of a judicial district department of
33 correctional services for the purpose of making
34 investigations and of apprehending and returning
35 persons granted a parole or probation under the
36 jurisdiction of the chief parole agent or of the
37 director of judicial district department of
38 correctional services to any institution, shall, while
39 engaged in such duty or work, have all the powers
40 of peace officers.

41 Sec. ____ . Section seven hundred eighty-nine A
42 point one (789A.1), subsection two (2), Code 1977,
43 is amended to read as follows:

44 2. By record entry at time of or after sentencing,
45 the court may suspend the sentence and place the
46 defendant on probation upon such terms and conditions
47 as it may require including commitment to an alternate
48 jail facility or a community correctional residential
49 treatment facility for a specific number of days to
50 be followed by a term of probation as specified in

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1 section seven hundred eighty-nine A point two (789A.2)
2 of the Code. A person so committed who has probation
3 revoked shall be given credit for such time served."

4 12. Page 7, by inserting before line 31 the

5 following sections:

6 "Sec. ____ . Chapter one thousand two hundred forty-
7 five (1245), Acts of the Sixty-sixth General Assembly,
8 1976 Session, chapter three (3), section one hundred
9 two (102), is amended to read as follows:

10 SEC. 102. NEW SECTION. PRESENTENCE INVESTIGATION.

11 Upon a plea of guilty, a verdict of guilty, or a
12 special verdict upon which a judgment of conviction
13 of any public offense may be rendered, the court shall
14 receive from the state, *from the judicial district*
15 *department of correctional services*, and from the
16 defendant any information which may be offered which
17 is relevant to the question of sentencing. The court
18 may consider information from other sources, and,
19 if the offense is a felony, shall order that a
20 presentence investigation be made. If the offense
21 is not a felony, the court may, in its discretion,
22 order that a presentence investigation be made whenever
23 the maximum period of confinement which may be imposed
24 is in excess of thirty days.

25 The court may withhold execution of any judgment
26 or sentence for such time as shall be reasonably
27 necessary for an investigation with respect to
28 deferment of judgment or suspension of sentence and
29 probation. The investigation shall be made by the
30 [probation and parole service, or by another appropriate
31 agency as determined by the court] *judicial district*
32 *department of correctional services*.

33 Sec. ____ . Chapter one thousand two hundred forty-
34 five (1425), Acts of the Sixty-sixth General Assembly,
35 1976 Session, chapter three (3), section five hundred
36 one (501), is amended to read as follows:

37 SECTION 501. NEW SECTION. PROBATION [AND PAROLE]
38 SERVICE. Pursuant to designation by the court, [parole
39 and] probation service shall be provided by [the
40 department of social services or by a local agency
41 established under chapter two hundred seventeen (217)
42 of the Code] *the judicial district department of*
43 *correctional services*. [Parole and probation] *Probation*
44 *officers shall perform the duties assigned to them*
45 *by law and by the director of the [agency by which*
46 *they are employed] judicial district department of*
47 *correctional services*.

48 Sec. ____ . Chapter one thousand two hundred forty-
49 five (1245), Acts of the Sixty-sixth General Assembly,
50 1976 Session, chapter three (3), section five hundred

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1 two (502), is amended to read as follows:

2 SEC. 502 *NEW SECTION. PAROLE OFFICERS AND*
3 *PROBATION OFFICERS.* Parole *officers* and probation
4 officers, while performing their duties as such, are
5 peace officers and have all the powers and authority
6 of peace officers. Parole *officers* and probation
7 officers shall investigate all persons referred to
8 them for investigation by the chief parole officer
9 or by any court to which they may be assigned or by
10 the director of a judicial district department of
11 correctional services. They shall furnish to each
12 person released under their supervision a written
13 statement of conditions. They shall keep informed
14 of each person's conduct and condition and shall use
15 all suitable methods to aid and encourage [him or her]
16 the person to bring about improvement in his or her
17 conduct or condition. Parole *officers* and probation
18 officers shall keep records of their work, shall make
19 reports as required by the court, and shall perform
20 other such duties as may be assigned to them by the
21 chief parole officer or the court or the director
22 of a judicial district department of correctional
23 services. They shall coordinate their work with that
24 of other social welfare agencies which offer services
25 of a corrective nature operating in the area to which
26 they are assigned.

27 Sec. ____ . Chapter one thousand two hundred forty-
28 five (1245), Acts of the Sixty-sixth General Assembly,
29 1976 Session, chapter three (3), section seven hundred
30 one (701), is amended to read as follows:

31 SECTION 701. *NEW SECTION. PROBATION.* Probation
32 is the procedure under which a defendant, against whom
33 a judgment of conviction of a public offense may be
34 entered, is released by the court subject to
35 supervision by [probation and parole] a resident of
36 this state or by the judicial district department
37 of correctional services.

38 Sec. ____ . Chapter one thousand two hundred forty-
39 five (1245), Acts of the Sixty-sixth General Assembly,
40 1976 Session, chapter three (3), section seven hundred
41 two (702), subsection one (1), unnumbered paragraph
42 one (1) and subsection two (2), are amended to read
43 as follows:

44 With the consent of the defendant, the court may

45 defer judgment and place the defendant on probation
 46 upon such conditions as it may require, or defer
 47 sentence and [place] *assign* the defendant [as provided
 48 in section seven hundred nine (709) of this division]
 49 *to the judicial district department of correctional*
 50 *services. Upon a showing that such person is not*

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1 *cooperating with the program or is not responding*
 2 *to it, the court may withdraw the person from the*
 3 *program and impose any sentence authorized by law.*
 4 *Before taking such action, the court shall give the*
 5 *person an opportunity to be heard on any matter*
 6 *relevant to the proposed action. Upon fulfillment*
 7 *of the conditions of probation, the defendant shall*
 8 *be discharged without entry of judgment. Upon*
 9 *violation of the conditions of probation, the court*
 10 *may proceed as provided in division eight (VIII) of*
 11 *this chapter.*

12 2. By record entry at the time of or after
 13 sentencing, the court may suspend the sentence and
 14 place the defendant on probation upon such terms and
 15 conditions as it may require *including commitment*
 16 *to an alternate jail facility or a community*
 17 *correctional residential treatment facility for a*
 18 *specific number of days to be followed by a term of*
 19 *probation as specified in section seven hundred six*
 20 *(706) of this chapter. A person so committed who*
 21 *has probation revoked shall be given credit for such*
 22 *time served.*

23 Sec. ____ . Chapter one thousand two hundred forty-
 24 five (1245), Acts of the Sixty-sixth General Assembly,
 25 1976 Session, chapter three (3), section seven hundred
 26 six (706), unnumbered paragraph two (2), is amended
 27 to read as follows:

28 [If the person is ordered placed under the custody,
 29 care and supervision of the probation and parole
 30 service, the term of probation shall be determined
 31 by the board of parole and the probation of the
 32 defendant shall be supervised by the probation and
 33 parole service.] The length of the probation shall
 34 not be less than one year and shall not be less than
 35 two years if the offense is a felony. However, the
 36 court may subsequently reduce the length of the
 37 probation if the court determines that the purposes
 38 of probation have been fulfilled [, as provided in

39 section seven hundred eight (708) of this division].
40 *The purposes of probation are to provide maximum*
41 *opportunity for the rehabilitation of the defendant*
42 *and to protect the community from further offenses*
43 *by the defendant and others.*

44 Sec. ____ . Chapter one thousand two hundred forty-
45 five (1245), Acts of the Sixty-sixth General Assembly,
46 1976 Session, chapter three (3), section seven hundred
47 seven (707), is amended to read as follows:

48 SEC. 707. NEW SECTION. SUPERVISION DURING
49 PROBATIONARY PERIOD. A person released on probation
50 shall be assigned to a [parole] *probation* officer.

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1 Both the person and his or her [parole] *probation* officer
2 shall be furnished with the conditions of the person's
3 probation and the regulations which the person will
4 be required to observe, in writing. The [parole]
5 *probation* officer shall explain these conditions and
6 regulations to the person, and shall supervise, assist,
7 and counsel the person during the term of his or her
8 probation.

9 When probation is granted, the court shall order
10 said person committed to the custody, care, and
11 supervision:

12 1. Of any suitable resident of this state; or
13 2. Of [any local agency established under chapter
14 two hundred seventeen (217) of the Code; or] *the*
15 *judicial district department of correctional services.*

16 [3. Of the probation and parole service. The chief
17 parole officer may also accept the custody, care and
18 supervision of any person granted probation or parole
19 from a sentence to a term in a county jail.]
20 Jurisdiction of these persons shall remain with the
21 sentencing court. [The chief parole officer shall
22 not, however, accept the custody, care and supervision
23 of any person who in the chief probation officer's
24 judgment could not be properly supervised.]

25 In each case wherein the court shall order said
26 person committed to the custody, care, and supervision
27 of the [probation and parole service] *judicial district*
28 *department of correctional services*, the clerk of
29 the district shall at once furnish the [chief parole
30 officer] *director of the judicial district department*
31 *of correctional services* with certified copies of
32 the indictment or information, the minutes of testimony

33 attached thereto, the judgment entry if judgment is
34 not deferred, and the original mittimus. The county
35 attorney shall at once advise the [chief parole officer]
36 *director*, by letter, that the defendant has been
37 placed under the supervision of the [probation and
38 parole service] *judicial district department of*
39 *correctional services* and give [to the chief parole
40 officer] *him or her* a detailed statement of the facts
41 and circumstances surrounding the crime committed
42 and the record and history of the defendant as may
43 be known to the county attorney. If the defendant
44 is confined in the county jail at the time of sentence,
45 the court may order the defendant held until
46 arrangements are made by the [probation and parole
47 service] *judicial district department of correctional*
48 *services* for the defendant's employment and he or
49 she has signed the necessary probation papers. If
50 the defendant is not confined in the county jail at

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1 the time of sentence, the court may order the defendant
2 to remain in the county wherein the defendant has
3 been convicted and sentenced and report to the sheriff
4 as to his or her whereabouts.

5 Sec. ____ . Chapter one thousand two hundred forty-
6 five (1245), Acts of the Sixty-sixth General Assembly,
7 1976 Session, chapter three (3), section seven hundred
8 ten (710), is amended to read as follows:

9 **SEC. 710. NEW SECTION. RELEASE AFTER COMPLETION.**
10 When the court has determined that any person ordered
11 to participate in a locally administered correctional
12 program, *pursuant to section seven hundred two (702),*
13 *subsection one (1) of this division*, has successfully
14 completed such program, the court shall order such
15 person to be released on probation. [The provisions
16 of sections six hundred three (603) through six hundred
17 eight (608), inclusive, of this chapter, shall apply
18 to such release.]

19 Sec. ____ . Chapter one thousand two hundred forty-
20 five (1245), Acts of the Sixty-sixth General Assembly,
21 1976 Session, chapter three (3), section eight hundred
22 ten (810), is amended to read as follows:

23 **SEC. 810. NEW SECTION. VIOLATION OF PROBATION.**
24 A [parole] *probation* officer or [other agency charged
25 with the supervision of a probationer as authorized
26 by sections one hundred seven (107) and five hundred

27 one (501) of this chapter] *the judicial district*
 28 *department of correctional services* having probable
 29 cause to believe that any person released on probation
 30 has violated the conditions of his or her probation
 31 shall proceed by arrest or summons as in the case
 32 of a parole violation. The functions of the magistrate
 33 and the board of parole shall be performed by the
 34 judge or magistrate who would have had jurisdiction
 35 to try the original offense. Where the [parole]
 36 probation officer proceeds by arrest, any magistrate
 37 may receive the complaint, issue an arrest warrant,
 38 or conduct the initial appearance, probable cause
 39 hearing, and probation revocation hearing, or any
 40 of them, may at the discretion of the court be merged
 41 into a single hearing, when it appears that the alleged
 42 violator will not be prejudiced thereby. If the
 43 violation is established, the court may continue the
 44 probation with or without an alteration of the
 45 conditions of probation, or may revoke the probation
 46 and may require the defendant to serve the sentence
 47 imposed, or any lesser sentence, and, if imposition
 48 of sentence was deferred, may impose any sentence
 49 which might originally have been imposed.
 50 Sec. ____ . Chapter one thousand two hundred forty-

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1 five (1245), Acts of the Sixty-sixth General Assembly,
 2 1976 Session, chapter three (3), sections five hundred
 3 four (504) and seven hundred nine (709) are repealed.”
 4 13. Page 8, by inserting after line 17 the
 5 following section:
 6 “Sec. ____ . Item twelve (12) of this amendment
 7 is effective on the date set forth in chapter one
 8 thousand two hundred forty-five (1245), Acts of the
 9 Sixty-sixth General Assembly, 1976 Session, chapter
 10 four (4), section five hundred twenty-nine (529).”
 11 14. Page 8, by inserting after line 17 the
 12 following:
 13 “Sec. 13. Section nineteen A point three (19A.3),
 14 subsection eight (8), Code 1977, is amended to read
 15 as follows:
 16 8. Patients or inmates employed in state
 17 institutions or persons on parole employed in work
 18 experience positions in state government for a period
 19 of time not to exceed one year.
 20 Sec. 14. In addition to funds appropriated for

21 the Riverview release center at Newton by House File
 22 four hundred sixty-four (464), as approved by the
 23 Sixty-seventh General Assembly, 1977 Session, there
 24 is appropriated to the department of social services
 25 for the Riverview release center at Newton, for the
 26 fiscal year beginning July 1, 1977 and ending June
 27 30, 1978, the sum of one hundred fifty thousand
 28 (150,000) dollars, or so much thereof as is necessary.
 29 Funds appropriated by this section shall be available
 30 to the division of adult corrections for the purpose
 31 of establishing work adjustment and training positions
 32 for inmates housed at the Riverview release center
 33 at Newton in order to prepare the inmates vocationally
 34 for similar positions for a period not exceeding one
 35 year in the department of transportation and other
 36 state agencies. *This pilot project shall be known*
 37 *as the inmate employment program.*

38 The division of adult corrections shall evaluate
 39 the program established by this section and report
 40 to the house and senate committees on budget prior
 41 to February 28, 1978 as to progress of the program
 42 and recommendations in regard to it."

43 15. Page 8, by inserting before line 18 the
 44 following:

45 "Sec. ____ . Section two hundred forty-seven A point
 46 two (247A.2), Code 1977, is amended to read as follows:
 47 247A.2 PROGRAM. The department of social services
 48 shall establish a work release program under which
 49 inmates sentenced to an institution under the
 50 jurisdiction of the department may be granted the

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1 privilege of leaving actual confinement during
 2 necessary and reasonable hours for the purpose of
 3 working at gainful employment [in this state.] Under
 4 appropriate conditions the program may also include
 5 release for the purpose of seeking employment and
 6 attendance at an educational institution. In the
 7 case of inmates who have children in their homes under
 8 the age of eighteen years, the program may include
 9 child care and housekeeping in their homes."

10 16. Page 8, by inserting before line 18 the follow-
 11 ing:

12 "Sec. ____ . Chapter eighty-five (85), Code 1977,
 13 is amended by adding the following new section:

14 **NEW SECTION. INMATES OF STATE PENAL OR CORREC-**

15 TIONAL FACILITIES. The department of social services
16 may elect to include as an employee for purposes of
17 this chapter any person confined as an inmate at the
18 riverview release center and who is participating
19 in the inmate employment program. If an inmate in
20 the performance of work sustains an injury arising
21 out of and in the course of the work, the inmate shall
22 be awarded and paid compensation at the rates provided
23 in this chapter. If death results from such injury,
24 death benefits shall be awarded and paid to the
25 dependents of the inmate. If any such person is
26 awarded weekly compensation under the provisions of
27 this section and is still committed to a penal
28 institution, the person's compensation benefits under
29 section eighty-five point thirty-three (85.33) of
30 the Code or section eighty-five point thirty four
31 (85.34), subsection one (1), of the Code shall be
32 paid to the department and held in trust for the
33 inmate for so long as the inmate shall remain so
34 committed. However, the department shall deduct from
35 the benefits awarded the cost of maintaining the
36 inmate not to exceed the level the inmate was paying
37 under the inmate employment program. Weekly
38 compensation benefits awarded pursuant to section
39 eighty-five point thirty-four (85.34), subsection
40 two (2), of the Code shall be held in trust and paid
41 to such person as provided in this chapter upon final
42 discharge or parole, whichever occurs first. In the
43 event such person is recommitted to a penal institution
44 prior to receiving in full weekly benefits pursuant
45 to section eighty-five point thirty-three (85.33)
46 of the Code or section eighty-five point thirty-four
47 (85.34), subsection one (1), of the Code such benefits
48 shall again be paid to the department for so long
49 as the person shall remain so recommitted. Also,
50 weekly benefits under section eighty-five point thirty-

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1 four (85.34), subsection two (2), of the Code shall
2 be suspended and again held in trust until such person
3 is again released by final discharge or parole,
4 whichever first occurs. However, the industrial
5 commissioner may, if the industrial commissioner finds
6 that dependents of the person awarded weekly
7 compensation pursuant to section eighty-five point
8 thirty-three (85.33) of the Code or section eighty-

9 five point thirty-four (85.34), subsections one (1),
 10 and two (2), of the Code would require welfare aid
 11 as a result of terminating the compensation, order
 12 such weekly compensation to be paid to a responsible
 13 person for the use of dependents.

14 For the purposes of this section:

15 1. "Department" means the department of social
 16 services.

17 2. "Penal institution" means any reformatory,
 18 state penitentiary, release center, or other state
 19 penal or correctional institution."

20 17. Page 8, line 19, by striking the word "This"
 21 and inserting in lieu thereof the words "Unless
 22 otherwise specifically provided, this".

23 18. Page 9, by inserting after line 3 the following
 24 section:

25 "Sec. ____ . This Act shall be codified within the
 26 Iowa Corrections Code."

