State of Iowa

1980

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1980

REGULAR SESSION

SIXTY-EIGHTH

GENERAL ASSEMBLY

Convened January 14, 1980

Adjourned April 26, 1980

TERRY E. BRANSTAD, President of the Senate

FLOYD H. MILLEN, Speaker of the House

Published by the
STATE OF IOWA
Des Moines

SIXTY-EIGHTH GENERAL ASSEMBLY

1980 Regular Session

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B. W. RULON, *Assistant Sergeant-at-Arms* ..... Des Moines

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FRANCIS J. BURNS, *Doorkeeper* ..... Des Moines

MARJORIE BRUNER, *Doorkeeper* ..... Des Moines

CATHERINE L. DE HECK, *Doorkeeper* ..... Des Moines

FRANK J. MURPHY, *Doorkeeper* ..... Des Moines

CHARLES B. MURRAY, *Doorkeeper* ..... Des Moines

RAY J. PROSPERI, *Doorkeeper* ..... Des Moines

MARY F. PARKER, *Cloakroom Attendant* ..... Des Moines

JAMES M. SULLIVAN, *Porter* ..... Des Moines

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

ROBERT D. RAY, *Governor* ..... Des Moines
TERRY E. BRANSTAD, *Lieutenant Governor* ..... Lake Mills
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TOM MILLER, *Attorney General* ..... McGregor

JUSTICES OF THE IOWA SUPREME COURT

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ROBERT G. ALLBEE, *Justice* ..... Des Moines
K. DAVID HARRIS, *Justice* ..... Jefferson
J. L. LARSON, *Justice* ..... Harlan
CLAY LeGRAND, *Justice* ..... Davenport
MARK McCORMICK, *Justice* ..... Des Moines
ARTHUR A. McGIVERIN, *Justice* ..... Ottumwa
WARREN J. REES, *Justice* ..... Anamosa
HARVEY UHLENHOPP, *Justice* ..... Hampton

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, *Chief Judge* ..... St. Charles
JAMES H. CARTER, *Judge* ..... Cedar Rapids
ALLEN L. DONIELSON, *Judge* ..... Des Moines
JANET A. JOHNSON, *Judge* ..... Des Moines
BRUCE M. SNELL, JR., *Judge* ..... Ida Grove

MEMBERS OF THE SENATE
SIXTY-EIGHTH GENERAL ASSEMBLY
1980 REGULAR SESSION

GARY L. BAUGHER

Address ..... Ankeny
Age 37
Occupation ..... Mobile Home Park Operator
Senatorial District ..... 31—Polk
Former Legislative Service ..... None

IRVIN L. BERGMAN

Address ..... Harris
Age 68
Occupation ..... Farmer, Businessman
Senatorial District ..... 2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux
Former Legislative Service 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

STEPHEN W. BISENIUS

Address ..... Cascade
Age 32
Occupation ..... Realtor
Senatorial District ..... 11—Dubuque, Delaware, Jackson, Jones
Former Legislative Service 67, 67X, 68 (1st)

JAMES E. BRILES

Address ..... Corning
Age 53
Occupation ..... Auctioneer, Real Estate
Senatorial District ..... 48—Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union
Former Legislative Service 56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

JOE BROWN

Address ..... Montezuma
Age 28
Occupation ..... High School Government and Economics Teacher
Senatorial District ..... 35—Poweshiek, Jasper, Mahaska, Marion, Polk, Warren
Former Legislative Service 68 (1st)

JAMES CALHOON

Address ..... Sioux City
Age 31
Occupation ..... Meat Cutter
Senatorial District ..... 26—Woodbury, Monona
Former Legislative Service 67, 67X, 68 (1st)

CLARENCE CARNEY

Address ..... Sioux City
Age 54
Occupation ..... Utility Executive
Senatorial District ..... 25—Woodbury, Cherokee, Plymouth
Former Legislative Service 68 (1st)

ROBERT M. CARR

Address ..... Dubuque
Age 42
Occupation ..... Securities Broker

Senatorial District ..... 10—Dubuque
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

C. JOSEPH COLEMAN

Address ..... Clare
Age 56
Occupation ..... Farmer, Businessman
Senatorial District ..... 23—Webster, Humboldt
Former Legislative Service 57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

RICHARD COMITO

Address ..... Waterloo
Age 40
Occupation ..... Businessman, Pharmacist
Senatorial District ..... 17—Black Hawk
Former Legislative Service 68 (1st)

ROLF V. CRAFT

Address ..... Decorah
Age 42
Occupation ..... Farmer, Teacher
Senatorial District ..... 8—Bremer, Chickasaw, Fayette, Howard, Winneshiek
Former Legislative Service 67, 67X, 68 (1st)

LUCAS J. DE KOSTER

Address ..... Hull
Age 61
Occupation ..... Lawyer
Senatorial District ..... 1—Sioux, Plymouth, Lyon
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

PATRICK J. DELUHERY

Address ..... Davenport
Age 37
Occupation ..... College Teacher
Senatorial District ..... 41—Scott
Former Legislative Service 68 (1st)

RICHARD F. DRAKE

Address ..... Muscatine
Age 52
Occupation ..... General Farming
Senatorial District ..... 38—Muscatine, Scott, Johnson, Louisa
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68 (1st)

JAMES V. GALLAGHER

Address ..... Jesup
Age 46
Occupation ..... Telephone Company
Senatorial District ..... 16—Black Hawk, Benton, Buchanan, Linn, Tama
Former Legislative Service 61, 62, 65, 66, 67, 67X, 68 (1st)

JULIA B. GENTLEMAN

Address ..... Des Moines
Age 48

Occupation ..... Housewife
Senatorial District ..... 33—Polk
Former Legislative Service 66, 67, 67X, 68 (1st)

NORMAN J. GOODWIN

Address ..... DeWitt
Age 66
Occupation ..... Retired County Extension Director
Senatorial District ..... 39—Clinton, Scott
Former Legislative Service 68 (1st)

ARTHUR L. GRATIAS

Address ..... Nora Springs
Age 59
Occupation ..... Farmer, Educator
Senatorial District ..... 7—Floyd, Cerro Gordo, Chickasaw, Howard, Mitchell
Former Legislative Service 68 (1st)

W. R. BILL HANSEN

Address ..... Cedar Falls
Age 48
Occupation ..... Insurance and Real Estate
Senatorial District ..... 18—Black Hawk
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68 (1st)

JACK W. HESTER

Address ..... Honey Creek
Age 50
Occupation ..... Farmer
Senatorial District ..... 27—Pottawattamie, Crawford, Harrison, Monona, Shelby
Former Legislative Service 68 (1st)

EDGAR H. HOLDEN

Address ..... Davenport
Age 65
Occupation ..... Entrepreneur
Senatorial District ..... 40—Scott
Former Legislative Service ..... 62, 63, 64, 65, 67 (2nd)*, 68 (1st)

MERLIN D. HULSE

Address ..... Clarence
Age 56
Occupation ..... Farmer
Senatorial District ..... 12—Cedar, Clinton, Jackson, Johnson, Jones, Scott
Former Legislative Service 67, 67X, 68 (1st)

CALVIN O. HULTMAN

Address ..... Red Oak
Age 38
Occupation ..... Businessman
Senatorial District ..... 49—Montgomery, Fremont, Mills, Page, Pottawattamie
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

* (2nd) Denotes 1978 Regular Session

C. W. HUTCHINS

Address ..... Guthrie Center
Age 48
Occupation ..... Businessman
Senatorial District ..... 28—Guthrie, Audubon, Carroll, Cass, Crawford, Greene, Shelby
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

JOHN W. JENSEN

Address ..... Plainfield
Age 53
Occupation ..... Farmer
Senatorial District ..... 19—Bremer, Black Hawk, Butler, Floyd, Franklin, Grundy, Marshall, Tama
Former Legislative Service 68 (1st)

LOWELL L. JUNKINS

Address ..... Montrose
Age 35
Occupation ..... Ambulance Service Owner-Operator; Farmer, Businessman
Senatorial District ..... 43—Lee, Des Moines, Henry
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

GEORGE R. KINLEY

Address ..... Des Moines
Age 42
Occupation ..... Owner-Operator of Golf Sales
Senatorial District ..... 34—Polk, Warren
Former Legislative Service 64, 65, 66, 67, 67X, 68 (1st)

A. R. KUDART

Address ..... Cedar Rapids
Age 49
Occupation ..... Lawyer
Senatorial District ..... 13—Linn, Johnson
Former Legislative Service 68 (1st)

ALVIN V. MILLER

Address ..... Ventura
Age 58
Occupation ..... Retail Merchant, Insurance Agency
Senatorial District ..... 6—Cerro Gordo, Worth
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

CHARLES P. MILLER

Address ..... Burlington
Age 61
Occupation ..... Doctor of Chiropractic
Senatorial District ..... 42—Des Moines, Henry, Louisa
Former Legislative Service 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

ELIZABETH R. MILLER

Address ..... Marshalltown
Age 74

Occupation ..... Homemaker
Senatorial District ..... 20—Marshall, Grundy, Hardin, Jasper, Story
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68 (1st)

JOHN S. MURRAY

Address ..... Ames
Age 40
Occupation ..... Attorney
Senatorial District ..... 21—Story, Boone, Polk
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

JOHN N. NYSTROM

Address ..... Boone
Age 46
Occupation ..... President, Auto Dealership
Senatorial District ..... 22—Boone, Greene, Hamilton, Story, Webster
Former Legislative Service 64, 65, 66, 67, 67X, 68 (1st)

JOANN ORR

Address ..... Grinnell
Age 56
Occupation ..... Legislator
Senatorial District ..... 36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama
Former Legislative Service ..... 63 (2nd)*, 65, 66, 67, 67X, 68 (1st)

WILLIAM D. PALMER

Address ..... Des Moines
Age 44
Occupation ..... Insurance Executive
Senatorial District ..... 32—Polk
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

BERL E. PRIEBE

Address ..... Algona
Age 61
Occupation ..... Farmer, Businessman
Senatorial District ..... 4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68 (1st)

DICK RAMSEY

Address ..... Osceola
Age 39
Occupation ..... Attorney
Senatorial District ..... 47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

DAVID M. READINGER

Address ..... Des Moines
Age 43
Occupation ..... Sales
Senatorial District ..... 30—Polk
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

* (2nd) Denotes 1970 Regular Session

CLOYD E. ROBINSON

Address ..... Cedar Rapids
Age 41
Occupation ..... Production Line Operator
Senatorial District ..... 14—Linn, Benton
Former Legislative Service 64, 65, 66, 67, 67X, 68 (1st)

NORMAN G. RODGERS

Address ..... Adel
Age 52
Occupation ..... Farmer, Businessman
Senatorial District ..... 29—Dallas, Adair, Clarke, Guthrie, Madison, Warren
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68 (1st)

BOB RUSH

Address ..... Cedar Rapids
Age 35
Occupation ..... Lawyer
Senatorial District ..... 15—Linn
Former Legislative Service 67, 67X, 68 (1st)

FORREST V. SCHWENGELS

Address ..... Fairfield
Age 64
Occupation ..... Real Estate
Senatorial District ..... 44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

JOHN SCOTT

Address ..... Pocahontas
Age 35
Occupation ..... Farmer, Attorney
Senatorial District ..... 24—Pocahontas, Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Ida, Sac
Former Legislative Service 67, 67X, 68 (1st)

TOM SLATER

Address ..... Council Bluffs
Age 34
Occupation ..... Partner, Advertising & Public Relations Firm
Senatorial District ..... 50—Pottawattamie
Former Legislative Service 67, 67X, 68 (1st)

ARTHUR A. SMALL, JR.

Address ..... Iowa City
Age 46
Occupation ..... Businessman
Senatorial District ..... 37—Johnson
Former Legislative Serivce 64, 65, 66, 67, 67X, 68 (1st)

RAY TAYLOR

Address ..... Steamboat Rock
Age 56

Occupation ..... Farmer, Businessman
Senatorial District ..... 5—Hardin, Cerro Gordo, Franklin, Hancock, Wright
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

DALE L. TIEDEN

Address ..... Elkader
Age 57
Occupation ..... Farmer and Office Work
Senatorial District ..... 9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

BASS VAN GILST

Address ..... Oskaloosa
Age 68
Occupation ..... Farmer
Senatorial District ..... 46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

ARNE WALDSTEIN

Address ..... Storm Lake
Age 54
Occupation ..... Professional Farm Manager and Rural Appraiser
Senatorial District ..... 3—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas
Former Legislative Service 68 (1st)

SUE YENGER

Address ..... Ottumwa
Age 41
Occupation ..... Legislator, Homemaker
Senatorial District ..... 45—Wapello, Appanoose, Davis, Mahaska, Monroe
Former Legislative Service 68 (1st)

JAMES O. ANDERSON

Address ..... Brayton
Age 51
Occupation ..... Farmer
Representative District ..... 56—Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby
Former Legislative Service 68 (1st)

ROBERT T. ANDERSON

Address ..... Newton
Age 34
Occupation ..... Teacher
Representative District ..... 69—Jasper, Marion, Polk, Warren
Former Legislative Service 66, 67, 67X, 68 (1st)

ROBERT C. ARNOULD

Address ..... Davenport
Age 26
Occupation ..... Legislator
Representative District ..... 82—Scott
Former Legislative Service 67 (2nd), 67X, 68 (1st)

DONALD D. AVENSON

Address ..... Oelwein
Age 35
Occupation ..... Tool & Die Maker
Representative District ..... 15—Bremer, Chickasaw, Fayette, Howard, Winneshiek
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

WAYNE BENNETT

Address ..... Galva
Age 52
Occupation ..... Farmer
Representative District ..... 48—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

ROBERT F. BINA

Address ..... Davenport
Age 40
Occupation ..... Artist
Representative District ..... 80—Scott
Former Legislative Service 66, 67, 67X, 68 (1st)

DONALD H. BINNEBOESE

Address ..... Hinton
Age 55
Occupation ..... Farmer
Representative District ..... 49—Cherokee, Plymouth, Woodbury
Former Legislative Service ..... 66 (2nd)*, 67, 67X, 68 (1st)

* Elected in Special Election February 24, 1976

DIANE BRANDT

Address ..... Cedar Falls
Age 41
Occupation ..... Legislator
Representative District ..... 35—Black Hawk
Former Legislative Service 66, 67, 67X, 68 (1st)

CLIFFORD BRANSTAD

Address ..... Thompson
Age 55
Occupation ..... Farmer
Representative District ..... 8—Emmet, Hancock, Kossuth, Winnebago
Former Legislative Service 68 (1st)

CHARLES H. BRUNER

Address ..... Ames
Age 31
Occupation ..... Legislator
Representative District ..... 41—Story
Former Legislative Service 68 (1st)

RICHARD L. BYERLY

Address ..... Ankeny
Age 41
Occupation ..... College Administrator
Representative District ..... 61—Polk
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

NED F. CHIODO

Address ..... Des Moines
Age 37
Occupation ..... Golf Pro
Representative District ..... 67—Polk
Former Legislative Service 67, 67X, 68 (1st)

BETTY JEAN CLARK

Address ..... Rockwell
Age 59
Occupation ..... Teacher
Representative District ..... 11—Cerro Gordo
Former Legislative Service 67, 67X, 68 (1st)

JOHN H. CLARK

Address ..... Keokuk
Age 33
Occupation ..... Stockbroker
Representative District ..... 86—Lee, Henry
Former Legislative Service 64, 65, 66, 67, 67X, 68 (1st)

DALE M. COCHRAN

Address ..... Eagle Grove
Age 51

Occupation ..... Farmer, Businessman
Representative District ..... 45—Humboldt, Webster
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

WALTER CONLON

Address ..... Muscatine
Age 32
Occupation ..... Attorney
Representative District ..... 76—Muscatine, Scott
Former Legislative Service 67, 67X, 68 (1st)

MICHAEL W. CONNOLLY

Address ..... Dubuque
Age 34
Occupation ..... Teacher
Representative District ..... 20—Dubuque
Former Legislative Service 68 (1st)

JOHN H. CONNORS

Address ..... Des Moines
Age 57
Occupation ..... Retired Fire Department Captain
Representative District ..... 64—Polk
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

VIRGIL E. COREY

Address ..... Morning Sun
Age 63
Occupation ..... Farmer
Representative District ..... 83—Des Moines, Henry, Louisa
Former Legislative Service 68 (1st)

FRANK CRABB

Address ..... Denison
Age 76
Occupation ..... Retired Business Executive
Representative District ..... 53—Crawford, Harrison, Monona
Former Legislative Service 63, 65, 66, 67, 67X, 68 (1st)

REID W. CRAWFORD

Address ..... Ames
Age 28
Occupation ..... Student
Representative District ..... 42—Boone, Polk, Story
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

GREGORY D. CUSACK

Address ..... Davenport
Age 36
Occupation ..... Community Organizer
Representative District ..... 81—Scott
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

HORACE DAGGETT

Address ..... Lenox
Age 48
Occupation ..... Farmer
Representative District ..... 96—Adams, Montgomery, Page, Ringgold, Taylor
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

ARLYN E. DANKER

Address ..... Minden
Age 52
Occupation ..... Farmer
Representative District ..... 54—Harrison, Pottawattamie, Shelby
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

PHILIP A. DAVITT

Address ..... St. Charles
Age 48
Occupation ..... Farmer
Representative District ..... 58—Adair, Clarke, Dallas, Madison, Warren
Former Legislative Service 67, 67X, 68 (1st)

KENNETH DE GROOT

Address ..... Doon
Age 50
Occupation ..... Farmer
Representative District ..... 1—Lyon, Sioux
Former Legislative Service 68 (1st)

WILLIAM W. (BILL) DIELEMAN

Address ..... Pella
Age 48
Occupation ..... Life Insurance Underwriter
Representative District ..... 70—Jasper, Mahaska, Marion, Poweshiek
Former Legislative Service 66, 67, 67X, 68 (1st)

MARVIN E. DIEMER

Address ..... Cedar Falls
Age 55
Occupation ..... Public Accounting
Representative District ..... 36—Black Hawk
Former Legislative Service 68 (1st)

DONALD V. DOYLE

Address ..... Sioux City
Age 54
Occupation ..... Lawyer
Representative District ..... 51—Woodbury
Former Legislative Service 57, 58, 61, 63, 64, 65, 66, 67, 67X, 68 (1st)

SONJA EGENES

Address ..... Story City
Age 49

Occupation ..... Legislator
Representative District ..... 43—Boone, Hamilton, Story, Webster
Former Legislative Service 64, 65, 66, 67, 67X, 68 (1st)

DON GETTINGS

Address ..... Ottumwa
Age 56
Occupation ..... Machine Repairman
Representative District ..... 90—Appanoose, Davis, Wapello
Former Legislative Service ..... 67 (2nd)*, 67X, 68 (1st)

RICHARD GROTH

Address ..... Albert City
Age 33
Occupation ..... Educator
Representative District ..... 6—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas
Former Legislative Service 68 (1st)

HURLEY W. HALL

Address ..... Marion
Age 44
Occupation ..... Telephone Facility Clerk
Representative District ..... 29—Linn
Former Legislative Service 68 (1st)

RODNEY N. HALVORSON

Address ..... Fort Dodge
Age 30
Occupation ..... Realtor
Representative District ..... 46—Webster
Former Legislative Service 68 (1st)

ROGER A. HALVORSON

Address ..... Monona
Age 45
Occupation ..... Insurance Agent
Representative District ..... 17—Allamakee, Clayton, Winneshiek
Former Legislative Service 66, 67, 67X, 68 (1st)

INGWER L. HANSEN

Address ..... Hartley
Age 67
Occupation ..... Retired
Representative District ..... 3—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

DARRELL R. HANSON

Address ..... Manchester
Age 25

*Elected in Special Election May 17, 1977

Occupation ..... Insurance Agent
Representative District ..... 18—Clayton, Delaware, Dubuque, Fayette
Former Legislative Service 68 (1st)

WILLIAM H. HARBOR

Address ..... Henderson
Age 59
Occupation ..... Grain Elevator Owner-Operator
Representative District ..... 97—Fremont, Mills, Montgomery, Page
Former Legislative Service 56, 57, 58, 62, 63, 64, 67, 67X, 68 (1st)

DALE W. HIBBS

Address ..... Iowa City
Age 39
Occupation ..... Teacher
Representative District ..... 74—Johnson
Former Legislative Service 68 (1st)

HERBERT C. HINKHOUSE

Address ..... West Branch
Age 62
Occupation ..... Farmer
Representative District ..... 24—Cedar, Clinton, Johnson, Scott
Former Legislative Service 66, 67, 67X, 68 (1st)

BETTY A. HOFFMANN

Address ..... Muscatine
Age 58
Occupation ..... Legislator
Representative District ..... 75—Johnson, Louisa, Muscatine
Former Legislative Service 67, 67X, 68 (1st)

LEE HOLT

Address ..... Spencer
Age 70
Occupation ..... Automobile Dealer
Representative District ..... 4—Clay, Dickinson, Emmet, Palo Alto
Former Legislative Service 68 (1st)

WALLY E. HORN

Address ..... Cedar Rapids
Age 46
Occupation ..... Teacher
Representative District ..... 28—Linn
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

ROLLIN K. HOWELL

Address ..... Marble Rock
Age 50
Occupation ..... Farmer
Representative District ..... 13—Cerro Gordo, Floyd, Mitchell
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

ARLO HULLINGER

Address ..... Leon
Age 58
Occupation ..... Farmer
Representative District ..... 94—Clarke, Decatur, Madison, Ringgold, Union, Wayne
Former Legislative Service 61, 62, 66, 67, 67X, 68 (1st)

KYLE HUMMEL

Address ..... Vinton
Age 44
Occupation ..... Contractor-Realtor
Representative District ..... 31—Benton, Black Hawk, Buchanan, Linn, Tama
Former Legislative Service 68 (1st)

EMIL J. HUSAK

Address ..... Toledo
Age 49
Occupation ..... Farmer
Representative District ..... 71—Benton, Iowa, Poweshiek, Tama
Former Legislative Service 64, 65, 66, 67, 67X, 68 (1st)

DANIEL JAY

Address ..... Moulton
Age 25
Occupation ..... Law Student
Representative District ..... 93—Appanoose, Clarke, Lucas, Monroe, Wayne
Former Legislative Service 68 (1st)

NORMAN G. JESSE

Address ..... Des Moines
Age 42
Occupation ..... Attorney
Representative District ..... 62—Polk
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68 (1st)

THOMAS J. JOCHUM

Address ..... Dubuque
Age 28
Occupation ..... Production Worker
Representative District ..... 19—Dubuque
Former Legislative Service 66, 67, 67X, 68 (1st)

JAMES JOHNSON

Address ..... Elma
Age 40
Occupation ..... Businessman
Representative District ..... 14—Chickasaw, Floyd, Howard, Mitchell
Former Legislative Service 68 (1st)

ROBERT M. L. JOHNSON

Address ..... Cedar Rapids
Age 58

Occupation ..... Marketing Manager
Representative District ..... 26—Linn
Former Legislative Service 68 (1st)

WARREN JOHNSON

Address ..... Sloan
Age 57
Occupation ..... Farmer
Representative District ..... 52—Monona, Woodbury
Former Legislative Service 68 (1st)

LARRY KIRKENSLAGER

Address ..... Burlington
Age 35
Occupation ..... Electrician
Representative District ..... 84—Des Moines
Former Legislative Service 68 (1st)

LYLE R. KREWSON

Address ..... Urbandale
Age 36
Occupation ..... Self-employed, Legislator
Representative District ..... 59—Polk
Former Legislative Service 67, 67X, 68 (1st)

RAY LAGESCHULTE

Address ..... Waverly
Age 57
Occupation ..... Farmer, Insurance Adjuster
Representative District ..... 37—Black Hawk, Bremer, Butler, Floyd
Former Legislative Service 66, 67, 67X, 68 (1st)

SONJA LARSEN

Address ..... Ottumwa
Age 38
Occupation ..... Real Estate Broker
Representative District ..... 89—Mahaska, Monroe, Wapello
Former Legislative Service 68 (1st)

THOMAS A. LIND

Address ..... Waterloo
Age 61
Occupation ..... Teacher, Businessman
Representative District ..... 33—Black Hawk
Former Legislative Service 67 (2nd), 68 (1st)

JEAN LLOYD-JONES

Address ..... Iowa City
Age 50
Occupation ..... Homemaker, Legislator
Representative District ..... 73—Johnson
Former Legislative Service 68 (1st)

JOYCE LONERGAN

Address ..... Boone
Age 45
Occupation ..... Homemaker
Representative District ..... 44—Boone, Greene
Former Legislative Service 66, 67, 67X, 68 (1st)

JAMES A. LORENZEN

Address ..... Davenport
Age 25
Occupation ..... Sales Representative
Representative District ..... 79—Scott
Former Legislative Service 68 (1st)

MICHAEL LURA

Address ..... Marshalltown
Age 31
Occupation ..... Accountant
Representative District ..... 39—Marshall
Former Legislative Service 68 (1st)

RUHL MAULSBY

Address ..... Rockwell City
Age 56
Occupation ..... Farmer
Representative District ..... 47—Calhoun, Carroll, Greene, Pocahontas, Sac
Former Legislative Service 68 (1st)

ANDREW McKEAN

Address ..... Morley
Age 30
Occupation ..... College Instructor, Square Dance Caller
Representative District ..... 23—Cedar, Clinton, Jackson, Jones
Former Legislative Service 68 (1st)

LESTER D. MENKE

Address ..... Calumet
Age 61
Occupation ..... Farmer, Insurance
Representative District ..... 5—Buena Vista, Cherokee, Clay, O'Brien, Plymouth
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

FLOYD H. MILLEN

Address ..... Farmington
Age 60
Occupation ..... Retired Businessman
Representative District ..... 87—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington
Former Legislative Service 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

KENNETH D. MILLER

Address ..... Independence
Age 54

Occupation ..... Owner, Mobile Home Court
Representative District ..... 32—Black Hawk, Buchanan
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

SUE MULLINS

Address ..... Corwith
Age 43
Occupation ..... Farmer
Representative District ..... 7—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas
Former Legislative Service 68 (1st)

LOWELL E. NORLAND

Address ..... Kensett
Age 48
Occupation ..... Farmer
Representative District ..... 12—Cerro Gordo, Worth
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

JAMES O'KANE

Address ..... Sioux City
Age 28
Occupation ..... Legal Assistant
Representative District ..... 50—Woodbury
Former Legislative Service 68 (1st)

M.B. (MIKE) OXLEY

Address ..... Marion
Age 57
Occupation ..... Farmer
Representative District ..... 30—Linn
Former Legislative Service 61, 67, 67X, 68 (1st)

JOHN E. PATCHETT

Address ..... North Liberty
Age 30
Occupation ..... Legislator, Law Student
Representative District ..... 25—Johnson, Linn
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

EMIL S. PAVICH

Address ..... Council Bluffs
Age 48
Occupation ..... Cereal Company Employee
Representative District ..... 99—Pottawattamie
Former Legislative Service 66, 67, 67X, 68 (1st)

WENDELL C. PELLETT

Address ..... Atlantic
Age 62
Occupation ..... Farmer
Representative District ..... 95—Adair, Adams, Cass, Guthrie, Union
Former Legislative Service 64, 65, 66, 67, 67X, 68 (1st)

JOHN PELTON

Address ..... Clinton
Age 33
Occupation ..... Attorney
Representative District ..... 77—Clinton
Former Legislative Service 67, 67X, 68 (1st)

CARROLL T. PERKINS

Address ..... Jefferson
Age 53
Occupation ..... Agriculture
Representative District ..... 55—Audubon, Carroll, Crawford, Greene, Guthrie
Former Legislative Service 66, 67, 67X, 68 (1st)

VIRGINIA POFFENBERGER

Address ..... Perry
Age 45
Occupation ..... Lawyer
Representative District ..... 57—Adair, Dallas, Guthrie
Former Legislative Service 68 (1st)

LAWRENCE POPE

Address ..... Des Moines
Age 39
Occupation ..... Attorney
Representative District ..... 65—Polk
Former Legislative Service 68 (1st)

STEPHEN J. RAPP

Address ..... Waterloo
Age 30
Occupation ..... Attorney
Representative District ..... 34—Black Hawk
Former Legislative Service 65, 68 (1st)

ROBERT H. RENKEN

Address ..... Aplington
Age 57
Occupation ..... Farmer
Representative District ..... 38—Grundy, Black Hawk, Butler, Franklin, Marshall, Tama
Former Legislative Service ..... None

DOUG RITSEMA

Address ..... Orange City
Age 27
Occupation ..... Lawyer
Representative District ..... 2—Plymouth, Sioux
Former Legislative Service 68 (1st)

HUGO SCHNEKLOTH

Address ..... Eldridge
Age 56

Occupation ..... Farmer
Representative District ..... 78—Clinton, Scott
Former Legislative Service 67, 67X, 68 (1st)

LAVERNE W. SCHROEDER

Address ..... McClelland
Age 46
Occupation ..... Farmer
Representative District ..... 98—Mills, Pottawattamie
Former Legislative Service 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

RICHARD SHERZAN

Address ..... Altoona
Age 33
Occupation ..... Teacher
Representative District ..... 63—Polk
Former Legislative Service 68 (1st)

NANCY J. SHIMANEK

Address ..... Monticello
Age 32
Occupation ..... Lawyer
Representative District ..... 22—Delaware, Dubuque, Jackson, Jones
Former Legislative Service 67, 67X, 68 (1st)

DOUGLAS SHULL

Address ..... Indianola
Age 36
Occupation ..... Accountant-C.P.A.
Representative District ..... 92—Lucas, Marion, Warren
Former Legislative Service 68 (1st)

DOUGLAS R. SMALLEY

Address ..... Des Moines
Age 33
Occupation ..... Attorney
Representative District ..... 60—Polk
Former Legislative Service 67, 67X, 68 (1st)

CLAY SPEAR

Address ..... Burlington
Age 63
Occupation ..... Retired from Postal Service
Representative District ..... 85—Des Moines, Lee
Former Legislative Service 66, 67, 67X, 68 (1st)

DELWYN STROMER

Address ..... Garner
Age 49
Occupation ..... Farmer, Legislator
Representative District ..... 9—Cerro Gordo, Franklin, Hancock, Wright
Former Legislative Service 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

GEORGE R. SWEARINGEN

Address ..... Sigourney
Age 56
Occupation ..... Assistant Manager, Grain Elevator
Representative District ..... 88—Keokuk, Washington
Former Legislative Service 68 (1st)

PATRICIA L. THOMPSON

Address ..... West Des Moines
Age 52
Occupation ..... Legislator, Banker (Part-time)
Representative District ..... 66—Polk
Former Legislative Service 67, 67X, 68 (1st)

SEMOR C. TOFTE

Address ..... Decorah
Age 68
Occupation ..... Legislator
Representative District ..... 16—Fayette, Howard, Winneshiek
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

PHILLIP E. TYRRELL

Address ..... North English
Age 47
Occupation ..... Self-employed, Insurance
Representative District ..... 72—Benton, Iowa, Johnson, Keokuk, Poweshiek
Former Legislative Service 68 (1st)

HAROLD VAN MAANEN

Address ..... Oskaloosa
Age 50
Occupation ..... Farmer
Representative District ..... 91—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek
Former Legislative Service 68 (1st)

CRAIG D. WALTER

Address ..... Council Bluffs
Age 30
Occupation ..... Self-employed
Representative District ..... 100—Pottawattamie
Former Legislative Service 66, 67, 67X, 68 (1st)

RICHARD W. WELDEN

Address ..... Iowa Falls
Age 71
Occupation ..... Retired Contractor
Representative District ..... 10—Franklin, Hardin, Wright
Former Legislative Service 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

JAMES D. WELLS

Address ..... Cedar Rapids
Age 51

Occupation ..... Cereal Company Employee
Representative District ..... 27—Benton, Linn
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68 (1st)

JOSEPH WELSH

Address ..... Dubuque
Age 24
Occupation ..... Deputy Sheriff
Representative District ..... 21—Dubuque, Jackson
Former Legislative Service 68 (1st)

JAMES C. WEST

Address ..... State Center
Age 46
Occupation ..... Furniture Retailer
Representative District ..... 40—Grundy, Hardin, Jasper, Marshall, Story
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

JACK E. WOODS

Address ..... Des Moines
Age 43
Occupation ..... Owner, Music Company
Representative District ..... 68—Polk, Warren
Former Legislative Service 65, 66, 67, 67X, 68 (1st)

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 14, 1980

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the 1980 regular session of the Sixty-eighth General Assembly convened at 10:00 a.m., and the Senate was called to order by Lieutenant Governor Terry E. Branstad.

Prayer was offered by Dr. Arndt F. Braaten, president of Waldorf College, Forest City, Iowa.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Axel Lund, Marshalltown, Iowa.

OPENING REMARKS BY THE LIEUTENANT GOVERNOR

Lieutenant Governor Branstad addressed the Senate as follows:

Last year the Senate convened with many new senators, new leadership and a new president and secretary of the senate. With bipartisan cooperation, the session progressed smoothly and a significant number of important accomplishments were achieved.

This year with 49 veteran senators, experienced leadership and continued bipartisan cooperation even more will be accomplished. I am pleased to welcome Senator-elect Gary Baugher and we are looking forward to his active participation in the senate.

This is not only the beginning of a new session, it is also the beginning of a new decade. Iowa has emerged as an innovative leader providing new opportunities for its citizens. We are the first state in the nation where the two political parties have worked together to achieve greater public participation in the political system, our precinct caucuses are currently the spotlight of national attention.

The Iowa legislature has an opportunity to build on this progress. For example, we can develop a reasonable nonpartisan approach to reapportioning the legislature with the goal to encourage citizen participation rather than gaining partisan advantage.

It is evident that innovation is essential to the future well-being of this state and nation. New approaches are needed to solve the problems of energy, transportation and soil conservation.

We have an opportunity to help family farms and business by increasing inheritance tax exemptions. Indexing the inheritance tax should also be seriously considered.

The problems of usury, gifts to public officials, product liability and transportation funding are not going to disappear. We should face these issues and do our best to resolve them.

We have an opportunity this session to set a trend for the 1980's by recognizing and addressing the concerns of Iowans.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Carney for the week on request of Senator Hultman and Senator Kinley for the day on request of Senator Junkins.

ANNOUNCEMENT OF RESIGNATION

President Branstad announced that he had received notification from the office of Governor Robert D. Ray of the resignation of the following Senator:

District 31—Earl M. Willits, resignation effective July 30, 1979.

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 certificate of election from the Secretary of State for the following person:

District 31 ..... Gary L. Baugher

Senator Hultman moved that the Credentials Committee previously appointed in 1979 examine and report on the credentials of Gary L. Baugher.