27 19. Title page, line 1, by inserting after the
 28 word "Act" the words "relating to correction programs
 29 by providing work adjustment and training positions
 30 at the Riverview release center and".

31 20. Title page, line 4, by inserting after the
 32 word "programs," the words "extending the word release
 33 program,".

34 21. Renumber sections as required.

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 595

S-3705

1 Amend Senate amendment, H-4282, to House File
 2 595, as passed by the House and reprinted, as
 3 follows:

4 1. Page 1, lines 15 and 16, by striking the
 5 following: "July 1, 1977" and inserting in lieu
 6 thereof the following: "December 31, 1977".

7 2. Page 1, by striking lines 28 through 42.

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 85

S-3706

1 Amend Senate amendment, H-4279, to House File 85
 2 as follows:

- 3 1. Page 2, by striking lines 19 through 39.

S—3708

- 1 Amend the Orr, et al., amendment, S—3557, to Senate
2 File 386 as follows:
3 1. Page 1, by striking lines 2 through 11, and
4 inserting in lieu thereof the following:
5 1. Page 1, line 16, by striking the words "*each*
6 *succeeding school year*" and inserting in lieu thereof
7 the words "*the next three succeeding school years*".
8 2. Page 1, line 26, by striking the words "*each*
9 *succeeding school year*" and inserting in lieu thereof
10 the words "*the next six succeeding school years*".

C. W. HUTCHINS

HOUSE AMENDMENT TO SENATE FILE 280

S—3709

- 1 Amend Senate File 280 as amended and passed by
2 the Senate as follows:
3 1. Page 4, line 3, by inserting after the word
4 "report" the words ", and if compliance with the
5 provisions of sections four hundred twenty-two point
6 twenty-seven (422.27), four hundred fifty point
7 fifty-eight (450.58), and six hundred thirty-three
8 point four hundred seventy-four (633.474), of the
9 Code, have been fulfilled and receipts and certi-
10 ficates are on file".

HOUSE AMENDMENT TO SENATE FILE 118

S—3710

- 1 Amend Senate File 118 as amended and passed
2 by the Senate as follows:
3 1. Page 1, line 16, by inserting after the word
4 "*gardens*" the words "*, or in any county whose board*
5 *of supervisors has by resolution declared it not to*
6 *be a noxious weed*".

S—3711

- 1 Amend the DeKoster-Nystrom amendment, S—3656,
2 to Senate File 396 as follows:

- 3 1. Page 2, by striking lines 8 through 30.
 4 2. Page 3, line 4, by striking the word "sixty-five".

LUCAS J. DE KOSTER

S-3712

- 1 Amend the amendment, S-3598, to House File 491 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by inserting after line 2 the follow-
 4 ing:
 5 "1. Page 5, by striking lines 20 through 26 and
 6 inserting in lieu thereof the following:
 7 '6. The treasurer of state shall before making
 8 the above allotments credit annually to the primary
 9 road fund the sum of [two million five] *four million*
 10 *two hundred thousand dollars* or any amount equal to
 11 one-ninth of the federal allotment whichever is the
 12 smaller, said sum to be used for matching the federal
 13 allotment to the state of Iowa for the use of the
 14 interstate and national defense highways in the state
 15 of Iowa.'
 16 2. Page 5, line 27, by striking the figures '[7]
 17 6' and inserting in lieu thereof the figure '7'."
 18 2. Page 1, by inserting before line 3 the
 19 following:
 20 "3. Page 10, line 24, by inserting after the word
 21 'state' the words '*prior to July 1, 1978,*'"
 22 3. Page 1, by inserting after line 5 the following:
 23 "5. Page 10, line 25, by inserting after the word
 24 'gallon' the words '*and beginning July 1, 1978, and*
 25 *excise tax of ten cents per gallon*'."
 26 4. Page 1, by inserting after line 9 the following:
 27 "7. Page 11, line 22, by inserting after the word
 28 'fuel' the words '*prior to July 1, 1978,*'"
 29 5. Page 1, by inserting after line 12 the
 30 following:
 31 "9. Page 11, line 23, by inserting after the word
 32 'gallon' the words '*and beginning July 1, 1978, the*
 33 *rate of tax shall be eleven cents per gallon*'."
 34 6. Page 1, by striking lines 14 through 16 and
 35 inserting in lieu thereof the following:
 36 "11. Page 12, line 20, by inserting after the
 37 word 'fuel' the words '*less the proceeds of one-half*
 38 *cent per gallon*'."
 39 7. Page 1, by striking lines 17 and 18 and
 40 inserting in lieu thereof the following:
 41 "12. Page 12, line 22, by inserting after the

42 word 'fuel' the words *'less the proceeds of one-half*
 43 *cent per gallon on motor fuel and other special fuel.'*"

RICHARD F. DRAKE
 ROBERT M. CARR
 STEPHEN W. BISENIUS

HOUSE AMENDMENT TO SENATE FILE 31

S-3713

- 1 Amend Senate File 31 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, lines 2 and 3, by striking the word
- 4 "alcoholism" and inserting in lieu thereof the words
- 5 "substance abuse".
- 6 2. Page 1, line 3, by striking the words "The
- 7 alcoholism" and inserting in lieu thereof the words
- 8 "The substance abuse".
- 9 3. Page 1, line 5, by striking the word
- 10 "alcoholism" and inserting in lieu thereof the words
- 11 "substance abuse".
- 12 4. Page 1, line 9, by striking the word
- 13 "alcoholism" and inserting in lieu thereof the words
- 14 "substance abuse".
- 15 5. Page 1, line 22, by striking the word
- 16 "alcoholism" and inserting in lieu thereof the words
- 17 "substance abuse".
- 18 6. Page 1, line 24, by striking the word
- 19 "alcoholism" and inserting in lieu thereof the words
- 20 "substance abuse".
- 21 7. Page 1, by striking lines 32 through 35
- 22 and inserting in lieu thereof the following: "the
- 23 state. The tax".
- 24 8. Page 2, lines 6 and 7, by striking the word
- 25 "alcoholism" and inserting in lieu thereof the words
- 26 "substance abuse".
- 27 9. Page 2, line 9, by striking the word
- 28 "alcoholism" and inserting in lieu thereof the words
- 29 "substance abuse".
- 30 10. Page 2, line 11, by striking the word "section"
- 31 and inserting in lieu thereof the word "sections".
- 32 11. Page 2, line 12, by inserting after the figure
- 33 "(2)" the words and figure and "and three (3)".
- 34 12. Page 2, lines 12 and 13, by striking the words
- 35 "division on alcoholism" and inserting in lieu thereof
- 36 the words "department of substance abuse".
- 37 13. Page 2, line 14, by striking the word "section"

- 38 and inserting in lieu thereof the word "sections".
 39 14. Page 2, line 15, by inserting after the figure
 40 "(2)" the words and figure "and three (3)".
 41 15. Page 2, by striking lines 19 through 21.
 42 16. Page 2, line 22, by striking the word
 43 "alcoholism" and inserting in lieu thereof the words
 44 "substance abuse".
 45 17. Page 2, line 34, by striking the words
 46 "division on alcoholism" and inserting in lieu thereof
 47 the words "department of substance abuse".
 48 18. Page 2, line 35, by striking the word
 49 "alcoholics" and inserting in lieu thereof the words
 50 "substance abusers".

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- 1 19. Page 3, line 2, by striking the word
 2 "alcoholic" and inserting in lieu thereof the words
 3 "substance abuser".
 4 20. Page 3, lines 5 and 6, by striking the words
 5 "alcoholics by the Iowa division on alcoholism" and
 6 inserting in lieu thereof the words "substance abusers
 7 by the Iowa department of substance abuse".
 8 21. Page 3, line 8 by inserting after the
 9 word "Act" the words "except those moneys specified
 10 in section four, subsection 2 of this Act,".
 11 22. Page 3, line 10, by striking the word
 12 "alcoholism" and inserting in lieu thereof the words
 13 "substance abuse".
 14 23. Page 3, by inserting after line 12 the
 15 following sections:
 16 "Sec. ____ . Section one hundred twenty-three
 17 point ninety-six (123.96), Code 1977, is amended
 18 by striking subsections one (1) and two (2).
 19 Sec. ____ . The director of the Iowa beer and
 20 liquor control department shall increase the price
 21 of every alcoholic beverage sold in state liquor
 22 stores effective January 1, 1978, by marking up the
 23 price being charged for each such beverage on Decem-
 24 ber 31, 1977, by the percentage determined by the
 25 director under this section. The director shall
 26 determine the percentage of markup by dividing (a)
 27 the gross revenue derived during the fiscal year
 28 ending June 30, 1977 from the special tax imposed
 29 by subsection one (1) of section one hundred twenty-
 30 three point ninety-six (123.96) of the Code by (b)
 31 the gross revenue derived during the fiscal year

32 ending June 30, 1977 from sales of alcoholic bever-
 33 ages in state liquor stores, but not including any
 34 revenue derived from the special tax imposed upon
 35 such sales.

36 It is the purpose and intent of the general
 37 assembly that the price increases for alcoholic
 38 beverages that are required by this section shall
 39 supplant the revenues previously derived from the
 40 special tax. The beer and liquor control department
 41 shall not cause any adjustments in the prices of
 42 alcoholic liquors after January 1, 1978, if such
 43 adjustments reasonably could be expected to decrease
 44 the total revenue from the sale of alcoholic liquors.”

45 24. Amend the title, line 1, by striking the word
 46 “alcoholism” and inserting in lieu there of the words
 47 “substance abuse”.

48 25. Amend the title, line 4, by striking the word
 49 “alcoholics” and inserting in lieu thereof the words
 50 “substance abusers”.

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1 26. By renumbering and correcting internal
 2 references as necessary.

S-3714

1 Amend House File 491 as follows:

2 1. Page 5, by inserting after line 26 the
 3 following:

4 “6. *The treasurer of state shall before making*
 5 *the above allotments credit annually to the primary*
 6 *road fund the sum of seven million one hundred thousand*
 7 *dollars.”*

8 2. Renumber following sections as necessary.

RICHARD F. DRAKE
 ROBERT M. CARR

S-3715

1 Amend the House amendment, S-3245, to Senate
 2 File 214 as follows:

3 1. Page 2, by inserting after line 41 the
 4 following:

5 “ ____ . Page 7, by inserting after line 26 the follow-
 6 ing:

7 ‘Sec. ____ . Funds generated by a school district

8 for special education instructional programs under
 9 the special education weighting plan established in
 10 section two hundred eighty-one point nine (281.9)
 11 of the Code for the school year beginning July 1,
 12 1975 which were not encumbered during the school year
 13 beginning July 1, 1975 shall not be expended for any
 14 purpose by that school district during the school
 15 years beginning July 1, 1976 and July 1, 1977.

16 Funds generated by a school district for special
 17 education instructional programs under the special
 18 education weighting plan established in section two
 19 hundred eighty-one point nine (281.9) of the Code
 20 for the school year beginning July 1, 1976 which were
 21 not encumbered during the school year beginning July
 22 1, 1976 shall not be expended for any purpose by that
 23 school district during the school year beginning July
 24 1, 1977.

25 The amounts unencumbered for each school district
 26 for each school year shall be recorded by the
 27 department of public instruction and a report of the
 28 amount unencumbered for each school district for each
 29 school year shall be made to the appropriate committees
 30 of the house and senate.' ”

31 2. By renumbering and correcting internal
 32 references as necessary.

EARL M. WILLITS

S-3716

1 Amend the House amendment, S-3245, to Senate File
 2 214 as follows:

3 1. Page 3, by inserting after line 40 the
 4 following:

5 “ ____ . Page 10, by inserting after line 12 the
 6 following:

7 ‘Sec. ____ . Section ninety-seven B point forty-
 8 nine (97B.49), subsection five (5), unnumbered
 9 paragraph one (1), Code 1977, is amended to read as
 10 follows:

11 For each active member retiring [on or after] at
 12 any time during the period commencing January 1, 1976
 13 through December 31, 1977, with four or more complete
 14 years of service a monthly benefit shall be computed
 15 which is equal to one-twelfth of an amount equal to
 16 forty percent of the final five-year average covered
 17 wage multiplied by a fraction of years of service.

18 For the purposes of this subsection, "fraction of
19 years of service" means a number, not to exceed one,
20 equal to the sum of the years of membership service
21 and the number of years of prior service divided by
22 thirty years.

23 *For each active member retiring on or after January*
24 *1, 1978 with four or more complete years of service*
25 *the monthly benefit shall be computed using forty-*
26 *two percent of the final five-year average covered*
27 *wage.' "*

28 2. By numbering and renumbering sections as
29 necessary.

JOHN N. NYSTROM
WILLARD R. HANSEN

HOUSE AMENDMENT TO SENATE FILE 407

S-3717

1 Amend Senate File 407 as follows:

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

4 "Section 1. There is appropriated from the general
5 fund of the state to the capitol planning commission
6 the following amounts or so much thereof as may be
7 necessary:

8 1. For the preparation of
9 a full schematic architectural
10 and engineering design for an
11 addition of approximately thirty-
12 five thousand square feet floor
13 space to the existing vocational
14 rehabilitation center located
15 in the capitol complex, includ-
16 ing space programming, prede-
17 sign of structural, mechanical
18 and electrical systems, and
19 preparation of cost estimates
20 for the project \$25,000

21 2. For the preparation of
22 a full schematic architectural
23 and engineering design for
24 construction in the east capi-
25 tol courtyard area as a part
26 of the Capitol Mall project,
27 and for preliminary study of

28 an additional three hundred car
29 underground parking garage \$30,000

30 Sec. 2. The director of the department of general
31 services shall cooperate with the capitol planning
32 commission in the preparation of the plans for which
33 funds are appropriated by this Act. The capitol
34 planning commission shall make periodic reports to
35 the legislative council regarding the development
36 of such plans, and shall make a formal report on such
37 plans to the 1978 Session of the Sixty-seventh General
38 Assembly.

39 Sec. 3. The governor, the director of the
40 department of general services, the capitol planning
41 commission or the state comptroller are authorized
42 to obtain and accept federal funds available for use
43 in carrying out the projects authorized by this Act.

44 Sec. 4. The capitol planning commission may retain
45 architectural services or employ technical assistants,
46 or both, in order to carry out the provisions of this
47 Act.

48 Sec. 5. Any unobligated balance remaining on June
49 30, 1978 of the funds appropriated by this Act shall
50 revert to the general fund as provided by section

Page 2

- 1 eight point thirty-three (8.33) of the Code.”
- 2 2. Title page, line 1, by striking all after
- 3 the word “to” and all of line 2 and inserting in lieu
- 4 thereof the words “the capitol planning commission
- 5 for the study and planning of certain projects.”

HOUSE AMENDMENT TO SENATE FILE 297

S-3718

- 1 Amend Senate File 297 as follows:
- 2 1. Page 1, by striking lines 14 and 15 and
- 3 inserting in lieu thereof the words “of enforcing
- 4 sections two hundred thirty-nine point fourteen
- 5 (239.14), two hundred forty-nine point eleven (249.11),
- 6 and two hundred forty-nine A point seven (249A.7)
- 7 of the Code in cooperation”.
- 8 2. Page 1, lines 26 and 27, by striking the words
- 9 “relating to welfare fraud” and inserting in lieu
- 10 thereof the words “as provided for in subsection one

11 (1) of this section”.

12 3. Page 1, line 30, by striking the words “welfare
13 fraud” and inserting in lieu thereof the words “aid
14 to dependent children, medical assistance, and
15 supplemental assistance”.

16 4. Page 1, line 33, by inserting after the period
17 the words “It is the intent of the general assembly
18 that the first priority for investigation and
19 prosecution for which funds are provided by this Act
20 shall be for fraudulent claims or practices by health
21 care vendors and providers.”

22 5. Page 2, by inserting after line 1 the follow-
23 ing:

24 “Sec. 4. Chapter one thousand two hundred forty-
25 five (1245), Acts of the Sixty-sixth General Assembly,
26 1976 Session, chapter one (1), section one thousand
27 four hundred eight (1408), unnumbered paragraph
28 one (1), is amended to read as follows:

29 A person who does any of the following acts is
30 guilty of a fraudulent practice. [A fraudulent prac-
31 tice is an aggravated misdemeanor.]

32 Sec. 5. Chapter one thousand two hundred forty-
33 five (1245), Acts of the Sixty-sixth General Assembly,
34 1976 Session, chapter one (1), Division fourteen
35 (XIV), is amended by adding the following new sections
36 after section one thousand four hundred eight (1408):

37 Sec. 1409. *NEW SECTION. FRAUDULENT PRACTICE*
38 *IN THE FIRST DEGREE.* Fraudulent practice in the first
39 degree is a fraudulent practice where the amount of
40 money or value of property or services involved
41 exceeds five thousand dollars.

42 Fraudulent practice in the first degree is
43 a class C felony.

44 Sec. 1410. *NEW SECTION. FRAUDULENT PRACTICE*
45 *IN THE SECOND DEGREE.* Fraudulent practice in the
46 second degree is the following:

47 1. A fraudulent practice where the amount of
48 money or value of property or services involved
49 exceeds five hundred dollars but does not exceed
50 five thousand dollars.

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1 2. A fraudulent practice where the amount of
2 money or value of property or services involved
3 does not exceed five hundred dollars by one who
4 has been convicted of a fraudulent practice twice

5 before.

6 Fraudulent practice in the second degree is
7 a class D felony.

8 Sec. 1411. *NEW SECTION. FRAUDULENT PRACTICE*
9 *IN THE THIRD DEGREE.* Fraudulent practice in the
10 third degree is the following:

11 1. A fraudulent practice where the amount of
12 money or value of property or services involved
13 exceeds one hundred dollars but does not exceed
14 five hundred dollars.

15 2. A fraudulent practice as set forth in sub-
16 sections two (2), eight (8), and nine (9) of sec-
17 tion one thousand four hundred eight (1408) of this
18 chapter.

19 3. A fraudulent practice where it is not
20 possible to determine an amount of money or value
21 of property and service involved.

22 Fraudulent practice in the third degree is an
23 aggravated misdemeanor.

24 Sec. 1412. *NEW SECTION. FRAUDULENT PRACTICE*
25 *IN THE FOURTH DEGREE.* Fraudulent practice in the
26 fourth degree is a fraudulent practice where the
27 amount of money or value of property or services
28 involved exceeds fifty dollars but does not
29 exceed one hundred dollars.

30 Fraudulent practice in the fourth degree is
31 a serious misdemeanor.

32 Sec. 1413. *NEW SECTION. FRAUDULENT PRACTICE*
33 *IN THE FIFTH DEGREE.* Fraudulent practice in the
34 fifth degree is a fraudulent practice where the
35 amount of money or value of property or services
36 involved does not exceed fifty dollars.

37 Fraudulent practice in the fifth degree is
38 a simple misdemeanor.

39 Sec. 1414. *NEW SECTION. VALUE FOR PURPOSES*
40 *OF FRAUDULENT PRACTICES.* The value of property
41 or service is its normal market or exchange value,
42 if any, within the community at the time the fraud-
43 ulent practice is committed.

44 If money or property or service is obtained
45 by a series of acts from the same person or loca-
46 tion, or from different persons by a series of
47 acts which occur in approximately the same loca-
48 tion or time period so that the fraudulent prac-
49 tices are attributable to a single scheme, plan,
50 or conspiracy, such acts may be considered a single

Page 3

1 fraudulent practice and the value may be the total
2 value of all money, property, and service involved.

3 Sec. 6. Chapter one thousand two hundred
4 forty-five (1245), Acts of the Sixty-sixth General
5 Assembly, 1976 Session, chapter four (4), section
6 two hundred fifty-six (256) amending section two
7 hundred forty-nine point eleven (249.11), Code
8 1975, is amended to read as follows:

9 SEC. 256. Section two hundred forty-nine
10 point eleven (249.11), Code 1975, is amended to
11 read as follows:

12 249.11 FRAUD. Any person who obtains
13 assistance under this chapter by misrepresentation
14 or by failure with fraudulent intent to bring forth
15 all of the facts required of an applicant for
16 assistance under this chapter, or any person who
17 shall knowingly make false statements concerning
18 an applicant's eligibility for assistance under
19 this chapter, is guilty of a [simple misdemeanor]
20 *fraudulent practice*.

21 Sec. 7. Section two hundred forty-nine A
22 point seven (249A.7), Code 1977, is amended to
23 read as follows:

24 249A.7 PENALTY. [Any] A person who [shall obtain]
25 *obtains* assistance or payments for medical
26 assistance under this chapter by misrepresentation
27 or failure, with fraudulent intent, to bring forth
28 all the facts required of an applicant for aid
29 under the provisions of this chapter and [any] a
30 person who [shall] knowingly [make] *makes* false state-
31 ments concerning the applicant's eligibility for
32 aid under this chapter shall be guilty of a
33 [misdemeanor, punishable as such] *fraudulent practice*.

34 Sec. 8. Sections four (4) through eight (8)
35 of item five (5) of this amendment are effective
36 on the date set forth in chapter one thousand two
37 hundred forty-five (1245), Acts of the Sixty-sixth
38 General Assembly, 1976 Session, chapter four (4),
39 section five hundred twenty-nine (529)."

40 6. By renumbering and correcting internal
41 references.

42 7. Amend the title, line 1, by inserting
43 after the word "Act" the words "relating to
44 fraudulent practices and".

45 8. Title page, lines 1 and 2, by striking

- 46 the words "welfare fraud" and inserting in lieu
 47 thereof the words "aid to dependent children,
 48 medical assistance, and supplemental assistance".

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 57

S-3719

1 Amend the Senate amendment, H-4280, to House File
 2 57 as amended, passed and reprinted by the House,
 3 as follows:

4 1. Page 3, by inserting after line 10 the fol-
 5 lowing:

6 "In addition, the industries board in consultation
 7 with the state director shall submit to the 1978
 8 Session of the Sixty-seventh General Assembly, on
 9 or before the date it convenes, a report stating:

10 1. What types of industrial endeavors it is appro-
 11 priate for Iowa state industries to maintain in order
 12 to further the objectives stated in section one (1)
 13 of this Act and to meet the needs of the state; and

14 2. Whether, and to what extent, it is necessary
 15 to maintain the requirements of section eight (8)
 16 of this Act regarding mandatory purchases from Iowa
 17 state industries by the state and its political
 18 subdivisions, in order for Iowa state industries to
 19 achieve and maintain viability."

20 2. Page 3, line 15, by striking the words "subject
 21 to" and inserting in lieu thereof the words "listed
 22 in".

23 3. Page 3, lines 24 and 25, by striking the words
 24 "subject to and are seeking to comply with" and insert-
 25 ing in lieu thereof the words "listed in".

26 4. Page 4, line 10, by striking the words "town-
 27 ship trustees,".

28 5. Page 4, by striking lines 14 through 23 and
 29 inserting in lieu thereof the following:

30 "Sec. 8. *NEW SECTION. PURCHASE OF PRODUCTS.*

31 1. No product appearing in the price lists pre-
 32 pared pursuant to section seven (7) of this Act shall
 33 be purchased by any department or agency of state
 34 government from any other source, except:

35 a. When the purchase is made under emergency cir-
 36 cumstances, which shall be explained in writing by
 37 the public body or officer who made or authorized
 38 the purchase if the state director so requests; or

39 b. When Iowa state industries is unable to fur-
 40 nish needed articles, comparable in both quality and
 41 price to those available from alternative sources,
 42 within a reasonable length of time. Any disputes
 43 arising between a purchasing authority and Iowa state
 44 industries regarding similarity of articles, or com-
 45 parability of quality or price, or the availability
 46 of the product shall be referred to the director of
 47 the department of general services, whose decision
 48 shall be subject to appeal as provided in section
 49 eighteen point seven (18.7) of the Code.
 50 2. The state director shall adopt and update as

Page 2

- 1 necessary rules setting specific delivery schedules
- 2 for each of the products manufactured by Iowa state
- 3 industries. These delivery schedules shall not ap-
- 4 ply where a different delivery schedule is specifi-
- 5 cally negotiated by Iowa state industries and a
- 6 particular purchaser.”
- 7 6. Page 6, line 38, by inserting after the period
- 8 a closing quotation mark (”).
- 9 7. Page 6, by striking line 39.

HOUSE AMENDMENT TO SENATE JOINT RESOLUTION 11

S-3720

- 1 Amend Senate Joint Resolution 11 as follows:
- 2 1. Page 1, line 3, by inserting after the
- 3 word “Government” the words “and other members
- 4 of the General Assembly”.
- 5 2. Page 1, by inserting after line 22 the
- 6 following section:
- 7 “Sec. ____ . Section ninety-seven B point fifty-
- 8 nine (97B.59), Code 1977, is amended to read as
- 9 follows:
- 10 97B.9 ACTUARY EMPLOYED. The [department]
- 11 *legislative council* shall employ an actuary as
- 12 [its] *the department's* technical advisor. The
- 13 compensation of the actuary and of other employees
- 14 shall be fixed by the department within the
- 15 appropriations made therefor.”

S-3721

- 1 Amend House File 622 as follows:
- 2 1. Page 1, by striking lines 12 and 13 and

- 3 inserting in lieu thereof the following:
- 4 "For gymnasium number one
- 5 perimeter renovation \$250,000"
- 6 2. Page 1, by inserting after line 20 the
- 7 following:
- 8 "6. IOWA STATE UNIVERSITY OF
- 9 SCIENCE AND TECHNOLOGY
- 10 For a horticulture addition and
- 11 remodeling \$2,460,000
- 12 Sec. ____ . Chapter two hundred eighty A (280A),
- 13 Code 1977, is amended by adding the following new
- 14 section:
- 15 *NEW SECTION.* There is appropriated annually from
- 16 the general fund of the state to the department of
- 17 public instruction the sum of five hundred thousand
- 18 (500,000) dollars to be used for construction projects
- 19 at merged area one (I) within Dubuque County. This
- 20 section is repealed effective July 1, 1980."
- 21 3. Page 1, line 26, by striking the words "and five
- 22 (5)" and inserting in lieu thereof the words ", five
- 23 (5) and six (6)".
- 24 4. By renumbering as necessary.

WILLIAM D. PALMER

S-3722

- 1 Amend the House amendment, S-3245, to Senate File
- 2 214, page 1, by striking all after line 2 through page
- 3 4, line 8 and inserting in lieu thereof the following:

Division S-3722A

- 4 1. Page 1, by inserting after line 13 the
- 5 following:
- 6 "a. For the war orphans educational aid fund
- 7 created by section thirty-five point eight (35.8)
- 8 of the Code \$40,000".
- 9 2. Page 1, lines 20 through 22, by striking the
- 10 words "for the fiscal period July 1, 1977 to December
- 11 31, 1977".
- 12 3. Page 1, line 22, by striking the figure "30,000"
- 13 and inserting in lieu thereof the figure "83,800".
- 14 4. Page 4, line 15, by striking the figure
- 15 "2,475,000" and inserting in lieu thereof the figure
- 16 "2,625,000".

Division S—3722B

17 5. Page 6, line 23, by inserting after the word
 18 "follows" the following: "provided that, as a
 19 condition for the appropriation to merged area nine
 20 (IX), the board of directors of merged area nine (IX)
 21 shall not incur any actual or contingent liability
 22 or undertake or accrue any indebtedness for this or
 23 any subsequent year generated by any contract with
 24 a private institution located within the merged area
 25 pursuant to section two hundred eighty A point twenty-
 26 three (280A.23), subsection one (1), or section two
 27 hundred eighty A point twenty-five (280A.25),
 28 subsection eight (8), of the Code or chapter twenty-
 29 eight E (28E) of the Code, if the contract is for
 30 a liberal arts or pre-professional training program
 31 to be offered at the two-year college instructional
 32 level in the school year beginning July 1, 1977, and
 33 provided further that the department of public
 34 instruction and the board of directors of merged area
 35 nine (IX) shall not calculate general state financial
 36 assistance by including for reimbursement from such
 37 funds in this or any subsequent fiscal year any full-
 38 time equivalent enrollment which is generated by
 39 students who are enrolled in merged area nine (IX)
 40 as a result of such a contract".

Division S—3722A (cont'd.)

41 6. Page 7, by inserting after line 20 the
 42 following:
 43 "d. FOR MERGED AREA X
 44 For continuation of the waste water program
 45\$134,000".
 46 7. Page 7, line 31, by inserting after the word
 47 "purposes" the words " , however, as a condition for
 48 the appropriation of these funds and notwithstanding
 49 any provision of chapter twenty (20) of the Code,
 50 the state board of regents, for purposes of

Page 2

Division S—3722A (cont'd.)

1 implementing collective bargaining pursuant to chapter
 2 twenty (20) of the Code, shall continue to act as
 3 a 'public employer' for its academic, professional
 4 and scientific, and other employees who are exempt

- 5 from its merit system by chapter nineteen A (19A)
- 6 of the Code and who are defined as 'professional'
- 7 employees by chapter twenty (20) of the Code".
- 8 8. Page 8, line 13, by inserting after the word
- 9 "purposes" the words "and for the pediatric department
- 10 of the college of medicine to continue to fund the
- 11 program of research at the current level in the cause,
- 12 course, treatment, cure, and management of diabetes
- 13 mellitus".
- 14 9. Page 9, line 29, by striking the figure
- 15 "21,612,000" and inserting in lieu thereof the figure
- 16 "21,687,000".

WILLIAM D. PALMER
 PHILIP B. HILL

S-3723

- 1 Amend the House amendment, S-3245, to Senate
- 2 File 214, as follows:
- 3 1. Page 2, by inserting after line 36 the
- 4 following:
- 5 "(16) Merged area schools with
- 6 increasing full-time equivalent
- 7 enrollments \$400,000"
- 8 2. Page 2, by inserting after line 44 the
- 9 following section:
- 10 "Sec. ____ . The additional funds appropriated by
- 11 section five (5), subsection twelve (12), paragraph
- 12 a, subparagraph sixteen (16), of this Act shall be
- 13 distributed by the department to those merged area
- 14 schools which exhibit an increase in reimbursable
- 15 full-time equivalent enrollment, as defined in section
- 16 two hundred eighty-six A point nine (286A.9),
- 17 subsection one (1) of the Code, from the school year
- 18 beginning July 1, 1975 to the school year beginning
- 19 July 1, 1976. However, any merged area school which
- 20 received funds under the guaranteed minimum budget
- 21 increase provisions adopted by the department shall not
- 22 be eligible for the additional funds.
- 23 The department shall calculate and disburse the
- 24 additional funds as soon as data on the increased
- 25 reimbursable full-time equivalent enrollment is known,
- 26 based on the department reporting forms for each
- 27 merged area school. This full-time equivalent
- 28 enrollment increase shall be multiplied by the average
- 29 state general aid per full-time equivalent enrollment

30 paid for the school year beginning July 1, 1976.
 31 If the additional funds appropriated are not
 32 sufficient to fully fund the increased reimbursable
 33 full-time equivalent enrollment, the department shall
 34 prorate the additional funds appropriated and
 35 distribute the funds proportionally.
 36 Any excess additional funds appropriated shall
 37 revert to the general fund of the state."

EARL M. WILLITS

S—3724

1 Amend House File 622 as follows:
 2 1. Page 1, by inserting after line 20 the
 3 following:
 4 "Sec. ____ . The total estimated cost of fine
 5 arts elements included in the plans and specifications
 6 for the capital improvements authorized by this Act
 7 for the Lindquist Center, for the horticulture addition
 8 and remodeling project, and for construction projects
 9 at merged area one (I) within Dubuque County shall be
 10 not less than one-half of one percent of the total
 11 appropriation for such construction projects.
 12 Sec. ____ . As used in this Act, 'fine arts'
 13 means sculpture, fountains, bas-reliefs, mosaics,
 14 frescoes, wall hangings, pictures or other enhancements
 15 to be integrated into the total environment of such
 16 construction. Fine arts does not include the
 17 structural elements or hardware and other
 18 accessories.
 19 Sec. ____ . The State Board of Regents and the
 20 merged area one (I) board of directors shall coordinate
 21 with the Iowa Arts Council all matters relating to the
 22 inclusion of works of fine arts in their respective
 23 projects authorized by this Act."

JOHN S. MURRAY

S—3725

1 Amend the Murray amendment, S—3724, to House
 2 File 622 as follows:
 3 1. Page 1, line 18, by striking the word
 4 "accessories" and inserting in lieu thereof the word
 5 "accessories".

JOHN S. MURRAY

S-3726

- 1 Amend the House amendment, S-3720, to Senate
- 2 Joint Resolution 11 as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "employ" the words "or contract for".

MINNÉTTE F. DODERER

S-3727

- 1 Amend House File 622 as follows:
- 2 1. Title page, line 3, by inserting after the
- 3 word "regents" the words "and merged area schools".

WILLIAM D. PALMER

HOUSE AMENDMENT TO
SENATE FILE 302

S-3728

- 1 Amend Senate File 302 as follows:
- 2 1. Page 1, line 16, by striking the figure
- 3 "96,000" and inserting in lieu thereof the figure
- 4 "196,000".
- 5 2. Page 1, by inserting after line 21 the
- 6 following:
- 7 "___ . For the retired senior volunteer
- 8 program \$50,000".
- 9 3. Page 1, by striking line 28 and inserting in
- 10 lieu thereof the following:
- 11 "treatment \$870,000
- 12 c. For an alcohol education program to be
- 13 conducted by the department of public instruction
- 14 under contract with the department of alcoholism
- 15 and drug abuse \$30,000"
- 16 4. By relettering the section to conform with
- 17 this amendment.

S-3729

- 1 Amend the Hill of Jasper amendment, S-3671, to
- 2 House File 381 as follows:
- 3 1. Page 1, line 3, by inserting after the
- 4 word "certified" the words "or board eligible".