The motion prevailed by a voice vote.

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

The Senate resumed session, President Branstad presiding.

SUPPLEMENTAL REPORT OF
THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the person named in the attached copy of the certification of the Secretary of State entitled to a seat in the Senate of the Sixty-eighth General Assembly.

FORREST V. SCHWENGELS, Chairperson
JAMES E. BRILES
EDGAR H. HOLDEN
BASS VAN GILST

CERTIFICATION—STATE OF IOWA
OFFICE OF THE SECRETARY OF STATE

To the Honorable, Secretary of the Senate:

I, MELVIN D. SYNHORST, Secretary of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify, that the State Canvassing Board has declared that at a Special Election held on November 6, 1979, Gary L. Baugher was elected to fill the office of State Senator for the Thirty-First District, to fill a vacancy in the four-year term which began on January 2, 1979.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of
(SEAL) State at the Capitol, in Des Moines this 13th day of November, 1979.

MELVIN D. SYNHORST, Secretary of State

Senator Schwengels moved the adoption of the Supplemental Report of the Credentials Committee.

The motion prevailed by a voice vote and the report was adopted.

Senator Baugher was escorted to the bar of the Senate by Senators Readinger, Carr and Gentleman, was duly sworn and subscribed his name to the oath of office.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hultman 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 by a voice vote and the Chair appointed as such committee Senators Nystrom, Hulse and Scott.

COMMITTEE TO NOTIFY THE HOUSE

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

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Tieden, Gentleman and Small.

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.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker of the House has made the following changes in appointments to the conference committee on Senate File 344, a bill for an act relating to access to and use of solar energy:

Poffenberger of Dallas replacing Evans of Grundy, Chair.
Hanson of Delaware replacing McKean of Jones.
Hullinger of Decatur replacing Rapp of Black Hawk.

DAVID L. WRAY, Chief Clerk

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

April 11, 1979

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of E.R. (Mac) McCann, Waterloo, Black Hawk County, Iowa, for appointment as a member of the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.4, 1979 Code of Iowa, for the unexpired portion of a term

commencing July 1, 1978, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

April 24, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Roy E. Berger, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

April 26, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Eugene J. Siegert, Dubuque, Dubuque County, Iowa, for appointment as a member of the State Board of Mortuary Science Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

May 7, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Gage E. Parker, Shenandoah, Page County, Iowa, for appointment as a member of the State Health Facilities Council pursuant to Section 135.62, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of F. Glen Erickson, Davenport, Scott County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

May 10, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Betty Lou Minor, Des Moines, Polk County, Iowa, for appointment as Administrator of the Credit Union Department pursuant to Section 533.55, 1979 Code of Iowa, effective immediately, and serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jack W. Peters, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the Iowa State Civil Rights Commission pursuant to Section 601A.3, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 1, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Emmanuel S. Bikakis, Sioux City, Woodbury County, Iowa, for appointment as a member of the Campaign Finance Disclosure Commission pursuant to Section 56.9,

1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Burt Harmes, Algona, Kossuth County, Iowa, for appointment as a member of the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.4, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 8, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Alfredo G. Parrish, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission pursuant to Section 601A.3, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 13, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Delmer A. Nelson, Spirit Lake, Dickinson County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 21, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Josephine Gittler, Iowa City, Johnson County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 22, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Nolden Gentry, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Commission for the Blind pursuant to Section 601B.1, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Annette Pieper, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission pursuant to Section 601A.3, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 29, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Sandra J. Holien, Marshalltown, Marshall County, Iowa, for appointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of

Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 2, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Minnette Doderer, Iowa City, Johnson County, Iowa, for appointment as a member of the State Health Facilities Council pursuant to Section 135.62, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 12, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Robert J. Sixta, Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 16, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Edward J. Stanek, Des Moines, Polk County, Iowa, for appointment as Director of Energy Policy pursuant to Section 93.3, 1979 Code of Iowa, for a term commencing July 1, 1979, and serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 17, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Curtis F. Mineart, Washington, Washington County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial two-year term commencing July 1, 1979, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Ronald F. Mosher, Des Moines, Polk County, Iowa, for appointment as State Comptroller pursuant to Section 8.4, 1979 Code of Iowa, for a term commencing July 1, 1979, and serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 24, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Beverly Dickerson, Indianola, Warren County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial two-year term commencing July 1, 1979, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Sonia A. Johannsen, LaPorte City, Black Hawk County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-

eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Joseph A. Johnston, Prescott, Adams County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Robert E. Lee, Humboldt, Humboldt County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

August 27, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jack E. Leaman, Ames, Story County, Iowa, for appointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

September 7, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of George A. Shepley, Muscatine, Muscatine County, Iowa, for appointment as a member of the Commission of Judicial Qualifications pursuant to Section 605.26, 1979 Code of Iowa, for the unexpired portion of a term ending December 31, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

September 28, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Mary L. Mills, Muscatine, Muscatine County, Iowa, for appointment as a member of the Board of Examiners for Hearing Aid Dealers pursuant to Section 154A.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

October 10, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Sam W. Grabarski, Quincy, Adams County, Illinois, for appointment as Director of the Iowa State Arts Council pursuant to Section 304A.3, 1979 Code of Iowa, to serve at the pleasure of the Governor for a term which shall be conterminous with the term for which the Governor was elected.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

October 12, 1979

Dear Governor Branstad:

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

Andrew Varley, Stuart, Adair County, Iowa, for appointment as a member of the Iowa State Commerce Commission pursuant to Section 474.1, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

November 2, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Ann Spangler, Clarinda, Page County, Iowa, for appointment as a member of the Assessor Education Commission pursuant to Section 441.8, 1979 Code of Iowa, for the unexpired portion of a term ending December 31, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 7, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Richard Hansen, Iowa City, Johnson County, Iowa, for appointment as a member of the Board of Architectural Examiners pursuant to Section 118.1, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 13, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of George M. Mills, West Des Moines, Polk County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 18, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Thomas R. Dunbar, Des Moines, Polk County, Iowa, for appointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Milton C. Engman, Des Moines, Polk County, Iowa, for appointment as a member of the Solid Waste Disposal Commission of the Department of Environmental Quality pursuant to Section 455B.4, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of John L. Wallace, III, Iowa City, Johnson County, Iowa, for appointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Thomas L. Maher, Davenport, Scott County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Kay Ellen Dull, Le Mars, Plymouth County, Iowa, for appointment as a member of the State Advisory Council for Mental Health pursuant to Section 225B.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Lloyd L. Cutler, D.C., Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.12, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Mary Powers Tokheim, Lytton, Sac County, Iowa, for appointment as a member of the State Board of Medical Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Tieden 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.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Nystrom 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.

SELECTION OF SEATS

Senator Briles moved that the holdover Senators retain the seats occupied by them during the 1979 Session of the Sixty-eighth General Assembly, or be granted the privilege of requesting a new seat from the unassigned seat, such selection to be based on Senate and House seniority.

The motion prevailed by a voice vote.

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

NAME	SEAT NO.
Baugher of Polk	23
Bergman of Osceola	20
Bisenius of Dubuque	24
Briles of Adams	34
Brown of Poweshiek	5
Calhoon of Woodbury	17
Carney of Woodbury	18
Carr of Dubuque	21
Coleman of Webster	13
Comito of Black Hawk	35
Craft of Winneshiek	10
DeKoster of Sioux	44
Deluhery of Scott	7
Drake of Muscatine	26
Gallagher of Black Hawk	33
Gentleman of Polk	14

Goodwin of Clinton 9
Gratias of Floyd 1
Hansen of Black Hawk 40
Hester of Pottawattamie 11
Holden of Scott 16
Hulse of Cedar 4
Hultman of Montgomery 46
Hutchins of Guthrie 27
Jensen of Bremer 2
Junkins of Lee 49
Kinley of Polk 43
Kudart of Linn 12
Miller of Cerro Gordo 31
Miller of Des Moines 45
Miller of Marshall 30
Murray of Story 32
Nystrom of Boone 38
Orr of Poweshiek 39
Palmer of Polk 41
Priebe of Kossuth 37
Ramsey of Clarke 42
Readinger of Polk 15
Robinson of Linn 50
Rodgers of Dallas 29
Rush of Linn 3
Schwengels of Jefferson 28
Scott of Pocahontas 47
Slater of Pottawattamie 19
Small of Johnson 25
Taylor of Hardin 22
Tieden of Clayton 48
Van Gilst of Mahaska 36
Waldstein of Buena Vista 6
Yenger of Wapello 8

ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Senator Craft 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 by a votice vote and the Secretary assigned the following:

51 Des Moines Register, Bonnie Wittenburg

52 Des Moines Tribune, Thomas Witosky

53 Associated Press, Roger Munns

54 Iowa Radio Network, Gary Barrett

55 United Press International, Norman Sandler

56 Daily Legislative Bulletin Service, Jo Von Stein

57 KRNT Radio, Jackie Clark

58 The Cedar Rapids Gazette, John McCarroll

59 WHO News Radio, Jack Kuenzie

60 Iowa Daily Press, Harrison Weber

61 Iowa Press Association, Don Reid

62 Waterloo Courier, Bob Case

63 Quad-City Times, Mark Brown

64 KCCI-TV, Dave Busiek

GENERAL ASSIGNMENT

AFSCME Advocate, Larry Scarpino

Associated Press, Bill Eberline, Michael Holmes, Val Corley

Black Hawk Broadcasting, Kevin McGurk

The Cedar Rapids Gazette, Ken Sullivan

Des Moines Register, Charles Bullard, James Flansburg, Daniel Pedersen, David Yepsen

Des Moines Tribune, Richard Doak, David Elbert, Evan Roth, Frank Santiago, Steven Walters

Dubuque Telegraph Herald, Roxie Hammill

Iowa Daily Press Association, Kent Darr, Lori Shriner, Harrison Weber

Iowa Press Association, Mike Marturello

KCCI-TV, Michele Burgad, Brooks Humphreys, Mark Swanson, Dave Warner

KRNT Radio, Chris Allen, Julie Rutz, Dale Woolery

KWAX-KCHA-KGLO, Virginia Lageschulte

Sioux City Journal, Mark Ulven

United Press International, Charles J. Abbott, Tamara Cooke

Waterloo Courier, Jim Wigdahl

WHO News Radio, Bill Lindstrom, Steve Oswalt

WOI AM-FM Radio, Kathy LoPiccolo, Sharon Robinson

WOI-TV News, Chris Abel, Don Campbell, Chris Hanson, Greg O'Malia, Kevin Niceswanger

Iowa Public Broadcasting Network, Neal Brown, Nancy Crowfoot, Rene Durazzo, Mark Engler, Mark Foust, Sara Frasher, Anne Frederickson, Dick Gray, Jules Gray, John Leiendecker, Daniel Miller, Tom Rowat, Marlyn Schram, Clay Smith, Pete Triolo, David Woodward, Linda Wright

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 14, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 101, a resolution providing for a joint convention on Tuesday, January 15, 1980, at 10:00 a.m. and that Governor Ray be invited to deliver his condition of the state message.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 101
By: Halvorson of Clayton

Be It Resolved by the House of Representatives, the Senate Concurring, That a joint convention of the two houses of the 1980 session of the sixty-eighth general assembly be held on Tuesday, January 15, 1980, at 10:00 a.m.; and

Be It Further Resolved, That Governor Robert D. Ray be invited to deliver his condition of the state message at this joint convention of the two houses of the general assembly and that the Speaker of the House of Representatives and the President of the Senate be designated to deliver the invitation to him.

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

ADOPTION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for immediate consideration, House Concurrent Resolution 101.

Senator Hultman moved the adoption of House Concurrent Resolution 101, which motion prevailed by a voice vote.

ELECTION OF SENATE PAGES

Senator Hultman asked and received unanimous consent to take up for consideration the election of Pages.

Senator Hultman submitted the following report of the Committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following personnel for nomination as pages for the Senate for the 1980 Session of the Sixty-eighth General Assembly:

PAGES

Jean Anderson ..... Clarinda

Lori Dorris ..... Clarion

Carla Ernst ..... Bellevue

Maureen Fitzpatrick ..... Le Mars

Shellie Hansen, Secretary of the Senate's Page ..... Exira

Julie James ..... Des Moines

Charles L. Koch ..... Oakland

Debbie Peterson ..... Olin

John Quinn ..... Fort Dodge

Rochelle Rollison ..... Des Moines

Jon Seda, Lt. Governor's Page ..... Traer

Aaron Snodgrass ..... Keokuk

Martha Weller ..... Springville

Angela Winburn ..... Malcom

CALVIN O. HULTMAN, Chairperson

Senator Hultman moved the adoption of the report and the election of the Senate Pages placed in nomination by the Committee on Rules and Administration.

The motion prevailed by a voice vote and the foregoing Senate Pages appeared before the bar of the Senate, were duly sworn and subscribed to their oaths of office.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

Senator Bergman asked and received unanimous consent to take up for consideration the Supplemental Report of the Committee on Mileage and moved its adoption:

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

NAME	ROUND TRIP MILES
Gary L. Baugher	17

IRVIN L. BERGMAN, Chairperson
RICHARD F. DRAKE
CHARLES P. MILLER

The motion prevailed by a voice vote and the report was adopted.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

Senator Hultman asked and received unanimous consent to take up for consideration the following Supplemental Report of the 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 1980 Session of the Sixty-eighth General Assembly:

LEGAL COUNSEL

Assistant to the Legal Counsel ..... George W. Brewster, Jr.
Assistant to the Legal Counsel ..... Lisa Davis

MAJORITY CAUCUS

Research Analyst ..... Susan E. Johnson

MINORITY CAUCUS

Caucus Staff Director ..... William C. Maloney
Research Analyst ..... Kathy Bryant
Research Analyst ..... Rebecca Roorda
Research Analyst ..... Jeri Schaben

SERGEANT-AT-ARMS

Doorkeeper ..... Marjorie Bruner

SERVICES

Bill Clerk ..... Susan Hutchison
Assistant Bill Clerk ..... Jean Coleman

SECRETARIES TO SENATORS

Gary L. Baugher ..... Margaret Thomas
James Calhoon ..... Elizabeth J. Stout
Rolf V. Craft ..... Sandra Aamoth
Patrick J. Deluhery ..... Audrey Gibson
Jack W. Hester ..... Joan Hester
George R. Kinley ..... Kathryn Kinley
John S. Nystrom ..... Ginevera K. Moore
Joann Orr ..... Shelley Johnson
Dale L. Tieden ..... Genevieve E. Snetselaar

CALVIN O. HULTMAN, Chairperson

Senator Hultman moved the adoption of the report and the persons placed in nomination by the Committee on Rules and Administration as permanent officers and employees.

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

INTRODUCTION OF BILL

Senate File 2001, By Rodgers, a bill for an act to encourage the construction of earth sheltered dwellings by prohibiting zoning ordinances that specifically exclude earth sheltered construction and by providing an individual income tax credit for earth sheltered dwellings and making the tax provisions retroactive.

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

LEAVE OF ABSENCE

Senator Hultman asked and received unanimous consent to be excused from the Senate for the next two days.

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As a member of the Assessor Education Commission:

Ann Spangler, Clarinda, Page County, Iowa, for appointment to the unexpired portion of a term ending December 31, 1982.

Senator DeKoster, Chairperson
Senator Comito
Senator Briles
Senator Carr
Senator Deluhery

As a member of the Board of Architectural Examiners:

Richard Hansen, Iowa City, Johnson County, Iowa, for appointment to a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

Senator Bergman, Chairperson
Senator Small
Senator Baugher
Senator Brown
Senator Bisenius

As a member of the Board of Examiners for Hearing Aid Dealers:

Mary L. Mills, Muscatine, Muscatine County, Iowa, for appointment to a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

Senator Holden, Chairperson
Senator Drake
Senator Kinley
Senator Hester
Senator A. Miller

As members of the Board of Landscape Architectural Examiners:

Thomas R. Dunbar, Des Moines, Polk County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Craft, Chairperson
Senator Gentleman
Senator Deluhery
Senator Drake
Senator Gallagher

Jack E. Leaman, Ames, Story County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator E. Miller, Chairperson
Senator DeKoster
Senator Murray
Senator Calhoon
Senator Scott

John L. Wallace, III, Iowa City, Johnson County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Tieden, Chairperson
Senator Small
Senator Rodgers
Senator Yenger
Senator Waldstein

As a member of the Campaign Finance Disclosure Commission:

Emmanuel S. Bikakis, Sioux City, Woodbury County, Iowa, for appointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Drake, Chairperson
Senator Gallagher
Senator Carney
Senator Gentleman
Senator Hutchins

As a member of the Commission on Judicial Qualifications:

George A. Shepley, Muscatine, Muscatine County, Iowa, for appointment to an unexpired portion of a term ending December 31, 1984.

Senator Schwengels, Chairperson
Senator Ramsey
Senator Drake
Senator Robinson
Senator Rush

As members of the County Finance Committee:

Beverly Dickerson, Indianola, Warren County, Iowa, for appointment to an initial two-year term commencing July 1, 1979, and ending June 30, 1981.

Senator Gratias, Chairperson
Senator Kinley
Senator Hansen
Senator Hester
Senator Junkins

Sonia A. Johannsen, LaPorte City, Black Hawk County, Iowa, for appointment to an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Waldstein, Chairperson
Senator Gallagher
Senator Scott
Senator Yenger
Senator Van Gilst

Joseph A. Johnston, Prescott, Adams County, Iowa, for appointment to an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Craft, Chairperson
Senator Brown
Senator Briles
Senator Bisenius
Senator Calhoon

Robert E. Lee, Humboldt, Humboldt County, Iowa, for appointment to an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Gentleman, Chairperson
Senator DeKoster
Senator Priebe
Senator Deluhery
Senator Goodwin

Thomas L. Maher, Davenport, Scott County, Iowa, for appointment to an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Hulse, Chairperson
Senator Scott
Senator Holden
Senator Jensen
Senator A. Miller

Curtis F. Mineart, Washington, Washington County, Iowa, for appointment to an initial two-year term commencing July 1, 1979, and ending June 30, 1981.

Senator Drake, Chairperson
Senator Schwengels
Senator Carr
Senator Coleman
Senator Comito

As Administrator of the Credit Union Department:

Betty Lou Minor, Des Moines, Polk County, Iowa, for appointment effective immediately and serving at the pleasure of the Governor.

Senator Kudart, Chairperson
Senator C. Miller
Senator Baugher
Senator E. Miller
Senator Orr

As Director of Energy Policy:

Edward J. Stanek, Des Moines, Polk County, Iowa, for appointment to a term commencing July 1, 1979, and to serve at the pleasure of the Governor.

Senator Taylor, Chairperson
Senator Tieden
Senator Van Gilst
Senator Gentleman
Senator Brown

As members of the Energy Policy Council:

Josephine Gittler, Iowa City, Johnson County, Iowa, for appointment to a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Yenger, Chairperson
Senator Waldstein
Senator Small
Senator Bisenius
Senator Carr

George M. Mills, West Des Moines, Polk County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Ramsey, Chairperson
Senator Palmer
Senator Jensen
Senator Kinley
Senator E. Miller

Delmer A. Nelson, Spirit Lake, Dickinson County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1980.

Senator Comito, Chairperson
Senator Bergman
Senator Coleman
Senator Drake
Senator Gallagher

As a member of the Iowa Commission for the Blind:

Nolden Gentry, Des Moines, Polk County, Iowa, for appointment to a regular three year term commencing July 1, 1979, and ending June 30, 1982.

Senator Hester, Chairperson
Senator Gentleman
Senator Gratias
Senator Carr
Senator Rodgers

As a member of the Iowa Crime Commission:

Sandra J. Holien, Marshalltown, Marshall County, Iowa, for appointment to a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Hultman, Chairperson
Senator Murray
Senator Jensen
Senator Palmer
Senator Robinson

As members of the Iowa Housing Finance Authority:

Roy E. Berger, Des Moines, Polk County, Iowa, for reappointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Nystrom, Chairperson
Senator Orr
Senator Readinger
Senator E. Miller
Senator Priebe

F. Glen Erickson, Davenport, Scott County, Iowa, for appointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Murray, Chairperson
Senator Holden
Senator Hulse
Senator C. Miller
Senator Palmer

As Director of the Iowa State Arts Council:

Dr. Sam W. Grabarski, Quincy, Adams County, Illinois, for a term which will be conterminous with the term for which the Governor was elected.

Senator Carney, Chairperson
Senator Craft
Senator Bergman
Senator Calhoon
Senator Coleman

As members of the Iowa State Civil Rights Commission:

Alfredo G. Parrish, Des Moines, Polk County, Iowa, for appointment to a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Holden, Chairperson
Senator Hulse
Senator Palmer
Senator Hultman
Senator Orr

Jack W. Peters, Council Bluffs, Pottawattamie County, Iowa, for reappointment to a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Kudart, Chairperson
Senator Jensen
Senator Slater
Senator Murray
Senator Priebe

Annette Pieper, Des Moines, Polk County, Iowa, for appointment to a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Hansen, Chairperson
Senator Hester
Senator Baugher
Senator A. Miller
Senator C. Miller

As a member of the Iowa State Commerce Commission:

Andrew Varley, Stuart, Adair County, Iowa, for appointment to the unexpired portion of a term ending June 30, 1983.

Senator Nystrom, Chairperson
Senator Hutchins
Senator Ramsey
Senator Robinson
Senator Readinger

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

Milton C. Engman, Des Moines, Polk County, Iowa, for appointment to a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Schwengels, Chairperson
Senator Readinger
Senator Walstein
Senator Van Gilst
Senator Junkins

As a member of the State Advisory Council for Mental Health:

Kay Ellen Dull, Le Mars, Plymouth County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Briles, Chairperson
Senator DeKoster
Senator Nystrom
Senator Orr
Senator Coleman

As a member of the State Board of Chiropractic Examiners:

Lloyd L. Cutler, D.C., Marshalltown, Marshall County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Goodwin, Chairperson
Senator Gratias
Senator E. Miller
Senator Junkins
Senator Kinley

As a member of the State Board of Dental Examiners:

Robert J. Sixta, Cedar Rapids, Linn County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Readinger, Chairperson
Senator Kudart
Senator Slater
Senator Small
Senator Taylor

As a member of the State Board of Medical Examiners:

Mary Powers Tokheim, Lytton, Sac County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Waldstein, Chairperson
Senator Yenger
Senator Rush
Senator Scott
Senator Ramsey

As a member of the State Board of Mortuary Science Examiners:

Eugene J. Siegert, Dubuque, Dubuque County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Carney, Chairperson
Senator Rush

Senator Comito
Senator Carr
Senator Bisenius

As the State Comptroller:

Ronald F. Mosher, Des Moines, Polk County, Iowa, for a term commencing July 1, 1979, and to serve at the pleasure of the Governor.

Senator Schwengels, Chairperson
Senator Rodgers
Senator Rush
Senator Taylor
Senator Tieden

As members of the State Health Facilities Council:

Minnette Doderer, Iowa City, Johnson County, Iowa, for appointment to the unexpired portion of a term ending June 30, 1981.

Senator Goodwin, Chairperson
Senator Gratias
Senator Small
Senator Hansen
Senator Junkins

Gage E. Parker, Shenandoah, Page County, Iowa, for appointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Carney, Chairperson
Senator Hultman
Senator Craft
Senator Deluhery
Senator Hutchins

As members of the Water Quality Commission of the Department of Environmental Quality:

Burt Harmes, Algona, Kossuth County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1980.

Senator DeKoster, Chairperson
Senator Priebe
Senator Van Gilst
Senator Bisenius
Senator Baugher

E. R. (Mac) McCann, Waterloo, Black Hawk County, Iowa, for appointment to an

unexpired portion of a term ending June 30, 1982.

Senator Goodwin, Chairperson
Senator Hansen
Senator Baugher
Senator Gallagher
Senator Robinson

INTRODUCTION OF BILLS

Senate File 2002, by Nystrom, a bill for an act relating to expenditure of profits from auxiliary services by area schools.

Read first time under **Rule 28.**

Senate File 2003, by Junkins, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

Read first time under **Rule 28.**

Senate File 2004, by Junkins, a bill for an act relating to motor vehicle inspection requirements.

Read first time under **Rule 28.**

Senate File 2005, by Junkins, a bill for an act creating the office of consumer advocate, prescribing its powers and duties and making an appropriation.

Read first time under **Rule 28.**

Senate File 2006, by Nystrom, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must advertise and receive sealed bids.

Read first time under **Rule 28.**

Senate File 2007, by Nystrom, a bill for an act to repeal the power of a city to extend its zoning jurisdiction beyond its corporate limits.

Read first time under **Rule 28.**

Senate File 2008, by Murray, a bill for an act relating to the qualifications of a certified shorthand reporter.

Read first time under **Rule 28.**

Senate File 2009, by Carr, a bill for an act relating to the loading and unloading of pupils from school buses.

Read first time under **Rule 28.**

Senate File 2010, by Jensen, a bill for an act relating to teaching contracts.

Read first time under **Rule 28.**

Senate File 2011, by DeKoster, a bill for an act relating to notice requirements for termination of farm tenancies.

Read first time under **Rule 28.**

Senate File 2012, by DeKoster, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association.

Read first time under **Rule 28.**

Senate File 2013, by DeKoster and Coleman, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor by liquor control licensees or beer permittees.

Read first time under **Rule 28.**

Senate File 2014, by DeKoster, a bill for an act to establish eligibility for the medical assistance program for pregnant women who are not receiving aid to dependent children due to the absence of a dependent child in the home but who meet the income and resource standards for the program.

Read first time under **Rule 28.**

Senate File 2015, by Hutchins, a bill for an act relating to the service of county supervisors on appointive boards, commissions, or committees of the state or political subdivisions of the state and making the Act retroactive.

Read first time under **Rule 28.**

Senate File 2016, by Hutchins, a bill for an act relating to an exemption from the fees of the state elevator code.

Read first time under **Rule 28.**

Senate File 2017, by Hutchins, Scott, Miller of Cerro Gordo, Priebe, Miller of Des Moines, Calhoon, Gallagher, Orr, Slater, Rodgers, Junkins and Van Gilst, a bill for an act relating to the rate of unemployment compensation contributions for employers.

Read first time under **Rule 28.**

Senate File 2018, by Hutchins, a bill for an act providing for the election of one of the members of the Iowa state commerce commission.

Read first time under **Rule 28.**

Senate File 2019, by Gratias, a bill for an act to increase the minimum cost of repairs to public lands and buildings for which bid procedures are required.

Read first time under **Rule 28.**

Senate File 2020, by Gratias and Taylor, a bill for an act relating to the loading and unloading of pupils from school buses.

Read first time under **Rule 28.**

Senate File 2021, by Tieden, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty.

Read first time under **Rule 28.**

Senate File 2022, by Holden, a bill for an act requiring the state of Iowa, its agencies, its political subdivisions, and its urban transit systems to purchase gasohol for motor fuel and providing a penalty.

Read first time under **Rule 28.**

Senate File 2023, by Holden, a bill for an act relating to membership in public retirement systems by police chiefs and fire chiefs.

Read first time under **Rule 28.**

Senate File 2024, by Holden, a bill for an act relating to the hours for operating a motor vehicle by a person who operates a motor vehicle pursuant to a restricted license subject to penalties provided by law.

Read first time under **Rule 28.**

Senate File 2025, by Holden and Bisenius, a bill for an act relating to the injury to animals chapter of the criminal code and providing a penalty.

Read first time under **Rule 28.**

Senate File 2026, by Holden, a bill for an act relating to deductible and coinsurance provisions of contracts with health maintenance organizations.

Read first time under **Rule 28.**

Senate File 2027, by Comito, a bill for an act allowing a deduction under the individual income tax for certain interest and dividends income received.

Read first time under **Rule 28.**

Senate File 2028, by Comito, a bill for an act providing for a property tax exemption for residential dwellings to which improvements have been added.

Read first time under **Rule 28.**

Senate File 2029, by Holden, a bill for an act relating to the membership of the state board of health.

Read first time under **Rule 28.**

Senate File 2030, by Hansen, a bill for an act relating to the role of the boards of directors of school districts in teacher termination proceedings.

Read first time under **Rule 28.**

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 101
By: Committee on Rules and Administration

Be It Resolved by the Senate, That the permanent rules of the senate for the 1980 session of the sixty-eighth general

assembly be amended as follows:

Rule 4

Sessions of the General Assembly

The election of officers, organization, hiring and compensation of employees, and committees of the senate shall carry over from the first to the second regular sessions and to any extraordinary sessions of the same general assembly.

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 into the second regular session and to any extraordinary 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 and any extraordinary session, *each bill or resolution shall be automatically referred back to the committee to which it was originally assigned.* 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 any session shall remain on the calendar in the

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same status as at the end of the session at any subsequent regular or extraordinary session.

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

Rule 12

Form and Withdrawal of Motions, Amendments and Signatures

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

No amendment to the Rules of the Senate, resolution, or bill, or amendment to an amendment or conference committee report shall be considered by the membership of the senate without a copy of said amendment to rule, resolution, bill, amendment to an amendment, or conference committee report being on the desks of the entire membership of the senate

prior to consideration.

All amendments, reports, petitions or other documents requiring a signature shall have the name typed under the place for the signature. Once a signature is affixed and the document containing the signature filed at the secretary of the senate's desk, it shall not be removed.

When an amendment to a main amendment is filed that would negate the effect of the main amendment and thereby leave the bill unchanged, the presiding officer shall have the authority to declare the amendment to the main amendment out of order, subject to an appeal to the full senate.

Rule 13

Order and Precedence of Motions

When a question is under debate, no motion shall be received but to adjourn, to recess, questions of privilege, to lay on the table, for the previous question, to postpone to a

Page 3

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

A motion to strike everything after the enacting clause has precedence over a committee amendment and all other amendments except one to strike the enacting clause.

Rule 24

Reconsideration

When a main motion or main question has been decided by the senate, any senator having voted on the prevailing side may move to reconsider the vote on the same or next legislative day. Motions to reconsider a vote by which a bill or joint resolution was adopted on final passage shall be in writing and filed with the secretary of the senate. A motion to reconsider an amendment to a main motion or main question shall be in writing and [filed with the Secretary of the Senate anytime] *taken up for consideration only* prior to the disposition of the main question or upon reconsideration of the main question. A constitutional majority is necessary to reconsider a bill or joint resolution. During three legislative days from the date the motion to reconsider a bill or resolution is filed, only the mover may call it up. Thereafter, any senator may call up the motion. If a date for adjournment has been set by resolution of the senate,

any senator may call up a motion to reconsider at any time within three days prior to the date set for adjournment.

If the motion to reconsider a bill or resolution prevails, motions to reconsider amendments thereto shall be in order

Page 4

and shall be disposed of without delay.

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

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

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

Rule 37

First Reading and Commitment

Upon the first reading of an individual bill or resolution, *or a house committee bill or resolution*, the president shall refer the bill or resolution to an appropriate standing committee unless otherwise ordered by the senate. If the bill or resolution is a *senate* committee bill or resolution, the president shall place it on the calendar after its first reading. If the subject of the bill or resolution is not germane to the title of the committee presenting it, the president or the senate may refer it to a committee deemed appropriate.

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

All bills pertaining to the levy, assessment or collection

Page 5

of taxes shall be referred to the committee on ways and means.

Any bill which provides for a new state board, commission, agency or department or makes separate or autonomous an existing state board, commission, agency or department, shall be referred to the committee on state government. This rule

shall also apply when such a provision is added to a bill or resolution by amendment adopted by the senate. If the bill or resolution is so referred after being sponsored or reported out by another committee, and if the committee on state government does not report out the bill or resolution within ten legislative days after referral, the bill or resolution shall automatically be restored to the calendar with the same priority it had immediately before referral.

Rule 38

Rules for Standing Committees

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

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

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

When a bill or resolution has been assigned to a

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subcommittee, the chair shall report to the senate the bill or resolution number and the names of the subcommittee members and such reports shall be reported in the journal of the last legislative day of each week.

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

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

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

5. The affirmative vote of a majority of the members of

a committee is needed to sponsor a committee bill or resolution or to report a bill or resolution out for passage.

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

7. No committee, except a conference committee, is authorized to meet when the senate is in session.

Rule 39

Voting in Committee

All committee meetings shall be open at all times. Voting by secret ballot is prohibited. Roll call votes shall be taken in each committee when final action on any bill or resolution is voted, or at the request of a member upon any amendment or motion. All results shall be entered in the minutes which shall be public records. Records of these votes shall be made available by the chair or the committee secretary at any time. This rules also applies to the steering committee and appropriations subcommittees.

The committee shall not authorize the introduction of a

Page 7

committee bill or resolution until the members have received final copies of the bill *or resolution* with amendments incorporated, *and* typed into proper form by the legislative service bureau, *provided that the committee can, by unanimous consent, dispense with this requirement when only technical amendments are necessary to correct the substance of a bill or resolution.*

Rule 44

Admission to Senate Chamber and Prohibition of Lobbying

While the senate is in session and for a period of [ten] *fifteen* minutes before the convening of any session [until] *and fifteen minutes after* the daily adjournment, only legislators, employees of the senate, authorized senate interns, immediate families of senators, doctor of the day, minister of the day, and their immediate families and aides to senators shall be allowed in the senate chamber. Employees of the legislative service bureau authorized by its director and employees of the legislative fiscal bureau authorized by its director shall be allowed in the senate chamber. A person or group accompanied by a senator or persons going directly to committee meetings may be admitted during recess. Former legislators not registered as lobbyists in either house shall also be admitted to the senate floor. News reporters shall be permitted to occupy the seats assigned for the press and to go to or from those seats. No other persons shall be allowed on the senate floor without express permission of the presiding officer of the senate. The presiding officer shall require persons normally allowed in the senate chamber,

other than senators, to leave the chamber if they are not at that time necessary for the senate's business.

Read first time under Rule 28 and placed on calendar.

SENATE RESOLUTION 102
By: Committee on Rules and Administration

Whereas, the history of the General Assembly of the State of Iowa is an important facet of the heritage and development of the State; and

Whereas, there is not currently available any single reference text detailing the history of the General Assembly; and

Whereas, an informational and educational text about the legislative process in Iowa would be useful to educational institutions and the general public; and

Whereas, it is deemed appropriate that such information be made readily available to the people of the State of Iowa; *Now Therefore*,

Be It Resolved by the Senate, That the Secretary of the Senate is authorized to prepare such books; and

Be It Further Resolved, That the Superintendent of Printing is hereby authorized to have the books printed and distributed as directed by the Secretary of the Senate.

Read first time under Rule 28 and placed on calendar.

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Branstad announced the following appointments to statutory committees:

COMMISSION ON THE AGING (Section 249B.1)

Senator James Calhoon, on June 20, 1979, to a full four-year term commencing July 1, 1979.