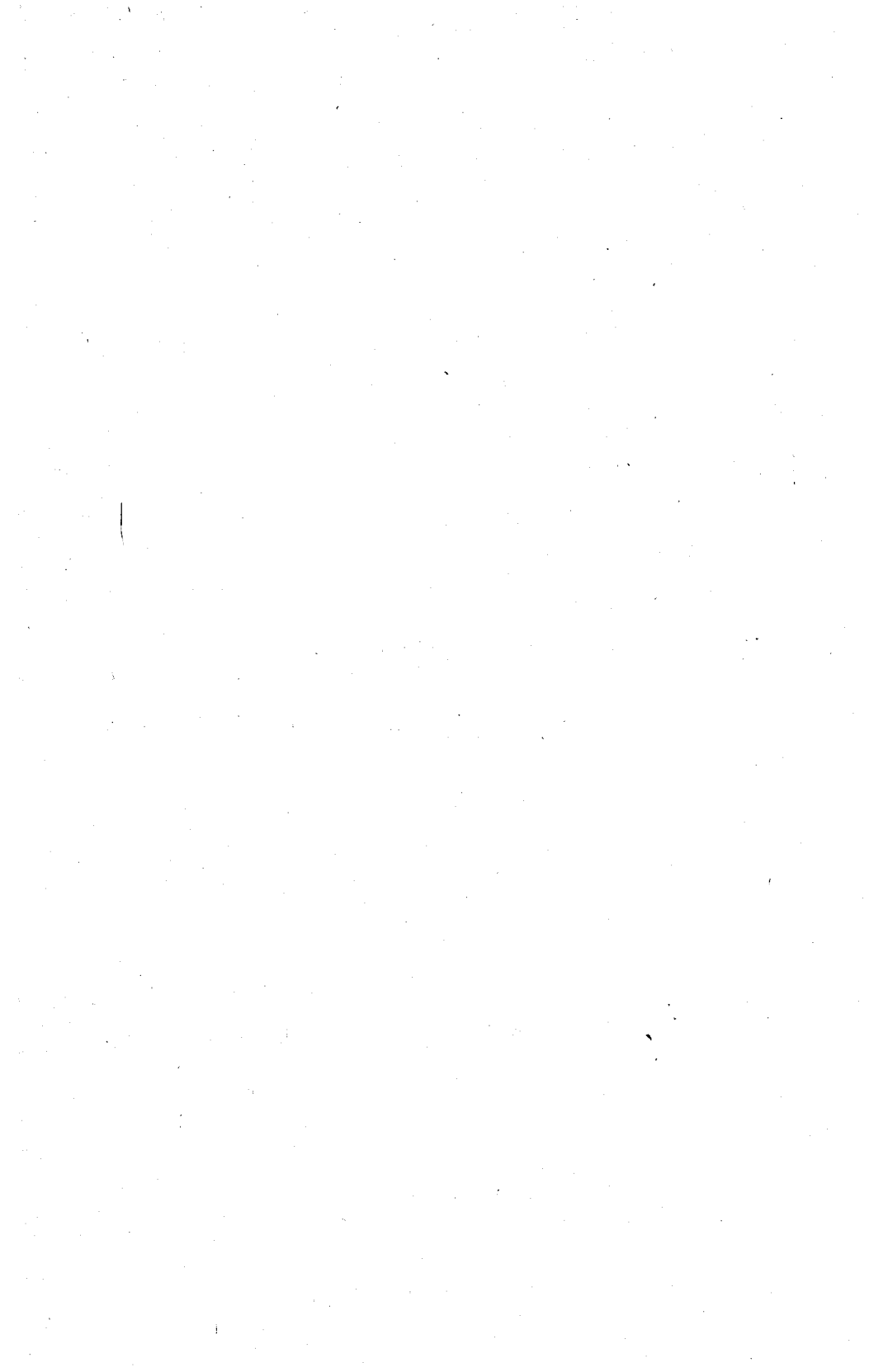
BOB RUSH

S-3730

1 Amend House File 381 as follows:

2 1. Page 1, by striking lines 9 and 10 and insert-
3 ing in lieu thereof the following: "[and a]; a percent-
4 age arrangement *between the hospital and the doctor or*
5 *a relationship of employer and employee between the*
6 *hospital and a board certified pathologist or radiologist*
7 is not".

EUGENE M. HILL



RESOLUTIONS AND BILLS
APPROVED, VETOED OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT

Resolutions and bills approved, vetoed or item vetoed by the Governor and transmitted to the Secretary of State after the close of the 1977 Regular Session.

- S.J.R. 11— To authorize an interim study of the public retirement systems in this state and to make an appropriation. Approved July 8, 1977.
- S.F. 5— To provide for board of directors meetings of nonprofit corporations by conference telephone or similar communications equipment. Approved June 29, 1977.
- S.F. 7— Relating to contract and bidding procedures for the repair or construction of county buildings. Disapproved July 10, 1977. See Governor's veto message.
- S.F. 31— To create a substance abuse rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of substance abusers. Disapproved July 13, 1977. See Governor's veto message.
- S.F. 42— Relating to county health centers. Approved June 30, 1977.
- S.F. 112— Relating to correction programs by providing work adjustment and training positions at the Riverview release center and requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, extending the work release program, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code. Approved July 10, 1977.
- S.F. 118— Declaring the multiflora rose to be a noxious weed. Approved July 12, 1977.
- S.F. 140— Relating to the taxation of corporations and financial institutions to provide for the allocation of certain corporate income to this state for corporate income tax purposes, to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, providing penalties, and making certain provisions of the Act retroactive. Approved June 17, 1977.
- S.F. 156— Appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development. Approved June 17, 1977.
- S.F. 162— Making an appropriation to the judicial department. Approved June 29, 1977.
- S.F. 163— Making appropriations to various executive and legislative departments and other councils and commissions. Approved June 29, 1977.
- S.F. 167— Relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample

registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, gold stars on county sheriff's patrol vehicles, the elimination of the requirement for completion of a driver education course to obtain a motorized bicycle license, changing the requirements of perfection of certain security interests, use of a social security number on motor vehicle license applications, special permits for rubbish collection vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issuance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four-year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, relating to the width and length of buses which may be operated on the highways of this state, the exemption of vehicles four tons or less from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations. Approved June 30, 1977.

- S.F. 185— Making appropriations to the department of justice. Approved June 29, 1977.
- S.F. 195— Increasing fees for permits to carry weapons. Approved July 8, 1977.
- S.F. 197— Relating to and appropriating funds to various regulatory and finance agencies and departments. Approved June 30, 1977.
- S.F. 213— Increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates. Approved June 30, 1977.
- S.F. 214— Relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state. Approved July 9, 1977.

- S.F. 233— Making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards. Approved June 29, 1977.
- S.F. 234— Making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners. Approved June 29, 1977.
- S.F. 238— Relating to business corporations. Approved July 5, 1977.
- S.F. 239— Relating to nonprofit corporations. Approved July 5, 1977.
- S.F. 251— Amending the criminal code revision to allow museums to possess offensive weapons solely as relics. Approved June 30, 1977.
- S.F. 259— Permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty. Approved July 13, 1977.
- S.F. 267— Establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board. Approved June 30, 1977.
- S.F. 280— Relating to the disposition of a decedent's property. Approved July 9, 1977.
- S.F. 289— To propose changes in the rules of criminal procedure. Approved July 10, 1977.
- S.F. 290— Relating to the sale of beer on Sunday. Approved July 12, 1977.
- S.F. 297— Relating to fraudulent practices and appropriating funds for the enforcement of aid to dependent children, medical assistance, and supplemental assistance laws. Approved July 10, 1977.
- S.F. 299— Making an appropriation to the state board of regents for allocation to reimburse institutions of higher education under control of the board for deficiencies in operating funds. Approved June 30, 1977.
- S.F. 301— Making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents. Approved June 29, 1977.
- S.F. 302— Appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse. Approved June 30, 1977.

- S.F. 311— Relating to the authority of the state conservation commission to provide fire protection for its property. Approved July 11, 1977.
- S.F. 312— Requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license. Approved July 12, 1977.
- S.F. 318— Making technical changes of a corrective nature to the criminal code revision. Approved July 10, 1977.
- S.F. 319— Amending the criminal code revision so that a liaison officer shall preside over a probable cause hearing regarding violation of parole. Approved June 17, 1977.
- S.F. 329— Correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code. Approved June 17, 1977.
- S.F. 337— To provide a funding system for unemployment compensation benefits. Approved July 10, 1977.
- S.F. 344— Relating to and appropriating funds for capital improvements of the state fairgrounds and for capital improvements under the jurisdiction of the state conservation commission, providing for a review of a capital project, directing the opening of certain roads, providing for a study of the Missouri river, providing funds to the department of agriculture for purchasing or converting scale trucks, providing funds to assist with capital improvements of the Herbert Hoover birthplace foundation, and authorizing the payment of a special assessment. Approved July 13, 1977.
- S.F. 349— To clarify and change the feticide provisions of the criminal code revision to conform to a recent United States supreme court decision. Approved June 17, 1977.
- S.F. 351— Establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease. Approved June 23, 1977.
- S.F. 355— Changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit. Approved July 13, 1977.
- S.F. 362— To legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties. Approved June 30, 1977.

- S.F. 363— To make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the general assembly, to provide that consents to adoption obtained prior to January 1, 1977, shall be unaffected by the termination requirements which become effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights. Approved June 29, 1977.
- S.F. 371— Extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor. Approved June 29, 1977.
- S.F. 377— Relating to the development of air carrier service in the state by the state department of transportation. Approved July 12, 1977.
- S.F. 379— Relating to the platting of land. Approved July 13, 1977.
- S.F. 383— Relating to indemnification and defense of employees of the state in cases arising under federal or state constitutions, statutes or regulation and making the Act retroactive. Approved June 30, 1977.
- S.F. 390— Relating to the authority of public members of examining boards. Approved June 29, 1977.
- S.F. 393— Relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements. Approved July 13, 1977.
- S.F. 394— Relating to the barrel tax rebate contained in chapter one hundred twenty-three (123) of the Code. Approved July 6, 1977.
- S.F. 395— Relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public. Approved July 13, 1977.
- S.F. 402— To legalize and validate the proceedings for the organization and operation of the Missouri basin municipal electric cooperative association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken

by Missouri basin municipal electric cooperative association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri basin municipal electric cooperative association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977, and a certain transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative dated November 30, 1976, to have been legally taken. Approved July 11, 1977.

- S.F. 408— To legalize proceedings taken by the board of education of the Harmony community school district relating to the sale of certain land. Approved June 29, 1977.
- S.F. 409— Appropriating funds to the office of the Code editor. Approved June 29, 1977.
- S.F. 414— To appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the sixty-seventh general assembly, 1977 session. Approved July 11, 1977.
- S.C.R. 30— Authorizing the board of regents to issue \$15.5 million in revenue bonds for various utility projects at the three universities and approving the ten-year building plan of the board of regents at the three universities. Approved June 29, 1977.
- H.F. 57— To revise the statutes governing Iowa state industries, to establish a state prison industries advisory board, and to authorize the director of the division of adult corrections to lease facilities on the grounds of any state adult correctional institution to a private corporation for the purpose of operating a venture employing inmates of that institution, and requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids. Approved July 8, 1977.
- H.F. 60— To amend the uniform controlled substances act with respect to the substance chlordiazepoxide, listed in schedule IV. Approved June 30, 1977.
- H.F. 64— Providing for flexible full-time employment for state employees. Disapproved July 13, 1977. See Governor's veto message.
- H.F. 70— Repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years. Approved June 30, 1977.
- H.F. 74— To provide program activities for residents of county care facilities. Approved June 30, 1977.

- H.F. 75— Providing for the promulgation of energy efficiency standards for buildings and factory-built structures in the state building code. Approved June 23, 1977.
- H.F. 85— Relating to the number of times a person may change his or her name. Approved July 7, 1977.
- H.F. 158— Relating to the storage and transportation of flammable and combustible liquids. Approved July 7, 1977.
- H.F. 163— 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. Approved July 13, 1977.
- H.F. 210— To provide for the development of a state land preservation policy. Approved June 30, 1977.
- H.F. 249— Relating to interstate motor vehicle permits, providing for permanent and single trip interstate permits and revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders. Approved June 30, 1977.
- H.F. 251— Relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws. Approved July 13, 1977.
- H.F. 267— Relating to the investment of certain funds in the custody of the clerk of the district court. Approved June 30, 1977.
- H.F. 279— Relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties. Approved July 7, 1977.
- H.F. 287— Relating to child custody in dissolution of marriage cases. Approved June 29, 1977.
- H.F. 305— Relating to legalizing the sale of real estate by school districts. Approved June 30, 1977.
- H.F. 327— Making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense. Approved July 10, 1977, with the exception of Sec. 4, subsections 5 and 7. See Governor's item veto message.
- H.F. 332— Relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, providing a temporary delay in the phaseout of personal property taxes, making changes in the procedures for assessment and valuation of certain taxable property, creating a legislative study committee to study the present tax structure, making appropriations, and making certain provisions of this Act retroactive. Approved July 12, 1977.

- H.F. 338— To provide that corporations organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code. Approved July 9, 1977.
- H.F. 354— To require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations. Approved July 13, 1977.
- H.F. 358— To amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral. Approved June 29, 1977.
- H.F. 385— To provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive. Approved July 11, 1977.
- H.F. 406— Relating to the investment of police and fire retirement system funds. Approved July 9, 1977.
- H.F. 408— Relating to the improvement and maintenance plans of county conservation boards. Approved July 13, 1977.
- H.F. 421— Relating to the weighing of bulk commodities by hopper scale or belt conveyor. Approved July 7, 1977.
- H.F. 437— 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. Approved July 7, 1977.
- H.F. 444— Authorizing the department of agriculture to establish an aujeszky's disease control program and providing penalties. Approved June 23, 1977.
- H.F. 464— Relating to the administration and financing of current programs under the jurisdiction of the department of social services and to funding of capital improvement projects including capital improvement projects recommended by the advisory commission on corrections relief. Approved July 11, 1977, with the exception of Sec. 13, subsection 1; Sec. 17 and Sec. 25, subsection 2. See Governor's item veto message.
- H.F. 490— Relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty. Approved July 7, 1977.

- H.F. 536— To change the title of the low-rent housing law chapter of the Code to the municipal housing law. Approved June 24, 1977.
- H.F. 546— Relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs. Approved July 11, 1977.
- H.F. 558— To make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members. Approved June 29, 1977.
- H.F. 569— Providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities. Approved July 7, 1977.
- H.F. 573— Appropriating funds to Iowa state university of science and technology for coal research and to the energy policy council for energy research and development. Approved June 29, 1977.
- H.F. 582— To permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and members of the general assembly, and making certain sections retroactive. Approved July 12, 1977.
- H.F. 584— Making appropriations to the department of general services and the executive council for capital improvements. Approved July 5, 1977.
- H.F. 594— Relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty. Approved July 10, 1977.
- H.F. 595— Relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program. Approved June 29, 1977.
- H.F. 597— To appropriate funds to the department of health for the purpose of extending public health nursing services, visiting

nurse services, and homemaker-home health aide services to additional low-income elderly persons. Approved July 10, 1977.

H.F. 615— Appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board. Approved June 30, 1977.

H.F. 622— Appropriating funds for capital projects at institutions under the control of the state board of regents and merged area schools. Approved July 6, 1977.

GOVERNOR'S VETO MESSAGES

July 10, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby enclose Senate File 7, an Act relating to contract and bidding procedures for the repair or construction of county buildings which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

The purpose of this bill appears to be to grant counties an exemption from bidding requirements when emergencies or very minor repairs are necessary for county buildings.

I agree that there should be provisions for an exception to bidding procedures in cases of emergency. When repairs are urgently necessary to prevent further damage to a building and which reasonably cannot be delayed to comply with either formal or informal bidding procedures, county governments should be given the flexibility to move swiftly.

Unfortunately in writing Senate File 7, the legislature struck current language which requires counties to accept the lowest responsible bid. The purpose of public bidding is to ensure that contracts are let for the lowest responsible price. To delete this requirement abrogates the intent of bidding.

I would accept similar legislation next year if it maintained the current requirement for accepting the lowest responsible bid. I would also support enthusiastically an effort to bring all local governments under a uniform bidding procedure as I have proposed during the past several years. Such a uniform bidding procedure could assure open and honest bidding and provide for emergencies that confront local governments.

For the reasons I have outlined above, I hereby respectfully disapprove of Senate File 7.

Sincerely,
ROBERT D. RAY
Governor

July 13, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

Senate File 31, an Act to create a substance abuse rehabilitation and prevention fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of substance abusers, 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.

Senate File 31 imposes new liquor taxes on Iowans. While one can understand the motives behind the bill, the consequences of the liquor tax hikes warrant my veto.

Senate File 31 creates a "substance abuse rehabilitation and prevention fund" which is to be supported by revenues derived from an across-the-board tax increase of two percent on the purchase of alcoholic beverages and new taxes on beer of \$1.00 per barrel. The revenue from the new taxes would be *earmarked* exclusively for the rehabilitation and treatment of alcoholics and drug abusers, with one-half of the revenue to be remitted to counties on a per capita basis and the remaining funds to be made available to the new State Department of Substance Abuse. In addition, Senate File 31 repeals the 15 percent surtax liquor licensees currently pay on purchases of liquor at state stores and directs the Beer and Liquor Control Department to increase prices on all purchases to make up for the lost revenue.

The deficiencies in the present funding system for local alcoholism programs have moved county governments to press for major changes. Insufficient budget and program controls over local alcoholism programs have left the state and its counties with the responsibility of financing the programs regardless of how costly or ineffective they are. When state funding has proved to be inadequate, counties have sometimes chosen to pay more than their intended 25 percent share.

House File 594, which merges the alcoholism and drug abuse treatment programs on a statewide basis, should help to alleviate some of this problem. That bill imposes much stricter financial and program controls and review

procedures over local treatment programs. Funds can be withheld from programs which do not meet licensing standards or provide unnecessary, duplicative or overlapping services.

In addition to the merger bill, county governments worked successfully for the passage of Senate File 31 and its provision for an earmarked liquor tax increase to finance treatment programs.

I have long believed that for most purposes earmarking tax funds for a specific use is poor public policy. When a government program is financed from earmarked revenues, it is removed from the regular budget process. It becomes shielded from the essential scrutiny the executive and legislative branches employ to ensure that public funds are spent in the most productive and cost-efficient manner. Since the earmarked funding source is assured year in and year out, the recipient program has a tendency to become less responsive to the elected representatives of the people. The audit reports on local alcoholism programs from the past several years indicate that this appropriation warrants careful review.

Senate File 31 provides no reversion clause for the funds which will be distributed to the counties from the earmarked tax receipts. Since the money can only be used for treatment and rehabilitation expenses, it can be assumed that existing programs will expand to sop up the extra funds made available by the bill. Thus we will experience one of the pitfalls of earmarking, that of program activity in some cases being determined not by the public need for it but by the availability of funds.

In the case of alcoholism programs, some experts express a special concern about earmarking. The Funding Task Force of the North American Congress on Alcohol and Drug Problems reported that earmarking taxes for alcoholism effectively removes the illness from the general health area and establishes it in the public mind as a condition that is somehow different than other health problems. They believe that alcoholism is a multi-faceted disease which is the responsibility of society in general to provide treatment programs for alcoholics.