COLLEGE AID COMMISSION (Section 261.1(5))

Senator Arthur Gratias, on June 20, 1979, to a full four-year term commencing July 1, 1979.

ADVISORY INVEST BOARD OF THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (Section 97B.8)

Senator Jack Nystrom, on June 20, 1979, to a two-year term commencing July 1, 1979.

CHILD ABUSE COUNCIL (Section 235A.24(1))

Senator John Scott, on July 2, 1979, to replace Senator Tom Slater to serve at the pleasure of the Lieutenant Governor.

EDUCATION COMMISSION OF THE STATES (Section 272B.2)

Senator Joann Orr, on July 2, 1979, to a four-year term commencing July 1, 1979.

MEDICAL ASSISTANCE ADVISORY COUNCIL (Section 249A.4(8))

Senator Joe Brown, on July 2, 1979, to a two-year term commencing July 1, 1979.

Senator Dale L. Tieden, on July 9, 1979, for a two-year term commencing July 1, 1979.

COMMISSION ON PROFESSIONAL AND OCCUPATIONAL REGULATION
(House File 679, 1979 Session, Sixty-eighth General Assembly)

Senator Elizabeth Miller and Senator Tom Slater, on July 2, 1979, for four-year terms commencing July 1, 1979.

LEGISLATIVE ENVIRONMENTAL ADVISORY GROUP

Senator Tom Slater, on July 2, 1979, to fill the appointed term of Senator Earl Willits.

Senator C. Joseph Coleman to fill the appointed term of Senator Lowell L. Junkins.

COUNTY HOME RULE STUDY COMMITTEE (Chapter 171,
Acts of the 1979 Session, Sixty-eighth General Assembly)

Senator James Briles, on August 23, 1979, for a term ending upon completion of a report to the General Assembly.

Senator Charles Miller, on August 23, 1979, for a term ending upon completion of a report to the General Assembly.

Senator John Nystrom, on August 23, 1979, for a term ending upon completion of a report to the General Assembly.

ANNOUNCEMENT BY THE MAJORITY LEADER

Senator Dale Tieden was appointed on August 27, 1979, to the State Fair Master Plan Committee in accordance with Chapter 1009, Sec. 1(b) and Sec. 3, 1978 Acts of the Sixty-seventh General Assembly.

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

President Branstad announced the following committee assignments for the 1980 Session of the Sixty-eighth General Assembly:

Gary L. Baugher	County Government Judiciary Ways and Means Social Services Appropriations Sub.
Joe Brown	County Government
Bob Carr	Social Services Appropriations Sub.
Bob Rush	Judiciary - Ranking Member
John Scott	Ways and Means
Tom Slater	Judiciary

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 5, the committee on Rules and Administration submits the following names of officers and employees of the Senate and their respective classifications, grades and steps:

		Class	Grade	Step
	Legal Counsel			
Assistant to the Legal Counsel	George W. Brewster, Jr.	I-FT	17	1
		Effective January 14, 1980		
Assistant to the Legal Counsel	Lisa Davis	I-FT	17	1
		Effective January 7, 1980		
	Majority Caucus			
Research Analyst	Susan E. Johnson	P-FT	26	1
		Effective January 7, 1980		
	Minority Caucus			
Caucus Staff Director	William C. Maloney	P-FT	30	5
		Effective January 4, 1980		
Research Analyst	Kathy Bryant	P-FT	26	1
		Effective December 21, 1979		

Research Analyst	Rebecca Roorda	P-FT 26 1 Effective October 8, 1979
Research Analyst	Jeri Schaben	P-FT 26 1 Effective January 7, 1980
	Sergeant-at-Arms	
Doorkeeper	Marjorie Bruner	I-FT 9 1 Effective January 14, 1980
	Services	
Bill Clerk	Susan Hutchison	I-FT 13 1 Effective January 7, 1980
Assistant Bill Clerk	Jean Coleman	I-FT 12 1 Effective January 10, 1980

CALVIN O. HULTMAN, Chairperson

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 5, the Committee on Rules and Administration submits the following changes in positions, classifications, grades and steps:

Caucus Staff Director and Leader's Administrative Assistant	Harvey Logan	Step 1 to Step 2 Effective September 14, 1979
Research Analyst	Barbara Leiser	Step 2 to Step 3 Effective August 31, 1979
Research Analyst	Sandy Cloe	Step 2 to Step 3 Effective August 17, 1979
Assistant Journal Editor	Nancy Smith	Step 2 to Step 3 Effective August 3, 1979
Compositor	Mary Buban	Step 3 to Step 4 Effective September 28, 1979
Compositor	Martha Higgins	Step 3 to Step 4 Effective October 12, 1979
Assistant Indexer	Caryll Wilbur	Step 6 to Step 7 Effective October 12, 1979
Legal Counsel	Ann Ver Heul	Step 1 to Step 2 Effective December 21, 1979
Research Analyst	Carol Hammer	Step 2 to Step 3 Effective March 28, 1980

Research Analyst	Patrick O'Malley	Step 1 to Step 2 Effective December 21, 1979
Research Analyst	Rebecca Roorda	Step 1 to Step 2 Effective March 28, 1980
Leader's Administrative Assistant	G. Kay Bolton	Step 4 to Step 5 Effective February 1, 1980
Chief Doorkeeper	Ray Prosperi	Step 2 to Step 3 Effective February 1, 1980
Switchboard Operator	Betty Lawler	Step 2 to Step 3 Effective February 1, 1980
Switchboard Operator	Betty Schwengels	Step 3 to Step 4 Effective February 1, 1980
Senate Secretary	Vera Bergman	Step 5 to Step 6 Effective February 1, 1980
Senate Secretary	Paula Cox	Step 3 to Step 4 Effective February 1, 1980
Senate Secretary	Phyllis Den Hartog	Step 4 to Step 5 Effective April 25, 1980
Senate Secretary	Doris Flo Saf	Step 5 to Step 6 Effective March 28, 1980
Senate Secretary	Jeanne Schmidt	Step 4 to Step 5 Effective February 15, 1980
Senate Secretary	Hazel Schroedel	Step 6 to Step 7 Effective February 15, 1980
Senate Secretary	Genevieve Snetselaar	Step 7 to Step 8 Effective February 15, 1980
Senate Secretary	Sylvia Tow	Step 7 to Step 8 Effective February 15, 1980
Senate Secretary	Betty Wise	Step 5 to Step 6 Effective February 1, 1980

CALVIN O. HULTMAN, Chairperson

COMMUNICATIONS

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

DEPARTMENT OF REVENUE

A copy of the Iowa Department of Revenue's annual report for the fiscal year ending June 30, 1978. This report was filed June 21, 1979, with the Secretary of the Senate.

IOWA CITIZENS PRIVACY TASK FORCE

A copy of the report of the Iowa Citizens Privacy Task Force in accordance with House File 207, adopted during the 1977 Session. According to the Sec. 6 of the Act, House File 207 was repealed January 1, 1980. Sec. 4 of the Act states that the Task Force shall submit a final report of its findings, projections and recommendations to the General Assembly not later than January 1, 1980. The report was filed December 27, 1979, with the Secretary of the Senate.

DEPARTMENT OF TRANSPORTATION

A copy of the Five-Year Transportation Improvement Program, pursuant to Section 307A.12, Code 1979. This report was filed January 4, 1980, with the Secretary of the Senate.

ATTORNEY GENERAL OF IOWA

A copy of the Report on the Prosecutor Internship Program, for the fiscal years 1978 and 1979, pursuant to Section 13.2(12), Code 1979. These reports were filed January 10, 1980, with the Secretary of the Senate.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: January 14, 1980, 1:25 p.m.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Hansen, Junkins and Ramsey.

Members Absent: Kinley, Ranking Member.

Final Action: Senate Resolution 101, a resolution amending the permanent rules of the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 5: Hultman, Hulse, Hansen, Junkins and Ramsey. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: Senate Resolution 102, a resolution regarding the printing and distribution of books detailing the history of the General Assembly.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 5: Hultman, Hulse, Hansen, Junkins and Ramsey. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:40 p.m.

STUDY BILLS RECEIVED

S.S.B. 2001 Commerce

Relating to products liability actions.

S.S.B. 2002 Commerce

Relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 130.

S.S.B 2003 Human Resources

Relating to the supplying of a house or quarters, utilities and provisions for executive heads of institutions under the department of social services.

S.S.B. 2004 Human Resources

Relating to the punishment for violation of Section 321.561 of the Code.

S.S.B. 2005 Human Resources

Relating to the furlough of inmates sentenced to and confined in an institution under the jurisdiction of the department of social services.

S.S.B. 2006 Human Resources

Relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

S.S.B. 2007 Judiciary

Repeal of Section 246.17 of the Code.

S.S.B. 2008 Judiciary

Relating to pretrial and post trial criminal procedures, release, and sentences.

S.S.B. 2009 Judiciary

Allow the recording of memorandum of lease of agricultural lands in lieu of the complete lease.

S.S.B. 2010 Judiciary

Amend the date for presumption of abandonment on a contract for deed.

S.S.B. 2011 Judiciary

To recover defense costs from indigent defendants and defendants able but unwilling to obtain legal assistance.

S.S.B. 2012 Judiciary

Authorize certain trusts to be shareholders in a family farm corporation.

S.S.B. 2013 Judiciary

Legalize certain plats of city or town lots recorded before January 1, 1970.

S.S.B. 2014 Judiciary

Relating to the Iowa Probate Code.

S.S.B. 2015 Judiciary

Relating to the dates for limitations of actions on title to real property.

S.S.B. 2016 Judiciary

Relating to notice requirements for termination of farm tenacies.

S.S.B. 2017 Judiciary

Establish a commission on criminal law and making an appropriation.

S.S.B. 2018 Judiciary

Increase the reimbursement to jurors and witnesses of mileage expenses from fifteen to eighteen cents per mile.

S.S.B. 2019 Judiciary

Establish a sentencing guidelines commission.

S.S.B. 2020 Judiciary

Relating to the disclosure of information concerning inmates interviewed by the board of parole.

S.S.B. 2021 Judiciary

Relating to the hospitalization of mentally ill persons.

S.S.B. 2022 Judiciary

Requiring presentence investigators to inquire into mental disabilities of the defendant.

S.S.B. 2023 Judiciary

Provide that appeals of criminal simple misdemeanor cases to the district court shall be on the record only.

S.S.B. 2024 Judiciary

Relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services.

S.S.B. 2025 Appropriations

Authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

PETITION

The following petition was presented and placed on file by:

Senator Comito from twenty thousand five hundred ninety-four residents of Iowa favoring legislation repealing the present law of mandatory deposits on certain beverage containers.

PRESENTATION OF VISITORS

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

Ninety students from Central High School, Argyle, Iowa, the guests of Senator Junkins.

AMENDMENT FILED

S—5001 S. F. 190 William D. Palmer

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:11 a.m., until 9:00 a.m., Tuesday, January 15, 1980.

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

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 15, 1980

The Senate met in regular session at 9:47 a.m., President Branstad presiding.

Prayer was offered by the Reverend Doctor Joseph Grubbs, former pastor of the First Christian Church, Des Moines, Iowa.

The Journal of Monday, January 14, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin R. Moles, Newton, Iowa.

INTRODUCTION OF BILLS

Senate File 2031, by Briles and Hultman, a bill for an act relating to state grants and loans to governmental subdivisions which incur expenses due to damage from natural disasters.

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

Senate File 2032, by Carr, a bill for an act providing for an income tax credit and sales and use tax exemption for the purchase, construction and installation of a solar energy system or its components.

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

Senate File 2033, by Miller of Cerro Gordo, Scott, Priebe, Miller of Des Moines, Calhoon, Gallagher, Orr, Slater, Rodgers and Van Gilst, a bill for an act relating to the applicable unemployment compensation contribution rate table for 1980 and subsequent calendar years.

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

Senate File 2034, by Briles, a bill for an act to permit agricultural credit corporations owned by banks to make agricultural purpose consumer loans at interest rates permitted for closed-end consumer loans.

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

Senate File 2035, by Holden and Small, a bill for an act relating to a schedule of penalties, including fines and license revocations, for violation of the fish and game laws in chapters one hundred nine (109) and one hundred ten (110) of the Code.

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

Senate File 2036, by Holden, a bill for an act to impose the motor fuel tax upon motor fuel containing at least ten percent alcohol distilled from agricultural products.

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

Senate File 2037, by Holden, a bill for an act authorizing certain special charter cities to adopt a nonpartisan form of city election by ordinance.

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

Senate File 2038, by Miller of Des Moines, a bill for an act relating to the eligibility of members of the peace officers' retirement accident and disability system for certain retirement allowances after age fifty-five.

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

Senate File 2039, by Miller of Des Moines, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

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

Senate File 2040, by Committee on Transportation, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

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

Senate File 2041, by Van Gilst, a bill for an act providing a special annual registration fee for new or used motor vehicles owned by prisoners of war of the second world war, the Korean conflict, and the Vietnam conflict.

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

Senate File 2042, by Van Gilst, a bill for an act requiring motorized bicycles to be issued distinctive plates.

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

BILL REASSIGNED TO COMMITTEE

President Branstad announced that **Senate File 2040** was reassigned to the committee on **Ways and Means** under Senate Rule 37.

COMMUNICATION FROM THE DEPARTMENT OF TRANSPORTATION

Senator Drake asked and received unanimous consent to have the following communication printed in the Senate Journal:

IOWA TRANSPORTATION POLICY
January 1, 1980

GOAL		The transportation goal for Iowa is to provide adequate, safe, and efficient transportation services to the public.
POLICY		The Iowa Department of Transportation will:
A. General	1.	Promote a transportation system to satisfy user needs and maximize economic and social benefits for Iowa citizens.
	2.	Provide for a participatory planning process which involves public, private, and citizen interests and which encourages complementary transportation and land development patterns.
	3.	Encourage and support programs to provide commodity movement and mobility for all citizens.
	4.	Develop and promote just and equitable policies and procedures for the registration and regulation of motor vehicles and common carriers of passengers and freight.
	5.	Promote financing of the transportation system through user and non-user sources in an equitable manner.
B. Plan	1.	Develop a total transportation system plan, subject to annual review, which;

- considers all transportation modes as interacting elements;
- considers facilities and services necessary for person and commodity movement from origin to destination;
- contributes to the development and implementation of a comprehensive state plan;
- exerts a positive influence on social, economic, and aesthetic values;
- provides safe, convenient travel opportunities;
- minimizes economic, energy and environmental costs;
- coordinates available federal, state, and local resources;
- recommends appropriate investment and funding procedures;
- makes the best use of land resources for permanent transportation use;
- encourages more efficient use of energy resources;
- fosters usage of technological advancements in transportation facilities; and
- evaluates progress toward achievement of the goal contained in this policy.

2. Encourage and assist in the development of general aviation, airport facilities, and air-carrier services.

3. Encourage and assist in the general development and efficient use of highway transportation through improvement programs to equalize functional adequacy of roads and streets throughout Iowa.

4. Encourage and assist in the development and improvement of public transit systems and services.

5. Encourage and assist in developing and maintaining a viable railroad system which is responsive to the needs of Iowa and the United States.

6. Encourage and assist in the development of programs which promote efficient use of river transportation.

7. Develop and participate in programs to improve the safety of all transportation modes.

8. Encourage and support development of transportation education programs.

C. Program 1. Prepare a current and long-range program of capital investment, services, and regulatory practice—each year.

2. Propose and promote legislative programs to facilitate an integrated transportation system.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

April 10, 1979

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Clifford Stille, Macedonia, Pottawattamie County, Iowa, for appointment as a member of the State Soil Conservation Committee pursuant to Section 467A.4, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

April 16, 1979

Dear Governor Branstad:

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 Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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 Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

April 18, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Larry D. DeCook, O.D., Newton, Jasper County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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 reappointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

May 11, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of John E. Scherrman, Sioux City, Woodbury County, Iowa, for appointment as a member of

the Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Julia A. Shirk, Des Moines, Polk County, Iowa, for appointment as a member of the Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Herbert S. Roth, Ph.D., Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

May 16, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Deborah L. Green, Cedar Falls, Black Hawk County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Kristi Livingston, Lorimor, Union County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Margaret Ann Harden, Perry, Dallas County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

May 23, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Molly M. Scott, Spencer, Clay County, Iowa, for appointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

May 31, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Mary E. Heltsley, Ames, Story County, Iowa, for appointment as a member of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2,

1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Elaine M. Hulseberg, Marion, Linn County, Iowa, for appointment as a member of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 4, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Steven H. Jacobs, Davenport, Scott County, Iowa, for appointment as a member of the State Board of Tax Review pursuant to Section 421.1, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 19, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Joan M. Lipsky, Cedar Rapids, Linn County, Iowa, for appointment as a member of the Council on Social Services pursuant to Section 217.2, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 21, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Madalene R. Townsend, Davenport, Scott County, Iowa, for reappointment as a member of the Council on Social Services pursuant to Section 217.2, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

June 22, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Virginia Harper, Fort Madison, Lee County, Iowa, for appointment as a member of the Iowa Board of Parole pursuant to Section 904.1, 1979 Code of Iowa, for a regular five-year term commencing July 1, 1979, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of C. Roger Fair, Davenport, Scott County, Iowa, for appointment as a member of the State Transportation Commission pursuant to Section 307.3, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 17, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Niel Ver Hoef, Des Moines, Polk County, Iowa, for appointment as a member of the State

Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

August 27, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Rick Morain, Jefferson, Greene County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Richard L. Pattenaude, PhD., Des Moines, Polk County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of John C. Rhodes, Chariton, Lucas County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial two-year term commencing July 1, 1979, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Diane M. Ruebling, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Sheila Sidles, Centerville, Appanoose County, Iowa, for appointment to the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial two-year term commencing July 1, 1979, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

November 1, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jacqueline F. Bryant, Cedar Rapids, Linn County, Iowa, for appointment as a member of the Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of David A. Hoeper, Iowa City, Johnson County, Iowa, for appointment as a member of the

State Board of Physical Therapy Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

November 23, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Margo Lorraine Underwood, Mason City, Cerro Gordo County, Iowa, as a member of the State Board of Pharmacy Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 7, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jim Meyer, Odebolt, Sac County, Iowa, for appointment as a member of the Iowa Board of Veterinary Medicine pursuant to Section 169.5, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Norman Scott, Ph.D., Ames, Story County, Iowa, for appointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 27, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jolly Ann Davidson, Clarinda, Page County, Iowa, for reappointment to the State Board of Public Instruction pursuant to Section 257.1, 1979 Code of Iowa, for a regular six-year term commencing January 2, 1980, and ending January 1, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Mary E. Robinson, Cedar Rapids, Linn County, Iowa, for appointment to the State Board of Public Instruction pursuant to Section 257.1, 1979 Code of Iowa, for a regular six-year term commencing January 2, 1980, and ending January 1, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 31, 1979

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Robert G. Koons, Clinton, Clinton County, Iowa, for reappointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1979 Code of Iowa, for a regular six-year term commencing January 2, 1980, and ending January 1, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Michael V. Reagen, Ph.D., Onondaga County, Syracuse, New York, for appointment as Commissioner of Social Services pursuant to Section 217.5, 1979 Code of Iowa, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Stanley Isaacson, Des Moines, Polk County, Iowa, for appointment as a member of the State Soil Conservation Committee pursuant to Section 467A.4, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Karlton Lane Kunath, Spencer, Clay County, Iowa, for reappointment as a member of the Board of Watchmaking Examiners pursuant to Section 120.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

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 101, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-arms.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 10:05 a.m., President Branstad presiding.

Senator Holden 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 by a voice vote.

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

Senator Murray 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 by a voice vote and the President appointed as such committee Senators Murray, Baugher and Calhoon on the part of the Senate, and Representatives Hoffmann, Hall and Pope on the part of the House.

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

President Branstad introduced the Honorable Howard Baker, United States Senator from Tennessee, and the Honorable Harold Stassen, former Governor from Minnesota, who were present in the House chamber.

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

President Branstad then presented Governor Ray, who delivered the following condition of the state message:

MR. PRESIDENT, MR. SPEAKER, MR. CHIEF JUSTICE, JUSTICES AND JUDGES, STATE OFFICIALS, SENATORS AND REPRESENTATIVES, GUESTS, AND FRIENDS:

This morning I am happy to welcome you all again. As Governor, I am pleased to visit with you again. And, as a friend, I look forward to working with you again.

We start this new session in a new year, in a new decade. The 1970s are history. The 1980s are here and now. They have begun with unrest abroad—and with uncertainty here at home.

We are a people anguished and frustrated over Iran and the Soviet Union—and the inhumanity shown American hostages and the people of Afghanistan.

We are a people angered and upset about inflation—and its impact on our elderly, farmers, working men and women—on all of us.

We are a people alienated and turned off by intrusions into our lives—and the interference we so often encounter.

These things worry us. Some of them hurt us, and we want very much for them to change—for the better.

We want a country that is strong and respected. We want an economy that is sound and productive. Most of all, we want lives that are enriched and charged with purpose. We want to belong, yet we want also to be individuals—free to make our own choices—in our own way.

These are challenges we face together in the 1980s. All ten years are in front of us. We should do so much—and we can, if we so choose. By survey, 79 percent of American teenagers tell us this country is still the land of opportunity. They believe there is hope here. They believe there is a bright future here. I believe they are right. And I can tell you this morning there is no better place to be in the entire country, in the entire world, in the 1980s than right here—between the Mississippi and the Missouri, in this state, this place we call home—Iowa.

The writer, Anthony Harrigan, shared this perception with us last summer: "At a time when American life is full of dislocations and discomforts—gasoline shortages, truckers' strikes, and perilous economic problems, it is cheering to find communities that offer the good life. Iowa has many of these communities." He concluded, ". . . there is great beauty in this farming region, and a miracle of productivity unequaled elsewhere in the world."

What is so good about Iowa—what makes us so proud of Iowa, is that our people strive for excellence. Iowans don't just go through the motions. Iowans are not satisfied with mediocrity and with a job half done. Iowans want to excel, and they do.

Look at rural Iowans, and you see excellence. Iowa farmers try a little harder—and last year they reaped a billion-and-a-half bushel corn crop, the biggest yield in the history of our state, and we still remained a leader in soybeans and cattle and hog production.

Look at laboring Iowans, and you see excellence. Iowa workers are 25 percent more productive than the national average—and last year that fact, along with other incentives, prompted 100 new companies to locate here, creating more jobs and keeping Iowa's unemployment rate one of the lowest in the nation.

Look at young Iowans, and you see excellence. Iowa students make an effort to learn from skilled teachers—and last year, 94 percent of Iowa's schools chalked up test scores at or above the national median, and a recent task force said, "Iowa students may be the best in the nation."

Look at Iowa events of 1979, and you see excellence. Perfect planning made it possible for Pope John Paul's visit last October 4 to be a successful, colorful, meaningful, memorable day for us all. Remember also the 45,000 Iowans who picked up millions of bottles and cans during last May's "Great Iowa Cleanup"—the biggest one-day environmental effort ever.

Look at Iowa developments during 1979, and you see excellence. Consider Iowa's leadership in gasohol sales. We are number one in America. Think about a record 213 entrants in the state's Community Betterment Program. Again, we are number one in America. Reflect on Iowa's enthusiastic efforts during the International Year of the Child. See cities like Marion using, for the first time, our new Urban Revitalization plan to save our downtown areas. And watch the new Iowa Natural Heritage Foundation which we organized last year to save our wetlands, prairies and forest areas.

These are all examples of Iowa excellence—of people volunteering for good causes, of people working with each other, and with government, to make this a better state.

We must keep reaching for excellence in the 1980s—in our lives, in our work, in our communities, and yes, in state government. We here today have a duty to excel to give Iowans the very best, responsive service possible and to improve our good condition.

We can excel with action this year to further streamline Iowa's government. And I ask you to endorse at least ten money-saving ideas from the Governor's Economy Committee.

We can excel with action this year to further enhance Iowa's enviable energy record. And I ask you to approve renewed initiatives for gasohol, solar engery and conservation.

We can excel with action this year to further meet Iowa's human needs. And I ask you to adopt improved programs for the elderly, for the mentally ill, and for other Iowans who deserve our help.

We can excel with action this year to further save Iowa's precious soil. And I ask you to support a robust effort for soil conservation.

These and other sound ideas will work—not for the benefit of government, but for the benefit of the people of this state. These ideas are important. These are relevant. They are timely. And they highlight an agenda that stands for excellence in the 1980s.

GOVERNMENT ECONOMY

There is no greater priority for government than to serve people and to do so effectively. You don't need a bloated bureaucracy to have a democracy. I recognized that when I first took office and named a blue-ribbon panel of Iowa business captains to a Governor's Economy Committee. Seventy percent of their proposals are no longer just ideas—they are laws, policies and procedures saving Iowans $50 million in taxes every year.

Last year, in my inaugural message, I told you I would recruit a second Governor's Economy Committee. I did that, and under the leadership of Marvin Pomerantz, 61 management experts from around this state spent the summer and fall examining the executive branch of government.

I received the economy committee report three weeks ago, as did you. It cites specific ways to achieve annual savings of up to $85 million and one-time savings of $13 million.

Those numbers are significant. This report is significant.

Many of the recommendations I can implement by executive action—and I intend to. Others require more review. But today, I submit ten practical ideas you can and should affirm. The checklist includes:

* Realigning the Merit Employment Department, the P.E.R. board and other units into a Department of Personnel.
* Combining Department of Environmental Quality commissions and divisions into a unified structure.
* Merging the Spanish-Speaking Peoples Commission, the Committee on Employment of the Handicapped, the Council for Children, and the Civil Rights Commission into a Department of Human Rights.
* Abolishing the Crime Commission and moving its grant and planning activities to the Department of Public Safety.
* Absorbing the Occupational Safety and Health Review Commission into the Industrial Commissioner's Office.
* Shifting the Mississippi River Parkway Commission to the Development Commission.
* Using a weight/value formula to set truck registration fees.
* Consolidating the state's motor pool and highway safety efforts.
* Centralizing vehicle theft enforcement in the Department of Public Safety.
* And, pooling the administration of licensing boards while establishing biennial licensing.

These are openers. These are cost-cutting ideas you can easily approve this year. There might well be others.

The men and women of the Governor's Economy Committee and Iowans who want more efficient, more effective government, join me in urging your action this session, this year.

ENERGY

Of Iowa's many success stories in the '70s, few can match the progress we have made with energy. We began working long before "energy crisis" entered everyone's vocabulary. We began working with the unsettling knowledge that Iowa is 98 percent dependent on outside energy sources. But, we did begin working. We unleashed some talented people who have helped Iowa to log an outstanding energy record:

—We learned how to mine, clean and burn Iowa coal.
—We rebuilt 830 miles of energy-saving railroad branchlines, more than all other states combined.
—We created America's first fuel set-aside.
—We turned the corner and cut consumption of gasoline and natural gas.

—We pioneered gasohol marketing.
—We built solar collectors on the Capitol complex.
—We began an energy management program for state facilities and reduced travel.
—We provided funding for public transit.
—We weatherized 15,000 homes for low-income Iowans.
—We started energy education in our schools.

And this past year, Iowa implemented the bottle and can deposit law. It is a law that works. It is a law that is saving the equivalent of 20 million gallons of gas a year. It is a law that also has eliminated 80 to 90 percent of the litter in our state parks. And, it is a law that will stay on the books.

On deck in 1980 are several energy initiatives which should become law, including four key solar priorities:

—First, $1 million for passive solar home demonstration grants.
—Second, new housing authority bonding for solar homes and weatherization.
—Third, a property tax exemption for passive solar energy systems.
—Fourth, protection of access to sunlight.

In other areas, I recommend reciprocity with other states for traffic violations, and an increase in speeding fines and truck weights to save more fuel.

I also advocate stockpiling of a state energy fuel pool, stricter thermal and lighting efficiency standards, energy audits of all public buildings, life-cycle costing in state purchases, additional gasohol marketing, and a mandate to utilities requiring a conservation ethic.

Iowa is an energy leader today. With these 1980 endeavors, and a decade of solar progress, we can remain an energy leader in 1990.

Iowans who think seriously about our nation's energy shortage join me in urging your action this session, this year.

HUMAN NEEDS

Iowa's elderly people, Iowa's young people, Iowa's handicapped people, Iowa's poor people, and Iowa's troubled people all warrant special concern from government—not sympathy, but empathy.

In Iowa we have had compassion and understanding. We have begun the Elderly Tax Credit, pushed nutrition programs, and made strides in health care. The list goes on and on.

We are trying to meet one of the great tests of government—the test of whether we truly help the people we are here to serve. I am here this morning to say we cannot back off—we have an obligation to do what we can to see that these people are not wiped out as victims of inflation.

That is why today I outline for you a series of recommendations to meet human needs, including:

—Making available in other locations the model elderly service program working so well in Scott County.
—Continuing Eldercare to keep senior Iowans in their homes.
—Reorganizing Iowa's mental health system with a focus on local control, and strong standards for county care facilities.
—Beginning special services for deaf Iowans, and supporting family planning.
—Emphasizing progressive programs for juvenile offenders.
—Assuming county costs for alcohol and drug abuse treatment.
—Supporting a physical fitness program to have healthier Iowans.
—Eliminating the 24-hour notice on nursing home complaint investigations.

In addition to these items and an ongoing study of foster care, I will appoint a special task force to review long-term care for older Iowans and to give us options for the '80s.

Not everyone favors the same emphasis on meeting human needs. But none of us would favor ignoring them—and we will not ignore them.

The families of Iowans who need help and treatment join me in urging your action this session, this year.

SOIL CONSERVATION

Next to our people, Iowa's most valuable asset is its good, rich, black soil—the very first link in the long food chain. Our soil is so vital. Listen to what Pope John Paul II told us last fall at Living History Farms, "the land must be conserved with care since it is intended to be fruitful for generation upon generation."

What a challenge! What a challenge for you and me as we are stewards of this land.

So let us recognize that if we want to export more grain overseas, we have to stop exporting Iowa soil to the Gulf of Mexico. Topsoil loss not only reduces the productivity of our land, it contributes to the pollution of our water and air.

We acted eight years ago with the nation's first state cost-share soil conservation program. We have steadily expanded that effort in the years since.

Just last week I announced a major "Plant Iowa Program" to plant tens of thousands of new trees this year. That will help curb erosion—and so will more conservation education, planning, tillage, and terracing.

While we cannot do it all, we can extend our commitment to Iowa's soil, to Iowa's agriculture, and indeed to Iowa's future. Thus, today I propose a solid 60 percent boost in soil conservation funding. I consider this a "must do" priority.

Twenty short years from now, in the year 2000, Iowa will have a different Governor. I want that Governor to be able to stand before a legislature, as I stand here today, and say, "The best soil anywhere in the world is here in Iowa." And I want that Governor to say, "Thank goodness Iowans 20 years ago had the wisdom to do something to save the soil."

Iowans who love this land, this priceless resource, and those who consume the food it produces, join me in urging your action this session, this year.

* * *

Economy, energy, human needs and soil conservation highlight my program report to you today. But other items also merit your attention.

My agenda looks at the privacy of citizens . . . usury . . . air quality standards . . . .fire safety . . . trespass laws . . . drunk driving . . . and a novel way to assist family farmers.

And today I also present proposals concerning . . . open collective bargaining . . . bipartisan reapportionment . . . ethics . . . an Iowa office in the nation's capital . . .and the "Fair Play Plan" to protect local governments. You can read the details on these and other items in the written addendum to my message.

A BALANCED BUDGET

There is a lot more we would like to do for Iowa—but, extra money is scarce. In fact, I received a stack of requests for supplemental funding above and beyond our two-year budget you wisely adopted last session. These requests got a critical examination. And no matter how much we want to do, we cannot do everything.

Iowa's government, like its people, is ravaged by inflation the national administration cannot control. Such drastic and damaging inflation compels us to adjust our earlier budget work. So, when we started to put together this supplemental budget, the first thing we did was set aside an additional $88 million for increased school aid—a generous slice of the pie for education.

In addition, there are some other worthy needs we can afford, and today I ask for:

* Funds to begin shared services at our mental health institutions and to meet fire safety standards.
* Construction and renovation at our three universities—Iowa, Iowa State and U.N.I.
* A State Medical Examiner
* A new Highway Patrol post in Cedar Rapids.
* Support for the European trade office.
* Salary adjustments for state employees, and a hike in IPERS for retired workers.

The fiscal year 1981 budget totals $1.9 billion. It ends with a treasury surplus of $60 million—a responsible minimum to make government work.

The grain embargo, inflation, and other economic hazards complicate precise projections. So I caution you to keep a careful eye on revenue estimates, and a cautious attitude on recurring expenditures.

Iowa's budget is balanced. This state is in the black. And that's where we want it to be!

TAX FAIRNESS

Your work in 1980 will cover the spectrum of issues and interests, each affecting some Iowans. But what you do, and what you do not do with taxes, affects all Iowans, their pocketbooks and the kind of service they get from their government.

This second session follows some dramatic tax actions taken in 1979. While you didn't accept all of my proposals, you agreed with my plan to rebate $50 million to the taxpayers—the biggest tax refund in Iowa history. And, I concurred with your plan to index the income tax and hold down taxflation. The upshot from both: our Iowans were the winners.

In 1979 the personal property tax phase-out was also resumed, representing still more tax relief for Iowans, and it should continue.

In 1980, Iowans hit hard by federally fueled inflation can be inspired by the plan to extend the 50 percent indexing of Iowa tax brackets. And I encourage you to do just that.

There are more tax items you can tackle this year to alter the upward tax trajectory.

I recommend you extend assessment limits now protecting homes and farm lands to other classes of property. Iowa's small main street businesses, and others, deserve consideration. Limits on commercial property, along with industrial and utility, will provide it, and save $19 million in commercial property taxes—real help to renters also. Most of that will be offset by the state increasing school aid, providing additional assistance to cities and counties, and giving larger homestead and ag land tax credits.

I again urge you to repeal the sales tax on machinery and equipment—to give Iowa another incentive, to keep up on the competitive cutting edge, to encourage industrial location and expansion, which will stimulate more jobs for Iowa workers.

Three years ago I advocated the gas tax be set at a percentage of the pump price. While the legislature did not accept that approach, it did increase the tax by three cents. However, that increase has quickly been eclipsed by the rapid 50 percent rise in road building costs.

To address this probe, I ask that you again consider the percentage approach without an immediate increase. This, I believe, is a logical method to maintain Iowa's vital road network.

CONSTITUTIONAL AMENDMENTS

During your session last year, you displayed some shrewd judgment. You addressed pressing problems, but you also held down taxes. I trust you will do the same this year. That is what representative government is all about. Certainly, I believe your conscientious work is a better answer than the constitutional amendment now being advanced.