I appreciate the present difficulties counties experience in funding alcoholism treatment programs. We must work to develop a better financing method. Nonetheless, I cannot support the funding approach contained in Senate File 31. When I first became Governor, we instituted and funded an alcoholism program that didn't exist before. I continue to support responsible and adequate treatment programs for those who suffer from the disease of alcoholism.

The earmarking alone will raise \$4.4 million to defray the counties and state's cost of the treatment of individuals. Little planning has been incorporated into the state or county budgets on how these new monies will be used during FY 78, the year in which the funds would first become available. The impact of the lack of planning is compounded by Blue

Cross/Blue Shield's decision to select Iowa as a pilot state where they will pay the total cost of an individual's treatment, relieving government of that obligation. At the same time, other factors, such as pending federal legislation and regulations, may have additional impact on alcoholism funding. We should not launch a major funding program when the agencies involved haven't even planned for the use of those funds.

The merger of the funding provisions for alcoholism and drug abuse treatment programs contained in House File 594 will mark a departure from the present financing system. Counties will be responsible for the first time to pay 25 percent of the cost of drug abuse programs in addition to alcoholism treatment programs. Before this new funding mechanism becomes effective—which I intend to delay by Executive Order—state and county governments should work cooperatively to determine what is the most appropriate funding method to sufficiently and equitably finance treatment programs. We should move promptly during this interim so that a precise recommendation can be made in time for consideration by the 1978 session of the legislature.

During the legislative session, I repeatedly voiced my opposition to the earmarking of liquor funds. I hope no one will now be surprised to learn that I meant it.

Originally the earmarked liquor tax increase was the only tax increase contained in Senate File 31. However, in the waning moments of the legislative session a provision was added which will increase the retail price of liquor by approximately five percent. This additional increase is necessitated to replace the loss of revenue caused by the legislature's repeal of the 15 percent markup liquor licensees pay for the purchase of their liquor.

The 15 percent surtax originated as a replacement for the 10 percent sales tax liquor licensees were required to collect when liquor by the drink first became legal in Iowa in 1963.

The obvious impact of the repeal of the 15 percent markup will be to lower the price of liquor for a few—the liquor licensees—and to increase the price of liquor for all purchasers. The five percent increase in price comes on the heels of the two percent earmarked tax and an earlier five percent increase in price. There is no indication that liquor licensees would necessarily pass their savings from the repeal of the 15 percent surtax on to their customers.

Senate File 31 does not coordinate the timing of the repeal of the surtax and the general price increase. The repeal is to take effect immediately, while the Beer and Liquor Control Department is directed to increase prices not until January 1, 1978. During this interim the state might have to do without the revenues from either the 15 percent surtax or the general price increase. That would cause a loss of up to \$3 million in the general fund.

Because they buy in volume, liquor licensees believe they should not be subject to higher prices than the general public must pay for liquor. Especially in border areas, the pricing differential has led to enforcement problems as some licensees attempt to evade the higher prices. Liquor licensees should keep in mind that liquor prices in Iowa are marked up less than the national average for control states. If liquor licensees want to pursue the effort to repeal the 15 percent surtax, it can be debated before the legislature under the bright lights of public visibility.

For the above reasons, I hereby veto all the provisions of Senate File 31.

Sincerely,
ROBERT D. RAY
Governor

July 13, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby enclose House File 64, an Act relating to flexible full-time employment for state employees which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

House File 64 directs state agencies to make available up to 10 percent of the positions in each class of employment for flexible full-time employment. It defines flexible full-time employment as "full-time employment of at least forty hours a week where the employee works either a compressed work week or a flexible time schedule . . ."

In a spirit that is unbecoming the concept, House File 64 moves to implement flex time for state employees in an inflexible and arbitrary manner. The intent of the bill's authors was to provide flex time opportunities for employees wherever possible if it were appropriate. To accomplish this end, the bill requires that positions in each class of employment in every agency shall be made available for flex time. It does not state that the use of flex time should provide for improved service to the public or greater efficiencies for the agencies. In fact, the only waiver that can be granted from the minimum requirement is if the Merit Commission Director determines that "compliance would be substantially disruptive of the ability of the agencies to discharge its duties."

As in private business, flex time lends itself better to some government operations than to others. Whereas a particular agency or department might be able to place more than one-half of its staff on flex time, another agency,

because of its size or nature of its business, might be able to provide very limited opportunities for flex time. Management prerogatives should be maintained so flex time can be adopted in the most productive manner for not only employees but also state government and the public as well.

The concept of flex time has merit. In addition to providing flexibility and convenience to employees, it can provide improved service to the public by keeping offices open longer and enabling agencies to achieve greater efficiency in utilization of staff.

State government is no newcomer to flex time for several state agencies have already experimented with this concept. The Geological Survey and the Department of Job Service had mixed success with the results of their experiments with flex time. Additional agencies are planning to adopt the use of flex time at this time and intend to implement it on an orderly and systematic basis.

We should determine in what manner flex time can best be utilized in state government. Rather than implement it arbitrarily, good management principles dictate that we should approach it in a logical manner. We find there are other methods more compatible with this approach than House File 64. Therefore, I have decided to veto this bill.

At the same time, I am issuing an Executive Order requiring each agency of the Executive Branch of government to submit to me by September 15, 1977, a plan outlining the use of flex time for the department and a schedule for the implementation of flex time for its employees within the following six months. Lest this action be underestimated, the impact of the Executive Order will be substantially greater than had we relied on House File 64. As an example, the Department of Transportation is moving today to initiate flex time opportunities for the 1,000 of its employees who work at the Ames headquarters. This alone is almost three times more than the bill sets as a minimum to be achieved as of July 1, 1978. I am enclosing a copy of my Executive Order.

Those who support House File 64 should recognize that despite the veto of the bill, the action I have taken today will insure far greater opportunities for flex time.

Sincerely,
ROBERT D. RAY
Governor

STATE OF IOWA
Executive Department
In the Name and by the Authority of the State of Iowa

EXECUTIVE ORDER NUMBER 25

WHEREAS, Iowa State Government has endeavored to establish progressive and innovative programs to provide more efficient service for its citizens and improved working conditions for its employees; and

WHEREAS, in this effort the State has experimented with flexible time, a concept which departs from the traditional five days per week and eight hours per day job schedule to provide employees with alternative work schedules; and,

WHEREAS, the Iowa Legislature expressed its interest in greater utilization of flex time for state employees by passing House File 64; and,

WHEREAS, House File 64 is a mandatory and arbitrary approach to the implementation of flexible time; it sets quotas whether achievable or not; it is not in all cases workable nor does it necessarily make the best use of the potential of employees; and,

WHEREAS, state government is no newcomer to this concept for several state agencies have already experimented with flex time and other agencies have initiated plans to adopt the use of flex time, and will implement them on an orderly and systematic basis; and,

WHEREAS, each state agency should review carefully flex time to determine how it can best be utilized;

NOW,

THEREFORE, I, Robert D. Ray, Governor of the State of Iowa, do hereby require each state agency in the Executive Branch of Iowa government to submit to me by September 15, 1977, a plan outlining the use of flex time for the department and a schedule for the implementation of flex time for its employees. The plan shall include the number of employees to be offered flex time and those who will be exempt; how the plan will benefit the agency's employees; a description of how flex time will achieve greater efficiencies for the agency as well as improved service to the public; any alternative suggestions for work arrangements in addition to flex time; and the specific time schedule for the implementation of an approved departmental flex time proposal.

An agency director, who, because of the size or nature of the business of the agency, believes that there might be valid reasons for not engaging in the use of flex time, shall submit an alternative report outlining those reasons and

any alternative approaches as possible substitutes. Employees who are members of certified public bargaining units shall not be covered by flex time arrangements without the consent of their unions. Employees who are not subject to regularly scheduled work weeks throughout the year will be exempted from coverage as well as managerial and confidential employees.

Subsequent to the review of its submitted report, each agency, in consultation with the Merit Commission and the Comptroller's Office, shall proceed to implement its approved flex time schedule on an orderly basis within six months of September 15, 1977.

(Seal)

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 13th day of July in the year of our Lord one thousand nine hundred seventy-seven.

ROBERT D. RAY, Governor

Attest:

MELVIN D. SYNHORST
Secretary of State

GOVERNOR'S ITEM VETO MESSAGES

July 10, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit House File 327, an Act making appropriations to and relating to the financing of agencies who responsibilities relate to transportation, public safety, and public defense.

House File 327 is approved July 10, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Subsection 5 of Section 4 which reads as follows:

"5. It is the intent of the general assembly that the state participation in renting telecommunication terminals which are located in local criminal justice agencies be reduced from the current seventy-five-twenty-five percent state-to-local match, to a fifty-fifty percent state-local match effective July 1, 1977, and to a twenty-five-seventy-five state-to-local match effective July 1, 1978."

I am also unable to approve the item designated as Subsection 7 of Section 4 which reads as follows:

"7. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with 'on duty' members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws."

The first item lowers the current 75%-25% state-to-local match for the renting of TRACIS terminals to 50%-50% match effective July 1, 1977, and to 25%-75% match effective July 1, 1978. County and city law enforcement agencies which currently operate 80 of the telecommunication terminals pay \$100.00 a month in rental charges. The fee would increase to \$198.00 per month this year and \$297.00 next year under this item. The increase—a total of \$100,000—for local governments enabled the legislature to shave the same amount from our recommendations for the Department of Public Safety.

Local budgets for the next fiscal year were finalized long before this bill reached final passage. Assuming the match provision for TRACIS terminals would remain the same as it had for the previous five years, law enforcement officials had asked their governing boards for no increase in funds. The shift in the rental charges from the state to the local level comes too late for the local law enforcement agencies to adjust their budget askings. Now they will either have to squeeze funds from other programs or drop their TRACIS terminals altogether, as two agencies did in the past month.

At a time when the state is limiting the growth of property taxes, it is undesirable to shift costs to local governments, especially when they cannot adjust for the extra burden. While a case may be made for a different sharing of the TRACIS costs than presently exists, the legislature should not embark on such a course without adequate notice to and cooperation with local governments.

By item vetoing this provision, a greater financial responsibility is placed on the Department of Public Safety. I intend to ask for a deficiency appropriation at the beginning of the next session to cover the difference.

The second item, which is permissive in nature, provides that the Department of Public Safety may seek the cooperation of the Iowa National Guard to enforce traffic control and safety laws at large public gatherings which may require additional enforcement facilities.

The Department of Public Safety is not anxious for this authority. In asking for an item veto of the provision, the Commissioner noted that there is an on-going excellent working relationship between the Department and the Guard in response to various natural and man-made disasters. The authority of the Governor to call out the Guard at any time makes the provision unnecessary.

The item was offered with understandable motives. Its author saw it as a means to promote the Guard before large groups and encourage training in crowd control. I share his belief that we need to encourage recruitment in the Iowa National Guard. However, there are better ways to accomplish increased recruitment than this provision.

We should retain the present system for calling out the National Guard. People enter the Guard with the understanding they won't be called away from their jobs and homes for just any reason. It would be unwise to diffuse the authority to call out the Guard.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 327 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

July 11, 1977

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit House File 464, an Act relating to the administration and financing of current programs under the jurisdiction of the Department of Social Services and to funding of capital improvement projects including capital improvement projects recommended by the Advisory Commission on Corrections Relief.

House File 464 is approved July 11, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 1 of Section 13 which reads as follows:

"1. It is the intent of the general assembly that the activities and services provided by the department of social services at the Riverview release center at Newton shall be phased out during the 1977-1978 fiscal year. The budget for the work release halfway houses funded through the Riverview release center shall not be reduced and shall be transferred to community based corrections for administrative purposes at such time as is appropriate. However, the physical structure and fixtures of the Riverview release center shall not be altered except for normal repair and maintenance until such time as the general assembly shall otherwise provide."

I am unable to approve the item designated in the Act as Section 17 which reads as follows:

"Sec. 17. The department of health shall delay implementation of the department of health licensure rules for intermediate care facilities as published in the Iowa Administrative Code 'Health (470) chapter 58'. The department, upon consultation with the health facilities advisory committee, shall review these rules which exceed the federal Title XIX guidelines for intermediate care facilities. All such modified rules approved by the department of health shall be resubmitted to the administrative rules review committee. The department of health may promulgate rules in areas not addressed by federal regulations."

I am unable to approve the item designated in the Act as Subsection 2 of Section 25 which reads as follows:

"2. Notwithstanding the provisions of chapter one thousand forty-three (1043) of the Acts of the Sixty-sixth General Assembly, 1976 Session, funds appropriated by section one (1), subsection four (4) of such chapter remaining unexpended on the effective date of this Act shall be used for the conversion of the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to a minimum security facility. The conversion shall provide for making necessary repairs and separating the upper floor of this minimum security dormitory into rooms."

Section 13, Subsection 1 requires the Department of Social Services to phase out the operations of the Riverview Release Center at Newton during

FY 78. The Advisory Commission on Corrections Relief recommended that the center as a prerelease facility be phased out in the belief that the traditional way station between prison and community has become less necessary with the establishment of our community corrections program.

However, subsequent to the offering of the proposal to phase out Riverview, the legislature also added a provision to Senate File 112, the community corrections bill, calling for the creation of an inmate employment program at Riverview which would be consistent with the Commission's advice on training. Through a cooperative arrangement between the Departments of Transportation and Social Services, men and women inmates will be trained by Transportation, become employees of the Department for no more than one year, and then move from there to other employment in private industry.

We favor more vocational training and job opportunities for inmates so they will be more adequately prepared to reenter society. If the inmate employment program at Newton is to be the success hoped for, it must be allowed to operate under favorable conditions. Under the phase out provision of this bill, the Riverview administrators would be hard pressed to know whether to proceed full speed ahead on the employment program or hold back in preparation for the shutdown mandated at the end of the year. We believe that this employment program should be supported and in order to do that Riverview should not be phased out at this time.

The major thrust of Riverview during FY 78 will be the inmate employment program. Three quarters of the population of the institution will be participating in the job training endeavor. A report on the initial operation of the program is to be submitted by February, 1978. If at that time the legislature decides to phase out Riverview, they will have ample time to affect the appropriation for FY 79. That action need not be forced now.

Section 17 requires the Department of Health to delay implementation of its revised health licensure rules for intermediate care facilities and in consultation with the Health Facilities Advisory Committee to determine if any exceed federal guidelines. Any rules modified under this review shall be submitted to the Administrative Rules Review Committee.

The Department of Health and the Health Facilities Advisory Committee completed a review and revision of the Department's licensure rules in December, 1976, after a two-year process. These new rules have been in operation since that time. A delay in implementation would leave the Department with no valid licensure rules for an indefinite period.

It was the consensus opinion of that group that these revised rules were efficient, workable, reasonable, and well-thought out. Mr. Larry Breeding, Executive Vice President of the Health Facilities Association of Iowa, wrote to me in December, saying:

"I do not believe I have ever seen a more hardworking, efficient, and industrious a group . . . The spirit of cooperation that existed between all facets of the committee was exemplary . . . I believe the work of this committee exemplified democracy at work (in reaching) reasonable and rational conclusions without a feeling of oppression."

Agreement still exists that the rules are exemplary and that they adequately set forth minimum requirements for intermediate care facilities. A point of contention has arisen, however, over the cost impact of the new rules. Such a cost impact statement was not included in the work of the Health Facilities Advisory Committee. There seems to be some fear that implementation of the new rules will result in costs that will strain the resources of the nursing homes.

At my request the Department of Health has conducted a rule-by-rule financial survey with the following summary results:

1. Requirements for construction will likely result in a net reduction in cost from the previous rules.
2. In the area of staffing requirements, particularly nursing care which has been of major concern, this survey indicates that any increase in the cost of licensed nursing care will be more than counter-balanced by a decrease in the requirement for nursing aide care, resulting in an overall decrease in the cost of minimum nursing care standards.

Section 17 does not address the pertinent issue—that of cost impact—but rather the adequacy of the rules as minimum standards. Further review of these licensure rules in terms of their fitness as minimum standards could be a costly and repetitive exercise. It also seems that the cost impact of the new rules will probably reduce the cost of minimum acceptable standards in each facility. The cost problems generated by the placement of patients requiring skilled care in intermediate care facilities is of concern also, and will be reviewed by the Department.

Nursing homes are not immune to increased costs as they provide quality care to their patients, but I do not presently see reduction of minimum care standards as one of the alternative solutions to that problem.

Further, a delay in implementation in the new rules will prevent the Department of Health from using the fining and citation powers granted last December and will allow inadequate and poor quality care, which was scheduled to be dealt with under this process, to continue for an indefinite period.

I believe it would be better not to halt the new rules but to monitor them

carefully with an eye toward modification any time cost savings could be implemented without jeopardizing minimum standards of care.

For these reasons, I thereby do not approve Section 17.

Section 25, Subsection 2 requires the conversion of the outside dormitory at Fort Madison to rooms for minimum security at a cost of approximately \$235,000. This increase would come at a time when the eligible population is decreasing due to wider use of probation, community-based corrections and work release programs. Currently, more than half the population at Fort Madison is serving sentences for crimes of violence, and one-third is serving sentences of more than twenty years. Both the percentage of the population committing violent crimes and the number of acts of violence by each individual have increased significantly in the last five years.

As of July 9, 1977, the Warden's office reported there were 864 men being housed at Fort Madison. One hundred fifteen of these were in minimum security, with an average six-month stay. These men generally move on to discharge, parole, work release, or through some violation of rules, including escape, are sent back inside the penitentiary. Thus, approximately 200-260 men are moved into minimum security during a year's time.

An examination of the files of the men at the penitentiary indicates that 206 are eligible for minimum security, meeting at least the following criteria:

1. No life sentence.
2. No sentence for violent offense or exhibition of violent behavior while incarcerated.
3. No escape history within one year of review.
4. No report greater than a reprimand in the past two months.
5. No loss of good time or removal from honor roll in last six months.