So, although it is well intentioned and supported by good people, I urge you to think twice before accepting this amendment.

Later this year, in November, our citizens will vote on another amendment—to assure equal rights for Iowans. Two general assemblies have now approved this amendment. It has my full backing. And this morning, I call upon Iowans to sustain our state's support for human rights.

Finally, it was once said that "there are no obstacles which human wisdom cannot overcome." Today . . . this year . . . this decade, we face obstacles—but they can be overcome.

We have limits on revenue. And yes, we have limits on time. But there is no limit on our imagination. There is no limit on our ingenuity. There is no limit on the "Iowa Way" of solving problems.

Look back at the decade of the 1970s if you will. Look at how much we accomplished. Look at what we created and at the excitement we enjoyed. Look at each other and at yourself. See how much we have progressed. See how far we have come. See how much we have grown.

And now, look back if you will, just this past month. Look at the Iowa "SHARES" campaign as just one example of what Iowans can do when they put their hearts and minds to a task. Iowans understood the desperate plight of hungry, dying humans halfway around the world. Iowans could have sat back and let others cope with this crisis. They didn't. They clipped their "SHARES" coupons. And, Iowans shared some of their wealth with people we don't even know—people who looked to us as their hope for life itself.

We have discovered again that this is a place with a special spirit. Sensing, feeling, knowing that such a splendid Iowa spirit exists, our mission now is to again act in the very best interests of three million good Iowans. We cannot do any less. We can, if we choose, do a great deal more. Lets do it.

Thank you very much.

GOVERNOR'S RECOMMENDATIONS

GOVERNOR'S ECONOMY COMMITTEE

In their report the Governor's Economy Committee outlined an ambitious plan to make state government more efficient and economical in its delivery of services to the people. We should take advantage of this important contribution of top management advice by the private sector. Among the important legislative recommendations that should be addressed promptly are:

1. Realigning the Merit Employment Department, the P.E.R. Board and other units into a Department of Personnel.
2. Combining Department of Environmental Quality commissions and divisions into a unified structure.
3. Merging the Spanish-Speaking Peoples Commission, the Committee on Employment of the Handicapped, the Council for Children, and the Civil Rights Commission into a Department of Human Rights.
4. Abolishing the Crime Commission and moving its grant and planning activities to the Department of Public Safety.
5. Absorbing the Occupational Safety and Health Review Commission into the Industrial Commissioner's Office.
6. Shifting the Mississippi River Parkway Commission to the Development Commission.
7. Using a weight/value formula to set truck registration fees.
8. Consolidating the state's motor pool and highway safety efforts.
9. Centralizing vehicle theft enforcement in the Department of Public Safety.
10. Pooling the administration of licensing boards while establishing biennial licensing.

SOLAR ENERGY DEMONSTRATION GRANTS

The energy conservation value of passive solar construction techniques in homes can be most effectively demonstrated to those who build, finance and buy the estimated 10,000 new homes sold in Iowa annually. The establishment of a grant program of $1 million will provide a means for builders to substitute passive solar homes for conventional homes in their annual major home shows. Grants of up to $5,000 on each home to cover the incremental cost of such techniques would be provided. The exposure of energy conservation measures to thousands of attending Iowans will be a large boost to our goal of incorporating passive solar techniques in new homes to achieve a 30 pecent savings in nonrenewable energy by 1983 and 50 percent by 1985.

SOLAR PROPERTY TAX EXEMPTION

To further encourage passive solar space conditioning and hot water heating, the property tax exemption for active solar energy systems should be extended to passive solar systems for new or newly reconstructed residences.

SOLAR AND WEATHERIZATION HOME LOAN PROGRAM

Legislation should be enacted authorizing the Iowa Housing Finance Authority to

issue an additional $50 million in bonds to provide low interest loans to persons to purchase and install active or passive solar systems and weatherization materials in excess of government loan requirements within new or existing housing. This program would be a major funding source to achieve the 1983 and 1985 energy savings goals in new home construction.

SOLAR ACCESS

Hopefully, the General Assembly will complete its consideration of solar access legislation by adopting the conference committee report to insure the usefulness of solar energy devices through voluntarily agreed upon solar access easements and covenants.

INCREASED SPEEDING FINES

The national 55 mile-per-hour speed limit was enacted as a conservation measure after the 1973 oil embargo. Inflation has reduced the deterrent value of our present schedule of speeding fines. It is recommended those fines be increased to $2 for each mile an hour over the limit with a minimum fine of $10 for speeding 1 mph to 10 mph over the limit and $30 for speeds 11 mph to 20 mph over the limit. Speeds 21 mph over and higher should continue to require court appearances. Both safer roads and more economical travel will be the result.

JOINING THE NONRESIDENT VIOLATOR COMPACT

The Nonresident Violator Compact between states assures nonresident motorists the same treatment accorded resident motorists receiving citations for traffic violations in a member state. Loss of license will result until the terms of an out-of-state citation are satisfied. Currently, 16 states, including Indiana and Minnesota, have already adopted the Compact and others have the Compact under active consideration.

HEAVIER TRUCKS

Maximum allowable (standard) gross vehicle weights for trucks should be increased to be consistent with the designed capacity of our highways and the federally required "modified bridge formula" so long as the cost of increased highway damage due to the heavier loads is covered by additional fees. There is not expected to be an increase in truck traffic, but this does offer a possible savings of 8 million gallons of fuel annually.

THERMAL AND LIGHTING EFFICIENCY STANDARDS

Our greatest opportunities for energy conservation are found in space conditioning practices. Those who would choose not to construct efficient buildings deprive others of needed energy resources. The legislature has seen the wisdom of this policy in recent amendments to the building code which now is applicable to a large majority of Iowans. Authority is needed to permit the adoption of realistic thermal and lighting standards for new construction throughout the state.

ENERGY AUDITS OF PUBLIC BUILDINGS

Both for operational efficiency and as an example to others of our determination to be less reliant on uncertain energy resources, we should step up state and federal programs to take careful inventory of our energy usage in the over 6,000 public buildings in Iowa. Through a program of training offered by the Energy Policy Council to institutional and local government personnel, we can readily save $12 million annually through energy conservation which will by far exceed the initial investment required. We hope all local officials would be anxious to take advantage of this offer of technical, energy-saving assistance.

CONSERVATION ETHIC FOR UTILITIES

Projected rates of growth in the demand for electricity by consumers and business will require the equivalent of one new large generating station each of the next 20 years. We have ten existing plants now. The difficulties in assembling such large amounts of investment capital, the lead time in construction, and the need for water and fuel all require us to explore alternative avenues to reduce energy demands toward more gradual increases. Incentives for utilities to promote and participate actively in conservation programs should be clearly stated by law. We recommend a conservation ethic be included in the criteria by which the Iowa State Commerce Commission judges the need for increases in utility rates to pay for new generating capacity.

ENERGY EFFICIENT GOVERNMENT PURCHASING

Thousands of dollars can be saved simply by prudent purchasing of more energy efficient materials and products. We will establish an advisory group composed of state and local purchasing officials and private sector experts on procurement and life-cycle cost analysis. By periodic meetings and with staff support from the Energy Policy Council, opportunities to exchange information and methodology and suggest efficiency standards will be greatly enhanced.

EMERGENCY FUEL POOL

Being able to acquire an emergency supply of fuel oil last May was so valuable that we believe we can protect against certain future energy supply emergencies if the state were to own a small reserve of middle distillate fuels. Without involving any risk, trust fund monies could be used to purchase this proposed emergency fuel pool when backed with a guarantee from the general fund. We urge the legislature to explore the possible alternatives for such funding.

DIRECT APPEAL OF COMMERCE COMMISSION RATE DECISIONS

The advantage of allowing direct appeal of Commerce Commission rate decisions from the Commission to the Supreme Court is as advisable as when it was recommended last year. The costs of this litigation continue to be passed along to rate-payers because of this failure to act.

GASOHOL

Iowans have responded so enthusiastically to gasohol that our state is number one in gasohol sales in the nation. We want to help our grain farmers and encourage the investment in grain alcohol distilling plants. This will contribute to self-sufficiency in energy. We should continue the present level of tax exemption with a $1 million general fund transfer to the road fund plus continued support of Development Commission promotion efforts until next year. At that time the impact of quantity production and federal gasohol policies can be assessed.

STATE WEATHERIZATION PROGRAM

We are weatherizing homes with the use of federal money at the rate of 5,000 homes annually. More can be done, and we are awaiting word from the federal government on the elimination of their unrealistic wage restriction. Their action can eliminate the need for a state initiative.

MENTAL HEALTH REORGANIZATION

We are recommending a reorganization of mental health within the Department of Social Services which will be economical, efficient and will permit a sharing of programs between mental health, mental retardation, corrections, and others. This change is designed to provide increased coordination between communities and institutions, more effective transitions from institutions, and increased state funds for mental health. The structure and funding will enhance local control, will strengthen county care facility standards and will provide incentives for communities to provide local services. The new administration will take effect July, 1980, and the new funding structure in July, 1981.

MENTAL HEALTH SERVICES FOR THE DEAF

Our deaf citizens face not only the same mental and emotional stresses as do those who can hear, but additional ones related to their handicap. Assistance can be provided by the State to assist these people and their families to deal with adjustment problems and with other mental health difficulties through professionally trained staff assigned to the Deaf Services Division of the Health Department.

SUBSTANCE ABUSE FUNDING

We recommend the State assume full funding responsibility for the treatment portion of local substance abuse programs as defined by the Substance Abuse Commission. State financing will provide local property tax relief of $1.7 million, while still retaining a local voice in the administration of alcohol and drug abuse programs. Increased liquor revenue will offset this additional state expense.

ELDERCARE

Continued funding for Eldercare is recommended. The Commission on the Aging will issue a report on the implementation of Eldercare in February at which time program changes can be made if need be.

NURSING HOME REIMBURSEMENT

Inflation and federally mandated minimum-wage increases have put additional stress on Iowa's nursing homes. The current state payment base can be improved and made more current by an annual increase of $2 million in state funds to assure these providers of important health services to our elderly and handicapped.

SHARED SERVICES

To address the problems of convicted offenders with mental illness or retardation, we provide funds for the implementation of shared services at the Clarinda Mental Health Institute.

PHYSICAL FITNESS

Health and fitness contribute much to good productivity and an enjoyable lifestyle. Iowa's businesses and industries are keenly interested in fitness programs for their employees. A State Physical Fitness Coordinator could work with Iowa firms and with schools, communities and retirement centers in designing fitness programs for the benefit of all kinds of Iowans.

INDEXING

The indexing portion of the tax relief bill adopted in 1979 will provide $36 million of tax cuts in FY 81. Our research indicates that because of factors such as the 100 percent deduction of federal income taxes on the state income tax and the great fluctuations in Iowa farm income, there may be some unintended results of full indexing. With the State already committed to additional tax relief of $16 million in the form of extra school aid and the phase-out of the personal property tax during each of the next two years and with research that indicates 50 percent indexing eliminates most taxflation, we recommend extending the indexing bill at its current level of indexing. Two additional years of experience will put us in a much better position to make long-range decisions on indexing.

ASSESSMENT LIMITS

We established important protection for owners of residential and agricultural property with the adoption of limits on the growth of tax valuations in 1977. Because of the property tax shift to other classes of property, we believe it would be timely to place similar assessment limits on commercial, industrial and utility property effective for January 1, 1979, values. We recommend that the State assume the cost of the savings which will result to owners of commercial property and their tenants by additional state aid for schools, increased homestead and ag land tax credits and increased municipal and county assistance. Furthermore, as has always been our belief, people locally should have the authority, if it be their choice, to use optional methods for financing their government services.

REPEAL OF SALES TAX ON MACHINERY AND EQUIPMENT

Thirty-three of the forty-five states that impose a sales tax exempt all or part of the sale of machinery and equipment used in manufacturing. To be competitive and able to attract new industry and additional job opportunities for Iowans, the sales tax on machinery and equipment should be phased out over a three-year period. The additional investment we can attract as a result of this tax phase-out can be anticipated to compensate for the expected loss of revenue.

SALARIES

The state's biennial salary policy was established in 1979 in conformity with the President's 7 percent wage guidelines. Subsequently, in the face of an annual inflation rate of 13 percent, the President has retreated from those guidelines. Many workers, including federal and local government and school district employees, have received pay increases which are nearer the inflation rate. The State must pay competitively if it is to attract and retain highly skilled and motivated employees. We need to recognize the current, extraordinary circumstances by providing an additional 2 percent salary increase to state and area school employees for the next year. In addition, certain merit classifications have not yet been increased to reflect changing competitive conditions. A centrally administered reclassification fund is proposed to address these high-priority needs.

TITLE XX SUPPLEMENT

The local-purchased service component of the State Title XX plan faces a projected deficit for this fiscal year and the next. Since the federal government has not appropriated any additional funds for Iowa's programs, we are proposing state funds to assist in continuation of these services, which are primarily offered to the developmentally disabled.

CAPITALS

Several important capital needs can be met during the next fiscal year within our limited resources. These include;

Department of Social Services
—major maintenance projects
—correction of life safety deficiencies
—completion of Glenwood renovations
—shared services improvements at Clarinda

Board of Regents
—safety improvements and casualty losses at Iowa State University, the University of Northern Iowa and the Braille and Sight Saving School
—movable equipment for Iowa State University vet medicine remodeling project
—first phase of the speech and dramatic arts classroom building at the University of Iowa
—road and utility renovations to complement the non-state funded Hawkeye Sports Arena at the University of Iowa

Other Departments
—completion of Lucas Building renovation
—completion of Supreme Court renovation

SOIL CONSERVATION

We must take necessary steps to preserve our soil and to challenge, encourage and assist those who have the present responsibility for the land to establish practices to accomplish this goal. Our budget includes a 60 percent increase in our first-in-the-nation soil conservation program to provide additional cost-sharing monies, additional field services for landowners, digitization of soil survey information, and a program of crop loss payments which would encourage summertime construction and, therefore, better utilization of soil-saving construction equipment and personnel.

Soil conservation is an integral portion of comprehensive land use policy. We continue to advocate a local control approach to land use issues while retaining a state perspective for critical areas.

TRESPASS

It is desirable to redefine our current trespass law. Legislation should be adopted to prohibit a person from hunting, fishing or trapping without the permission of the owner or occupant of the land with a serious misdemeanor as the penalty for violation. This would improve landowner/hunter relationships.

AIR QUALITY

This past year the Iowa Air Quality Commission approved revisions to the Iowa State Implementation Plan as required by the Federal Clean Air Act. The U.S. Environmental Protection Agency has indicated preliminary approval of most of that plan. We successfully sought a change in EPA's unrealistic fugitive dust policy. The Senate's air quality legislation should be finished with the addition of amendments relating to conditional permits and equipment or performance standards. Passage will secure for Iowa a workable air quality policy which balances concern for the environment and people with the need for social and economic growth.

ROAD FUNDING

Inflation, in particular rapidly rising energy and construction costs and reduced gasoline consumption has played havoc with the Department of Transportation's road building program. Our budget supplement recommends an allocation of $1 million from the general fund to the Road Use Tax Fund to replace partially the revenues lost due to the gasohol tax exemption and adoption of a weight/value registration fee for light trucks such as pickups similar to that used for passenger cars. It is proposed that the damage done to highways by additional truck weights be paid for by those vehicles taking advantage of that extra weight. It is also recommended that the current fuel tax be imposed as a "percentage of the pump price."

WASHINGTON, D.C. OFFICE

Many of our budget adjustments this year are due to lost federal funds or shifting federal priorities. The fate of the state portion of federal revenue sharing is precarious. Our financial difficulties are compounded by constant administrative intervention by the federal bureaucracy. The establishment of an Iowa State Office in Washington, D.C., along with the 30 other states that maintain such offices would enhance our position with the federal government.

OPEN PUBLIC COLLECTIVE BARGAINING

The need continues to amend the law governing public access to the public employment collective bargaining process. Voluntary experience has shown the participants and the public benefit from a more comprehensive application of the open meetings law to this vital public sector function.

RIGHTS OF PRIVACY AND PUBLIC DOCUMENTS

The recently issued report of the Citizens Privacy Task Force stated that "the concept (of privacy) is vast and evolving, difficult to precisely define and difficult to preserve." Their legislative recommendations will doubtlessly receive your careful consideration. We will, by executive action, implement a number of the standards set forth in that report and urge all state agencies to review their current rules on the handling of government documents with the Administrative Rules Counsel in the Governor's Office.

REAPPORTIONMENT

The 1980 session will be the last chance to adopt a bipartisan approach for the drawing of congressional and legislative district lines prior to the time the General Assembly must face reapportionment upon completion of the 1980 census. The House has passed reapportionment legislation which will avoid gerrymandering while respecting local political boundaries. Quick action by the Senate can complete this important reform.

FAIR PLAY PLAN

With state limits on property assessment growth and local government budgeting, it is only fair for the state to strive to protect local governments from unexpected and unfunded state-imposed budget increases. While drafting of the fair play plan into statute isn't easy, we need to pursue this protection for local governments. In turn we would welcome the same treatment from the federal government.

ETHICS

Establishing suitable restrictions and guidelines in the bribery and gift statutes remains undone resulting in uncertainty and doubt among well-intentioned public officials. The current bribery statutes should be revised and the gift statute strengthened and clarified.

IPERS BENEFITS INCREASE

Inflation has been especially difficult to bear for those living on pensions and other fixed incomes. With the flexibility the current reserve in the Iowa Public Employees Retirement System (IPERS) trust fund provides, there are several changes in IPERS benefits that can be made to assist future and present retirees as well as remove some current inequities. These are:

—Increase the benefit level for future retirees from 46 percent to 47 percent of the "high-five" average.

—Increase the benefit level for retirees who have retired since January 1, 1976, to 47 percent of the "high-five" average.

—Increase the benefits for retirees who retire prior to 1976 by a flat dollar amount based on years in public service ($.50 per month for each of the first ten years; $1.00 per month for each of the second ten years; $1.50 per month for each of the third ten years).

DRUNK DRIVING

Our roadways continue to be plagued by drunk drivers, one of the great hazards a driver faces. In recent years, 30 percent of all traffic fatalities have been related to the use of alcohol. Revision of the OMVUI statute is necessary to assure that the mandatory two-day jail sentence for such a violation is really mandatory. In addition, presumption of evidence legislation should be pursued.

HOUSING FINANCE AUTHORITY BONDING

There remains a continued need for low-interest loans to low- and moderate-income families and the elderly on fixed incomes to help meet their housing needs. A $250 million increase in the bonding authority of the Iowa Housing Finance Authority will fund the construction of 3,000 single family housing units and 4,000 apartment units for the low-income and elderly. Prompt approval should be given to this request.

FIRE SAFETY

Smoke detectors have proven to be an effective early warning system, and they have saved countless lives. Legislation to require smoke detectors in new and existing apartment houses, hotels, motels and rooming houses could well save more Iowans from the tragic circumstances of a fire at a minimal cost.

FAMILY FARM DEVELOPMENT ACT

Double-digit inflation has increased the cost of farm land, equipment and livestock causing farm operators, particularly beginning farmers, to require ever-increasing credit to finance their operations. Actions by the federal government have further complicated the problem by tightening the money supply and increasing the cost of credit. The Family Farm Development Act is designed to

channel funds at reasonable interest rates into the farm credit market to those who need them most. This program would involve existing banks, the Farmers Home Administration guaranteed loan program and a proposed State Authority to issue tax-free agriculture revenue bonds to the public through the municipal bond market. The Family Farm Development Act offers substantial relief to the agricultural credit problem, both for small and medium size ongoing farm operations, and for those who wish to pursue an agricultural career but do not yet have the initial capital to do so.

RESIDENCY REQUIREMENT FOR TEACHERS

We're past the time when public employees should be required to live within the community or district in which they work. The Senate bill eliminating residency requirements for the teaching profession deserves passage by the House.

USURY

There perhaps has never been a more unsettled time with interest rates than we have seen during the past six months. Some suggest that when interest rates reach 14 to 15 percent on mortgages, people shouldn't borrow. Be that as it may, in a free society individuals who have available advice from realtors and lenders should be free to buy or sell homes as they themselves determine. The federal government has already preempted state usury limits on a temporary basis. That approach seems to be working. Rather than rely on continued federal preemption, we should eliminate the usury limit for residential mortgage loans.

MECHANIC'S LIENS

A measure of protection from misunderstandings by innocent property owners arising under Iowa's mechanic's lien law can be afforded if the General Assembly completes consideration of legislation requiring a supplier of material or labor to give notice to consumers in writing of the possibility of mechanic's lien.

PRODUCTS LIABILITY

Last year we called for the creation of an interim joint underwriting authority to provide basic coverage on products liability and to require specific data from insurance carriers. Such legislation was not forthcoming. In the meantime, we note that policy coverage is now much more available and at a competitive price. The Insurance Commissioner has required all Iowa casualty companies to submit certain data relating to products liability risks. That information will be available after May 1.

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

On motion of Representative Halvorson from Clayton, the joint convention was dissolved.

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

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As a member of the Board of Parole:

Virginia Harper, Fort Madison, Lee County, Iowa, for appointment to a regular five-year term commencing July 1, 1979, and ending June 30, 1984.

Senator Gratias, Chairperson
Senator Junkins
Senator A. Miller
Senator Baugher
Senator Bergman

As a member of the Board of Watchmaking Examiners:

Karlton Lane Kunath, Spencer, Clay County, Iowa, for reappointment to a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

Senator Murray, Chairperson
Senator Nystrom
Senator Bergman
Senator Priebe
Senator Rush

As Commissioner of Social Services:

Michael V. Reagen, Ph.D., Onondaga County, Syracuse, New York, for appointment to serve at the pleasure of the Governor.

Senator Murray, Chairperson
Senator Deluhery
Senator Coleman
Senator Goodwin
Senator Gratias

As members of the Council on Social Services:

Joan M. Lipsky, Cedar Rapids, Linn County, Iowa, for appointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Briles, Chairperson
Senator Kudart
Senator Rush
Senator Brown
Senator Comito

Madalene R. Townsend, Davenport, Scott County, Iowa, for reappointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Hester, Chairperson
Senator Holden
Senator Hultman
Senator Gallagher
Senator C. Miller

As a member of the Iowa Board of Veterinary Medicine:

Jim Meyer, Odebolt, Sac County, Iowa, for appointment to a regular three-year term commencing July 1, 1978, and ending June 30, 1981.

Senator Ramsey, Chairperson
Senator Scott
Senator Orr
Senator Taylor
Senator Schwengels

As members of the Professional and Occupational Regulation Commission:

Rick Morain, Jefferson, Greene County, Iowa, for appointment to an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Hulse, Chairperson
Senator Hutchins
Senator Junkins
Senator Gratias
Senator Goodwin

Richard L. Pattenaude, Ph.D., Des Moines, Polk County, Iowa, for appointment to an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Jensen, Chairperson
Senator Readinger
Senator Palmer
Senator Orr
Senator Hultman

John C. Rhodes, Chariton, Lucas County, Iowa, for appointment to an initial two-year term commencing July 1, 1979, and ending June 30, 1981.

Senator Tieden, Chairperson
Senator Small
Senator Ramsey
Senator Slater
Senator Kudart

Diane M. Ruebling, Mason City, Cerro Gordo, Iowa, for appointment to an initial four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Craft, Chairperson
Senator A. Miller
Senator C. Miller
Senator DeKoster
Senator Jensen

Sheila Sidles, Centerville, Appanoose County, Iowa, for appointment to a regular two-year term commencing July 1, 1979 and ending June 30, 1981.

Senator Gentleman, Chairperson
Senator Ramsey
Senator Priebe
Senator Slater
Senator Comito

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

Dr. Mary E. Heltsley, Ames, Story County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Drake, Chairperson
Senator Murray
Senator A. Miller
Senator C. Miller
Senator Craft

Ealine M. Hulseberg, Marion, Linn County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Hulse, Chairperson
Senator Kinley
Senator Robinson
Senator Waldstein
Senator Nystrom

Phyllis J. Peters, Sioux City, Woodbury County, Iowa, for reappointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Hulse, Chairperson
Senator Hultman
Senator Calhoon
Senator Hester
Senator Kinley

Lois Sherman, Cedar Falls, Black Hawk County, Iowa, for reappointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Goodwin, Chairperson
Senator Hansen
Senator Brown
Senator Gallagher
Senator Hutchins

As a member of the State Board of Nursing Examiners:

Molly M. Scott, Spencer, Clay County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1980.

Senator Gentleman, Chairperson
Senator Waldstein
Senator Deluhery
Senator Craft
Senator Calhoon

As members of the State Board of Optometry Examiners:

Larry D. DeCook, O.D., Newton, Jasper County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Jensen, Chairperson
Senator Brown
Senator Junkins
Senator Readinger
Senator Schwengels

Robert F. Renfro, O.D., Sioux City, Woodbury County, Iowa, for reappointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Taylor, Chairperson
Senator Tieden
Senator Carney
Senator Priebe
Senator Palmer

As a member of the State Board of Pharmacy Examiners:

Margo Lorraine Underwood, Mason City, Cerro Gordo County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Murray, Chairperson
Senator A. Miller
Senator Robinson
Senator E. Miller
Senator Yenger

As members of the State Board of Physical Therapy Examiners:

Deborah L. Green, Cedar Falls, Black Hawk County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Readinger, Chairperson
Senator Hansen
Senator C. Miller
Senator Van Gilst
Senator Rodgers

David A. Hoeper, Iowa City, Johnson County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Kudart, Chairperson
Senator Small
Senator Nystrom
Senator Scott
Senator Hultman

Kristi Livingston, Lorimer, Union County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Tieden, Chairperson
Senator Ramsey
Senator Rodgers
Senator Slater
Senator Schwengels

As a member of the State Board of Podiatry Examiners:

Margaret Ann Harden, Perry, Dallas County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Taylor, Chairperson
Senator Rodgers
Senator Holden
Senator Hester
Senator Robinson

As a member of the State Board of Psychology Examiners:

Herbert S. Roth, Ph.D., Des Moines, Polk County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator E. Miller, Chairperson
Senator Kinley
Senator Van Gilst
Senator Bisenius
Senator Briles

Norman Scott, Ph.D., Ames, Story County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1980.

Senator Holden, Chairperson
Senator Murray
Senator Rodgers
Senator Hester
Senator Orr

As members of the State Board of Public Instruction:

Jolly Ann Davidson, Clarinda, Page County, Iowa, for reappointment to a regular six-year term commencing January 2, 1980, and ending January 1, 1986.

Senator Kudart, Chairperson
Senator Hultman
Senator Hutchins
Senator Palmer
Senator Yenger

Robert G. Koons, Clinton, Clinton County, Iowa, for reappointment to a regular six-year term commencing January 2, 1980, and ending January 1, 1986.

Senator Carney, Chairperson
Senator Calhoon
Senator Goodwin
Senator Coleman
Senator Comito

Mary E. Robinson, Cedar Rapids, Linn County, Iowa, for appointment to a regular six-year term commencing January 2, 1980, and ending January 1, 1986.

Senator Bergman, Chairperson
Senator Rush
Senator Taylor
Senator Slater
Senator Briles

As members of the State Board of Speech Pathology and Audiology Examiners:

Jacqueline F. Bryant, Cedar Rapids, Linn County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Hultman, Chairperson
Senator Hulse
Senator Kudart
Senator Kinley
Senator Scott

John E. Scherrman, Sioux City, Woodbury County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Taylor, Chairperson
Senator Brown
Senator Carney
Senator Baugher
Senator Van Gilst

Julia A. Shirk, Des Moines, Polk County, Iowa, for appointment to a regular three-year term commencing July 1, 1979, and ending June 30, 1982.

Senator Waldstein, Chairperson
Senator Yenger
Senator Palmer
Senator Priebe
Senator Baugher

Niel Ver Hoef, Des Moines, Polk County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1980.

Senator Bergman, Chairperson
Senator Readinger
Senator Bisenius
Senator Carr
Senator Coleman

As a member of the State Board of Tax Review:

Steven H. Jacobs, Davenport, Scott County, Iowa, for appointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Craft, Chairperson
Senator Comito
Senator Holden
Senator Carr
Senator Jensen

As members of the State Soil Conservation Committee:

Stanley Isaacson, Des Moines, Polk County, Iowa, for appointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Drake, Chairperson
Senator Gentleman
Senator Gallagher
Senator Deluhery
Senator DeKoster

Clifford Stille, Macedonia, Pottawattamie County, Iowa, for appointment to a regular six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Nystrom, Chairperson
Senator Orr
Senator Slater
Senator Schwengels
Senator Hansen

As a member of the State Transportation Commission:

C. **Roger Fair**, Davenport, Scott County, Iowa, for appointment to a regular four-year term commencing July 1, 1979, and ending June 30, 1983.

Senator Yenger, Chairperson
Senator E. Miller
Senator Deluhery
Senator Junkins
Senator Hultman

ANNOUNCEMENT OF CHANGE IN INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, 1979 Code of Iowa, announced a change in the appointment of the following Senator to an investigating committee:

As a member of the State Soil Conservation Commission:

Donald E. Knudsen, Eagle Grove, Wright County, Iowa, for appointment to a six-year term commencing July 1, 1979, and ending June 30, 1985.

Senator Brown will replace Senator Willits.

COMMUNICATION

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

IOWA DEPARTMENT OF SOCIAL SERVICES

A copy of the Department of Social Services' three year plan for juvenile deinstitutionalization pursuant to Chapter Eight, section three, subsection two, 1979 Acts of the Sixty-eighth General Assembly.

ANNOUNCEMENT FROM LEGISLATIVE SERVICE BUREAU

Committee reports for interim studies are available. They have been filed with the Secretary of the Senate and a copy of each such report has been distributed to each Senator.

INTRODUCTION OF BILLS

Senate File 2043, by Priebe, a bill for an act relating to the supervision of construction and maintenance work on secondary roads.

Read first time under **Rule 28.**

Senate File 2044, by Priebe, a bill for an act to require the secretary of the executive council to coordinate state travel of state personnel.

Read first time under **Rule 28.**

Senate File 2045, by Priebe, a bill for an act providing that where residence is a qualification for election to a public office, a person elected to that office may apply for a homestead tax credit during his or her term of office only in the county from which elected to office.

Read first time under **Rule 28.**

Senate File 2046, by Priebe, a bill for an act requiring all motor vehicles to be equipped with fire extinguishers and providing a penalty.

Read first time under **Rule 28.**

Senate File 2047, by Priebe, a bill for an act requiring storm shelters in certain mobile home parks and providing a penalty.

Read first time under **Rule 28.**

Senate File 2048, by Priebe, a bill for an act declaring vehicles used in the violation of game and fish laws to be a public nuisance and requiring confiscation of the vehicles.

Read first time under **Rule 28.**

Senate File 2049, by Bisenius, a bill for an act limiting the amount of property taxes that can be raised annually to one percent of the actual value of the real property.

Read first time under **Rule 28.**

STUDY BILLS RECEIVED

S.S.B. 2026 County Government

Relating to writing fees collected by county recorders for boat and snowmobile registrations.

S.S.B. 2027 County Government

Appropriating additional funds for the reimbursement of county juvenile court expenses.

S.S.B. 2028 County Government

Providing that the state shall pay the fees of court-appointed attorneys.

S.S.B. 2029 County Government

To extend the property tax levy for flood and erosion control under chapter 467B of the Code to all taxable property outside the corporate limits of a city.

S.S.B. 2030 County Government

To increase the fee for transfers made in the transfer books by the county auditor.

S.S.B. 2031 County Government

Relating to the compensation of deputy sheriffs.

S.S.B. 2032 County Government

To relieve counties of initial financial responsibility for the cost of care and treatment of persons who have been patients of any state

hospital-school for the mentally retarded or state mental health institute for an aggregate time of three years or more.

S.S.B. 2033 County Government

Relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees.

S.S.B. 2034 County Government

Providing a fee for the filing of instruments in the office of county recorder.

S.S.B. 2035 County Government

Relating to the records of the plans and costs of the construction of county bridges or culverts.

S.S.B. 2036 County Government

Relating to the storage of a registered snowmobile.

S.S.B. 2037 Judiciary

Establishing the office of state appellate defender.

S.S.B. 2038 Judiciary

Permitting certain minors to use the procedure for a change of name provided by chapter 674 of the Code, in cases where the parent having custody of the minor has had a change of name by reason of marriage.

S.S.B. 2039 Judiciary

Relating to the operation and administration of the John E. Bennett Correctional Center.

S.S.B. 2040 Judiciary

Relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

S.S.B. 2041 Judiciary

Relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

S.S.B. 2042 Judiciary

To make consistent Code provisions relating to limitation of actions against cities and municipalities.

S.S.B. 2043 County Government

Combining the duties of the county compensation board and the county conference board.

S.S.B. 2044 Ways and Means

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, by providing for the valuation of commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes.

S.S.B. 2045 Education

Relating to the educational program of schools, including course requirements relating to physical education and science.

S.S.B. 2046 Education

Relating to the educational program of schools, including course requirements relating to physical education, science, and foreign languages.

S.S.B. 2047 Education

Relating to diagnostic services for speech and hearing for nonpublic school pupils.

S.S.B. 2048 Education

To establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

S.S.B. 2049 Education

Relating to the purposes for which the tax levied under section 297.5 of the Code may be used.

S.S.B. 2050 Education

Relating to requirements for holding a meeting with an area education agency board or the boards of contiguous school districts and the board of a school district proposing to issue general obligation bonds for the construction or renovation of a school building.

REPORTS OF COMMITTEE MEETINGS

CITIES

Convened: January 14, 1980, 1:40 p.m.

Members Present: Readinger, Chairperson; Briles, Vice Chairperson; A. Miller, Ranking Member; Coleman, Kudart, Palmer and Taylor.

Members Absent: Hansen and Kinley.

Other Business: Assigned Senate File 486 to subcommittee; informed committee that all bills assigned last year to subcommittees will be returned to the same subcommittee.

Adjourned: 1:47 p.m.

COMMERCE

Convened: January 14, 1980, 3:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft, Deluhery, Gentleman, Goodwin and Rush.

Members Absent: Robinson, Ranking Member (excused) and Priebe.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:20 p.m.

COUNTY GOVERNMENT

Convened: January 14, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Slater, Baugher, Brown and Yenger (arrived 3:15 p.m.).

Members Absent: Nystrom.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:30 p.m.

TRANSPORTATION

Convened: December 6, 1979, 2:30 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Holden, Coleman and Robinson.

Members Absent: Goodwin, Nystrom and Small.

Final Action: SENATE FILE 2040, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, Jensen, Scott, Holden, Coleman and Robinson. Nays, 1: Comito. Absent or not voting, 3: Goodwin, Nystrom and Small.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2001	Ways and Means
S. F.	2002	Education
S. F.	2003	Judiciary
S. F.	2004	Transportation
S. F.	2005	State Government
S. F.	2006	Cities
S. F.	2007	Cities
S. F.	2008	Judiciary
S. F.	2009	Transportation
S. F.	2010	Education
S. F.	2011	Judiciary
S. F.	2012	Commerce
S. F.	2013	Judiciary
S. F.	2014	Human Resources
S. F.	2015	State Government

S. F.	2016	Labor and Industrial Relations
S. F.	2017	Labor and Industrial Relations
S. F.	2018	State Government
S. F.	2019	State Government
S. F.	2020	Transportation
S. F.	2021	Natural Resources
S. F.	2022	State Government
S. F.	2023	State Government
S. F.	2024	Transportation
S. F.	2025	Judiciary
S. F.	2026	Commerce
S. F.	2027	Ways and Means
S. F.	2028	Ways and Means
S. F.	2029	State Government
S. F.	2030	Education

ADJOURNMENT

On motion of Senator Holden, the Senate adjourned at 11:11 a.m., until 9:00 a.m., Wednesday, January 16, 1980.

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 16, 1980

The Senate met in regular session at 9:05 a.m., President pro tempore Hansen presiding.

Prayer was offered by the Reverend John M. Hyland, principal of Aquinas High School, Fort Madison, Iowa.

The Journal of Tuesday, January 15, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gene E. Michel, Cherokee, Iowa.

INTRODUCTION OF BILLS

Senate File 2050, by Scott, a bill for an act relating to the definition of public utility to exclude persons who sell energy generated from nonfossil fuel sources to neighboring properties but not the general public.

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

Senate File 2051, by Committee on Transportation, a bill for an act relating to the registration and licensing of class A motor homes.

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

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

January 10, 1980

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Arnett D. Davis, Jr., Carroll, Carroll County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a one-year term commencing January 1, 1980, and ending December 31, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Rose Marie Edgerton, Davenport, Scott County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a two-year term commencing January 1, 1980, and ending December 31, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Lewis E. Glenn, Cedar Falls, Black Hawk County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a three-year term commencing January 1, 1980, and ending December 31, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Gary Hughes, Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979

Regular Session, for a two-year term commencing January 1, 1980, and ending December 31, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Gerald W. Shanahan, West Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a one-year term commencing January 1, 1980, and ending December 31, 1980.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Billie B. Wallace, Des Moines, Polk County, Iowa, as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a four-year term commencing January 1, 1980, and ending December 31, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Gregory H. Williams Ph.D., Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a three-year term commencing January 1, 1980, and ending December 31, 1982.

Sincerely,
ROBERT D. RAY
Governor

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As members of the Iowa Law Enforcement Academy Council:

Arnett D. Davis, Jr., Carroll, Carroll County, Iowa, for appointment to a regular one-year term commencing January 1, 1980, and ending December 31, 1980.

Senator Bergman, Chairperson
Senator Bisenius
Senator Hutchins
Senator Carr
Senator Coleman

Rose Marie Edgerton, Davenport, Scott County, Iowa, for appointment to a regular two-year term commencing January 1, 1980, and ending December 31, 1981.

Senator Jensen, Chairperson
Senator Hulse
Senator Deluhery
Senator Orr
Senator Holden

Lewis E. Glenn, Cedar Falls, Black Hawk County, Iowa, for appointment to a regular three-year term commencing January 1, 1980, and ending December 31, 1982.

Senator Gratias, Chairperson
Senator Hulse
Senator Hansen
Senator Brown
Senator Calhoon

Gary Hughes, Iowa City, Johnson County, Iowa, for appointment to a regular two-year term commencing January 1, 1980, and ending December 31, 1981.

Senator Tieden, Chairperson
Senator Taylor
Senator Small
Senator Slater
Senator Nystrom

Gerald W. Shanahan, West Des Moines, Polk County, Iowa, for appointment to a regular one-year term commencing January 1, 1980, and ending December 31, 1980.

Senator DeKoster, Chairperson
Senator Briles
Senator Gentleman
Senator Rodgers
Senator Scott

Billie B. Wallace, Des Moines, Polk County, Iowa, for appointment to a regular four-year term commencing January 1, 1980, and ending December 31, 1983.

Senator Bisenius, Chairperson
Senator Van Gilst
Senator C. Miller
Senator Baugher
Senator Carney

Gregory H. Williams, Ph.D., Iowa City, Johnson County, Iowa, for appointment to a regular three-year term commencing January 1, 1980, and ending December 31, 1982.

Senator Yenger, Chairperson
Senator Waldstein
Senator Junkins
Senator Small
Senator Tieden

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 344

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

We, the undersigned members of the Conference Committee appointed to consider the differences between the House and the Senate on Senate File 344, a bill for an act relating to access to and use of solar energy respectfully make the following report:

1. That the House recede from its amendment S—3561 to Senate File 344 as passed by the Senate.

2. That Senate File 344 as passed by the Senate be amended as follows:

1. Page 1, by striking lines 13 through 18 and inserting in lieu thereof the following:

"1. 'Solar energy system' means any of the following:

a. A system of equipment capable of collecting and converting incident solar energy into heat, mechanical or electrical energy and transforming those forms of energy by a separate apparatus to a point of storage or end use.

b. Structural and operable components of a structure that are designed to heat or cool the structure by using solar energy by means of conduction, convection, radiation or evaporation.

c. A greenhouse."

2. Page 1, by striking lines 27 and 28 and inserting in lieu thereof the words "conveyance requirements as other easements. A solar easement shall".

3. Page 1, line 26, by striking the number "1."

4. Page 1, line 31, by striking the letter "a." and inserting in lieu thereof the number "1."

5. Page 1, by striking lines 33 and 34 and inserting in lieu thereof the following:

"2. A legal description of the space which must remain unobstructed expressed in terms of the degrees of the vertical and horizontal angles through which the solar easement extends over the burdened property and the points from which these angles are measured."

6. Page 1, line 35, by striking the letter "c." and inserting in lieu thereof the number "3."

7. Page 2, line 3, by striking the letter "d." and inserting in lieu thereof the number "4."

8. Page 2, line 5, by striking the letter "e." and inserting in lieu thereof the number "5."

9. Page 2, by striking lines 10 through 21.

10. Page 3, line 1, by striking the word "and" and inserting in lieu thereof the words "[and] *which is*".

11. Page 3, line 6, by inserting after the word *"system;"* the words *"to promote the conservation of energy resources:"*

12. Page 3, by striking lines 22 through 25 and inserting in lieu thereof the word "decisions."

13. Page 4, line 29, by striking the word "A".

14. Page 4, by striking lines 30 through 33.

15. Page 5, line 2, by striking the word "and" and inserting in lieu thereof the words "[and] *which is*".

16. Page 5, line 7, by inserting after the word *"system;"* the words *"to promote the conservation of energy resources;"*.

17. Page 5, by inserting after line 16 the following new section:

"Sec. ____ . *NEW SECTION.* ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE PUBLIC. The energy policy council shall make available information and guidelines to assist local government bodies and the public to understand and use the provisions of this Act. The information and guidelines shall include model easements, model restrictive covenants, and instructions and aids for preparing and recording solar easements."

18. By renumbering and correcting internal references in accordance with this amendment.

ON THE PART OF THE SENATE:

RICHARD R. RAMSEY, Chairperson
A.R. KUDART
DAVID M. READINGER
JOHN SCOTT
JAMES V. GALLAGHER

ON THE PART OF THE HOUSE:

VIRGINIA POFFENBERGER, Chairperson
DARRELL HANSON
SUE MULLINS

INTRODUCTION OF BILLS

Senate File 2052, by Orr, a bill for an act relating to evacuation plans for nuclear fission electrical generating facilities.

Read first time under **Rule 28.**

Senate File 2053, by Orr, a bill for an act to allow Iowa residents sixty-years of age and older to attend courses offered by certain state-supported institutions by paying administrative costs.

Read first time under **Rule 28.**

Senate File 2054, by Priebe, a bill for an act relating to work requirements for general relief recipients and to the establishment of employment standards for local taxing districts.

Read first time under **Rule 28.**

Senate File 2055, by Brown, a bill for an act authorizing the executive council of the state to purchase insurance, annuities and other contracts under chapter five hundred nine A (509A) of the Code for the benefit of members of the general assembly.

Read first time under **Rule 28.**

Senate File 2056, by Gallagher, a bill for an act relating to the scheduling by public and nonpublic schools of practices for extracurricular athletic activities.

Read first time under **Rule 28.**

Senate File 2057, by Scott, a bill for an act relating to the purchase of recycled paper products.

Read first time under **Rule 28.**

Senate File 2058, by Miller of Des Moines, Carr, Calhoon, Holden, Drake, Small, Gallagher, Brown and Schwengels, a bill for an act providing for the reimbursement to the city, county or state of the witness fees of a peace officer who has been paid a salary to testify while not on regular duty.

Read first time under **Rule 28.**

Senate File 2059, by Scott, a bill for an act relating to the time period allowed for nurses to complete continuing education.

Read first time under **Rule 28.**

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 15, 1980, 1:35 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, A. Miller, E. Miller, Priebe, Van Gilst and Waldstein.

Members Absent: Tieden (excused).

Other Business: Reassigned three bills and assigned LSB 68 to subcommittee.

Adjourned: 1:50 p.m.

EDUCATION

Convened: January 15, 1980, 3:00 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, DeKoster, Jensen, Orr, Small and Taylor.

Members Absent: Carney (excused).

Other Business: Assigned SSB bills to subcommittees and reassigned bills to subcommittees.

Adjourned: 3:30 p.m.

HUMAN RESOURCES

Convened: January 15, 1980, 8:10 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Craft, Orr and Slater.

Members Absent: Carney, Carr, Hansen, Hulse and A. Miller.

Other Business: Assigned bills to subcommittees.

Adjourned: 8:20 a.m.

JUDICIARY

Convened: January 15, 1980, 1:30 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Deluhery, Coleman, Briles, Gentleman, Murray, Ramsey, Baugher, Slater and Scott (arrived 1:45 p.m.).

Members Absent: Hansen.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:15 p.m.

TRANSPORTATION

Convened: December 6, 1979, 2:30 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Holden, Coleman and Robinson.

Members Absent: Goodwin, Nystrom and Small.

Final Action: SENATE FILE 2051, a bill for an act relating to the registration and licensing of class A motor homes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, Jensen, Scott, Holden, Coleman and Robinson. Nays, 1: Comito. Absent or not voting, 3: Goodwin, Nystrom and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

WAYS AND MEANS

Convened: January 15, 1980, 2:10 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member, Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst.

Members Absent: Hultman.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:45 p.m.

COMMUNICATION

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

IOWA DEPARTMENT OF REVENUE

A copy of a report specifying the surtax credited to each school district surtax fund after November 1, 1978 and November 1, 1979, as a result of delinquent or amended returns pursuant to Section 442.18, Code 1979.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2031	State Government
S. F.	2032	Ways and Means
S. F.	2033	Labor and Industrial Relations
S. F.	2034	Commerce
S. F.	2035	Natural Resources
S. F.	2036	Ways and Means
S. F.	2037	Cities
S. F.	2038	State Government
S. F.	2039	Transportation
S. F.	2041	Transportation
S. F.	2042	Transportation
S. F.	2044	State Government

S. F.	2045	Ways and Means
S. F.	2046	Transportation
S. F.	2047	State Government
S. F.	2048	Natural Resources
S. F.	2049	Ways and Means

STUDY BILLS RECEIVED

S.S.B. 2051 Natural Resources

Amend provisions relating to hunting license fees and stamps, by increasing the nonresident hunting license fee, combining the wildlife habitat stamp fee with certain hunting license fees and striking the requirement for a special wildlife habitat stamp and a nonresident pheasant stamp.

S.S.B. 2052 Natural Resources

Relating to hunting, trapping or fishing by persons under the age of sixteen.

S.S.B. 2053 Natural Resources

Relating to the special deer hunting license provided to owners and tenants of farm units and their family members.

S.S.B. 2054 Natural Resources

To include roads on properties owned by the state conservation commission which are not parks in the state park road system.

S.S.B. 2055 Natural Resources

Relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources.

S.S.B. 2056 Natural Resources

To establish a land preservation policy and organizations and procedures to implement that policy.

S.S.B. 2057 Agriculture

Relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

S.S.B. 2058 Agriculture

To authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts for the purpose of establishing the fund.

S.S.B. 2059 Agriculture

Amend Section 455.135 of the Code, relating to repairs and improvements in drainage and levee districts.

S.S.B. 2060 Transportation

Requiring the revocation of licenses of drivers improperly parking in a handicapped parking space.

S.S.B. 2061 Transportation

Requiring a minimum number of handicapped parking spaces for certain facilities.

S.S.B. 2062 Transportation

Providing for the designation of handicapped parking spaces on private property.

S.S.B. 2063 Commerce

Amending chapter 533B of the Code, relating to the sale of traveler's checks and similar instruments.

S.S.B. 2064 Transportation

Relating to school transportation safety.

ADJOURNMENT

On motion of Senator Holden, the Senate adjourned at 9:11 a.m., until 9:00 a.m., Thursday, January 17, 1980.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 17, 1980

The Senate met in regular session at 9:03 a.m., President pro tempore Hansen presiding.

Prayer was offered by the Honorable Arthur L. Gratias, member of the Senate from Floyd County, Nora Springs, Iowa.

The Journal of Wednesday, January 16, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Spearing, Harlan, Iowa.

INTRODUCTION OF BILLS

Senate File 2060, by Gentleman, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

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

Senate File 2061, by Waldstein and Ramsey, a bill for an act to provide a minimum fine for the first and second offense of operating a motor vehicle while under the influence of an alcoholic beverage or a drug.

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

Senate File 2062, by Gentleman, a bill for an act to permit an adult to execute a directive to direct the withholding or withdrawal of life-sustaining procedures when the adult is in a terminal condition.

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

WITHDRAWN

Senator Miller of Des Moines asked and received unanimous consent that **Senate File 2038** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 101
By: Committee on Rules and Administration

Be It Resolved by the Senate, the House of Representatives Concurring, That the joint rules of the senate and house for the 1980 session of the sixty-eighth general assembly be amended as follows:

Rule 16
Fiscal Notes

A fiscal note shall be attached to any bill or joint resolution which reasonably could have an annual effect of at least one hundred thousand dollars or a combined total effect within five years after enactment of five hundred thousand dollars or more on the aggregate revenues, expenditures or fiscal liability of the state or its subdivisions. This rule does not apply to appropriation measures where the total effect is stated in dollar amounts.

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

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

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

The legislative fiscal director shall prepare the fiscal

note within a reasonable time after receiving the request.

A copy of the fiscal note shall be filed by the legislative fiscal director, *for distribution*, with the secretary of the senate or the chief clerk of the house *unless within one legislative day a request for a revised fiscal note is filed with the legislative fiscal director.* The legislative fiscal director may request the cooperation of the state comptroller or any state department or agency. If a fiscal note is prepared by the comptroller or any state department or agency at the request of the fiscal director, that fact shall be stated in the note.

Each fiscal note shall state in dollars the estimated effect of the bill on the revenues, expenditures, and fiscal liability of the state during each of the first five years after enactment. Sources of funds for expenditures under the bill shall be stated, including federal funds. If the fiscal director cannot make an accurate estimate, he shall state his best available estimate or shall state that no dollar estimate can be made and state concisely the reason.

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

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

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

Rule 18

Time of Committee Passage and Consideration of Bills

1. To be placed on the house calendar, all bills except

Page 3

appropriations bills, ways and means bills, bills or joint resolutions co-sponsored by the majority and minority floor leaders, companion bills sponsored and introduced by the senate majority leader, after consultation with the Senate minority leader, and the house majority leader, after consultation with the House minority leader, beginning with the 16th week of the first session and beginning with the 14th week of the second session, the claims committee report, and conference committee reports must be reported out of committee no later than the following deadlines:

House bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the 10th week of the first session and the 8th week of the second session.

House bills sponsored by a committee must be reported out of a standing committee no later than the Friday of the 11th week of the first session and the 9th week of the second session.

Senate bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the [12th] *13th* week of the first session and the [10th] *11th* week of the second session.

Senate bills sponsored by a committee must be reported out of a standing committee no later than the Friday of the [13th] *14th* week of the first session and the [11th] *12th* week of the second session.

2. To be placed on the senate calendar, all bills except appropriations bills, ways and means bills, bills or joint resolutions co-sponsored by the majority and minority floor leaders, companion bills sponsored and introduced by the senate majority leader, after consultation with the Senate minority leader, and the house majority leader, after consultation with the House minority leader, beginning with the 16th week of the first session and beginning with the 14th week of the second session, the claims committee report,

Page 4

and conference committee reports must be reported out of committee no later than the following deadlines:

Senate bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the 10th week of the first session and the 8th week of the second session. Senate bills sponsored by a committee must be reported out of a standing committee no later than the Friday of the 11th week of the first session and the 9th week of the second session.

House bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the [12th] *13th* week of the first session and the [10th] *11th* week of the of the second session.

House bills sponsored by a committee must be reported out of a standing committee no later than the Friday of the [13th] *14th* week of the first session and the [11th] *12th* week of the second session.

3. During the [14th] *12th* week of the first session and the [12th] *10th* week of the second session each house will consider only bills originating in that house and unfinished business. During the 15th week of the first session and the 13th week of the second session each house will consider only bills originating in and passed by the other house and unfinished business. Beginning with the 16th week of the first session and beginning with the 14th week of the second session, each house will consider only appropriations bills,

ways and means bills, bills or joint resolutions co-sponsored by the majority and minority floor leaders, companion bills sponsored and introduced by the senate majority leader, after consultation with the Senate minority leader, and the house majority leader, after consultation with the House minority leader, claims report, bills coming from conference committee, and unfinished business.

4. Rule 18 shall not apply to concurrent or simple resolutions, senate confirmations, or bills passed by both

Page 5

houses in different form prior to being sent to a conference committee, or claims report.

5. A bill reported out of any committee within the deadlines established by this rule and then referred to another committee may be reported out by that committee.

6. A motion to reconsider filed and not disposed of on action taken on a bill which is subject to a deadline under this rule may be called up at any time on the day of the deadline or at any time after the deadline by the person filing the motion or by the majority leader, any other rule to the contrary notwithstanding.

INTRODUCTION OF BILLS

Senate File 2063, by Murray, a bill for an act providing for review by the legislative fiscal committee of applications for federal funds prepared by state agencies.

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

Senate File 2064, by Deluhery, a bill for an act relating to the sale of consumer discount buying services, and providing civil and criminal penalties.

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

Senate File 2065, by Yenger, Slater, Readinger, Carr, Rodgers, Kudart, Calhoon, Gallagher, Kinley, Tieden, Brown, Murray, Palmer, Bisenius, Orr and Miller of Des Moines, a bill for an act to permit pari-mutuel betting in Iowa, by creating a state racing commission and prescribing its powers and duties, providing for licensing of certain organizations for the purpose of conducting horse racing meets, by imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties.

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

Senate File 2066, by Carr, a bill for an act relating to responsibility for costs and charges for the care and treatment of mentally ill patients admitted to the Iowa security medical facility.

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

Senate File 2067, by Gallagher, a bill for an act requiring that a reasonable effort shall be made for a minimum of seven days to serve an original notice directly on an individual defendant.

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

Senate File 2068, by Drake and Robinson, a bill for an act relating to workers' compensation by exempting certain families of farm partnerships from coverage, recomputing minimum benefits, creating benefits for temporary partial disability, redefining the healing period, revising the compensation rate for volunteer firemen, allowing compensable medical care outside Iowa, increasing the rate of interest to seven percent on certain payments, updating the definition of payroll taxes, increasing the size of the second injury fund, providing prompt payment of valid, but disputed-liability, claims, and by changing all Code references to worker or workers.

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

SPECIAL GUEST

President Branstad introduced United States Senator Robert Dole from Kansas, who was present in the Senate Chamber.

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for consideration Senate Resolution 101.

Senate Resolution 101

On motion of Senator Hultman, Senate Resolution 101, a resolution relating to the rules of the Senate for the 1980 Regular

Session of the Sixty-eighth General Assembly, filed January 14, 1980, and found on pages 35-41 of the Senate Journal, was taken up for consideration.

Senator Junkins offered amendment S—5003 filed by Senators Junkins and Kinley from the floor to page 3 of the resolution and moved its adoption.

Amendment S—5003 was adopted by a voice vote.

Senator Junkins offered amendment S—5004 filed by Senators Junkins and Kinley from the floor to page 4 of the resolution, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5004 be adopted?" (S.R. 101) the vote was:

Ayes, 19:

Brown	Calhoon	Carr	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Rodgers	Rush	Scott
Slater	Small	Van Gilst	

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 3:

Carney	Coleman	Robinson

Amendment S—5004 lost.

Senator Hultman moved the adoption of Senate Resolution 101 as amended, which motion prevailed by a voice vote and the resolution as amended was adopted.

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 344

Senator Ramsey called up the conference committee report on

Senate File 344, a bill for an act relating to access to and use of solar energy, filed January 16, 1980, found on pages 104-106 of the Senate Journal and moved its adoption.

The motion prevailed and the conference committee report and the recommendation and amendments contained therein 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. 344) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 1:

Slater

Absent or not voting, 3:

Carney	Coleman	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 Senate File 344 passed the Senate on January 17, 1980.

Arthur A. Small, Jr.

HOUSE AMENDMENT CONSIDERED

Senate File 382

Senator Rush called up for consideration Senate File 382, a bill for an act relating to the continuing education of insurance agents, amended by the House, and moved that the Senate concur in House amendment S—3685 filed May 2, 1979, and found on page 1498 of the Senate Journal.

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. 382) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Carney	Coleman	Kinley	Robinson

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

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for consideration Senate Resolution 102.

Senate Resolution 102

On motion of Senator Hultman, Senate Resolution 102, a resolution authorizing printing and distribution of texts on the General Assembly, filed January 14, 1980, and found on page 41 of the Senate Journal, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 102, which motion prevailed by a voice vote and the resolution was adopted.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 5, the Committee on Rules and Administration submits the following names of officers and employees of the Senate and their respective classifications, grades and steps:

		Class	Grade	Step
Senate Secretary	Carole Peterson	I-FT	15	2
		Effective January 14, 1980		
Senate Secretary	Sandra Aamoth	I-FT	13	2
		Effective January 14, 1980		
Senate Secretary	Audrey Gibson	I-FT	15	4
		Effective January 14, 1980		
Senate Secretary	Joan Hester	I-FT	13	2
		Effective January 14, 1980		
Senate Secretary	Shelley Johnson	I-FT	13	2
		Effective January 14, 1980		
Senate Secretary	Kathryn Kinley	I-FT	13	2
		Effective January 14, 1980		
Senate Secretary	Ginevera Moore	I-FT	13	2
		Effective January 14, 1980		
Senate Secretary	Margaret Thomas	I-FT	13	1
		Effective January 14, 1980		
Senate Secretary	Elizabeth Stout	I-FT	13	2
		Effective January 14, 1980		
Administrative Assistant II	William Jones	I-FT	15	1
		Effective January 15, 1980		

CALVIN O. HULTMAN, Chairperson

STUDY BILLS RECEIVED

S.S.B. 2065 State Government

Amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act.

S.S.B. 2066 State Government

To forbid the issuance of liquor control licenses or beer permits to a school which provides teaching for any grade from kindergarten through twelve.

S.S.B. 2067 State Government

Relating to the sale of wine and creating a license therefor.

S.S.B. 2068 State Government

To legalize the sale of wine by the bottle or carafe by class "A", "B", "C" or "D" liquor control licensees, for on premises consumption.

S.S.B. 2069 State Government

Relating to special permits issued pursuant to section 123.29 of the Code.

S.S.B. 2070 State Government

Relating to the powers and duties of the director of the division of corrections.

S.S.B. 2071 State Government

To allow the state educational radio and television facility board and certain nonprofit foundations to accept and administer trusts and act as trustees.

S.S.B. 2072 State Government

Relating to the authority of the state educational radio and television facility board to provide services, collect and expend moneys, and establish a capital equipment replacement revolving fund.

S.S.B. 2073 State Government

Abolishing the additional bonus and disability fund.

S.S.B. 2074 State Government

Relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

S.S.B. 2075 State Government

Relating to the number of times a liquor control license or a beer permit can be transferred within a twelve-month period.

S.S.B. 2076 State Government

Relating to the salary of the superintendent of public instruction.

S.S.B. 2077 Human Resources

Relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

S.S.B. 2078 Commerce

Study all provisions with reference to interest rates in the Code, particularly public warrants and bonds.

S.S.B. 2079 County Government

Relating to mileage limitations affecting boards of supervisors.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 16, 1980, 9:40 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; Drake and Gentleman.

Members Absent: A. Miller.

Other Business: Organizational meeting; subcommittee invited to Wallace Building and Gerry Rankin and Ron Mosher will go over the revenue picture and the Governor's overall requests.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 16, 1980, 9:45 a.m.

Members Present: Tieden, Chairperson; Gallagher, Goodwin and E. Miller.

Members Absent: Small, Ranking Member.

Other Business: Organizational meeting.

Adjourned: 9:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 16, 1980, 9:35 a.m.

Members Present: Bisenius, Chairperson; Orr, Ranking Member; Comito, Hester and C. Miller.

Members Absent: none.

Other Business: Organizational meeting.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 16, 1980, 9:40 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Bergman, Craft, Baugher and Carr.

Members Absent: none.

Other Business: Organizational meeting.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 16, 1980, 9:40 a.m.

Members Present: Schwengels, Chairperson; Rush, Ranking Member; Gratias and Priebe.

Members Absent: Carney (excused).

Other Business: Organzational meeting.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 16, 1980, 9:35 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Holden, Waldstein and Scott.

Members Absent: none.

Other Business: Committee scheduling.

Adjourned: 9:55 a.m.

ENERGY

Convened: January 15, 1980, 4:05 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Briles, Brown, Deluhery, Readinger, Rodgers and Waldstein.

Members Absent: none.

Other Business: Bills returned to subcommittee chairmen.

Adjourned: 4:15 p.m.

JUDICIARY

Convened: January 16, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson, Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Hansen, Ramsey, Slater, Briles, Coleman, Deluhery and Scott.

Members Absent: Gentleman (excused) and Murray.

Final Action: SENATE FILE 360, a bill for an act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeanor; providing that the accommodation offense applies only to one ounce or less of marijuana; and removing the prohibition against deferred judgments, deferred sentences and suspended sentences for certain controlled substance offenses.

Recommendation: DO PASS.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Hansen, Ramsey, Slater, Briles, Coleman, Deluhery and Scott. Nays, none. Absent or not voting, 2: Murray and Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:25 p.m.

NATURAL RESOURCES

Convened: January 16, 1980, 3:00 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Calhoon, Gallagher, Gratias, Rodgers and Schwengels.

Members Absent: Tieden.

Other Business: Reassigned bills to subcommittees; assigned Senate Files 501 and 2021 and House Files 700, 705, and 717 to subcommittees.

Adjourned: 3:25 p.m.

RULES AND ADMINISTRATION

Convened: January 17, 1980, 9:05 a.m.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Kinley, Ranking Member; Hansen, Junkins and Ramsey.

Members Absent: none.

Final Action: SENATE CONCURRENT RESOLUTION 101, a resolution amending the Joint Rules of the House and Senate for the 1980 session of the Sixty-eighth General Assembly.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 4: Hultman, Hulse, Hansen and Ramsey. Nays, 1: Junkins. Voting Present, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Approved grade/step schedule for new employees of the Senate.

Adjourned: 10:05 a.m.

TRANSPORTATION

Convened: January 16, 1980, 1:40 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Goodwin, Holden, Nystrom, Coleman and Small.

Members Absent: Robinson.

Other Business: Assigned bills to subcommittees; discussed SSB 2064.

Adjourned: 2:45 p.m.

AMENDMENTS FILED

S—5002	S. F.	190	Richard R. Ramsey
S—5003	S. R.	101	Lowell L. Junkins George R. Kinley
S—5004	S. R.	101	Lowell L. Junkins George R. Kinley

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:29 p.m., until 9:00 a.m., Friday, January 18, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 18, 1980

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Honorable Ray Taylor, member of the Senate from Hardin County, Steamboat Rock, Iowa.

The Journal of Thursday, January 17, 1980, was approved.

INTRODUCTION OF BILL

Senate File 2069, by Hansen, a bill for an act extending the age limit on four-year operator's and chauffeur's licenses.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 12

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SENATE JOINT RESOLUTION 14

State Government
Schwengels, Chairperson
Nystrom
Rodgers

SENATE FILE 21

Judiciary
Rush, Chairperson
Slater
Gentleman

SENATE FILE 26

Judiciary
Coleman, Chairperson
Slater
Ramsey

SENATE FILE 31

Natural Resources
Tieden, Chairperson
Gallagher
Goodwin

SENATE FILE 61

Natural Resources
Schwengels, Chairperson
Priebe
Gallagher

SENATE FILE 86

Education
Jensen, Chairperson
Carney
Calhoon

SENATE FILE 126

Transportation
Small, Chairperson
Goodwin
Comito

SENATE FILE 127

Natural Resources
Gallagher, Chairperson
Priebe
Gratias

SENATE FILE 141

Judiciary
Rush, Chairperson
Slater
Murray

SENATE FILE 188

Judiciary
Hansen, Chairperson
Slater
Murray

SENATE FILE 249

Judiciary
Gentleman, Chairperson
Rush
Slater

SENATE FILE 254

Natural Resources
Gratias, Chairperson
Rodgers
Goodwin

SENATE FILE 270

Transportation
Drake, Chairperson
Scott
Jensen

SENATE FILE 288

Transportation
Drake, Chairperson
Scott
Jensen

SENATE FILE 297

State Government
Yenger, Chairperson
Gallagher
Bisenius

SENATE FILE 311

Transportation
Drake, Chairperson
Scott
Jensen

SENATE FILE 338

Commerce
Craft, Chairperson
Gentleman
Priebe

SENATE FILE 355

Natural Resources
Rodgers, Chairperson
Calhoon
Goodwin

SENATE FILE 374

Judiciary
Rush, Chairperson
Baugher
Gentleman

SENATE FILE 379

Natural Resources
Calhoon, Chairperson
Gratias
Tieden

SENATE FILE 383

Natural Resources
Tieden, Chairperson
Gratias
Calhoon

SENATE FILE 395

Natural Resources
Priebe, Chairperson
Rodgers
Gratias

SENATE FILE 402

Transportation
Drake, Chairperson
Scott
Jensen

SENATE FILE 403

Judiciary
Rush, Chairperson
Murray
Baugher

SENATE FILE 404

Judiciary
Rush, Chairperson
Baugher
Murray

SENATE FILE 407

State Government
Drake, Chairperson
Schwengels
E. Miller

SENATE FILE 410

State Government
Gallagher, Chairperson
Brown
E. Miller

SENATE FILE 413

State Government
Schwengels, Chairperson
E. Miller
Brown

SENATE FILE 418

Judiciary
Kudart, Chairperson
Baugher
Rush

SENATE FILE 419

State Government
Drake, Chairperson
Bisenius
Slater

SENATE FILE 420

State Government
Drake, Chairperson
Schwengels
Carr

SENATE FILE 429

Transportation
Drake, Chairperson
Scott
Jensen

SENATE FILE 458

Education
Taylor, Chairperson
DeKoster
Jensen
Orr
Brown

SENATE FILE 465

County Government
Yenger, Chairperson
Nystrom
C. Miller

SENATE FILE 486

Cities
Kudart, Chairperson
Palmer
Hansen

SENATE FILE 492

Appropriations
Appropriations Subcommittee
on Human Resources

SENATE FILE 496

Ways and Means
Drake, Chairperson
Rodgers
Van Gilst
Ramsey
Baugher

SENATE FILE 501

Natural Resources
Goodwin, Chairperson
Rodgers
Tieden

SENATE FILE 502

Agriculture
Hulse, Chairperson
Hester
Hutchins

SENATE FILE 2003

Judiciary
Briles, Chairperson
Baugher
Slater

SENATE FILE 2004

Transportation
Goodwin, Chairperson
Coleman
Nystrom

SENATE FILE 2008

Judiciary
Coleman, Chairperson
Gentleman
Deluhery

SENATE FILE 2009

Transportation
Jensen, Chairperson
Coleman
Comito

SENATE FILE 2011

Judiciary
Kudart, Chairperson
Baugher
Rush

SENATE FILE 2013

Judiciary
Ramsey, Chairperson
Hansen
Scott

SENATE FILE 2014

Human Resources
Slater, Chairperson
Craft
Orr

SENATE FILE 2016

Labor and Industrial Relations
Taylor, Chairperson
Jensen
Orr

SENATE FILE 2017

Labor and Industrial Relations
Carney, Chairperson
Hultman
Carr

SENATE FILE 2020

Transportation
Jensen, Chairperson
Coleman
Comito

SENATE FILE 2021

Natural Resources
Tieden, Chairperson
Schwengels
Priebe

SENATE FILE 2024

Transportation
Jensen, Chairperson
Coleman
Comito

SENATE FILE 2025

Judiciary
Deluhery, Chairperson
Baugher
Murray

SENATE CONCURRENT RESOLUTION 24

Rules and Administration
Hansen, Chairperson
Kinley
Hulse

SENATE CONCURRENT RESOLUTION 26

Rules and Administration
Ramsey, Chairperson
Hansen
Kinley

HOUSE FILE 92

State Government
Carr, Chairperson
E. Miller
Yenger

HOUSE FILE 315

Judicary
Hansen, Chairperson
Slater
Murray

HOUSE FILE 700

Natural Resources
Gratias, Chairperson
Priebe
Rodgers

HOUSE FILE 707

State Government
Nystrom, Chairperson
Schwengels
Slater

HOUSE FILE 717

Natural Resources
Tieden, Chairperson
Gallagher
Gratias

HOUSE FILE 761

Ways and Means
Drake, Chairperson
Rodgers
Van Gilst
Ramsey
Baugher

SSB 14

Judiciary
Kudart, Chairperson
Briles
Scott

HOUSE FILE 54

Judiciary
Kudart, Chairperson
Briles
Scott

HOUSE FILE 167

Judiciary
Briles, Chairperson
Baugher
Deluhery

HOUSE FILE 485

State Government
Schwengels, Chairperson
C. Miller
Brown

HOUSE FILE 705

Natural Resources
Rodgers, Chairperson
Tieden
Calhoon

HOUSE FILE 715

Judiciary
Rush, Chairperson
Gentleman
Slater

HOUSE FILE 744

State Government
Slater, Chairperson
E. Miller
Bisenius

HOUSE CONCURRENT RESOLUTION 8

Rules and Administration
Hultman, Chairperson
Hulse
Junkins

SSB 192

Judiciary
Murray, Chairperson
Deluhery
Baugher

SSB 208

Judiciary
Rush, Chairperson
Gentleman
Slater

SSB 2001

Commerce
Craft, Chairperson
Gentleman
Priebe

SSB 2002

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SSB 2003

Human Resources
Yenger, Chairperson
Carr
Hulse

SSB 2004

Human Resources
Yenger, Chairperson
Carr
Hulse

SSB 2005

Human Resources
Yenger, Chairperson
Carr
Hulse

SSB 2006

Human Resources
Yenger, Chairperson
Carr
Hulse

SSB 2007

Judiciary
Briles, Chairperson
Gentleman
Slater

SSB 2008

Judiciary
Slater, Chairperson
Ramsey
Murray

SSB 2009

Judiciary
Rush, Chairperson
Briles
Coleman

SSB 2010

Judiciary
Kudart, Chairperson
Murray
Rush

SSB 2011

Judiciary
Ramsey, Chairperson
Gentleman
Deluhery

SSB 2012

Judiciary
Murray, Chairperson
Baugher
Coleman

SSB 2013

Judiciary
Scott, Chairperson
Ramsey
Deluhery

SSB 2014

Judiciary
Kudart, Chairperson
Scott
Gentleman

SSB 2015

Judiciary
Kudart, Chairperson
Murray
Rush

SSB 2016

Judiciary
Ramsey, Chairperson
Coleman
Baugher

SSB 2017

Judiciary
Gentleman, Chairperson
Baugher
Deluhery

SSB 2018

Judiciary
Deluhery, Chairperson
Briles
Hansen

SSB 2019

Judiciary
Kudart, Chairperson
Ramsey
Deluhery

SSB 2020

Judiciary
Scott, Chairperson
Baugher
Gentleman

SSB 2021

Judiciary
DeKoster, Chairperson
Deluhery
Gentleman
Murray
Scott

SSB 2022

Judiciary
Murray, Chairperson
Briles
Gentleman

SSB 2023

Judiciary
Ramsey, Chairperson
Rush
Scott

SSB 2024

Judiciary
Murray, Chairperson
Hansen
Rush

SSB 2025

Appropriations
Appropriations Subcommittee
on Regulatory and Finance

SSB 2026

County Government
Slater, Chairperson
Yenger
Kudart

SSB 2027

County Government
Waldstein, Chairperson
Hester
C. Miller

SSB 2028

County Government
Baugher, Chairperson
Brown
Kudart

SSB 2029

County Government
Hutchins, Chairperson
Waldstein
C. Miller

SSB 2030

County Government
Hester, Chairperson
Brown
Slater

SSB 2031

County Government
C. Miller, Chairperson
Nystrom
Brown

SSB 2032

County Government
Brown, Chairperson
Waldstein
Hester

SSB 2033

County Government
Kudart, Chairperson
Baugher
Yenger

SSB 2034

County Government
Hutchins, Chairperson
Yenger
C. Miller

SSB 2035

County Government
Yenger, Chairperson
Brown
Baugher

SSB 2036

County Government
Nystrom, Chairperson
Slater
Baugher

SSB 2037

Judiciary
DeKoster, Chairperson
Kudart
Scott
Hansen
Coleman

SSB 2038

Judiciary
Rush, Chairperson
Baugher
Slater

SSB 2039

Judiciary
Kudart, Chairperson
Slater
Gentleman

SSB 2040

Judiciary
Briles, Chairperson
Baugher
Slater

SSB 2041

Judiciary
Coleman, Chairperson
Murray
Kudart

SSB 2042

Judiciary
Scott, Chairperson
Baugher
Kudart

SSB 2043

County Government
Waldstein, Chairperson
Slater
C. Miller

SSB 2044

Ways and Means
Craft, Chairperson
Readinger
Hester
Rodgers
Van Gilst
Comito
Junkins