These minimum standards were established in April, 1977, and are considerably more lenient than earlier criteria. A summary of file information of the 206 who could possibly be eligible indicates that 115 are already in minimum security, leaving 91, of whom another 50 are not currently being considered for the following reasons:

1. New men in orientation.
2. In protective custody.
3. Medical problems requiring daily care.
4. Mental problems.
5. Escape histories.

6. Don't want minimum security.
7. Too elderly.

This leaves 41 eligible for consideration. At current turnover rates, these men, if they are approved during review, will be placed in minimum security within six months or less.

It seems, therefore, based on the current population that minimum security candidates are being placed expeditiously and that a sufficient roster of available candidates would not be found to fill another facility and keep it filled. In addition, the escape rate from minimum security has increased since the opening of the farm dorms, thus increasing security risks.

Finally, the conversion of the outside dormitory to minimum security poses three other problems:

1. There will be a significant increase in staffing costs for security, counselors, and cooks for the new facility, since separate services will have to be provided.
2. The proximity of this building to the main compound increases significantly the danger of contraband passing between the inmates outside the walls and those inside.
3. Other facilities will have to be found for part of the vocational training program now housed there.

I am, therefore, unable to approve the use of this appropriation contained in Section 25, Subsection 2.

I do, however, feel that the dormitory, being a building less than 15 years old and in good condition, should be fully utilized and am directing the Department of Social Services to plan for its appropriate use considering some of the following alternatives:

1. Housing for correctional officers recruited from outside the local area.
2. Expansion of vocational programs.
3. Division of open spaces into classroom units.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 464 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

**COMMUNICATIONS FROM THE
SECRETARY OF STATE
SUBSEQUENT TO ADJOURNMENT
1977 Regular Session**

July 20, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 140, was published in The Marion Sentinel, Marion, Iowa, on June 30, 1977, and in the Farmer-Labor Press, Council Bluffs, Iowa, on June 23, 1977.

I further certify that Senate File 288, was published in The Hartley Sentinel, Hartley, Iowa, on May 19, 1977, and in The Paullina Times, Paullina, Iowa, on May 19, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 22, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 622, was published in The Laurens Sun, Laurens, Iowa, on July 14, 1977, and in The Aurelia Sentinel, Aurelia, Iowa, on July 13, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 27, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 402, was published in the Union-Republican, Albia, Iowa, on July 14, 1977, and in The Independent, Hawarden, Iowa, on July 21, 1977.

I further certify that House File 444, was published in The Sioux City Journal, Sioux City, Iowa, on June 28, 1977, and in the Tama News-Herald, Tama, Iowa, on June 30, 1977.

I further certify that House File 582, was published in the Muscatine

Journal, Muscatine, Iowa, on July 19, 1977, and in the Iowa City Press-Citizen, Iowa City, Iowa, on July 21, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

August 9, 1977

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 332, was published in the West Des Moines Express, West Des Moines, Iowa, on July 28, 1977, and in the Marengo Pioneer-Republican, Marengo, Iowa, on July 21, 1977.

I further certify that House File 558, was published in the Quad-City Times, Davenport, Iowa, on July 6, 1977, and in The Sioux City Journal, Sioux City, Iowa, on July 9, 1977.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State



IN MEMORIAM

Senate

Foster, Harlan C.	Mar. 10, 1886—June 22, 1975
Graham, John Wesley	Jan. 19, 1902—Dec. 21, 1976
Hoxie, Frank Morris	Oct. 8, 1897—Aug. 2, 1976
Hush, Homer H.	July 14, 1889—Oct. 22, 1976
Lundy, Hugh W.	Aug. 28, 1893—Nov. 17, 1976
Nolin, Karl	July 25, 1907—Aug. 14, 1976
Roelofs, Garritt	June 6, 1900—Nov. 21, 1976
Van Drie, Rudy	Jan. 5, 1931—Oct. 13, 1976

HARLAN C. FOSTER

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Harlan C. Foster, begs leave to submit the following memorial:

Harlan C. Foster was born near Hastings, Nebraska, on March 10, 1886, the son of Charles and Arminda Foster. He was educated in a rural school and graduated from the Mount Pleasant Academy. He taught in public schools for three years.

He lived for 40 years on a farm in Henry County which had been in his family since 1853. He was engaged in livestock and general farming until moving to Mount Pleasant in 1953. He was married to Nellie L. Ross who died on March 4, 1975.

Mr. Foster was elected to the Iowa House of Representatives from Henry County and served from 1936 to 1942 during the Forty-seventh, Forty-eighth and Forty-ninth General Assemblies. He served in the Iowa Senate from 1942 to 1950 during the Fiftieth, Fifty-first, Fifty-second and Fifty-third General Assemblies.

He was a member of the Olds Consolidated School Board, the Prairie Gem Methodist Church and an honorary member of the Mount Pleasant Kiwanis Club.

Mr. Foster died at the age of 89 in Mount Pleasant, Iowa, on June 22, 1975; and is survived by his brother, Lloyd, of Los Angeles, California; two daughters, Mrs. John (Frances) Brown of Mount Pleasant, Mrs. George (Dorothy) Baier of Detroit, Michigan; and one son, Floyd of Crawfordsville, Iowa.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Harlan C. Foster, 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.

CHARLES P. MILLER, Chairperson
LOWELL L. JUNKINS
FORREST V. SCHWENGELS
Committee

The resolution was unanimously adopted.

JOHN WESLEY GRAHAM

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable John Wesley Graham, begs leave to submit the following memorial:

John Wesley Graham was born at Ida Grove, January 19, 1902, and lived to be 74 years of age.

A native of Ida Grove, Mr. Graham attended rural and town schools for his elementary education. He attended Cornell College at Mount Vernon, Iowa, for two years and was graduated from the University of Iowa in 1925, receiving a Bachelor of Arts degree.

Mr. Graham farmed near Ida Grove for eight years and was a farm loan agent two years, and the past 30 years managed farms for non-resident owners.

Mr. Graham was elected to the Iowa House of Representatives as the Republican member from Ida County in 1961 and served during the Fifty-ninth, Sixtieth, Sixty-first, Sixty-second and Sixty-third General Assemblies and was elected to the Iowa Senate from Cherokee, Ida, Sac and Calhoun Counties and served in the Sixty-fourth General Assembly.

He died in Ida Grove, Iowa, on December 21, 1976, and is survived by one brother, Leonard L. of Ida Grove and one half brother, Earl R. of Ida Grove. His wife, Alice Bassett Turin, preceded him in death. Mr. Graham left a considerable amount of his estate to charity.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable John Wesley Graham, 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.

C. JOSEPH COLEMAN, Chairperson
E. KEVIN KELLY
JOHN SCOTT

Committee

The resolution was unanimously adopted.

FRANK MORRIS HOXIE

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Frank Morris Hoxie, begs leave to submit the following memorial:

Frank Morris Hoxie was born at Shenandoah, Iowa, on October 8, 1897, the son of Frank and Daisy Teachout Hoxie. He was educated in the public schools of Lincoln, Nebraska, and Shenandoah and graduated from Iowa State University in 1918.

Mr. Hoxie was elected to the Iowa Senate from Fremont and Page Counties and served from 1954 to 1962 during the Fifty-sixth, Fifty-seventh, Fifty-eighth and Fifty-ninth General Assemblies. He was general chairman of the Iowa-Nebraska Boundary Study Committee from 1957 to 1961.

As a member of the United Methodist Church, he was a former chairman of the Board of Trustees. He was a member of the Tricentum Lodge and Kiwanis, a former president of the Fremont County Farm Bureau, treasurer of the Iowa and American Soybean Associations and a former Walnut Township trustee. He was president of Eisenhower's Highway Safety Council and chairman of the bond issue for the Shenandoah High School building.

Mr. Hoxie received the Skelly Oil Company Award in 1952 for achievements in agriculture, the Billion Dollar Bean Award in 1972 for the State of Iowa, the Shenandoah Education Association Outstanding Service Award in 1969, and the Shenandoah Lions Club Outstanding Citizen Award in 1966.

He died in Shenandoah, Iowa, on August 2, 1976, and is survived by his wife, Carrie, of Shenandoah; two sons, Maurice of Shenandoah and Wayne of Imogene and four grandchildren.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Frank Morris Hoxie, 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.

CALVIN O. HULTMAN, Chairperson
JAMES E. BRILES
TOM SLATER

Committee

The resolution was unanimously adopted.

HOMER H. HUSH

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Homer H. Hush, begs leave to submit the following memorial:

Homer H. Hush was born in Montgomery County, Iowa, on July 14, 1889. His parents were early settlers of the county. He was educated in the schools of Montgomery County and attended Simpson College.

Mr. Hush was elected to the Iowa House as the Republican Representative from Montgomery County in 1928 and 1930 and served in the Forty-third and Forty-fourth General Assemblies; and to the Iowa Senate in 1932 where he was the Senator from Mills and Montgomery Counties during the Forty-fifth and Forty-sixth General Assemblies. In 1936, Mr. Hush changed party affiliation and as a Democrat, headed the Iowa Farmers Committee for the re-election of President Roosevelt. He served as Assistant Secretary of Agriculture under Governor Nelson Kraschel.

He was also associate editor of Wallace's Farmer from 1942 until his retirement in 1956.

Mr. Hush died October 22, 1976, in Rochester, Minnesota, and is survived by three sons; Clarence of Emporia, Kansas, Howard of Grosse Pointe, Michigan, and Merle of Minneapolis, Minnesota; five grandchildren and six great-grandchildren.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Homer H. Hush, 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.

CALVIN O. HULTMAN, Chairperson
JAMES E. BRILES
TOM SLATER

Committee

The resolution was unanimously adopted.

HUGH W. LUNDY

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Hugh W. Lundy, begs leave to submit the following memorial:

Hugh W. Lundy was born at Spring Hill, Warren County, Iowa, on August 28, 1893, the son of James W. and Anna Peverly Lundy.

He graduated from Indianola High School in 1911 and from Simpson College in Indianola in 1915. Mr. Lundy also attended the University of Pennsylvania and the Wharton School of Commerce.

In 1916 he married June Skinner of Genoa, New York. They were the parents of a daughter.

Mr. Lundy was the principal of the Winterset High School in 1917 to 1918 and was principal of the Albia High School from 1918 to 1925.

In 1924 he graduated from the College of Law at Drake University and was admitted to the Bar. He practiced law in Albia and, for twenty years, served as the Albia City Attorney.

In 1936 Mr. Lundy was a delegate to the Republican National Convention.

He was first elected to the Iowa Senate from Marion and Monroe Counties in 1936 and served from 1937 to 1944 during the Forty-seventh, Forty-eighth, Forty-ninth and Fiftieth General Assemblies. In 1944 he ran for Lieutenant Governor in the Republican primary. He later returned to public service in the Iowa House of Representatives in which he was a member from Monroe County in 1947 and 1948 during the Fifty-second General Assembly. In the Senate he was, at different times, chairman of the committee on Mines and Mining and the committee on Public Utilities. He was the ranking member of the committee on Judiciary. During his service in the Senate he successfully sponsored many items of legislation including several relating to taxation.

During his life, Mr. Lundy was a member of many fraternal and service organizations. For twelve years he was the secretary of the Iowa Coal Institute and also president of the Iowa Association of Commercial Organization Secretaries.

He lived to be eighty-three years of age and died on November 17, 1976, at Ottumwa, Iowa. He is survived by a sister, Helen Whitnah, of Wayzata, Minnesota; and a daughter, Lorraine Knight of Berwyn, Pennsylvania. His wife predeceased him in July of 1967.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Hugh W. Lundy, 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 tenders 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.

KARL NOLIN

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Karl Nolin, begs leave to submit the following memorial:

Karl Nolin was born at Monroe in Jasper County, Iowa, on July 25, 1907, and lived to be 69 years of age. He was the eldest of four sons, including Bert of Ames, Harold of DeKalb, Illinois, and Wayne of Bondurant. He graduated from Bondurant High School and attended Iowa State University. He was united in marriage to Willa Colwell on June 19, 1936.

He was manager of the Farmers Cooperative Association of Ralston and Jefferson from 1934 to 1972 when he retired. He had been president of the Iowa Corn Growers Association, a director of Farmers Grain Dealers of Iowa, Farmers Elevator Service Company and the National Soybean Processors Association. He was the official representative of the American Soybean Council at the International Trade Fair at Jakarta, Indonesia, in 1962 and received the Agriculture Business Manager of the Year Award in 1970.

Mr. Nolin was a former member of the Iowa Development Commission and president of the St. Anthony Regional Hospital Board of Directors at the time of his death.

Mr. Nolin served as a State Representative from 1967 to 1968 during the Sixty-second General Assembly and as a State Senator, represented the 28th Senatorial District during the Fifty-fifth and Sixty-sixth General Assemblies from 1972 until his death on August 14, 1976, in Carroll, Iowa. He is survived by his wife, Willa; two daughters, Frankie Schwenk of Columbia, Maryland, and Gwen Childs of Gaithersburg, Maryland; two sons, Karl W., Jr., and Stephen, both of Spencer, Iowa; and six grandchildren.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Karl Nolin, 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.

C. W. HUTCHINS, Chairperson
JOHN N. NYSTROM
NORMAN G. RODGERS

Committee

The resolution was unanimously adopted.

GARRITT E. ROELOFS

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Garritt E. Roelofs, begs leave to submit the following memorial:

Garritt E. Roelofs was born in Prinsburg, Minnesota, and lived to be 76 years of age. He died at home in Grand Rapids, Michigan, of a heart condition.

Mr. Roelofs was educated at Calvin Preparatory School and Calvin College in Grand Rapids, Michigan. He taught at and was principal of the Christian High School of Holland, Michigan, and of schools in Edgerton, Minnesota, and Hull, Iowa.

Mr. Roelofs founded and published the Sioux Center News and was elected to the Iowa Senate from Lyon, O'Brien, Osceola and Sioux Counties in 1932 and served during the Forty-fifth and Forty-sixth General Assemblies. He later became the first director of the Iowa State Unemployment Compensation Commission.

He joined the U.S. Department of Agriculture in 1938 as North Central Regional Information Officer and later was advisor to the Office of Price Administration (OPA) on agricultural rationing and pricing policies.

After World War II, Mr. Roelofs served as a civilian consultant on the staff of General Douglas MacArthur during the occupation of Japan, and received a Meritorious Achievement Award for his work and a citation from the Japanese government.

He served with the Rockefeller Foundation in India and with Robert R. Nathan Associates in Burma. In 1960 he was an agricultural extension advisor with the Agency for International Development in Bogota, Colombia.

He is survived by his wife, Luella; a son, Gerritt W., both of Grand Rapids, Michigan; two brothers and three sisters.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Garritt E. Roelofs, 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.

LUCAS J. DE KOSTER, Chairperson
IRVIN L. BERGMAN
BERL E. PRIEBE

Committee

The resolution was unanimously adopted.

RUDY VAN DRIE

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Rudy Van Drie, begs leave to submit the following memorial:

Rudy Van Drie was born at Ashton, Iowa, January 5, 1931, the son of Gerrit and Sophia Van Drie. He graduated from Ocheyedan High School, Ocheyedan, Iowa, and Northwestern Junior College, Orange City, Iowa, in 1951.

Mr. Van Drie served in the infantry during the Korean Conflict and returned to complete his Bachelor of Arts degree at the University of Iowa in 1955. He moved to Ames and was associated for several years in clothing store enterprises.

On August 1, 1958, Mr. Van Drie married Gladys VanderWolde of Amherst, South Dakota. They had two daughters, Karen and Karla.

Mr. Van Drie established the Ames Advertiser in 1958 and was owner and publisher for the past 18 years. During those years, Mr. Van Drie expanded his business operations to include ownership and publishing of the Boone County Flyer and was a partner in the Knoxville Reminder. He served as

president of the Iowa Shoppers Association and was, at the time of his death, president-elect of the Ames Chamber of Commerce and national president of the National Association of Advertising Publications.

Mr. Van Drie was elected to the Iowa House of Representatives from Story County and served from 1966 to 1968 during the Sixty-second and the Sixty-third General Assemblies. He was Assistant Majority Leader in 1969 and 1970. In 1970 Mr. Van Drie was elected to the Iowa Senate from the 17th Senatorial District, including portions of Story, Jasper and Polk Counties, and served during the Sixty-fourth General Assembly.

While Mr. Van Drie served as State Senator, he was actively involved in supporting the parents responsibility bill and in securing the line-item appropriation for the Veterinary Medicine Building at Iowa State University. During his tenure in the Legislature, Mr. Van Drie earned the reputation as an energetic and dedicated friend of the employees of the Iowa Highway Commission.

Mr. Van Drie died at Ames on October 13, 1976, at the age of 45. He is survived by his wife, two daughters, his mother, three brothers and two sisters.

Therefore, Be It Resolved by the Senate of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Rudy Van Drie, 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.

JOHN S. MURRAY, Chairperson
DAVID M. READINGER
EARL M. WILLITS

Committee

The resolution was unanimously adopted.