SSB 2045

Education
Carney, Chairperson
DeKoster
Small

SSB 2046

Education
Carney, Chairperson

SSB 2047

Education
Jensen, Chairperson

DeKoster
Small

SSB 2048

Education
Gratias, Chairperson
Taylor
Orr

SSB 2049

Education
Gratias, Chairperson
Carney
Orr

SSB 2050

Education
Jensen, Chairperson
Gratias
Calhoon

SSB 2060

Transportation
Goodwin, Chairperson
Small
Nystrom

SSB 2061

Transportation
Goodwin, Chairperson
Small
Nystrom

SSB 2062

Transportation
Goodwin, Chairperson
Small
Nystrom

SSB 2064

Transportation
Jensen, Chairperson
Coleman
Comito

SSB 2065

State Government
Schwengels, Chairperson
Nystrom
Rodgers

SSB 2066

State Government
E. Miller, Chairperson
Gratias
Rodgers

SSB 2067

State Government
E. Miller, Chairperson
Gratias
Rodgers

SSB 2068

State Government
E. Miller, Chairperson
Gratias
Rodgers

SSB 2069

State Government
E. Miller, Chairperson
Gratias
Rodgers

SSB 2070

State Government
Schwengels, Chairperson
Slater
Murray

SSB 2071

State Government
Bisenius, Chairperson
Yenger
Gallagher

SSB 2072

State Government
Bisenius, Chairperson
Yenger
Gallagher

SSB 2073

State Government
Drake, Chairperson
Yenger
C. Miller

SSB 2074

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SSB 2075

State Government
E. Miller, Chairperson
Gratias
Rodgers

SSB 2076

State Government
Murray, Chairperson
Gratias
C. Miller

The **Ways and Means Committee** assigned Senator Scott to replace Senator Willits on the following bills:

Senate Files 5, 37, 69, 79, 84, 96, 122, 123, 166, 189, 195, 206, 216, 236, 265, 308, 391, 408, 415, 421 and House File 655.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 17, 1980, 9:35 a.m.

Members Present: Nystrom, Chairperson; Van Gilst, Ranking Member; Kudart, Hutchins and Yenger.

Members Absent: none.

Other Business: Discussion on additional appropriations to various agencies.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 17, 1980, 9:30 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; Gentleman, A. Miller and Drake (arrived 9:35 a.m.).

Members Absent: none.

Other Business: Hearings on the Commission on the Status of Women, Mental Health Advisory Council, Spanish-Speaking People's Commission and Mental Health Authority.

Adjourned: 12:09 p.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 17, 1980, 9:25 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Larry Vance, Director of the Iowa Department of Soil Conservation, presented supplemental department requests.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 17, 1980, 9:30 a.m.

Members Present: Bisenius, Chairperson; Orr, Ranking Member; C. Miller and Hester.

Members Absent: Comito (arrived 10:15 a.m.).

Other Business: Accepted the Interim Search Committee for an Iowa liquor warehouse site; approved the expenditure of $300,000 for the purchase of land in the Ankeny Industrial Park, and approved the draft of a bill to complete such purchase.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 17, 1980, 9:20 a.m.

Members Present: DeKoster, Chairperson, Slater, Ranking Member; Bergman, Craft, Baugher and Carr.

Members Absent: none.

Other Business: Overview of Department of Social Services request by Michael Reagen; overview of Mental Health/Corrections Integration by Chuck Palmer, Director, Division Mental Health and Hal Farrier, Director, Division Corrections.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 17, 1980, 9:25 a.m.

Members Present: Schwengels, Chairperson; Rush, Ranking Member; Gratias and Priebe.

Members Absent: Carney (excused).

Other Business: Budget hearing for the Department of General Services.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 17, 1980, 9:36 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member (arrived 10:02 a.m.); Holden and Waldstein.

Members Absent: Scott.

Other Business: Heard budget requests from National Guard and Iowa Law Enforcement Academy.

Adjourned: 10:58 a.m.

COMMERCE

Convened: January 17, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Deluhery, Gentleman, Goodwin and Priebe.

Members Absent: Craft and Rush.

Other Business: Assigned bills to subcommittees; subcommittee on usury met during remainder of committee time.

Adjourned: 3:20 p.m.

EDUCATION

Convened: January 17, 1980, 1:30 p.m.

Members Present: Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, DeKoster, Jensen and Taylor.

Members Absent: Hansen, Chairperson; Carney (excused), Orr and Small.

Other Business: Assigned bills to subcommittees.

Adjourned: 1:45 p.m.

STATE GOVERNMENT

Convened: January 17, 1980, 3:00 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray and Rodgers.

Members Absent: Yenger.

Other Business: Return of bills to subcommittees assigned last year; assigned bills to new subcommittees.

Adjourned: 3:20 p.m.

WAYS AND MEANS

Convened: January 17, 1980, 1:37 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Hester, Holden, Hutchins, Rush, Van Gilst, Drake (arrived 1:45 p.m.), Ramsey (arrived 1:40 p.m.) and Junkins (arrived 1:43 p.m.).

Members Absent: Scott and Hultman.

Final Action: SENATE FILE 500, a bill for an act relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, increasing the interest rates on special assessment bonds and making certain provisions of the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Craft, Readinger, Baugher, Comito, Drake, Hester, Holden and Ramsey. Nays, 3: Hutchins, Junkins and Rush. Absent or not voting, 4: Rodgers, Hultman, Scott and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 733, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs and making the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Craft, Rodgers, Baugher, Comito, Hester, Holden, Hutchins, Van Gilst, Drake, Ramsey and Junkins. Nays, 2: Readinger and Rush. Absent or not voting, 2: Hultman and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 741, a bill for an act to exempt from the real estate transfer tax certain deeds between family corporations or authorized farm corporations and their stockholders.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Baugher, Comito, Hester, Holden, Hutchins, Rush, Van Gilst, Drake, Ramsey and Junkins. Nays, none. Absent or not voting, 2: Hultman and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussion of SSB 2044.

Adjourned: 3:00 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2043	County Government
S. F.	2050	Commerce
S. F.	2052	State Government
S. F.	2053	Education
S. F.	2054	Human Resources
S. F.	2055	State Government
S. F.	2056	Education
S. F.	2057	State Government
S. F.	2058	State Government
S. F.	2059	State Government
S. F.	2060	Cities
S. F.	2063	State Government
S. F.	2064	Commerce
S. F.	2065	State Government
S. F.	2066	State Government
S. F.	2067	Judiciary
S. F.	2068	Labor and Industrial Relations

AMENDMENT FILED

S—5005	S. F.	2023	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 9:09 a.m., until 10:00 a.m., Tuesday, January 22, 1980.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 22, 1980

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Perry De Groot, pastor of the Newton Zion Reformed Church, Erie, Illinois.

The Journal of Friday, January 18, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Shirk, Des Moines, Iowa.

INTRODUCTION OF BILL

Senate File 2070, by Gentleman, a bill for an act to allow multi-year professional and occupational licenses.

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 January 17, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2072, a bill for an act relating to property taxation.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2072, a bill for an act 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, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax

purposes, by altering the qualification for a county to levy a property tax because of a federal ordinance plant and making the Act retroactive.

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

SPECIAL GUEST

Senator Nystrom appeared on the rostrum and presented Shelly Kirk, the 1980 Iowa Junior Miss, a senior from Boone High School. Shelly, who was chosen from 19 high school seniors at the January 18 state pageant in Ottumwa, will represent Iowa in the America's Junior Miss Pageant in Mobile, Alabama, this spring.

In addition to winning the crown and a $1,000 cash scholarship, Shelly also received cash prizes in the youth fitness award, poise in appearance award and was the winner of a Kodak photo contest.

Shelly spoke to the Senate and conveyed, as she also did to the judges in the pageant, that she hoped to be working in the Senate or House some day because of her interest in political science and possible ambitions to seek a political office.

BILL REASSIGNED TO COMMITTEE

President Branstad announced that **Senate File 2015** was reassigned from the committee on **State Government** to the committee on **County Government.**

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2071, by Waldstein and Rodgers, a bill for an act to provide that declarations of value shall be public information.

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

Senate File 2072, by Nystrom, a bill for an act appropriating funds from the road use tax fund to pay for special assessments relating to a paving project in the city of Boone, Iowa.

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

Senate File 2073, by Craft, Priebe, Waldstein and Van Gilst, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act.

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

APPENDIX

COMMUNICATIONS

The following communications were filed with the Secretary of the Senate on January 15, 1980:

January 15, 1980

Mr. Frank Stork
Secretary of Senate
State House
LOCAL

Dear Mr. Stork:

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

These include 67 claims of a general nature that have been denied by the State Appeal Board during the year 1979.

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.

FRANK J. STORK, Secretary of the Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
415-64-25	McCormack-Payton Storage & Moving Co. Kansas City, Missouri Reciprocity refund	$ 90.04	Disapproved
1096-64-25	Harlan Feltz Woden, Iowa Permit fee refund	5.00	Disapproved

2922-64-25	M.L. Pullman Silver City, Iowa Request for sick leave pay	255.10	Disapproved
2041-65-25	Sally I. Malloy Des Moines, Iowa Homestead exemption credit	125.00	Disapproved
13-2726-66-25	Holly Thompson Ottosen, Iowa Damaged glasses	12.00	Disapproved
3628-67-25	Crest Group Home Des Moines, Iowa Duplicate claim	223.70	Disapproved
4007-67-25	Amethyst C. Curet, M.D. Des Moines, Iowa Outdated invoice	15.00	Disapproved
4098-67-25	Family and Children's Service Davenport, Iowa Outdated billing paid administratively by D.S.S.	863.91	Disapproved
4100-67-25	Family and Children's Service Davenport, Iowa Outdated billing paid administratively by D.S.S.	2,594.34	Disapproved
4129-67-25	Ruggles Alignment and Frame Service Mount Pleasant, Iowa Outdated billing paid administratively by D.O.T.	57.00	Disapproved
4149-67-25	Johnson and Phelan Elk Horn, Iowa Outdated invoice for legal services	195.00	Disapproved
4287-67-25	Johnson and Phelan Law Firm Elk Horn, Iowa Outdated invoice for legal services	150.00	Disapproved
4492-68-25	Ronald Eugene Vowels, Jr. Fort Madison, Iowa Lost and damaged clothing	150.00	Disapproved
4513-68-25	Alice J. Meins Waterloo, Iowa Damaged clothing	15.75	Disapproved
4520-68-25	Woodbury County Community Action Agency Sioux City, Iowa Request for reimbursement for WIC Program audit	500.00	Disapproved
4537-68-25	West Central Iowa Sheltered Workshop Denison, Iowa Payment for client-resolved by Vocational Rehabilitation	339.70	Disapproved

4627-68-25	Ann Billingsley Knoxville, Iowa Real estate transfer tax refund	10.32	Disapproved
4676-68-25	James W. Hoy Eldora, Iowa Request for reimbursement of taxes paid on housing allowance	3,324.23	Disapproved
4710-68-25	Judy Riggs/Clinton Medical Transport, Inc. Clinton, Iowa Outdated invoice for ambulance services	229.90	Disapproved
4753-68-25	Kathy Tobin Waukon, Iowa Money "borrowed" from savings account (Claim was resolved through small claims court)	405.00	Disapproved
5002-68-25	Michael Aloysius Fedler Fort Madison, Iowa Request for payment of stolen property	34.00	Disapproved
5016-68-25	Kathleen's Residential Care Facility Emmetsburg, Iowa Request for payment of board and room	687.00	Disapproved
5033-68-25	Northwest Iowa Work Activity Center Sheldon, Iowa Outdated federally funded Title XX Claim	13,230.62	Disapproved
5110-68-25	Gary Douglas Des Moines, Iowa Requests reimbursement of hospital bill	26.00	Disapproved
5126-68-25	Margaret Ward Bryan Grinnell, Iowa Request for retro-active merit pay	97.52	Disapproved
5220-68-25	Rachel Mae Taylor Grinnell, Iowa Outdated expense claim	45.68	Disapproved
5225-68-25	Charlotte E. Noor Rockwell City, Iowa Request for one day of pay	21.92	Disapproved
5238-68-25	Larry and Sandra Hudson Keswick, Iowa Request for payment of care	338.04	Disapproved
5249-68-25	Dakota Title & Escrow Co. Council Bluffs, Iowa Request for refund of real estate transfer fees	11.55	Disapproved
5271-68-25	Tracy Lee Wolf Newton, Iowa Missing personal property	16.00	Disapproved

5298-68-25	Patrick Dean Wilson Cedar Falls, Iowa Reimbursement for property damages	86.52	Disapproved
5309-68-25	Harold Dickey Transport Packwood, Iowa Registration refund request	191.64	Disapproved
5310-68-25	Daniel W. Crees Des Moines, Iowa Request of reimbursement for coat and gloves	65.00	Disapproved
5349-68-25	David Woodward Des Moines, Iowa Reimbursement for damages to auto	103.52	Disapproved
5353-68-25	Treasurer of the United States United States Property and Fiscal Office Camp Dodge, Grimes, Iowa Missing property	183.60	Disapproved
5379-68-25	Grover William & Patricia JoAnn Mundy Des Moines, Iowa Reimbursement of homestead tax credit	763.34	Disapproved
5390-68-25	Barngrover & Son Glass Burlington, Iowa Request for interest on late payment	126.64	Disapproved
5419-68-25	Linn Co. Orthopedists, P.C. Cedar Rapids, Iowa Title XIX claim over one year old	709.75	Disapproved
5426-68-25	Lyle C. Haner Hastings, Iowa Lost wages and benefits	7,424.32	Disapproved
5432-68-25	Richard C. Turner West Des Moines, Iowa Request for vacation pay	11,406.85	Disapproved
5440-68-25	Express Print, Inc. Des Moines, Iowa Billing for books for D.O.T.	5,350.00	Disapproved
5461-68-25	Laurence McLuckie Fort Dodge, Iowa Request of payment for broken eyeglass	20.00	Disapproved
5488-68-25	Darla Arends Zearing, Iowa Outdated invoice for medical costs	673.04	Disapproved
5497-68-25	Davenport Osteopathic Hospital Davenport, Iowa Outdated Title XIX claim over one year old	1,453.47	Disapproved

5499-68-25	Richard L. Shaffer, D.O. Davenport, Iowa Outdated invoice for services to client covered by Medicaid	350.00	Disapproved
5510-68-25	Treasurer of the United States United States Property and Fiscal Officer Camp Dodge, Grimes, Iowa Missing property	167.02	Disapproved
5511-68-25	Bradshaw Buick & Chevrolet, Inc. Estherville, Iowa Reimbursement for providing towing service during snowstorm	72.00	Disapproved
5544-68-25	Winterset Printing and Publishing, Inc. Winterset, Iowa Payment for booklet printed for Department of Substance Abuse	2,109.00	Disapproved
5547-68-25	Darold W. Christiansen, President M & M Ambulance Service, Inc. Davenport, Iowa Payment for transporting a patient	518.00	Disapproved
5573-68-25	Franck Brothers, Inc. Audubon, Iowa Payment of late service charges	23.89	Disapproved
5616-68-25	Polk County, Iowa Des Moines, Iowa Personal property tax credit refund request	129,665.50	Disapproved
5631-68-25	Earl Schindler Pulaski, Iowa Request for reimbursement of watch	80.00	Disapproved
5638-68-25	Susan Carol Fulster Ames, Iowa Request for reimbursment of loss of contact lense	65.00	Disapproved
5649-68-25	Glover Trucking Lawton, Iowa Prorate refund	113.10	Disapproved
5652-68-25	Treasurer of the United States United States Property and Fiscal Office Camp Dodge, Grimes, Iowa Reimbursement for property loss	1,852.10	Disapproved
5654-68-25	Spencer Municipal Hospital Spencer, Iowa Outdated Title XIX claim	816.20	Disapproved
5659-68-25	Eldon Brown Anthon, Iowa Prorate refund request	172.21	Disapproved

5676-68-25	Wall Lake Transfer Wall Lake, Iowa Prorate refund request	342.84	Disapproved
5682-68-25	Lester Polzin/Polzin Truck Line Ringsted, Iowa License refund request	1,637.83	Disapproved
5687-68-25	Kline Edward Goeders Newton, Iowa Request for back pay	233.20	Disapproved
5688-68-25	Stockberger Transfer & Storage, Inc. Mason City, Iowa Prorate refund request	321.39	Disapproved
5690-68-25	William B. Welden Iowa Falls, Iowa Request for retro-active additional compensation	1,092.00	Disapproved
5705-68-25	Marian Health Center, St. Vincent Unit Sioux City, Iowa Outdated invoice for treatment of a patient for alcoholism	1,862.50	Disapproved
5752-68-25	Sheridan Egg Co., Inc. Lenox, Iowa Prorate fees (Credit has been given toward other fees)	389.10	Disapproved
5758-68-25	James P. Farnsworth Lehigh, Iowa Requests reimbursement for broken eyeglasses	83.00	Disapproved
5819-68-25	Eiwind Madsen Elk Horn, Iowa Prorate refund request	250.97	Disapproved
5830-68-25	Wilbur Dean Durfey Clarinda, Iowa Prorate refund request	155.69	Disapproved

January 15, 1980

Mr. Frank Stork
Secretary of the Senate
State House
LOCAL

Dear Mr. Stork:

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

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

Very truly yours,

RONALD F. MOSHER
State Comptroller

Receipt of the above is hereby acknowledged.

FRANK J. STORK, Secretary of the Senate

CHAPTER 25A GENERAL TORT CLAIMS APPROVED BY STATE APPEAL BOARD, 1979

Claim Number	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-3045-67	Darrell Thomas Pratt Reimbursement for loss of two rings at Mt. Pleasant	$ 150.00	$ 150.00
T-4110-67	Elmer E. Cartee Physical and mental pain received at Iowa State Penitentiary	5,006.00	550.00
T-4508-68	Jerry Leroy Ammons Reimbursement for clothing lost while being transferred from Anamosa to Fort Madison	88.00	20.00
T-4639-68	Jane M. Joester Injury received at U. of I. Hospitals	10,000.00	1,000.00
T-4667-68	Dawn Renee Overly Injury received while a patient at U. of I. Hospitals	2,000.00	500.00
T-4669-68	Anthony N. Stokes Reimbursement for clothing lost or stolen at Iowa State Penitentiary	22.82	22.82
T-4756-68	Charles D. Isbell State employees backed truck into liquor store causing substantial damage to bldg.	11,564.00	5,880.92
T-5000-68	Priscilla Ann Cory Damage to auto and items in it at Iowa State Fair because of flooding problems	220.00	220.00
T-5015-68	Joyce Yutesler Accidental injection of air embolism at University Hospitals causing seizures	150,000.00	35,000.00

T-5017-68	Kirby Julius LaPoint Money was taken out of account at I.S.P. by a forged signature	5.00	5.00
T-5029-68	Lawrence Allamand Trash recepticle at Oakdale Medical Facilities blew against pickup causing damages	72.10	72.10
T-5043-68	Mutual Service Casualty Ins. Co. Reimbursement for one of their insured's autos when a tree fell on it at U. of I.	984.63	984.63
T-5046-68	Dave Alan Hertner Reimbursement of articles lost at the John Bennett Correctional Facility	25.00	25.00
T-5085-68	Elery Scherbenske Payment for a horse that fell while recovering from an anesthetic at I.S.U. Veterinary Clinic and had to be destroyed	5,000.00	4,000.00
T-5094-68	Robert Henry Gump, Jr. Violation of his rights from loss of property without due process by prison officials	100,000.00	21.95
T-5096-68	Kenneth Lindloff Property stolen from cell at Iowa State Penitentiary	365.00	182.50
TE-5097-68	Monty Joe Storm Expenses incurred as a result of the negligent acts or omissions of a State employee	1,560.52	1,200.00
T-5108-68	Ronald Eugene Rissinger Reimbursement for articles lost by prison officials	35.05	35.05
T-5127-68	Scott C. Kniesly Riverview Release Center lost his clothing while transporting it to the laundry	10.10	10.10
T-5130-68	Bob Esparza Coat lost by officials of State correctional institution	49.95	49.95
T-5136-68	Ruth Van Kempen Payment for expense incurred when she fell on icy steps at the State Capitol Bldg.	90.50	90.50
T-5167-68	Dorothy Bolt Payment for death of a horse at I.S.U. Veterinary Clinic	5,000.00	1,500.00

T-5183-68	Jeffrey A. Johnson Billfold was lost while in custody of employees at Iowa Men's Reformatory	15.00	15.00
T-5198-68	Leo Oxberger Auto damaged by ice falling from Capitol Bldg. roof	258.88	258.88
T-5202-68	Theodore E. Pillow Shoes damaged when attempting to open vehicle gate at Mt. Pleasant	23.00	23.00
T-5203-68	Kenneth W. Fisher Payment for picture frame and camera broken by guard at Riverview Release Center	30.00	17.00
T-5216-68	Albert Johnson, Jr. Payloader moving snow slid into auto causing damages	312.09	312.09
T-5217-68	LoDean Ray Claussen Reimbursement of hospital emergency room costs	30.00	30.00
T-5246-68	Jesse Jenkins Hobby craft item lost by M.H.I.	15.00	15.00
TE-5265-68	David Stalkfleet Magistrate wrote "guilty" on his docket instead of "innocent" causing the claimant to be jailed wrongly.	50,000.00	9,000.00
T-5272-68	Dale Arthur Davis Loss of two fingers by blades of a wood router machine at I.S.P.	100,000.00	6,427.57
T-5275-68	Alison Franchetti Claimant fell while practicing basketball at U. of I. causing permanent damage to left arm.	19,500.00	16,000.00
T-5287-68	Viggen Davidian Camera missing after being checked at a concert at Hilton Colliseum	482.34	482.34
T-5303-68	William Harrison Stephen Payment for items stolen from him at the State Penitentiary	18.00	10.00
T-5305-68	Clarence LaVerne Hill Motorcycle tire damaged by lawnmover while in parking lot	35.59	35.59
TE-5330-68	Ernest Houldsworth Damage to auto by National Guard vehicle during snow removal	316.13	316.13

T-5386-68	Carol Virginia Prochaska Injuries received in a fall at U.N.I.	426.95	426.95
T-5387-68	Tom Glenn DeVena Items lost by prison staff while being transferred to Iowa State Penitentiary	172.87	96.12
T-5393-68	Donald Gordon Edwards Items lost while an imnate at the State Penitentiary	332.09	234.00
T-5407-68	Continential Telephone Co. of Iowa Damages caused when five escapees from Fort Madison attempted to steal a vehicle	138.69	138.69
T-5444-68	Glenda S. Donahue Damage to auto when used to demonstrate a rescue procedure	118.97	118.97
T-5456-68	Richard Keith Knedler Belongings lost while an inmate at State Penitentiary	126.43	76.00
T-5464-68	James S. Simpson Damage to auto in U. of I. parking lot.	61.08	30.54
T-5487-68	Dean Hyde Damage to auto when a window from a State owned building fell on it.	620.11	620.11
T-5512-68	Ronald K. Myers Auto damaged at the Iowa State Penitentiary car wash	226.80	226.80
T-5520-68	Marvin DeWayne Sammon Traffic control exit arm at the Hoover Bldg. dropped on auto causing damages.	84.46	84.46
T-5522-68	Edwin S. Fern Damage to auto in an accident with a National Guard truck during snow removal operations	333.15	167.00
T-5526-68	Iowa Mutual Ins. Co. for Edward Nissen Auto damaged in an accident with a National Guard vehicle	681.00	681.00
T-5532-68	DeWayne Allen Jones 8-track tape player lost by prison staff	56.12	56.12

TE-5582-68	Teresa D. Schmidt Articles lost at the John Bennett Correction Center	31.95	31.95
T-5592-68	Bettie Dolores Bradfield Injuries suffered in a fall at a State liquor store	1,875.30	1,851.30
T-5594-68	John G. Krabbenhoft Damages to auto caused by a pane of glass blowing off the Pharmacy Bldg. at U. of I.	167.99	167.99
T-5602-68	Dale Eugene Montross Injuries received by a defective door in a fence surrounding a tennis court at U.N.I.	5,000.00	2,155.00
T-5603-68	Thomas Joseph Fennell Damaged oil pan on his auto when pulling into a loading zone at U.N.I.	78.68	78.68
T-5607-68	Betty Elane McCracken Dentures damaged in a fall at Glenwood State Hospital	30.00	30.00
T-5636-68	Judith Ann McMahon Auto damaged in an accident with a National Guard vehicle	67.36	67.36
TE-5643-68	Jerry Dee Simpson Pair of boots lost by prison officials	75.00	50.00
T-5645-68	Jeannine L. Chambers Damage to auto in a State parking lot by a rock thrown by a mower	103.00	103.00
T-5663-68	Thomas Poitter Damage to auto resulting from the collapse of the pavement in a parking lot at U.N.I.	165.79	165.79
T-5665-68	Sylvia Ann Hartz Auto damaged when parked in a State lot by a rock thrown from a lawnmower	101.57	101.57
T-5683-68	Cheryl A. Kossman Damage to auto by a parking gate in Hoover Bldg. parking lot	138.02	138.02
T-5696-68	Merlyn Engelking Motorcycle damaged when hit by a maintenance truck at Eldora Training School	367.35	367.35
T-5712-68	Winona LaVaun Griffith Pair of slacks ruined by wet paint on bench at Iowa State Fair	18.00	18.00

T-5719-68	James A. Hart Shirt ripped and glasses lost in line of duty at Iowa State Penitentiary	96.00	96.00
T-5726-68	Laverne Edward Gray Television set lost by prison authorities	93.00	93.00
T-5733-68	Virgil Allen Novotny Trousers ruined by wet paint on bench at Iowa State Fair	22.00	22.00
T-5744-68	Winston Carl Halstead Items lost as a result of a break-in of the storage locker at Mt. Pleasant	61.61	41.67
T-5747-68	Gary Dean Dugger Flooding caused damage to auto in parking lot at Iowa State Fair	361.10	361.10
T-5754-68	Danny Dean Roberts Clothing ruined by fresh paint on benches at Iowa State Fair	60.00	60.00
T-5761-68	Brian Donold Albertson Eyeglass lense broken when door at State liquor store caught on a protruding piece of sidewalk	40.00	40.00
T-5762-68	Clarence French	45.00	45.00
T-5769-68	Jerry Wayne Bahnsen Medical bills from an injury incurred at Iowa State Fair	55.00	55.00
T-5774-68	Suzanne Freyer Windshield broken when parked in U. of I. parking lot	141.65	141.65
T-5836-68	Goldie Morris Homemaker employed by D.S.S. damaged refrigerator	34.60	34.60
T-5936-68	John Donnelly Emergency room bill resulting from an injury incurred when a pier collapsed	39.10	24.10

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED BY STATE APPEAL BOARD, 1979

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
H-389-67-T	Glenn D. Fritz Payment of damages due to road construction	$ 8,939.70	$ 4,700.00

H-527-68-T	Beryl D. Gray Damage by flooding due to improper drainage caused by road construction	373.00	308.00
H-591-68-T	Robert L. Clites Damage to vehicle due to paint overspray	36.05	36.05
H-592-68-T	Duane C. Rossow Damage to vehicle due to paint overspray	41.20	41.20
H-593-68-T	Virgil A. Mashek Damages to vehicle due to paint overspray	41.20	41.20
H-609-68-T	Ruth Sunde Damage to drainage tile when State removed more soil from borrow area than easement called for	1,623.00	1,204.00
H-614-68-T	Farmland Mutual Insurance Company Damage to auto when DOT flagman erroneously waved claimant through area being cleared by snowblower	1,242.63	1,242.63
H-625-68-T	Gary R. Childress Damage to soybeans due to light intensity at I-80-35 and Ashworth Road	420.00	420.00
H-634-68-T	Hugh Thompson Siltation from DOT property resulted in reduced yield for soybean crop	893.75	893.75
H-639-68-T	Ralph Martin DOT felled a tree across fence and destroyed two panels and posts	54.20	54.20
H-649-68-T	Arthur A. Grams Damages to auto caused by hitting a chunk of concrete on I-35 bridge	659.75	520.66
H-650-68-T	James Dahl & Auto-Owner's Ins. Co. Damage to auto when "ROAD WORK AHEAD" sign blew into the path of his vehicle	307.50	307.50
H-652-68-T	Joseph Frank Kastrick Damage to car and trailer hitch when claimant hit a buckled bridge expansion plate	550.46	397.46

H-676-68-T	Isaac C. Ver Meer Reimbursement for broken eyeglasses	97.00	97.00
H-677-68-T	Dennis L. Tice DOT maintenance crew dropped metal bar on auto causing damage	77.56	77.56
H-681-68-T	Frank Edward Corwin Damage to auto from hitting a hole in the roadway	150.42	150.42
H-685-68-T	Dwight Dale Gates Tire damaged when claimant hit a hole in a bridge	53.57	53.57
H-691-68-T	Northwestern Bell Telephone Company Cable damaged by DOT bulldozer	227.88	227.88
H-692-68-T	Elaine Gerk Damage to auto when hit by a falling sign	20.60	20.60
H-696-68-T	William Woodhall Storage charges for vehicle impounded falsely	177.68	177.68
H-699-68-T	George L. Warin Damages caused by road construction in front of farm	925.00	925.00
H-701-68-T	Steven H. Swender Windshield broken when rock was thrown by DOT mower	177.41	177.41
H-704-68-T	Donald Bruce Harwick/ Insurance Co. of North America Damage to auto caused by a protruding bridge expansion plate	114.60	114.60
H-712-68-T	William Rea Damage to well and pump caused by DOT construction project	665.73	665.73
H-715-68-T	Iowa National Mutual Ins./James L. McLeland Wheel damaged when driving over a hole in a bridge	187.18	187.18
H-716-68-T	Vernon G. Osborn, Jr. Damage to auto when hitting a transit set up in the road by DOT survey crew	137.11	137.11

H-720-68-T	Glenn Thompson Damages to land and crops due to flooding	7,300.00	6,800.00
H-722-68-T	Dennis Carl Barkhaus Damage to tomato plants caused by DOT spraying across fence	590.00	590.00
H-724-68-T	Paul Arnold Farnett Sewer line damaged by DOT construction project	399.13	399.13
H-726-68-T	Barbara K. Herding Damages to auto when it was hit by a DOT endloader	160.07	160.07
H-727-68-T	Virgil N. Greenzweig Steel-belted radial tire ruined by metal stub of delineator post	117.01	117.01
H-749-68-T	Steven J. Furness Damage to auto paint caused by DOT employees cleaning painting equipment in a parking area	107.12	107.12
H-761-68-T	Herman G. Menke Grape crop damaged when DOT sprayed 2-4-D along the road near farm	60.00	60.00
H-776-68-T	Hawkeye Security Insurance Co. 50% contribution to a payment made to an accident victim as a result of acting as the insurance carrier for DOT's vehicles	105.06	105.06