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*Indicates Main Sponsor of Bill

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COUNTY GOVERNMENT, COMMITTEE ON—

Appointed and appointments to—150

Bills introduced—53, 158, 279, 307, 379, 380, 392, 397, 403, 404

Amendments filed—462, 1305

Amendments offered—489, 1363

Reports—462, 946, 947, 1305, 1673

Resolutions offered—679

Subcommittee assignments—243, 270, 397, 398, 463, 613, 615, 616, 694,
695, 696, 703, 704, 796, 797, 886, 887, 962, 1067, 1281

CRAFT, ROLF V.—Senator Eighth District

Bills introduced—75, 135, 223, 255, 270, 281, 291*, 295

Amendments filed—642, 654, 707, 1080, 1264-1265, 1376, 1398, 1491,
1673

Amendments offered—654, 707, 1491, 1702

Amendments withdrawn—1702

Committee appointments—361

Investigating committee appointments—201, 203, 204, 223-224, 243,
1047, 1048

Investigating committee reports—333, 423, 785, 1143-1144, 1261, 1280,
1395, 1760

Petitions presented—1082

Presided at sessions of the Senate—602, 1339, 1657

Reports—396

Resolutions offered—369-370, 1338

Rulings—602, 604

Standing committees and subcommittees appointed to—152, 153

Subcommittee assignments—269, 397, 398, 463, 524, 525, 613, 614, 696,
698, 699, 703, 961, 1066, 1397, 1398, 1529, 1530

CREDENTIALS, COMMITTEE ON—

Committee appointed—6

Reports—6-8

Report adopted—10

CULVER, LOUIS P.—Senator Twenty-seventh District

Bills introduced—JR 7; 19, 75, 135, 142, 151, 164, 177, 200, 209, 216, 255, 278, 281, 323
 Amendments filed—483, 787, 887, 949, 1080-1081, 1264
 Committee appointments—47, 70, 324, 1436, 1765
 Investigating committee appointments—202, 204, 205, 206, 224, 242, 853, 1048, 1395-1396
 Investigating committee reports—334, 417, 424-425, 496, 512, 595, 794-795, 870, 1143-1144, 1440
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 Reports—423, 982-983, 1670-1671
 Resolutions offered—309-310, 676
 Standing committees and subcommittees appointed to—152, 153
 Subcommittee assignments—269, 350, 398, 399, 464, 613, 614, 615, 616, 693, 694, 697, 698, 699, 887, 960, 961, 962, 1066, 1067, 1068, 1156, 1157, 1397, 1892

CURTIS, WARREN E.—Senator Third District

Bills introduced—1*, 8, 19, 24*, 39*, 41*, 230, 237, 293, 332*
 Amendments filed—62, 75, 120, 654, 1080-1081, 1099, 1176, 1264
 Amendments offered—62, 654, 1176
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 Appointed to Advisory Investment Board, IPERS—1883
 Appointed to Capitol Planning Commission—1883
 Committee appointments—324, 361
 Investigating committee appointments—200, 202, 207, 223, 224, 657, 840, 1048
 Investigating committee reports—333, 762, 794-795, 839-840, 945, 1143, 1143-1144, 1217-1218, 1819, 1822
 Petitions presented—356, 485, 538, 539, 722
 Presided at sessions of the Senate—992
 Reports—396, 423, 982-983
 Resolutions offered—369-370
 Standing committees and subcommittees appointed to—152, 153
 Subcommittee assignments—244, 269, 350, 398, 399, 463, 464, 694, 698, 699, 701, 702, 703, 704, 795, 796, 887, 960, 961, 1067, 1156, 1157, 1281, 1397, 1529, 1869, 1870

DE KOSTER, LUCAS J.—Senator First District

Bills introduced—8*, 43*, 134, 147*, 148*, 166*, 168, 199, 232*, 237
 Amendments filed—90, 116, 117, 119, 244, 589, 596, 665, 825, 853, 911, 925, 949, 996, 1094, 1125, 1189, 1208, 1211, 1317, 1353, 1532, 1674, 1714, 1717, 1718, 1879
 Amendments offered—90, 116, 117, 119, 589, 707, 951, 996, 1022, 1023, 1094, 1130, 1131, 1317, 1427, 1547
 Committee appointments—44-45, 423, 846-847, 1676, 1737, 1752, 1878
 Investigating committee appointments—201, 203, 205, 207, 222, 232, 334, 1202

Investigating committee reports—253-254, 339, 649, 658, 852, 1065, 1123, 1220, 1260, 1282
 Petitions presented—146, 985, 1423
 Reports—1633-1634, 1674, 1796, 1856-1858
 Resolutions offered—369-370
 Standing committees appointed to—153
 Subcommittee assignments—190, 244, 270, 350, 397, 398, 463, 525, 613, 614, 615, 700, 701, 703, 704, 796, 886, 1156, 1157, 1397, 1529, 1870

DODERER, MINNETTE F.—Senator Thirty-seventh District

Bills introduced—JR 6; 7*, 11*, 17*, 19, 38*, 42*, 68*, 75, 86*, 114*, 134, 171*, 183*, 191*, 255, 295*, 303*, 323, 331*
 Amendments filed—145, 413, 452, 569, 663, 729, 733, 742, 763, 771, 787, 871, 887, 905, 925, 928, 993, 1099, 1174, 1175, 1208, 1375, 1412, 1463, 1496, 1532, 1854
 Amendments offered—450, 452, 729, 742, 779, 791, 905, 928, 993, 1099, 1174, 1175, 1208, 1509, 1655, 1663, 1854
 Amendments withdrawn—452, 779, 1175, 1209
 Committee appointments—13, 846-847, 1878
 Investigating committee appointments—203, 205, 206, 207, 222, 233, 334, 841, 1047, 1188, 1303, 1334, 1396
 Investigating committee reports—339, 340, 371, 649, 658, 786, 934, 1006, 1078, 1280, 1374, 1439, 1439-1440, 1503, 1761
 Petitions presented—539, 627, 722, 723, 913, 1082, 1306, 1307, 1422, 1423, 1640
 Presided at sessions of the Senate—899, 924, 1042, 1094
 Reports—333, 384, 871, 948, 1221-1222, 1281, 1396-1397, 1462-1463, 1531, 1633-1634, 1713-1714, 1869
 Standing committees and subcommittees appointed to—152, 153
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(See Transportation, Department of)

DRAKE, RICHARD F.—Senator Thirty-eighth District

Bills introduced—JR 10; 9, 102, 199
 Amendments filed—113, 117, 119, 569, 596, 602, 633, 634, 670, 710, 763, 777, 813, 887, 903, 907, 949, 962, 1080-1081, 1135, 1264, 1264-1265, 1323, 1344, 1674, 1714, 1756, 1870
 Amendments offered—113, 117, 119, 602, 603, 633, 634, 663, 670, 710, 777, 813, 903, 907, 1018, 1135, 1344, 1681, 1690, 1722
 Amendments withdrawn—671, 1018, 1681
 Appointed to Interstate Cooperation Commission—385
 Committee appointments—623, 1765, 1878
 Investigating committee appointments—202, 204, 223, 233, 841, 853, 1303, 1637
 Investigating committee reports—417, 786, 870, 1006, 1078, 1143, 1374, 1439, 1760-1761, 1822

Petitions presented—723
Presided at sessions of the Senate—878
Reports—636-637, 1878
Resolutions offered—676
Standing committees and subcommittees appointed to—152, 153
Subcommittee assignments—243, 244, 269, 270, 350, 398, 463, 464, 616,
694, 701, 704, 795, 885, 886, 960, 961, 962, 1067, 1157, 1281, 1397,
1530, 1869, 1870

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Appointments to—385

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Appointed and appointments to—150
Bills introduced—JR 12; 296, 300
Amendments filed—425, 1007
Amendments offered—1193
Reports—425-426, 885, 947, 1007, 1049, 1352, 1462
Subcommittee assignments—269, 397, 464, 525, 614, 615, 700, 701, 703,
704, 796, 1067, 1156

EMPLOYEES—

(See Officers and Employees)

ENERGY, COMMITTEE ON—

Appointed and appointments to—150
Bills introduced—70, 103, 104, 258, 310, 322, 374
Amendments filed—825
Amendments offered—846
Reports—440-441, 825, 1098, 1155, 1203
Resolutions offered—679
Subcommittee assignments—243, 399, 525, 614, 699, 796, 797, 886, 887,
1156, 1157, 1281, 1529

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and/or Lieutenant Governor Arthur A. Neu)

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Legislative Chorus, directed by Representative Reid W. Crawford—1267

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- Senate File 61—Senator Hansen—538
- Senate File 61—Senator Junkins—569
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- Senate File 97—Senator Tieden—396-397
- Senate File 98—Senator Nolting—497
- Senate File 109—Senator Miller of Des Moines—497
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Senate File 185—Senator Hansen—1080
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Senate File 384—Senator Nolting—1504
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(See President of the United States, Congress and/or Federal Agencies)

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 Committee appointments—44, 1436
 Investigating committee appointments—201, 204, 207, 223, 224, 241-242,
 311, 853, 1048, 1188, 1303
 Investigating committee reports—482-483, 496, 658, 786, 794, 852, 894,
 909, 910, 1005-1006, 1065, 1143-1144, 1260, 1280, 1439
 Petitions presented—413, 826, 1871
 Presided at sessions of the Senate—1456
 Reports—70-72, 440-441, 679, 825, 1098, 1155, 1203, 1670-1671
 Resolutions offered—259, 309-310, 937, 1071-1072, 1417-1418,
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 Standing committees and subcommittees appointed to—152, 153
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GLENN, GENE W.—Senator Forty-fifth District

Bills introduced—89*, 95*, 139*
 Amendments filed—426, 569, 733, 836, 860, 935, 938, 1099, 1650, 1674
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 Amendments withdrawn—938, 1677
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 Investigating committee appointments—201, 203, 204, 205, 222, 232,
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 Investigating committee reports—423, 424-425, 339, 649, 720-721, 786,
 852, 1261, 1439, 1760
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 Petitions presented—626, 722, 912, 984, 1190, 1641, 1871
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HANSEN, WILLARD R.—Senator Eighteenth District, Assistant Minority Floor Leader

- Bills introduced—JR 6; 28, 145*, 146*, 164, 168, 183, 188*, 189*, 199, 226*, 228*, 249*, 277*, 293
- Amendments filed—60, 118, 244, 663, 746, 1008, 1080, 1099, 1421, 1463, 1737, 1847
- Amendments offered—60, 118, 746, 1089, 1110, 1193, 1737
- Amendments withdrawn—747, 1091
- Committee appointments—623
- Investigating committee appointments—203, 204, 207, 224, 233, 311, 334
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- Standing committees and subcommittees appointed to—152, 154
- Subcommittee assignments—464, 525, 614, 693, 700, 701, 703, 887, 1156

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- Bills introduced—JR 4*, 7*; 6, 14*, 15*, 40*, 96*, 283, 323
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- Amendments offered—775, 1112, 1341, 1407, 1408, 1409, 1411, 1425, 1449, 1489, 1490
- Committee appointments—13, 44, 1844, 1878
- Investigating committee appointments—202, 204, 205, 207, 224, 233, 241-242, 242, 657, 1047, 1303, 1396
- Investigating committee reports—333, 424, 595, 762, 794, 852, 910, 1078, 1202, 1220, 1420-1421, 1439, 1440, 1761, 1819

Petitions presented—538, 539, 626, 722, 826, 827, 828, 913, 984, 1422, 1423, 1640, 1871

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Bills introduced—JR 5*, 6*, 10; 9, 28*, 35* 50*, 69, 72, 135, 183, 219, 256*, 286*

Amendments filed—8, 61, 62, 64, 244, 297, 323, 351, 374, 390, 410, 450, 516, 714, 1292, 1294, 1346, 1385, 1407, 1490, 1505, 1547, 1551, 1674, 1703, 1742, 1745

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Presided at sessions of the Senate—649, 995

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Amendments filed—642, 763, 1080, 1099, 1264

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Investigating committee appointments—201, 203, 242, 841, 1048

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 911, 949, 962, 1080, 1264, 1264-1265, 1316, 1674, 1714, 1756, 1798
 Amendments offered—489, 602, 899, 920, 1313, 1316, 1798
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 Resolutions offered—676
 Standing committees and subcommittees appointed to—152, 154
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Bills introduced—2, 73*, 129, 150*, 151*, 168*, 177*, 293

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Bills introduced—93*, 412*

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MILLER, CHARLES P.—Senator Forty-second District

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MILLER, ELIZABETH R.—Senator Twentieth District

Bills introduced—JR 7; 3*, 4*, 19, 26*, 31*, 113, 164, 216, 255, 283, 293
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Amendments offered—831, 1211, 1236, 1410
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MINORITY FLOOR LEADER, Calvin O. Hultman, Senator Forty-ninth District
(See Hultman, Calvin O.—Senator Forty-ninth District, Minority Floor Leader)

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House File 594, S—3684—1743
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Motion to suspend Sec. 457.2 of Mason's Manual, Senate File 213, additional reconsideration—1320

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MURRAY, JOHN S.—Senator Twenty-first District

- Bills introduced—JR6; 5*, 18*, 72*, 114, 137, 143*, 168, 179*, 183*, 184*, 199, 242*, 269*, 274*, 315*, 348*, 368*,
- Amendments filed—118, 470, 473, 497, 569, 679, 768, 825, 871, 935, 983, 994, 995, 996, 1025, 1099, 1293, 1294, 1305, 1408, 1421, 1674, 1699, 1714, 1745, 1756, 1848, 1849
- Amendments offered—118, 473, 506, 709, 737, 768, 875, 989, 995, 996, 1025, 1129, 1131, 1132, 1293, 1408, 1699, 1744, 1848, 1849
- Amendments withdrawn—993, 1425, 1824
- Appointed to Aging, Commission on—385
- Committee appointments—12, 423, 1725, 1765, 1878
- Investigating committee appointments—204, 207, 208, 233, 242, 657, 841, 1047, 1048, 1757
- Investigating committee reports—581-582, 658, 786, 909, 934, 1065, 1187, 1219, 1374, 1757-1758, 1759, 1760
- Petitions presented—626, 627, 721, 827, 912
- Presided at sessions of the Senate—1681
- Reports—1792-1794
- Resolutions offered—349-350, 354, 369-370
- Standing committees and subcommittees appointed to—152, 154
- Subcommittee assignments—269, 350, 397, 463, 464, 525, 613, 614, 616, 695, 696, 704, 887, 962, 1157, 1281, 1397, 1398, 1529, 1530, 1870

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- Report—612-613

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- Bills introduced—125, 126, 144, 294, 366, 391, 395
- Amendments filed—426, 1204
- Amendments offered—466, 1295
- Reports—426, 657, 851-852, 852, 948, 1080, 1155, 1204, 1352
- Resolutions offered—1752
- Subcommittee assignments—350, 398, 615, 616, 695, 697, 698, 702, 703, 705, 796, 886, 961, 962, 1067, 1156, 1157

NEU, ARTHUR A., President of the Senate

- (See Lieutenant Governor Neu, Arthur A., President of the Senate)

NOLTING, FRED W.—Senator Seventeenth District

- Bills introduced—75, 102*, 199, 202*, 281, 283, 323
- Amendments filed—323, 351, 603, 787, 1080-1081, 1099, 1125, 1135, 1223, 1232, 1233, 1423, 1429, 1430, 1674
- Amendments offered—603, 790, 1128, 1129, 1134, 1232, 1233, 1429, 1430, 1666
- Amendments withdrawn—790, 1232
- Appointed to Police Communications Review Commission—385
- Committee appointments—12, 361, 846-847, 1752, 1878
- Investigating committee appointments—200, 202, 204, 205, 206, 223, 233, 311, 657, 841, 853, 1048, 1441, 1757

Investigating committee reports—253-254, 523-524, 721, 870, 1005-1006, 1078, 1143, 1143-1144, 1217-1218, 1218, 1461, 1757-1758, 1759, 1760, 1822
 Petitions presented—826, 827, 831, 1082, 1190, 1307
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NYSTROM, JOHN N.—Senator Twenty-second District

Bills introduced—19, 102, 133*, 142, 151, 177, 199, 200, 203*, 204*, 206, 250, 277, 278, 283, 293
 Amendments filed—64, 117, 672, 679, 967, 1080-1081, 1099, 1189, 1264, 1264-1265, 1639, 1694, 1714, 1847
 Amendments offered—64, 117, 672, 967, 1409, 1694
 Amendments withdrawn—967, 968, 1694
 Committee appointments—13, 423, 1877
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 Investigating committee reports—440, 581-582, 1078, 1143-1144, 1395, 1420-1421, 1761
 Presided at sessions of the Senate—995
 Standing committees and subcommittees appointed to—152, 155
 Subcommittee assignments—269, 350, 397, 524, 613, 614, 693, 694, 698, 700, 702, 704, 887, 960, 961, 962, 1067, 1281, 1397, 1869, 1870

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- Amendments filed—708, 739, 825, 968, 1175, 1353, 1426, 1463, 1496
- Amendments offered—708, 739, 968, 1426, 1496, 1798
- Amendments withdrawn—1410
- Committee appointments—1368
- Investigating committee appointments—200, 202, 203, 204, 205, 232, 243, 311, 841, 981-982, 1048, 1441
- Investigating committee reports—371, 417, 482, 720-721, 820, 884-885, 1065, 1217-1218, 1219, 1260-1261, 1262, 1461
- Petitions presented—484
- Presided at sessions of the Senate—1236
- Reports—425-426, 885, 946, 1007, 1049, 1352, 1462, 1498
- Standing committees and subcommittees appointed to—152, 155
- Subcommittee assignments—269, 270, 398, 463, 524, 613, 616, 695, 696, 700, 701, 703, 704, 795, 886, 887, 1066, 1067, 1156, 1281, 1397, 1530

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PALMER, WILLIAM D.—Senator Thirty-second District

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- Amendments offered—1547, 1654, 1846, 1848, 1863
- Appointed to Interstate Cooperation Commission—385
- Investigating committee appointments—201, 203, 223, 233, 242, 311, 657, 1046, 1048, 1303

Investigating committee reports—333, 496, 721, 762, 852, 934, 981,
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Polk—602
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situs picketing bill—782-783, 780, 785, 796

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PRIEBE, BERL E.—Senator Fourth District

Bills introduced—12*, 13*, 19*, 29*, 49*, 59*, 75, 82*, 83*, 121*, 129,
150, 169, 172*, 190, 237, 257, 272*, 281, 293, 306*, 323, 350*,
367*, 405*, 406*

Amendments filed—450, 497, 617, 626, 634, 642, 663, 733, 812, 994,
1000, 1080-1081, 1094, 1107, 1117, 1125, 1134, 1182, 1703, 1756

Amendments offered—466, 501, 634, 812, 989, 994, 1094, 1107, 1117,
1134, 1182, 1703

Amendments withdrawn—709, 1000, 1051, 1107

Committee appointments—47, 361, 423, 1026, 1436

Investigating committee appointments—202, 204, 208, 222, 242, 243,
657, 840, 853, 1046

Investigating committee reports—426, 511-512, 536, 582, 786, 839-840,
870, 934, 945, 1123, 1143

Petitions presented—254, 312, 627, 722, 912, 913, 1082

Reports—396, 657, 851-852, 948, 1080, 1155, 1204, 1352, 1836-1843

Standing committees and subcommittees appointed to—152, 155

Subcommittee assignments—190, 243, 269, 463, 464, 616, 698, 699, 701,
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RAMSEY, RICHARD R.—Senator Forty-seventh District

Bills introduced—JR 7, 10; 47*, 48*, 62*, 80*, 81*, 101*, 151, 166, 176*, 177, 199, 218*, 283*, 304*, 352*

Amendments filed—57, 145, 474, 543, 642, 834, 836, 842, 859, 871, 877, 899, 928, 972, 1008, 1022, 1074, 1080, 1427, 1512, 1513, 1548, 1656, 1658, 1659, 1745

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Amendments withdrawn—835, 859, 878, 1659

Committee appointments—44, 955, 1436, 1737

Investigating committee appointments—202, 206, 208, 223, 243, 841, 1046, 1047, 1303, 1395-1396, 1441, 1757

Investigating committee reports—417, 425, 884-885, 910, 945 1143, 1187, 1374, 1440, 1461, 1757-1758, 1759, 1760, 1818

Petitions presented—254, 484, 539, 626, 826, 827, 1641

Presided at sessions of the Senate—1037

Reports—70-72, 1526, 1670-1671, 1836-1843

Resolutions offered—309, 310, 369-370, 782-783

Standing committees appointed to—155

Subcommittee assignments—270, 350, 397, 399, 463, 525, 613, 614, 615, 699, 700, 703, 704, 795, 796, 886, 887, 1067, 1156, 1281, 1282, 1869

RAY, GOVERNOR ROBERT D.—

(See Governor Ray, Robert D.)