CHAPTER 25A - TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL - 1979

Former Claim No.	Name of Claimant Nature of Claim	Amount Prayed	Amount Settled
H-3-66-T	Keith J. Vegors, W.G. Steward and Maudlin Construction Co. Property Damage (Settlement)	$ 12,000.00	$ 2,500.00
H-184-66-T	Louis D. Hatchett Personal Injury (Settlement)	750,000.00	50,000.00
H-274-67-T	Gary Lee Swanson Personal Injury (Settlement)	70,000.00	3,000.00

H-348-67-T	Earl C. Weniger Personal Injury (Settlement)	41,500.00	6,250.00
H-362-67-T	Estate of Wade Leroy Barton Personal Injury (Settlement)	250,000.00	
&			
H-363-67-T	Estate of Wade Leroy Barton	500,900.00	
&			
H-367-67-T	Leroy E. Barton	50,000.00	55,000.00
H-384-67-T	Carolyn Jeanette James & Tri-Center Community School District Third Party Claim (Judgment)	Undetermined	
&			
H-385-67-T	Carolyn Jeanette James & Tri-Center Community School District	Undetermined	1,500.00
H-419-67-T	Ernest L. & W. Roberta Hood	500,000.00	
&			
H-420-67-T	Ernest L. Hood, Admn. Estate of Robbie R. Hood Personal Injury and Wrongful Death (Settlement)	250,000.00	11,000.00
H-429-67-T	Douglas Heimer Personal Injury (Settlement)	11,918.00	2,000.00
H-441-67-T	Lowell Gilbraith as Admn. of Estate of James Gordon Gilbraith	250,000.00	
&			
H-442-67-T	Andrea Gilbraith	250,025.00	
&			
H-443-67-T	Lowell Gilbraith	125,000.00	
&			
H-444-67-T	Joyce Gilbraith Personal Injury (Settlement)	125,000.00	25,000.00
H-529-68-T	Barbara Johnson Personal Injury (Settlement)	37,000.00	1,000.00
H-551-68-T	Warren Transport, Inc. Personal Injury (Settlement)	144,500.00	
&			
H-552-68-T	Darrell A. Schlafer	144,500.00	1,356.89

H-598-68-T	Mickey Holsey Property Damages (Settlement)	4,150.00	
&			
H-669-68-T	Kim Mickey Personal Injury	35,000.00	
&			
H-670-68-T	Theresa Mickey Personal Injury	10,000.00	1,000.00
H-618-68-T	Estate of Theresa Marie Nemmers Wrongful Death (Settlement)	499,880.95	68,000.00
H-619-68-T	Terry A. Roder Personal Injury (Settlement)	70,727.00	15,500.00
H-645-68-T	David P. Franzen Personal Injury (Settlement)	104,487.96	16,500.00
H-671-68-T	Kenneth and Josephine Blunk Indemnity Claim (Settlement)	648.28	250.00
T-984-65	Marvin G. Birely Estate Personal Injury (Settlement)	500,000.00	
&			
T-2343-65	Karen L. Birely	750,000.00	30,000.00
T-2373-65	Lawrence Dean Barnhart Personal Injury (Settlement)	25,000.00	11,500.00
T-246-66	Gerald Hindman Personal Injury (Settlement)	50,000.00	6,000.00
T-605-66	Erick & Rose Mary Rosdail Personal Injury (Judgment)	539,491.58	103,236.82
T-839-66	Janet Ann Mickelson Personal Injury (Settlement)	1,000,000.00	10,000.00
T-1202-66	Clinton M. & Dorothy Lamar Personal Injury (Settlement)	437,000.00	2,000.00
T-1358-66	Marily Dianne Booth Personal Injury (Settlement)	250,000.00	28,578.91

T-1426-66	Donald Halterman Personal Injury (Judgment)	61,640.65	32,500.00
T-1844-66	Anita J. Allison Personal Injury (Settlement)	250,000.00	3,300.00
T-2096-66	Bernice Hill Personal Injury (Settlement)	50,000.00	6,000.00
T-2467-67	Rex Lawford Gates Personal Injury (Settlement)	22,436.98	6,500.00
T-2514-67	June Penelope Hall Personal Injury (Settlement)	100,000.00	4,000.00
T-3032-67	Timothy Hawbaker Estate Wrongful Death (Settlement)	253,500.00	15,000.00
T-3082-67 & T-3083-67	Rhonda Wallace Personal Injury (Settlement) Ruth Wallace Property Damage	Undetermined 4,000.00	 2,000.00
T-3538-67	Vicki Quick Personal Injury (Settlement)	35,000.00	4,500.00
T-3782-67	Orville Lawrence d/b/a/ Lakeside Boat Marina Personal Injury & Property Damage (Settlement)	102,284.28	15,000.00
T-3802-67	Lesly McLane and Sondra Sue McLane Personal Injury (Settlement)	95,000.00	27,000.00
T-4437-68	Mary E. Lookhe Personal Injury (Settlement)	100,000.00	456.55
TE-4451-68	David Olive Personal Injury (Settlement)	10,000.00	2,500.00
TE-4663-68 & T-4668-68	Doris L. Wagner Wrongful Death (Settlement) Doris L. Wagner	1,125,000.00 1,125,000.00	 250,000.00

T-4735-68	Clyde Donald West Property Damages (Settlement)	Undetermined	500.00
T-5004-68	Reda Belahi Personal Injury (Settlement)	150,000.00	
& TE-5005-68	Reda Belahi	150,000.00	2,500.00
T-5152-68	Donald Langschwager Property Damages (Settlement)	2,000.00	500.00
T-5175-68	William Norbert Heinen Personal Injury (Settlement)	3,500.00	
& TE-5176-68	William Norbert Heinen	3,500.00	1,000.00

COMMUNICATIONS

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

AUDITOR OF STATE

A copy of the Auditor's report for the General Assembly for the period ending June 30, 1979. Copies were distributed in accordance with Chapter 11.4 and 11.28, Code 1979.

STATE BOARD OF REGENTS

A copy of the State Board of Regents Ten-Year Building Program Summary for 1979 through 1989, in accordance with Section 262A.3, Code 1979.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 22, 1980, 10:32 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; Gentleman, A. Miller and Drake.

Members Absent: none.

Other Business: Hearings presented by the Civil Rights Commission, Medical Examiners and Substance Abuse.

Adjourned: 12:12 p.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 22, 1980, 10:35 a.m.

Members Present: Bisenius, Chairperson; Hester, C. Miller and Comito (arrived 10:45 a.m.).

Members Absent: Orr, Ranking Member (excused).

Other Business: Approved proposed Appropriations bill allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse; presentations by members of private industry regarding the type of warehouse and supplemental budget requests of the Iowa Beer and Liquor Control Department.

Adjourned: 12:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 22, 1980, 10:30 a.m.

Members Present: Schwengels, Chairperson; Carney, Gratias and Priebe.

Members Absent: Rush, Ranking Member.

Other Business: Supplemental budget hearing and appropriations recommendations for the Judiciary Department and the Bureau of Labor.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 22, 1980, 10:30 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Holden and Waldstein.

Members Absent: Scott.

Other Business: Hearings on the Department of Public Safety and the Criminal Investigation Division of the Iowa State Patrol.

Adjourned: 11:58 a.m.

AGRICULTURE

Convened: January 22, 1980, 1:35 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; E. Miller, Tieden, Van Gilst and Waldstein.

Members Absent: Hutchins, Ranking Member; Hulse, A. Miller and Priebe (excused).

Other Business: Announced assignment of Senate File 502 and SSB 2081 to subcommittee.

Adjourned: 1:45 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2061	Judiciary
S. F.	2062	Judiciary
S. F.	2069	Transportation
H.F.	2072	Ways and Means

STUDY BILLS RECEIVED

S.S.B. 2080 Energy

Providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years.

S.S.B. 2081 Agriculture

Relating to tort liability of soil conservation districts and their officers, employees, and agents.

S.S.B. 2082 State Government

Relating to administration, benefits, and funding of certain public retirement systems.

S.S.B. 2083 Appropriations

Allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

ADJOURNMENT

On motion by Senator Hultman, the Senate adjourned at 4:02 p.m., until 9:00 a.m., Wednesday, January 23, 1980.

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 23, 1980

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend L. Hume Ward, pastor of the Windsor Heights Presbyterian Church, Des Moines, Iowa.

The Journal of Tuesday, January 22, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald Boldt, Ackley, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators DeKoster and Bergman for the day on request of Senator Hultman.

INTRODUCTION OF BILLS

Senate File 2074, by Miller of Des Moines, a bill for an act creating a subvention program for Iowa residents to study chiropractic and making an appropriation.

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

Senate File 2075, by Hansen, a bill for an act providing for modifications of the basic allowable growth per pupil for certain eligible school districts.

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

Senate File 2076, by Hansen, a bill for an act to allow county conservation boards to exchange property.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:02 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2077, by Yenger, Brown, Briles, Schwengels, Robinson, Hutchins, Carr and Rodgers, a bill for an act providing for special plates to be issued to members of the Iowa national guard.

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

Senate File 2078, by Nystrom, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

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

APPENDIX

COMMUNICATION

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

COMMISSION ON UNIFORM STATE LAWS

A copy of the 1980 Report of Commissioners on Uniform State Laws in accordance with Section 5.4, Code 1979.

SUBCOMMITTEE ASSIGNMENT

HOUSE FILE 2072

Ways and Means
Craft, Chairperson
Readinger
Hester
Rodgers
Van Gilst
Comito
Junkins

STUDY BILLS RECEIVED

S.S.B. 2084 County Government

Relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

S.S.B. 2085 Energy

Appropriating funds for grants to builders for passive solar energy residential construction projects.

S.S.B. 2086 County Government

To provide for a fee for the collection of special city assessments.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 23, 1980, 9:40 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; Gentleman and A. Miller (arrived 9:48 a.m.).

Members Absent: Drake.

Other Business: Hearings on the Commission on Aging presented by Glenn R. Bowles, Executive Director; Dr. David L. Adams, Planning Manager; Ronald F. Poltrast, Administrative Manager and Frank Kowal, President of the Iowa Association of Area Agencies of Aging; and the Department of Health presented by Norman Pawlewski, Commissioner, and other division heads.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 22, 1980, 10:30 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: James Webb of the Iowa Natural Resources Council and Stan Grant of the State Geological Survey presented their supplemental budget requests.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 22, 1980, 10:40 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Bergman, Craft, Baugher and Carr.

Members Absent: none.

Other Business: Hal Farrier, Director of the Department of Social Services presented an overview, unitization and supplemental appropriations request for the Division of Adult Corrections at Fort Madison, Anamosa, Rockwell City and halfway houses at Dubuque, Fort Dodge and Marshalltown. Mr. Farrier further presented an overview in regard to uniforms and training at Anamosa, Bennett, Rockwell City and Mount Pleasant.

Adjourned: 12:00 noon.

JUDICIARY

Convened: January 22, 1980, 1:40 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Coleman, Gentleman, Hansen, Deluhery, Slater, Briles, Baugher, Ramsey and Murray (arrived 1:50 p.m.).

Members Absent: Scott.

Other Business: Discussion of SSB 2021, the hospitalization of mentally ill persons.

Adjourned: 2:55 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: January 17, 1980, 8:05 a.m.

Members Present: Hulse, Chairperson; Calhoon, Hultman, Jensen, Orr and Taylor.

Members Absent: Carney, Vice Chairperson (excused); Carr, Ranking Member and Palmer.

Other Business: Assigned bills to subcommittees; informed committee that all bills assigned last year to subcommittees will be returned to the same subcommittees.

Adjourned: 8:15 a.m.

WAYS AND MEANS

Convened: January 22, 1980, 3:07 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Hutchins, Rush, Scott, Van Gilst and Ramsey (arrived 3:21 p.m.).

Members Absent: Junkins.

Other Business: Discussion on House File 2072; assigned bills to subcommittees.

Adjourned: 4:00 p.m.

PRESENTATION OF GUESTS

Senator Van Gilst presented the singing group "The Grandkids" from Knoxville, Iowa, who performed in the Senate chamber from 12:15 p.m. until 12:45 p.m. The group, whose name was chosen because they have the same grandparents, have been singing together for about a year and a half at several churches and various organizations.

Members of "The Grandkids" were: Tammy Dykstra, 15, alto; Ted Dykstra II, 16, bass; Todd Dykstra, 13, tenor; Debby Haning, 18, soprano; Elizabeth Haning, 14, alto; Tony Haning, 16, tenor and Geoff Shultz, pianist, who is a school band director and arranges and directs the group.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:04 p.m., until 9:00 a.m., Thursday, January 24, 1980.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 24, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend David Stout, pastor of the First United Methodist Church, Des Moines, Iowa.

The Journal of Wednesday, January 23, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

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

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

January 23, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

On August 28, 1979, I submitted to the Senate for their consideration the name of John C. Rhodes, Chariton, Lucas County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission.

I have now been advised by Mr. Rhodes that he will be unable to accept this appointment due to a time conflict with his present position. I am, therefore, accepting his resignation and wish to withdraw his name from consideration.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

Senate File 2079, by Jensen, a bill for an act relating to gifts made to public officials and subjecting violators to a penalty.

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

Senate File 2080, by Miller of Cerro Gordo, a bill for an act to allow the governor to accept offers made by the United States to retrocede property to the state.

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

Senate File 2081, by Bergman, Hansen, Hester, Drake, Hutchins, Rodgers, Scott, Brown, Priebe, Junkins, Carr, Briles, Murray, Palmer and DeKoster, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

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

SPECIAL GUESTS

President Branstad presented Mr. Todd Clark, Alta, Iowa, and Miss Deb Kelso, Atlantic, Iowa, the 1980 Iowa Heart Fund Prince and Princess, who were escorted to the rostrum by Senator Waldstein. Deb, a student at the Patricia Stevens College of Modeling in Omaha and Todd, a senior at Alta Community School, are examples of successful heart surgery and will be representing the Iowa Heart Association this year.

RECESS

On motion by Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 8, 1979

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

On April 2, 1979, I submitted to the Senate for their consideration the name of Herman W. Thompson, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the Board of Landscape Architectural Examiners.

I have now been advised by Mr. Thompson that he will be unable to accept this reappointment due to the pressures of his business, so I am, therefore, accepting his resignation and wish to withdraw his name from consideration.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

Senate File 2082, by Miller of Marshall, a bill for an act relating to the control of rabies by allowing for an open season on skunk and a vaccination program for cats and providing a penalty.

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

Senate File 2083, by Orr, 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 2084, by Orr, a bill for an act relating to the Iowa housing finance authority by changing its name, expanding its power and authority to include purchase loan money for beginning farmers and providing coordinating amendments.

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 344

Senator Small withdrew the motion to reconsider Senate File 344, a bill for an act relating to access to and use of solar energy, filed by him on January 17, 1980, and found on page 119 of the Senate Journal.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 22, 1980, 10:33 a.m.

Members Present: Nystrom, Chairperson; Van Gilst, Ranking Member; Kudart, Yenger and Hutchins.

Members Absent: none.

Other Business: Hearing on the Department of Public Instruction.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 23, 1980, 9:30 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Ed Stanek, Director of the Iowa Energy Policy Council, presented supplemental budget requests.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 23, 1980, 9:40 a.m.

Members Present: Bisenius, Chairperson; Hester, C. Miller and Comito (arrived 10:35 a.m.).

Members Absent: Orr, Ranking Member (excused).

Other Business: Presentations of supplemental budget requests by the Iowa Beer & Liquor Control Council, Board of Engineering Examiners, Credit Union Department and IPERS.

Adjourned: 11:17 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 23, 1980, 9:35 a.m.

Members Present: Slater, Ranking Member; Craft, Baugher and Carr.

Members Absent: DeKoster, Chairperson (excused) and Bergman (excused).

Other Business: Supplemental budget requests were presented as follows: Jack Dack, Iowa Veterans' Home, Marshalltown; Linda Cottington, Director, Division of Administration and Ray Camp, Bureau Chief of new management in regard to data processing, accounting system and property management; Bill Armstrong, Division of Management, Central Office Furniture; Babs Jackson, Community Programs, Title XX local purchase.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 23, 1980, 9:30 a.m.

Members Present: Schwengels, Chairperson; Rush, Ranking Member; Carney, Gratias and Priebe.

Members Absent: none.

Other Business: General discussion; budget hearings on the State Librarian and Office for Planning and Programming.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 23, 1980, 9:30 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Holden, Scott and Waldstein.

Members Absent: none.

Other Business: Hearing on the Iowa State Patrol Disaster Services.

Adjourned: 12:00 noon.

APPROPRIATIONS

Convened: January 23, 1980, 8:40 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Bisenius, Hultman, Nystrom, Schwengels, Scott, Small, Tieden, Van Gilst, Carr (arrived 8:50 a.m.), Junkins (arrived 9:00 a.m.) and Readinger (arrived 8:50 a.m.).

Members Absent: Palmer, Ranking Member and DeKoster (excused).

Other Business: Discussed SSB 2083 and returned it to the Appropriations Subcommittee on Regulatory and Finance.

Adjourned: 9:05 a.m.

ENERGY

Convened: January 23, 1980, 12:45 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Brown, Deluhery, Readinger, Rodgers and Waldstein.

Members Absent: Briles.

Other Business: Assigned SSB's 2080, 2085, 2087 and 2088 to subcommittees; Ed Stanek, Director of the Energy Policy Council, discussed plans for grants to builders for passive solar energy residential construction projects.

Adjourned: 1:55 p.m.

HUMAN RESOURCES

Convened: January 23, 1980, 1:33 p.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Carney, Carr, Hulse, A. Miller and Slater.

Members Absent: Bergman (excused), Craft, Hansen and Orr (excused).

Other Business: Assigned bills to subcommittees.

Adjourned: 1:42 p.m.

JUDICIARY

Convened: January 23, 1980, 3:00 p.m.

Members Present: Kudart, Vice Chairperson; Rush, Ranking Member (arrived 3:30 p.m.); Murray, Slater, Coleman, Deluhery, Baugher, Gentleman, Briles, Hansen (arrived 3:20 p.m.), Ramsey (arrived 3:20 p.m.) and Scott.

Members Absent: DeKoster, Chairperson (excused).

Other Business: Assigned bills to subcommittees; discussion of SSB's 2021 and 2037.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: January 23, 1980, 3:05 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Calhoon, Gallagher, Gratias, Rodgers, Schwengels and Tieden.

Member Absent: none.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:25 p.m.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ann Jorgensen, Garrison, Benton County, Iowa, for appointment as a member of the State Board of Regents pursuant to Section 262.3, 1979 Code of Iowa, for the regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
A.R. KUDART
JOANN ORR
JAMES V. GALLAGHER
SUE YENGER

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2070	State Government
S. F.	2071	Commerce
S. F.	2072	Appropriations
S. F.	2073	Education
S. F.	2074	Education
S. F.	2075	Education
S. F.	2076	County Government
S. F.	2077	Transportation
S. F.	2078	State Government

STUDY BILLS RECEIVED

S.S.B. 2087 Energy

To require a periodic energy audit for public buildings.

S.S.B. 2088 Energy

Appropriating funds to the energy policy council to purchase gasoline and middle distillates for a state emergency fuel reserve.

S.S.B. 2089 Ways and Means

Relating to the information which shall be included in notices prior to budget hearings by a political subdivision and to be included on tax statements provided by the county treasurer.

S.S.B. 2090 Ways and Means

Relating to property tax exemptions for wetlands, forest cover, rivers and streams, river and stream banks and open prairies.

S.S.B. 2091 Ways and Means

Authorizing a taxpayer to income average in determining the taxpayer's individual income tax liability for the tax year.

S.S.B. 2092 Ways and Means

Providing for the deduction of the federal income tax accrued for the tax year in computing the state individual and corporate income tax for that year.

S.S.B. 2093 Ways and Means

Allowing special income tax treatment for the receipt of a lump sum distribution from an employee's pension, retirement or annuity plan.

AMENDMENT FILED

S—5006 S. F. 464 Richard R. Ramsey

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:11 p.m., until 9:00 a.m., Friday, January 25, 1980.

JOURNAL OF THE SENATE

TWELFTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 25, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Wallace Gaines, pastor of the Antioch Baptist Church, Waterloo, Iowa.

The Journal of Thursday, January 24, 1980, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gratias for the day on request of Senator Hultman; Senator Small for the day on request of Senator Junkins and Senator Orr for the day on request of Senator Palmer.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2001, by Hansen, Baugher, Bergman, Bisenius, Coleman, Comito, Craft, Goodwin, Gratias, Hester, Hulse, Hultman, Jensen, Miller of Marshall, Nystrom, Priebe, Robinson, Rodgers, Schwengels, Taylor, Tieden and Waldstein, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the protection of taxpayers' rights by limiting taxes, revenue, and related activities of the state and local governments.

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

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up out of order Senate Concurrent Resolution 101.

Senate Concurrent Resolution 101

On motion of Senator Ramsey, Senate Concurrent Resolution 101, a resolution amending the joint rules of the Sixty-eighth General Assembly, filed January 17, 1980, and found on pages 113-116 of the Senate Journal, was taken up for consideration.

Senator Hutchins offered amendment S—5012 filed by Senators Hutchins and Palmer from the floor to page 2 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 27.

Amendment S—5012 lost.

Senator Ramsey offered amendment S—5010 filed by Senators Ramsey, Hultman and Junkins from the floor to page 5 of the resolution and moved its adoption.

Amendment S—5010 was adopted by a voice vote.

Senator Junkins offered amendment S—5008 filed by him from the floor to page 5 of the resolution, moved its adoption and requested a non record roll call.

The ayes were 17, nays 25.

Amendment S—5008 lost.

Senator Junkins offered amendment S—5007 filed by Senators Junkins and Kinley from the floor to page 5 of the resolution and moved its adoption, which motion prevailed by a voice vote.

Senator Junkins offered amendment S—5009 filed by him from the floor to page 5 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 26.

Amendment S—5009 lost.

Senator Ramsey moved the adoption of Senate Concurrent Resolution 101 as amended.

A record roll call was requested.

On the question "Shall the resolution as amended be adopted?" (S.C.R. 101) the vote was:

Ayes, 28:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	Yenger

Nays, 18:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Rodgers	Rush	Scott
Slater	Van Gilst		

Absent or not voting, 4:

Gratias	Orr	Robinson	Small

The motion prevailed and the resolution as amended was adopted.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order House File 741.

House File 741

On motion of Senator Hester, House File 741, a bill for an act to exempt from the real estate transfer tax certain deeds between family corporations or authorized farm corporations and their stockholders, with report of committee recommending passage, was taken up for consideration.

Senator Miller of Des Moines offered amendment S—3739 filed by him on May 8, 1979, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3739 was adopted by a voice vote.

Senator Hester moved that the bill 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. 741) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Gratias	Orr	Robinson	Small

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

Senator Hultman asked and received unanimous consent to take up out of order House File 733.

House File 733

On motion of Senator Craft, House File 733, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs and making the Act retroactive, with report of committee recommending passage, was taken up for consideration.

Senator Rodgers offered amendment S—3689 filed by Senators Rodgers, et al., on May 2, 1979, to page 1 of the bill.

Senator Hultman asked and received unanimous consent that action on amendment S—3689 and House File 733 be **deferred** and that the bill be placed on the calendar as **unfinished business.**

INTRODUCTIONS OF BILLS

Senate File 2085, by Bisenius, a bill for an act providing for the township trustees to act as an advisory committee to the board of supervisors and the general relief director with respect to administration in their township of chapter two hundred fifty-two (252) of the Code.

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

Senate File 2086, by Bisenius, a bill for an act to protect state employees from personnel actions as reprisals for disclosing waste, mismanagement, or violations of law and subjecting violators to a penalty.

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

Senate File 2087, by Taylor, a bill for an act relating to the duties and privileges of emergency volunteers and making penalties applicable.

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

BILL REASSIGNED TO COMMITTEE

President Branstad announced the reassignment of **Senate File 2071** from the committee on **Commerce** to the committee on **County Government.**

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

The Senate resumed session, President Branstad presiding.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2001

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SENATE FILE 2002

Education
DeKoster, Chairperson
Jensen
Small

SENATE FILE 2010

Education
Carney, Chairperson
Taylor
Orr

SENATE FILE 2012

Commerce
Comito, Chairperson
Gentleman
Deluhery

SENATE FILE 2015

County Government
C. Miller, Chairperson
Yenger
Slater

SENATE FILE 2026

Commerce
Deluhery, Chairperson
Gentleman
Holden

SENATE FILE 2027

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SENATE FILE 2028

Ways and Means
Craft, Chairperson
Readinger
Hester
Rodgers
Van Gilst
Comito
Junkins

SENATE FILE 2030

Education
Gratias, Chairperson
Jensen
Brown

SENATE FILE 2032

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SENATE FILE 2033

Labor and Industrial Relations
Hultman, Chairperson
Hulse
Palmer

SENATE FILE 2034

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SENATE FILE 2035

Natural Resources
Gratias, Chairperson
Calhoon
Goodwin

SENATE FILE 2036

Ways and Means
Hester, Chairperson
Holden
Hutchins

SENATE FILE 2040

Ways and Means
Drake, Chairperson
Holden
Comito
Van Gilst
Hutchins

SENATE FILE 2043

County Government
Waldstein, Chairperson
Kudart
Brown

SENATE FILE 2045

Ways and Means
Craft, Chairperson
Readinger
Hester
Rodgers
Van Gilst
Comito
Junkins

SENATE FILE 2048

Natural Resources
Priebe, Chairperson
Gallagher
Schwengels

SENATE FILE 2049

Ways and Means
Craft, Chairperson
Readinger
Hester
Rodgers
Van Gilst
Comito
Junkins

SENATE FILE 2050

Commerce
Priebe, Chairperson
Bergman
Comito

SENATE FILE 2053

Education
DeKoster, Chairperson
Carney
Small

SENATE FILE 2054

Human Resources
Hulse, Chairperson
Carney
Carr

SENATE FILE 2056

Education
Carney, Chairperson
Gratias
Calhoon

SENATE FILE 2064

Commerce
Goodwin, Chairperson
Gentleman
Rush

SENATE FILE 2067

Judiciary
Rush, Chairperson
Kudart
Murray

SENATE CONCURRENT RESOLUTION 17

Rules and Administration
Ramsey, Chairperson
Junkins
Hulse

SENATE CONCURRENT RESOLUTION 20

Rules and Administration
Ramsey, Chairperson
Junkins
Hultman

SENATE CONCURRENT RESOLUTION 21

Rules and Administration
Hultman, Chairperson
Kinley
Ramsey

SSB 2051

Natural Resources
Priebe, Chairperson
Gratias
E. Miller

SSB 2052

Natural Resources
Tieden, Chairperson
Schwengels
Calhoon

SSB 2053

Natural Resources
Gratias, Chairperson
Gallagher
Goodwin

SSB 2054

Natural Resources
Gallagher, Chairperson
Tieden
Calhoon

SSB 2055

Natural Resources
Schwengels, Chairperson
Goodwin
Gallagher
Rodgers
Tieden

SSB 2056

Natural Resources
E. Miller, Chairperson
Priebe
Goodwin
Calhoon
Tieden

SSB 2063

Commerce
Bergman, Chairperson
Comito
Robinson

SSB 2077

Human Resources
Gentleman, Chairperson
A. Miller
Carney

SSB 2078

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SSB 2079

County Government
Baugher, Chairperson
Brown
Waldstein

SSB 2080

Energy
Ramsey, Chairperson
Bisenius
Rodgers

SSB 2083

Appropriations
Appropriations Subcommittee
on Regulatory and Finance

SSB 2084

County Government
C. Miller, Chairperson
Nystrom
Yenger

SSB 2085

Energy
Bisenius, Chairperson
Readinger
Rodgers

SSB 2086

County Government
Briles, Chairperson
Slater
Yenger

SSB 2087

Energy
Bisenius, Chairperson
Readinger
Rodgers

SSB 2088

Energy
Bisenius, Chairperson
Readinger
Gallagher

ADDITIONAL SUBCOMMITTEE MEMBERS

The **Ways and Means Committee** assigned the following additional subcommittee members to bills previously assigned and appearing on pages 131 and 133 of the January 18, 1980, Senate Journal:

Senators Readinger and Hutchins to Senate File 496 and House File 761.

INTRODUCTION OF BILL

Senate File 2088, by Committee on Appropriations, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

Read first time and **placed on calendar** under **Rule 28.**

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 24, 1980, 9:30 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; Drake, A. Miller and Gentleman.

Members Absent: none.

Other Business: Presentation from the Department of Health by Norman Pawlewski, Commissioner, Dr. Carl Richard, University of Iowa and John Davis, Kidney Foundation of Iowa.

Adjourned: 12:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 24, 1980, 9:30 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: James Taylor, Executive Secretary of the Iowa State Fair Board, presented supplemental budget requests to the subcommittee.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 24, 1980, 9:45 a.m.

Members Present: Bisenius, Chairperson; Hester, C. Miller and Comito (arrived 10:45 a.m.).

Members Absent: Orr, Ranking Member (excused).

Other Business: Discussed supplemental budget requests of the Iowa Beer & Liquor Control Department; budget hearings on the Department of Revenue and State Comptroller's office.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 24, 1980, 9:30 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Bergman, Craft, Baugher and Carr.

Members Absent: none.

Other Business: Chuck Sweeney, Director and Babs Jackson presented Title XX—local purchase; supplemental appropriations requests discussed for corrections; supplemental appropriations for Herman Miller furniture was discussed—further information requested; Pat Cavanaugh, Don Kaaser and Mary Brosnahan presented supplemental appropriations requests for medical contract which was approved; discussed Residential Care facilities and Intermediate Care facilities.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 24, 1980, 9:30 a.m.

Members Present: Schwengels, Chairperson; Rush, Ranking Member; Carney, Gratias and Priebe.

Members Absent: none.

Other Business: Supplemental budget hearings on the Rules Coordinator, Arts Council, Attorney General's Office, Citizens' Aide and the Governor's Office; recommended appropriations to the full Appropriations Committee for the State Library.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 24, 1980, 9:25 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Waldstein and Holden (arrived 10:20 a.m.).

Members Absent: Scott.

Other Business: Hearing on the Crime Commission.

Adjourned: 11:58 a.m.

APPROPRIATIONS

Convened: January 25, 1980, 11:40 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Tieden and Van Gilst.

Members Absent: Small.

Final Action: SENATE FILE 2088, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Murray, Taylor, Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels and Tieden. Nays, 4: Palmer, Carr, Scott and Van Gilst. Absent or not voting, 2: Small and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate File 2072 and two study bills to subcommittees; assigned two special subcommittees.

Adjourned: 11:55 a.m.

COMMERCE

Convened: January 24, 1980, 3:20 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Craft, Deluhery, Gentleman, Goodwin and Priebe.

Members Absent: Robinson, Ranking Member; Bergman (excused) and Rush.

Other Business: Assigned Senate Files 2050 and 2064 to subcommittees.

Adjourned: 3:25 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: January 24, 1980, 8:05 a.m.

Members Present: Hulse, Chairperson; Carney, Vice Chairperson; Carr, Ranking Member; Calhoon (arrived 8:10 a.m.), Hultman, Jensen, Palmer (arrived 8:14 a.m.) and Taylor.

Members Absent: Orr.

Other Business: Mr. Paul Moran, Administrative Job Insurance Division and Mr. Ralph Hoksberger, Actuary, Iowa Department of Job Services, addressed the meeting with regard to the array system; assigned Senate File 2033 to subcommittee.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: January 24, 1980, 1:30 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Junkins, Rush, Scott, Van Gilst, Hutchins (arrived 1:40 p.m.) and Ramsey (arrived 1:57 p.m.).

Members Absent: none.

Final Action: HOUSE FILE 2072, a bill for an act 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, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes, by altering qualification for a county to levy a property tax because of federal ordinance plant and making the Act retroactive.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5013.

Final Vote: Ayes, 15: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:53 p.m.

STUDY BILLS RECEIVED

S.S.B. 2094 Natural Resources

Relating to permits for the withdrawal of water.

S.S.B. 2095 Appropriations

Appropriating funds to Iowa state university of science and technology for solar energy research.

S.S.B. 2096 Appropriations

Appropriating funds to the office of secretary of state for the purpose of conducting a requirements analysis study for a corporate registration and uniform commercial code information system.

S.S.B. 2097 State Government

To make library circulation and registration records confidential records.

S.S.B. 2098 Energy

To prevent the unauthorized claiming or taking of deposits and handling funds from manufacturers and distributors.

S.S.B. 2099 Commerce

To provide for the regulation of residential service companies by the commissioner of insurance.

S.S.B. 2100 Commerce

Relating to the powers of savings and loan associations.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2079	Judiciary
S. F.	2080	State Government
S. F.	2082	Natural Resources
S. F.	2083	Judiciary
S. F.	2084	State Government

AMENDMENTS FILED

S—5007	S. C.R.	101	Lowell L. Junkins George R. Kinley
S—5008	S. C.R.	101	Lowell L. Junkins
S—5009	S. C.R.	101	Lowell L. Junkins
S—5010	S. C.R.	101	Richard R. Ramsey Calvin O. Hultman Lowell L. Junkins
S—5011	S. F.	2051	Edgar H. Holden C. W. Hutchins
S—5012	S. C.R.	101	C. W. Hutchins William D. Palmer
S—5013	H.F.	2072	Ways and Means Committee
S—5014	S. F.	360	John W. Jensen
S—5015	S. F.	5	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:50 a.m., until 10:00 a.m., Monday, January 28, 1980.

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 28, 1980

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

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

The Journal of Friday, January 25, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Loren Parker, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hester for the morning session on request of Senator Hultman and Senator Orr for the day on request of Senator Junkins.

INTRODUCTION OF BILL

Senate File 2089, by Carney, a bill for an act appropriating from the road use tax fund moneys for the resurfacing of memorial drive in Sioux City, Iowa.

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 January 24, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 278, a bill for an act relating to violations of motor vehicle laws.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 278

S—5016

Amend Senate File 278 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting after line 31 the following:

"Sec. ____. Section three hundred twenty-one point forty (321.40), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified that there is a warrant outstanding for that person's arrest out of a court located within that county and the warrant arises out of the alleged violation of a provision of chapter three hundred twenty-one (321) of the Code or of an ordinance adopted by a local authority relating to the stopping, parking or operation of a vehicle or the regulation of traffic. Each clerk of court in this state shall, by the fifth day of each month, submit to the county treasurer of that county an alphabetized list of all persons against whom such an arrest warrant has been issued and is outstanding. Immediately upon the cancellation or satisfaction of such an arrest warrant the clerk of court shall notify the person against whom the arrest warrant was issued and the county treasurer if that person's name appeared on the last list furnished to the county treasurer. This paragraph shall not apply to the transfer of a registration or the issuance of a new registration. The provisions of this paragraph are applicable to counties with a population of two hundred thousand or more. The provisions of this paragraph shall be applicable to any county with a population of less than two hundred thousand upon the adoption of a resolution by the county board of supervisors so providing."