READINGER, DAVID M.—Senator Thirtieth District

Bills introduced—JR 6, 10; 47, 75, 183, 199, 229*, 293, 335*, 336*

Amendments filed—1099, 1145, 1230, 1335, 1398, 1656, 1718

Amendments offered—1230, 1354, 1656, 1718

Amendments withdrawn—1232

Committee appointments—423, 1725, 1878

Investigating committee appointments—202, 203, 206, 222, 232, 311, 841, 1047, 1048, 1303

Investigating committee reports—440, 482, 496, 786, 852, 884-885, 1142-1143, 1218, 1280, 1439-1440

Petitions presented—984, 1422

Presided at sessions of the Senate—777

Reports—1792-1794

Resolutions offered—369-370, 676, 1338

Standing committees and subcommittees appointed to—152, 155

Subcommittee assignments—190, 243, 463, 524, 615, 616, 693 698, 699, 704, 795, 886, 887, 961, 1157, 1398, 1529, 1530, 1869, 1870

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REDMOND, JAMES M.—Senator Thirteenth District

Bills introduced—JR 1*, 2*, 3*, 6, 8*; 6*, 33*, 44*, 45*, 46*, 56*, 58*, 75, 84*, 85*, 105*, 106*, 107*, 153, 164, 169*, 178*, 210*, 211*, 212*, 293*, 323, 378*
 Amendments filed—61, 63, 513, 617, 621, 626, 673, 705, 710, 729, 733, 739, 836, 853, 858, 1008, 1059, 1412, 1658
 Amendments offered—61, 63, 621, 630, 673, 710, 715, 729, 739, 830, 836, 858, 1059, 1363, 1412, 1658
 Amendments withdrawn—621, 674, 858, 1059
 Committee appointments—44, 955, 1737, 1878
 Investigating committee appointments—202, 206, 207, 208, 224, 232, 233, 242, 841, 853, 981-982, 1188, 1303, 1637
 Investigating committee reports—417, 425, 440, 595, 934, 1006, 1046, 1065, 1219, 1260, 1260-1261, 1374, 1637, 1818
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 Petitions presented—826, 984
 Presided at sessions of the Senate—1025, 1113, 1114, 1798
 Received consent that Jamie Wade, Superintendent of Securities, Insurance Department, be allowed in Senate Chamber, SF 376—1385
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 Standing committees and subcommittees appointed to—152, 155
 Subcommittee assignments—190, 244, 269, 270, 397, 398, 463, 464, 524, 525, 613, 614, 616, 695, 699, 700, 703, 796, 886, 887, 962, 1066, 1156, 1157, 1281, 1397, 1398, 1529, 1530, 1869

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ROBINSON, CLOYD E.—Senator Fourteenth District

Bills introduced—JR 6; 75, 102, 129, 136*, 137*, 183, 190*, 199, 206, 230*, 263*, 272, 283, 323

Amendments filed—497, 569, 596, 626, 633, 663, 995, 1080, 1116, 1264, 1352, 1639, 1674, 1699, 1700, 1714

Amendments offered—995, 1116, 1274, 1408, 1411, 1699, 1700

Amendments withdrawn—506, 1427, 1699

Committee appointments—623, 1752, 1765, 1877

Investigating committee appointments—200, 201, 202, 204, 205, 222, 232, 233, 242, 657, 853, 981

Investigating committee reports—417, 523-524, 581, 649, 762, 786, 870, 981, 1065, 1218-1219, 1219, 1281, 1819

Petitions presented—722, 984

Presided at sessions of the Senate—671

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Resolutions offered—783-784

Standing committees and subcommittees appointed to—152, 155,

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RODGERS, NORMAN G.—Senator Twenty-ninth District

Bills introduced—JR 7; 19, 136, 196*, 199, 237, 257*, 278, 281*, 283, 287*

Amendments filed—569, 642, 769, 787, 825, 1264, 1282, 1335, 1343, 1487, 1491, 1749

Amendments offered—769, 1316, 1341, 1343, 1346, 1487, 1749

Amendments withdrawn—1494

Appointed to Interstate Cooperation Commission—385

Committee appointments—423, 1878

Investigating committee appointments—201, 203, 206, 208, 222, 232, 243, 1046, 1048, 1637

Investigating committee reports—423, 439, 496, 581-582, 658, 785, 809, 852, 904, 1006, 1123, 1143, 1261, 1374, 1637

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Prevailed:

Senate File 213—1320

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Senate File 159-516
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Senate File 290-1273
Senate File 310-921
House File 228-1094
House File 231-683
House Concurrent Resolution 4-403
House Concurrent Resolution 11-846

Prevailed:

Senate Joint Resolution 12-1685
Senate File 70-401
Senate File 159-516
Senate File 218-1040
Senate File 290-1273
Senate File 310-921
House File 228-1094
House File 231-683
House Concurrent Resolution 11-846

Lost:

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Prevailed:

Senate File 167-620

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Prevailed:

Senate Resolution 12-1473

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RUSH, BOB—Senator Fifteenth District

Bills introduced—JR 6; 33, 68, 75, 152*, 169, 217*, 245*, 275*, 313*, 323, 369*, 381*

Amendments filed—497, 994, 995, 996, 1000, 1223, 1264, 1282, 1292, 1294, 1674, 1677, 1745, 1870

Amendments offered—506, 921, 994, 996, 1000, 1292, 1294, 1312, 1313, 1376, 1677

Amendments withdrawn—1312, 1314, 1425, 1677

Committee appointments—126, 1676, 1725, 1765, 1878

Investigating committee appointments—201, 203, 208, 223, 232, 840, 853, 981, 1047, 1048, 1303, 1637

Investigating committee reports—424, 439, 581, 809, 839-840, 945, 1046, 1143, 1218, 1219, 1374, 1760-1761, 1761, 1818, 1822

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Resolutions offered—783-784

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Subcommittee assignments—243, 269, 350, 399, 463, 464, 525, 613, 614, 615, 616, 693, 694, 696, 697, 700, 703, 704, 795, 796, 886, 961, 962, 1067, 1156, 1157, 1281, 1397, 1397-1398, 1529, 1870, 1892

SCHWENGELS, FORREST V.—Senator Forty-fourth District

Bills introduced—19, 20*, 21*, 22*, 23*, 117*, 118*, 132*, 164, 199, 204, 225*, 246, 250*, 251*, 253*, 257, 278, 281, 283, 285*, 293

Amendments filed—337, 617, 642, 686, 710, 726, 763, 887, 949, 1080-1081, 1264-1265, 1335, 1421, 1639, 1756

Amendments offered—337, 631

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Committee appointments—423, 955, 982

Investigating committee appointments—206, 222, 224, 232, 233, 853, 981-982, 1046, 1047, 1048, 1303, 1441, 1637

Investigating committee reports—440, 483, 496, 786, 1046, 1143, 1188, 1260-1261, 1261-1262, 1420-1421, 1439, 1461, 1760-1761

Reports—1526

Resolutions offered—41, 369-370, 676

Standing committees and subcommittees appointed to—152, 155

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SCOTT, JOHN—Senator Twenty-fourth District

Bills introduced—JR 6; 19, 34, 75, 135, 255, 261*, 276*, 281, 305*, 353*

Amendments filed—400, 887, 905, 925, 962, 1176, 1177, 1323

Amendments offered—400, 846, 905, 925, 1176, 1177, 1323

Committee appointments—324, 422, 1436, 1737, 1844, 1878

Investigating committee appointments—201, 203, 205, 206, 207, 223, 224, 311, 1047, 1048

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Petitions presented—985

Presided at sessions of the Senate—768, 1292, 1544

Reports—423, 982-983, 1670-1671, 1796, 1850, 1864-1865, 1879

Standing committees and subcommittees appointed to—152, 155

Subcommittee assignments—190, 243, 269, 270, 397, 398, 463, 464, 524, 525, 613, 614, 615, 699, 700, 701, 703, 704, 795, 796, 886, 887, 960, 961, 962, 1156, 1397, 1529, 1530, 1869, 1870

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SHAFF, ROGER J.—Senator Thirty-ninth District

Bills introduced—19, 37*, 121, 127, 128*, 129, 169, 281
 Amendments filed—89, 120, 244, 303, 426, 642, 746, 896, 969, 970,
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 Amendments offered—89, 120, 303, 746, 896, 969, 970, 1297, 1496
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 Standing committees appointed to—155
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- SHAW, ELIZABETH—Senator Fortieth District**
 Bills introduced—JR 6, 10*; 9*, 88*, 90*, 113*, 127*, 138*, 139, 168, 183, 199, 247*, 252*, 283, 293, 330
 Amendments filed—59, 115, 117, 120, 483, 497, 569, 617, 663, 665, 711, 769, 925, 1199, 1231, 1463, 1687
 Amendments offered—59, 115, 117, 120, 501, 504, 633, 665, 711, 769, 925, 1199, 1231, 1687
 Appointed to Education Commission of the States—385
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 Bills introduced—JR 6; 27*, 75, 76*, 102, 135*, 293, 295, 323, 336
 Amendments filed—403, 617, 878, 1080-1081, 1145, 1532, 1548
 Amendments offered—403, 878, 1546, 1548
 Appointed to Child Abuse Information Council—385
 Committee appointments—126, 422, 623, 1676
 Investigating committee appointments—201, 204, 206, 207, 223, 232, 243, 311, 841, 981, 1047, 1048, 1303
 Investigating committee reports—425, 439, 440, 482, 536, 785, 1006, 1078, 1142-1143, 1218, 1261, 1439
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Amendments offered—450, 1412, 1509, 1546, 1690, 1702
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1462-1463, 1531, 1712-1713, 1869
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613, 616, 693, 694, 703, 704, 705, 885, 886, 887, 960, 961, 962,
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Delivered by Governor Robert D. Ray—47-56

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TAYLOR, RAY—Senator Fifth District

Bills introduced—JR 7; 25*, 87*, 157*, 164*, 181*, 199, 216*, 255*, 281, 283, 330*, 339*, 345*, 359*

Amendments filed—112, 399, 441, 569, 642, 667, 670, 671, 771, 772, 825, 969, 972, 973, 1080-1081, 1264, 1264-1265, 1282, 1298, 1345, 1427, 1463, 1547, 1639, 1668, 1674, 1714, 1717, 1756

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1067, 1156, 1281, 1530

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Elected—3
Took oath of office—3

TIEDEN, DALE L.—Senator Ninth District

Bills introduced—JR 7; 19, 75, 121, 123*, 129, 132, 142, 150, 151, 164, 169, 177, 199, 200, 209, 236*, 255, 270, 272, 273*, 281, 283, 291, 293, 311*, 357*, 367

Amendments filed—116, 120, 497, 596, 626, 634, 642, 663, 707, 787, 904, 1080, 1080-1081, 1125, 1158, 1179, 1189, 1264, 1264-1265, 1491, 1639, 1674, 1693, 1702, 1714

Amendments offered—116, 120, 634, 831, 904, 1179, 1236, 1238, 1491, 1693, 1702

Amendments withdrawn—120, 632, 831, 1383, 1694

Appointed to Medical Assistance Council—385

Investigating committee appointments—202, 205, 206, 224, 243, 1188, 1202, 1395, 1441

Investigating committee reports—425, 496, 511-512, 910, 1006, 1220, 1503, 1528

Resolutions offered—369-370

Standing committees and subcommittees appointed to—152, 156

Subcommittee assignments—269, 270, 350, 398, 525, 615, 697, 698, 702, 705, 796, 886, 960, 961, 962, 1067, 1156, 1157, 1397, 1529

TRANSPORTATION, COMMITTEE ON—

Appointed and appointments to—151

Bills introduced—60, 167, 334, 377
 Amendments filed—1145, 1532
 Amendments offered—1179
 Reports—321, 948, 1145, 1263, 1531-1532, 1713
 Subcommittee assignments—243, 244, 269, 270, 350, 398, 463, 615, 616,
 701, 704, 795, 796, 797, 960, 961, 1067, 1281, 1529, 1530, 1869

TRANSPORTATION, DEPARTMENT OF—

Reports:

Administrative Rules, Proposed Rule, length of trucks—147
 Highway Research and Development—208
 Public Transit Div.—546
 Resolution relating to, HCR 4—214, 233, 270, 321, 331, 401-408, 413,
 430, 439, 509, 587-588, 599-601, 623, 636-637, 655-656, 688-689

VAN GILST, BASS—Senator Forty-sixth District

Bills introduced—19, 129
 Amendments filed—626, 1145, 1158, 1264, 1264-1265, 1488, 1551, 1698
 Amendments offered—1383, 1403, 1410, 1488, 1551, 1698
 Appointed to Capitol Planning Commission—385
 Committee appointments—12, 423, 1877, 1878
 Investigating committee appointments—201, 202, 208, 223, 242, 243,
 257, 461-462, 841, 853, 1047, 1048, 1188, 1202, 1637
 Investigating committee reports—424, 425, 511-512, 581-582, 582, 809,
 884-885, 981, 1046, 1142-1143, 1218, 1219, 1260, 1261-1262, 1281,
 1760-1761
 Petitions presented—913, 1306, 1422
 Presided at sessions of the Senate—858
 Reports—982, 1066, 1144, 1221, 1441
 Standing committees and subcommittees appointed to—152, 156
 Subcommittee assignments—190, 244, 394, 397, 398, 399, 463, 524, 613,
 614, 694, 695, 696, 698, 699, 700, 702, 703, 704, 886, 887, 960, 961,
 1281, 1397, 1869
 Official delegate to represent Senate at funeral service for Representative
 Mattie Harper—1194
 Presented Beckie Stall and Jo Ann Curoe, Iowa Beef Princesses— 1360

WAYS AND MEANS, COMMITTEE ON—

Appointed and appointments to—151
 Bills introduced—32, 61, 140, 141, 154, 221, 292, 314, 394
 Amendments filed—596, 1124, 1713-1714
 Amendments offered—830, 1230, 1717
 Reports—596, 619, 641, 1124, 1135, 1155-1156, 1223, 1352, 1713-1714
 Subcommittee assignments—190, 243, 244, 269, 397, 398, 463, 464, 525,
 613, 614, 615, 616, 698, 699, 703, 704, 795, 961, 1066, 1067, 1068,
 1281, 1397, 1398, 1529, 1530, 1869, 1870

WILLITS, EARL M.—Senator Thirty-first District

Bills introduced—JR 6; 102, 135, 183, 199*, 219*, 220*, 255, 281, 293,

295, 308*, 323, 411*

Amendments filed—122, 497, 505, 642, 663, 687, 721, 741, 743, 787, 812, 1019, 1080-1081, 1208, 1237, 1385, 1421, 1491, 1505, 1639, 1656, 1668, 1694, 1847

Amendments offered—122, 505, 687, 736, 741, 743, 766, 806, 812, 976, 1019, 1237, 1385, 1491, 1656, 1668, 1694, 1748

Amendments withdrawn—505, 738, 741, 812, 1656, 1668-1669

Committee appointments—6, 423, 623, 846, 1725, 1878

Investigating committee appointments—202, 203, 206, 207, 222, 223, 224, 232, 243, 841, 981-982, 1048, 1395-1396, 1637, 1757

Investigating committee reports—333, 440, 496, 511-512, 884-885, 945, 1123, 1218, 1260-1261, 1261, 1262, 1280, 1440, 1757-1758, 1759, 1760, 1760-1761

Petitions presented—312, 357, 1190, 1307

Presided at sessions of the Senate—405, 516, 1230, 1484, 1871

Reports—6, 636-637, 1633-1634, 1792-1794

Standing committees and subcommittees appointed to—152, 156

Subcommittee assignments—190, 244, 268, 269, 270, 397, 399, 463, 525, 614, 615, 700, 701, 702, 703, 796, 886, 1067, 1156, 1282, 1397, 1530, 1869