2. Page 2, by inserting after line 23 the following:

"Sec. ____. Section three hundred twenty-one point one hundred ninety-six (321.196), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

[Prior to July 1, 1975, the director shall issue, under rules formulated by the director, operators' licenses valid for two or four years. Each] *An* operator's license [issued after July 1, 1977,] shall expire four years from the licensee's birthday

anniversary occurring in the year of issuance if the licensee is between the ages of eighteen and [sixty-five] *seventy* years on the date of issuance of the license, otherwise *the license shall be effective* for a period of two years. [but] *The license* shall be

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renewable without written examination or penalty within a period of thirty days after [such birthday anniversary and such] *its expiration date. A* person shall not be considered to be driving with an invalid license during [such] *a* period [before renewal, however] *of thirty days following the license expiration date. However* for any license renewed within such thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February [29] *twenty-ninth* shall be deemed to occur on March [1] *first.* All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by [such] *the* uniformed member. The [director] *department in its discretion* may authorize the renewal of a valid license upon application without an examination provided that[, a person holding such license has not more than three convictions of moving traffic violations during the previous two years and, provided that such person] *the applicant* satisfactorily passes a vision test as prescribed by the department.

Sec. ____. Section three hundred twenty-one point one hundred ninety-seven (321.197), Code 1979, is amended to read as follows:

321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every chauffeur's license [issued hereunder] shall expire every two or four years at the option of the applicant on the licensee's birthday anniversary. A chauffeur's license may be renewed within thirty days after the applicant's license expiration date without written examination or penalty. A person shall not be considered to be driving with an invalid license during a period of thirty days following the license expiration date. However, if the licensee is [sixty-five] *seventy* years of age or older on the date of issuance of the license, [such] *the* license shall be issued to be valid for two years. [Persons whose

birthdays occur] *For the purposes of this section the birthday anniversary of a person born* on February [29] *twenty-ninth* shall be deemed to occur on March [1, for the purpose of this section] *first*. The department in its discretion may waive the examination of any [such] applicant previously licensed as a chauffeur under this chapter, provided that [such] *the* person satisfactorily passes a vision test as

Page 3

prescribed by the department. [All applications] *An application* for the renewal of a chauffeur's license shall be made under the direct supervision of a uniformed member of the department and shall be approved by [such] *the* uniformed member."

3. Page 2, by inserting before line 24 the following:

"Sec. ____. Section three hundred twenty-one point two hundred three (321.203), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.

A nonresident's privilege of driving a motor vehicle on a highway in this state is subject to suspension and revocation for the same reasons and in the same manner as suspension or revocation of an operator's or chauffeur's license and is also subject to suspension as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. ____. Section three hundred twenty-one point two hundred ten (321.210), Code 1979, is amended by adding the following new subsection following subsection seven (7):

NEW SUBSECTION. Should have his or her license suspended under the provisions of section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. ____. Section three hundred twenty-one point two hundred twelve (321.212), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

[The] *Except as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code, the* department shall not suspend a license for a period of more than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder [thereof] is competent to operate a motor vehicle and a refusal to reinstate shall constitute a denial of

license within the provisions of section 321.215; upon revoking a license the department shall not [in any event] grant *an* application for a new license until the expiration of one year after [such] *the* revocation.

Sec. ____ . Section three hundred twenty-one point two hundred fifteen (321.215), subsection one (1), paragraph d, Code 1979, is amended to read as follows:

d. Proof of financial responsibility is established as defined in chapter 321A, *however such proof is not required if the license was suspended, under section three hundred twenty-one point five hundred*

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thirteen (321.513) of the Code.

Sec. ____ . Section three hundred twenty-one point two hundred eighteen (321.218), unnumbered paragraph one (1), Code 1979 is amended to read as follows:

Any person whose operator's or chauffeur's license or driving privilege, has been denied, canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied, canceled, suspended, or revoked, is guilty of a simple misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of section 907.3 or any other provisions of statute. The department, upon receiving the record of the conviction of any person under this section upon a charge of driving a motor vehicle while the license of such person was suspended or revoked, shall, *except for licenses suspended under section three hundred twenty-one point five hundred thirteen (321.513) of the Code,* extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during such additional period."

4. Page 3, by inserting before line 1, the following:

"a. Manslaughter resulting from the operation of a motor vehicle.

b. Driving a motor vehicle while under the influence of an alcoholic beverage or a controlled substance as defined in section 204.101.

c. Driving a motor vehicle while operator's or chauffeur's license is suspended or revoked.

d. Perjury of the making of a false affidavit or statement under oath to the department of public safety.

e. An offense punishable as a felony under the

motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used.

f. Failure to stop and leave information or to render aid as required by section 321.263.

[g. A violation of the traffic laws, except parking regulations, committed during a period of suspension or revocation."]

5. Page 3, line 4, by inserting after the figure "321.207" the words and figure *"or chapter three hundred twenty-one C (321C) of the Code"*.

6. Page 3, line 9, by striking the word "six" and inserting in lieu thereof the words "[six] *fifteen*".

7. Page 3, by inserting after line 11 the following:

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Sec. ____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section as section three hundred twenty-one point five hundred thirteen (321.513) of the Code:

NEW SECTION. 321.513 NONRESIDENT VIOLATOR COMPACT.

1. AUTHORITY TO COMPACT. The director, subject to the approval of the commission, may enter into nonresident violator compacts with other jurisdictions. The compacts shall contain in substantially the same form the following provisions:

a. DEFINITIONS. For purposes of the nonresident violator compact, unless the context requires otherwise:

(1) "Citation" means a summons, ticket, or other official document issued by a police officer for a traffic volation containing an order which requires the motorist to respond.

(2) "Collateral" means cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Court" means a court of law or traffic tribunal.

(4) "Driver's license" means a license or privilege to operator a motor vehicle issued under the laws of the home jurisdiction.

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or

possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that the motorist will comply with the terms of that traffic citation.

(10) "Police officer" means a peace officer as defined in section eight hundred one point four (801.4) of the Code authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) "Terms of the citation" means those options expressly stated upon the citation.

b. PROCEDURE FOR ISSUING JURISDICTION.

(1) When issuing a citation for a traffic

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violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, except as provided in subparagraph two (2) of this paragraph, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed personal recognizance that the motorist will comply with the terms of the citation.

(2) Unless prohibited by law, personal recognizance is acceptable. If mandatory appearance is required by law, the appearance must take place immediately following issuance of the citation.

(3) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued, and that licensing authority shall transmit the information contained in the report to the licensing authority in the home jurisdiction of the motorist.

(4) The licensing authority of the issuing jurisdiction shall not suspend for failure to comply with the terms of a traffic citation the driving privilege of a motorist for whom a report has been transmitted.

(5) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation if the date of transmission is more than six months after the date the traffic citation was issued.

(6) The licensing authority of the issuing

jurisdiction shall not transmit a report on a violation where the date of issuance of the citation predates the most recent effective date of entry for the two jurisdictions.

c. PROCEDURE FOR HOME JURISDICTION. Upon receipt of a report of a failure to comply, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards shall be accorded.

d. EXCEPTIONS. The provisions of the nonresident violator compact do not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

e. ADDITIONAL PROVISIONS. The nonresident violator

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compact may contain other provisions the director reasonably determines are necessary or appropriate for inclusion in the compact.

2. RULES. The department may adopt rules pursuant to chapter seventeen A (17A) of the Code as necessary to carry out the provisions of this section.

3. ENFORCEMENT. The agencies and officers of this state and its political subdivisions shall enforce the nonresident violator compacts and shall do all things appropriate to accomplish their purpose and intent.

Sec. ____. Section three hundred twenty-one A point seventeen (321A.17), subsection five (5), Code 1979, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under the provisions of section 321.216 *or three hundred twenty-one point five hundred thirteen (321.513) of the Code* shall not be required to maintain proof of financial responsibility under the provisions of this section.

8. Page 3, by striking line 25, and inserting in lieu thereof the following:

"f. For excessive speed violations when not more than [ten] *five*".

9. Page 3, by striking lines 32 through page 4, line 2, and inserting in lieu thereof the following:

"[For excessive speed violations when in excess of ten but not more than twenty miles per hour in excess of the limit under those sections, the scheduled fine is thirty dollars. Excessive speed more than twenty miles per hour in excess of the limit is not a scheduled violation.] *For excessive speed violations when in excess of the limit under those sections by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.*"

10. Page 4, by inserting after line 11 the following:

"Sec. ____. Section eight hundred five point ten (805.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. When the violations charged is

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being in excess of the speed limit by more than twenty miles per hour."

11. Amend the title, line 1, by deleting the words "violations of motor vehicle laws" and inserting in lieu thereof the words "motor vehicle laws by providing four-year operators' and chauffers' licenses for licensees between the ages of eighteen and seventy,".

12. Amend the title, line 5, by inserting after the word "determinations," the words "by authorizing the director of transportation to enter into nonresident violator compacts,".

13. Renumbering sections and internal references as necessary in conformance with this amendment.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kinley for the day on request of Senator Palmer.

QUORUM CALL

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

Roll call revealed a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Hultman called up the following Report of Investigating Committee:

As a member of the State Board of Regents, Arthur A. Neu, filed May 11, 1979, and found on pages 1749-1750 of the 1979 Senate Journal.

Senator Hultman asked and received unanimous consent to dispense with the reading of the Report of Investigating Committee.

Senator Hultman moved the adoption of the Report of Investigating Committee, which motion prevailed and the report was adopted by a voice vote.

Senator Hultman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gentleman	Goodwin	Gratias	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Priebe	Readinger	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 10:

Briles	Drake	Gallagher	Hansen
Hester	Kinley	Orr	Ramsey
Robinson	Rodgers		

The Chair declared the appointment confirmed.

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF BILL

Senate File 360

On motion of Senator Ramsey, Senate File 360, a bill for an act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeaner; providing that the accommodation offense applies only to one ounce or less of marijuana; and removing the prohibition against deferred judgments, deferred sentences and suspended sentences for certain controlled substance offenses, was taken up for consideration.

Senator Gentleman offered amendment S—3446 filed by her on April 9, 1979, to page 1 of the bill.

Action on amendment S—3446 was temporarily deferred.

Senator Hutchins asked and received unanimous consent to withdraw amendment S—3232 filed by Senators Hutchins, et al., on March 14, 1979, to page 1 of the bill.

With the withdrawal of amendment S—3232, the Chair ruled the following amendments to amendment S—3232 out of order:

Amendment S—3251 filed by Senator Hutchins on March 21, 1979.

Amendment S—3253 filed by Senator Comito on March 21, 1979.

Senator Hutchins asked and received unanimous consent to withdraw amendment S—3222 filed by Senators Hutchins, et al., on March 14, 1979, to page 1 of the bill.

The Senate resumed consideration of amendment S—3446, previously deferred.

Senator Small offered amendment S—5017 filed by him from the floor to amendment S—3446 and moved its adoption.

Amendment S—5017 was adopted by a voice vote.

Senator Gentleman moved the adoption of amendment S—3446 as amended.

A record roll call was requested.

On the question "Shall amendment S—3446 as amended be adopted?" (S.F. 360) the vote was:

Ayes, 12:

Brown	Carr	Craft	Gallagher
Gentleman	Miller, C.P.	Murray	Palmer
Readinger	Slater	Small	Yenger

Nays, 33:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
DeKoster	Deluhery	Drake	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, E.R.	Nystrom
Priebe	Ramsey	Rush	Schwengels
Scott	Taylor	Tieden	Van Gilst
Waldstein			

Absent or not voting, 5:

Hansen	Kinley	Orr	Robinson
Rodgers			

Amendment S—3446 as amended lost.

(Action on Senate File 360 pending on recess).

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:07 p.m., President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2090, by Rush, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-80 fiscal year.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 102
By: Ramsey, Hultman, Drake, Baugher, Gentleman, Bisenius and Comito

Whereas, federal laws and regulations governing the administration of the Title Nineteen (XIX) Medical Assistance program do not penalize individuals who transfer assets to relatives or other persons for the purpose of establishing eligibility for Medical Assistance benefits; and

Whereas, this practice is believed to have been followed with some regularity by individuals in this state who are contemplating entering nursing homes and who have real estate or other assets which would make them ineligible for public support through the Medical Assistance program; and

Whereas, there are indications that this practice is presently continuing to be followed, with the result that the Medical Assistance program is supporting some nursing home patients whose support should be provided by assets they formerly held; and

Whereas, the General Assembly has considered enacting a specific statutory penalty for transfers of assets made in order to establish eligibility for the Medical Assistance program, but has concluded that to do so might be unduly disadvantageous to the state of Iowa and Iowa residents since other states have not and will likely not adopt similar statutes; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Congress of the United States is urged to take prompt action to ban in all states the practice of transferring property to relatives or other persons in order to establish eligibility for Medical Assistance benefits; and

Be It Further Resolved, That a copy of this resolution

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be sent to the presiding officers of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Secretary of Health, Education and Welfare of the United States, and to each member of Congress from Iowa.

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

APPENDIX

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dale DeKoster, Waterloo, Black Hawk County, Iowa, for reappointment as a member of the Advisory Investment Board of the Iowa Public Employees' Retirement System pursuant to Section 97B.8, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARNE WALDSTEIN, Chairperson
RICHARD COMITO
ROBERT M. CARR
JOE BROWN
RAY TAYLOR

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ann Spangler, Clarinda, Page County, Iowa, for appointment as a member of the Assessor Education Commission under the provisions of Section 441.8, 1979 Code of Iowa, for the unexpired portion of a term ending December 31, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DE KOSTER, Chairperson
RICHARD COMITO
JAMES E. BRILES
ROBERT M. CARR
PATRICK J. DELUHERY

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Larry D. DeCook, O.D., Newton, Jasper County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
JOE BROWN
LOWELL L. JUNKINS
DAVID M. READINGER
FORREST V. SCHWENGELS

PETITIONS

The following petitions were presented and placed on file by:

Senator Bergman from fifteen residents of Dickinson County favoring legislation decriminalizing the use of marijuana.

Senator Junkins from one thousand one hundred fifty residents of Lee County favoring legislation regarding property tax relief.

STUDY BILLS RECEIVED

S.S.B. 2101 Agriculture

Relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

S.S.B. 2102 Agriculture

Relating to agricultural promotional agencies.

S.S.B. 2103 Natural Resources

Relating to disposal of personal property placed on State property.

S.S.B. 2104 Natural Resources

Relating to public use of flowing surface water for navigation purposes.

S.S.B. 2105 Natural Resources

Relating to beds of meandered streams and lakes and state land bordering thereon.

S.S.B. 2106 Natural Resources

Relating to vessel equipment requirements.

S.S.B. 2107 Natural Resources

Relating to the operation of vessels.

S.S.B. 2108 Natural Resources

Relating to the inspection of land and water craft registered with the Iowa state conservation commission.

S.S.B. 2109 Natural Resources

Relating to snowmobile safety certification.

S.S.B. 2110 Natural Resources

Relating to financial responsibility for boating accidents.

S.S.B. 2111 Natural Resources

Relating to state approved buoys.

S.S.B. 2112 Natural Resources

To increase the scheduled fine for violation of certain boating and snowmobile laws and violation of certain laws relating to the use of state parks.

S.S.B. 2113 Natural Resources

Relating to commercial vessel inspection.

S.S.B. 2114 Natural Resources

Relating to water safety regulations.

S.S.B. 2115 Natural Resources

Relating to youth certification for vessel operation.

S.S.B. 2116 Natural Resources

Relating to unattended vessels and vehicles at public facilities.

S.S.B. 2117 Natural Resources

Amend Section 716.7 (Damage and trespass to property).

S.S.B. 2118 Natural Resources

Relating to hunter safety education.

S.S.B. 2119 Natural Resources

Amend Section 110.3 (Wildlife Habitat Stamp).

S.S.B. 2120 Natural Resources

Relating to the protection of all forms of beneficial wildlife.

S.S.B. 2121 Natural Resources

Amend Section 109.65 (Private fish hatchery).

S.S.B. 2122 Natural Resources

Relating to the methods and means used to take game, fish or fur-bearing animals.

S.S.B. 2123 County Government

Relating to the percentage of city fines and forfeitures to be paid to the county.

S.S.B. 2124 County Government

To provide for consultation between the board of supervisors and other elected county officers on collective bargaining proposals.

S.S.B. 2125 Energy

Making an appropriation ($1,000,000) to the office for planning and programming for weatherization programs.

S.S.B. 2126 Energy

Subjecting persons who install insulation to registration and bonding requirements.

S.S.B. 2127 Energy

Relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

S.S.B. 2128 Energy

Creating a loan program for residential energy conservation improvements by authorizing the Iowa housing finance authority to issue bonds for the program and providing for administration through electric and gas utilities.

S.S.B. 2129 Energy

Relating to property improvement loans by the Iowa housing finance authority for solar and other renewable energy systems.

S.S.B. 2130 Energy

Providing a residential energy credit against individual state income tax liability and making provisions retroactive.

S.S.B. 2131 Energy

Relating to regulation of residential utility services.

S.S.B. 2132 Energy

Relating to and appropriating funds for the mass transit project for state employees.

S.S.B. 2133 Energy

Making an appropriation ($1,500,000) to the office for planning and programming for weatherization programs.

S.S.B. 2134 Commerce

Establishing the rate of interest payable on interest-bearing obligations arising under title XVI of the Code, as it relates to taxation, by the state.

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: January 28, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft, Deluhery, Gentleman, Goodwin and Priebe.

Members Absent: Robinson, Ranking Member and Rush.

Final Action: SENATE FILE 2012, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin and Priebe. Nays, none. Absent or not voting, 2: Robinson and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned SSB's 2099, 2100 and 2134 to subcommittees; remainder of committee time spent in subcommittee meetings.

Adjourned: 3:20 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. J. R.	2001	Ways and Means
S. F.	2081	State Government
S. F.	2085	County Government
S. F.	2086	State Government
S. F.	2087	Transportation

AMENDMENT FILED

S—5017	S. F.	360	Arthur A. Small, Jr.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:07 p.m., until 9:00 a.m., Tuesday, January 29, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 29, 1980

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Donald S. Ripley, pastor of the Bethany Baptist Church, Ottumwa, Iowa.

The Journal of Monday, January 28, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schwengels for the day on request of Senator Craft.

INTRODUCTION OF BILLS

Senate File 2091, by Waldstein, a bill for an act to repeal statutory provisions providing for inspection of jails by the clerks of the district court and county attorneys.

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

Senate File 2092, by Ramsey, a bill for an act to make private lakes eligible for assistance under the recreational boating program.

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

Senate File 2093, by Ramsey, a bill for an act relating to notice of cancellation of various forms of accident and sickness insurance.

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

Senate File 2094, by Bergman and Waldstein, a bill for an act to legalize the proceedings of the board of supervisors of Clay county, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

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 January 25, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 121, a bill for an act relating to the hunting of crows.

ALSO: That the House has on January 25, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 286, a bill for an act relating to the cancellation of property interests granted for pipeline or electric transmission line purposes.

ALSO: That the House has on January 29, 1980, refused to adopt the conference committee report on Senate File 344, a bill for an act relating to access to and use of solar energy, and that the members of the Second Conference Committee on the part of the House are: The Representative from Clinton, Mr. Pelton, Chair; the Representative from Sioux, Mr. Ritsema; the Representative from Polk, Mr. Smalley; the Representative from Story, Mr. Bruner and the Representative from Woodbury, Mr. O'Kane.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 286

S—5018

Amend Senate File 286 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 7, by inserting after the word "landowner" the words "or a person serving in a fiduciary capacity in the landowner's behalf".

2. Page 1, line 9, by inserting after the word "business" the words "if received by the company".

3. Page 1, line 11, by inserting after the word "landowner" the words "or such fiduciary".

4. Page 1, line 11, by striking the words "both orally and".

5. Page 1, line 13, by striking the period "." following the word "landowner" and inserting "or such fiduciary."

6. Page 1, line 14, by inserting after the word "landowner" the words "or a person serving in a fiduciary capacity in the landowner's behalf".

7. Page 1, line 20, by inserting after the word "landowner" the words "or a person serving in a fiduciary capacity in the landowner's behalf".

8. Page 1, line 27, by inserting after the word "landowner" the words "or a person serving in a fiduciary capacity in the landowner's behalf".

9. Page 1, line 29, by inserting after the word "business" the words "if received by the company".

10. Page 1, line 31, by inserting after the word "landowner" the words "or such fiduciary".

11. Page 1, line 31, by striking the words "both orally and".

12. Page 1, line 33, by striking the period "." following the word "landowner" and inserting "or such fiduciary."

13. Page 1, line 34, by inserting after the word "landowner" the words "or a person serving in a fiduciary capacity in the landowner's behalf".

14. Page 2, line 5, by inserting after the word "landowner" the words "or a person serving in a fiduciary capacity in the landowner's behalf".

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2095, by Hansen, a bill for an act relating to the exemption of beer and alcoholic beverage sales from the computations of license fees under chapter one hundred seventy A (170A) of the Code.

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

Senate File 2096, by Miller of Des Moines, a bill for an act deleting the authority of examining boards to require the passing of a practical examination as a condition for the reciprocal licensing of professionals by the state department of health.

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

Senate File 2097, by Miller of Des Moines, a bill for an act relating to the distribution of the bodies of deceased persons.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 103
By: Brown

Whereas, the United Nations proclaimed 1979 to be the International Year of the Child to promote greater recognition, appreciation, and support for the children of the world; and

Whereas, children are indeed our most precious and indispensable resource for they not only represent our future, but they also give us a current reflection of valuable traits adults sometimes cover up—honesty, playfulness, affection, respect, love, curiosity, imagination, humor; and

Whereas, those characteristics are worthy of positive development in all children for they are valued in all people young and old; and

Whereas, the family is the ideal institution to develop positive values and characteristics in all children and adults; and

Whereas, a healthily functioning family can provide a divided world a sorely needed model for cooperation, communication, and contentment; and

Whereas, attention to the family is an essential follow-up to concerned and appreciative attention to the child; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the General Assembly of the State of Iowa, in its concern and appreciation for children, families, and the future, proclaims the ten years from 1980 through 1989 to be celebrated in Iowa as the Decade of the Family.

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

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

January 24, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

On June 21, 1979, I submitted to the Senate for their consideration the name of John L. Wallace, III, for appointment as a member of the Board of Landscape Architectural Examiners.

I have now been advised by Mr. Wallace that he has accepted a position with a firm in Houston, Texas and must resign from his position on this Board. I am accepting his resignation, and therefore wish to withdraw his name from consideration.

Sincerely,
ROBERT D. RAY
Governor

APPENDIX

PROOF OF PUBLICATION

Published copy of Senate File 2094 and verified proof of publication of said bill in The Daily Reporter, a newspaper published in Spencer, Iowa, on January 23, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joan M. Lipsky, Cedar Rapids, Linn County, Iowa, for appointment as a member of the Council on Social Services pursuant to Section 217.2, 1979 Code of Iowa, for the regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
A. R. KUDART
BOB RUSH
JOE BROWN
RICHARD COMITO

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of S. J. Brownlee, Emmetsburg, Palo Alto County, Iowa, for reappointment as a member of the State Board of Regents under the provisions of Section 262.3, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DE KOSTER, Chairperson
BERL E. PRIEBE
NORMAN G. RODGERS
W.R. BILL HANSEN
CALVIN O. HULTMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kay Ellen Dull, Le Mars, Plymouth County, Iowa, for appointment as a member of the State Mental Health Advisory Council pursuant to Section 225B.3, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
LUCAS J. DE KOSTER

JOHN N. NYSTROM
JOANN ORR
C. JOSEPH COLEMAN

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Branstad announced the following appointment to the Iowa Law Enforcement Academy Council, pursuant to Section 80B.6, amended by Chapter 28, 1979 Acts of the Sixty-eighth General Assembly:

Senator Gary Baugher, to a four-year term commencing January 1, 1980.

COMMUNICATION

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

IOWA DEPARTMENT OF PUBLIC INSTRUCTION

A copy of the State Board of Public Instruction's Report and Recommendations to the 1980 Session of the Sixty-eighth General Assembly, in accordance with Section 257.10(9), Code 1979.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 29, 1980, 9:40 a.m.

Members Present: Nystrom, Chairperson; Van Gilst, Ranking Member and Kudart.

Members Absent: Hutchins and Yenger.

Other Business: Hearings on the Commission for the Blind, College Aid Commission and Iowa Public Broadcasting Network.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 29, 1980, 9:35 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; A. Miller, Gentleman and Drake (arrived 10:04 a.m.).

Members Absent: none.

Other Business: Presentation from the Department of Health on health facilities, emergency medical services and deaf services.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 29, 1980, 9:30 a.m.

Members Present: Rush, Ranking Member; Carney, Gratias and Priebe.

Members Absent: Schwengels, Chairperson (excused).

Other Business: Fiscal Director's office requested a change in number of FTE's; Stanley McCausland, Director, General Services, discussed housing possibilities for the Arts Council and remodeling quarters where the Citizens' Aide office is located; supplemental appropriations recommendations were made for the Attorney General's office and the Rules Coordinator's office.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 29, 1980, 9:25 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member (arrived 10:25 a.m.); Holden, Scott and Waldstein.

Members Absent: none.

Other Business: Hearing on the Department of Transportation.

Adjourned: 11:53 a.m.

CITIES

Convened: January 28, 1980, 1:45 p.m.

Members Present: Readinger, Chairperson; Briles, Vice Chairperson; A. Miller, Ranking Member; Coleman, Kudart, Palmer and Taylor.

Members Absent: Kinley (excused) and Hansen (excused).

Other Business: Assigned bills to subcommittees.

Adjourned: 1:55 p.m.

COUNTY GOVERNMENT

Convened: January 28, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Nystrom, Slater, Yenger, Baugher and Brown.

Members Absent: none.

Final Action: SENATE FILE 2015, a bill for an act relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state and making the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Briles, Waldstein, Hutchins, Hester, Kudart, C. Miller, Slater, Yenger, Baugher and Brown. Nays, none. Absent or not voting, 1: Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB's 2030, 2031, 2036 and 2084 approved as committee bills.

Adjourned: 3:45 p.m.

EDUCATION

Convened: January 29, 1980, 3:00 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen and Taylor.

Members Absent: Orr (excused) and Small.

Final Action: HOUSE FILE 471, a bill for an act relating to local advisory councils for vocational education.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Jensen and Taylor. Nays, none. Absent or not voting, 2: Orr and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:45 p.m.

JUDICIARY

Convened: January 29, 1980, 1:30 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Briles, Baugher, Coleman, Deluhery, Gentleman, Hansen, Ramsey, Slater and Scott (arrived 2:00 p.m.).

Members Absent: Murray.

Final Action: SENATE FILE 439, a bill for an act relating to the alcoholic content of beer and alcoholic liquor.

Recommendation: DO PASS.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Briles, Baugher, Coleman, Deluhery, Gentleman, Hansen, Ramsey and Slater. Nays, none. Absent or not voting, 2: Scott and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:30 p.m.

RULES AND ADMINISTRATION

Convened: January 28, 1980, 3:10 p.m.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Junkins and Ramsey.

Members Absent: Hansen and Kinley, Ranking Member.

Other Business: Assigned subcommittees.

Adjourned: 3:40 p.m.

STATE GOVERNMENT

Convened: January 28, 1980, 1:30 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: none.

Final Action: SENATE FILE 87, a bill for an act granting utility easements by the department of social services.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed and reviewed the pensions study committee work and SSB 2082.

Adjourned: 2:27 p.m.

STUDY BILLS RECEIVED

S.S.B. 2135 Agriculture

Providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

S.S.B. 2136 Judiciary

To allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

S.S.B. 2137 Judiciary

To provide or increase the penalty for failure to file or pay the state income, sales and use, or inheritance and estate taxes.

S.S.B. 2138 Labor and Industrial Relations

To exclude persons employed by the public employment relations board from collective bargaining.

S.S.B. 2139 Labor and Industrial Relations

Relating to the licensing and inspection of elevators.

S.S.B. 2140 Ways and Means

Relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health.

S.S.B. 2141 Ways and Means

Relating to the sales and use tax by allowing retailers to issue sales tax exemption certificates, allowing a deduction for uncollectible checks and by correcting inapplicable provisions in the law.

S.S.B. 2142 Ways and Means

Requiring the filing of a bond to insure payment of the sales and use tax collected by retail businesses in operation for less than three years.

S.S.B. 2143 Ways and Means

Providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

S.S.B. 2144 Ways and Means

Legislative oversight of the department of revenue rulemaking process.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2089	Appropriations
S. F.	2090	Ways and Means
S. C.R.	102	Human Resources

AMENDMENT FILED

S—5019	S. F.	2068	Richard F. Drake Cloyd E. Robinson

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:06 p.m., until 9:00 a.m., Wednesday, January 30, 1980.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 30, 1980

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by the Reverend Robert Bell, pastor of the First United Methodist Church, Perry, Iowa.

The Journal of Tuesday, January 29, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, Iowa City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Murray and Schwengels 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 January 28, 1980, passed the following bills in which the concurrence of the House was asked:

Senate File 247, a bill for an act relating to policies of boards of directors of school districts concerning the residence of employees.

ALSO: That the House has on January 28, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 426, a bill for an act relating to the employment of legal counsel by school corporations.

ALSO: That the House has on January 29, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104, a resolution providing for a joint convention of the two houses of the 1980 session of the sixty-eighth general assembly be held on Wednesday, February 6, 1980, at 11:00 a.m.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 104
By: Halvorson of Clayton

Be It Resolved by the House of Representatives, the Senate Concurring, That a joint convention of the two houses of the 1980 session of the sixty-eighth general assembly be held on Wednesday, February 6, 1980, at 11:00 a.m.

Be It Further Resolved, That Chief Justice of The Supreme Court W. Ward Reynoldson be invited to present his message of the condition of the judicial department at this joint convention, and recommend such matters as the Chief Justice deems expedient, pursuant to section 684.22 of the Code.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2098, by Committee on Rules and Administration, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule.

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

Senate File 2099, by DeKoster, a bill for an act requiring the director of the division of adult corrections to provide habilitative services and treatment to imprisoned mentally retarded offenders.

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

Senate File 2100, by Gratias, a bill for an act giving school officials access to a student's official juvenile court records.

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

Senate File 2101, by Holden, a bill for an act relating to the definition of a candidate, and to the maintenance or establishment of a candidate's committee by the incumbent holding an elective political office, under the Campaign Disclosure-Income Tax Checkoff Act.

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

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following **second conference committee** on **Senate File 344** on the part of the Senate: Senators Holden, Chairperson; Bisenius, Small, Hansen and Deluhery.

APPENDIX

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate on January 28, 1980, from:

IOWA SUPREME COURT

Pursuant to Sections 684.18(1) and 684.19, Code 1979, the Supreme Court of Iowa has prescribed and reported to the General Assembly the following amendments to the Iowa Rules of Civil Procedure, copies of which have been distributed to the members of the Senate Judiciary Committee, and are available to every member upon request:

RULES:
42 (stricken and add new rules 42.1 through 42.20)
45 (stricken)
46 (stricken)
47 (stricken)
84 (stricken)
122(e) (add new subdivision)
126
147(d)
152
183(b)
187
189 (stricken and new rule substituted)
203(a)
237(c)
New Division XVI consisting of new rules 331, 332 and 333.

ALSO:

Pursuant to Sections 684.19 and 813.4, Code 1979, the Supreme Court of Iowa has prescribed and reported to the General Assembly the following amendments to the Iowa Rules of Criminal Procedure, copies of which have been distributed to the members of the Senate Judiciary Committee, and are available to every member upon request:

RULES:
3(4)(e)
4(1)
4(3)
4(6)(a)
4(8)(a)

6(6) (Subsection 6 renumbered as subsection 7 and new subsection 6 added)
10(4)
11(1)(e)
12(5) (new subdivision)
17(1) (old rule stricken and new one substituted)
17(3) (old rule stricken and new one substituted)
17(9) (old rule stricken and new one substituted)
17(18) (new subdivision)
21(2)
26.1 (new)
26.2 (new)
26.3 (new)
27(2)(a)
Form 11, Appendix of Forms (new)

ALSO:

Pursuant to Sections 684.18(2) and 684.19, Code 1979, the Supreme Court of Iowa has prescribed and reported to the General Assembly the following amendments to the Iowa Rules of Appellate Procedure, copies of which have been distributed to the members of the Senate Judiciary Committee, and are available to every member upon request:

Rules 1 and 5.

ALSO:

Pursuant to Sections 229.40 and 684.19, Code 1979, the Supreme Court of Iowa has prescribed and reported to the General Assembly the following amendments to the Iowa Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill, copies of which have been distributed to the members of the Senate Judiciary Committee, and are available to every member upon request:

RULES:
5 (stricken and new rule substituted)
6
12
13
18
20
22
23 (stricken and new rule substituted)
31 (stricken and new rule substituted)
FORMS:
15
18
18a (new)
18b (new)
18c (new)
24

ALSO:

Pursuant to Section 684.19, Code 1979, and Section 6 of the Uniform Certification of Questions of Law Act, the Supreme Court of Iowa has prescribed and reported to the General Assembly new Rules of Appellate Procedure concerning the answering and certification of questions of Law, copies of which have been distributed to the members of the Senate Judiciary Committee, and are available to every member upon request:

New Division VI consisting of Rules 451 to 461.

ALSO:

Pursuant to Sections 231.8, 634.19 and 684.21, Code 1979, the Supreme Court of Iowa has prescribed and reported to the General Assembly proposed changes in the existing Rules, Standards, Qualifications, and Training Requirements for juvenile probation officers, copies of which have been distributed to the members of the Senate Judiciary Committee, and are available to every member upon request.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Monday, January 28, 1980.

Had I been present, I would have voted "aye" on the En Bloc Confirmation Calendar and "nay" on amendment S—3446 to Senate File 360.

W. R. BILL HANSEN

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 30, 1980, 9:32 a.m.

Members Present: Nystrom, Chairperson; Van Gilst, Ranking Member; Kudart, Hutchins and Yenger.

Members Absent: none.

Other Business: Discussion of supplemental appropriations requests for the Commission for the Blind, IPBN and College Aid Commission.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 30, 1980, 9:35 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member (arrived 9:54 a.m.); Drake, Gentleman and A. Miller (arrived 9:40 a.m.).

Members Absent: none.

Other Business: Heard presentation from the Department of Health, Norman Pawlewski, Commissioner, Dr. John Goodrich, Chief Personal for Family Health and Dr. Kowal, President, Iowa Association of Area Agencies on Aging, for the senior centers.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 29, 1980, 9:30 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Supplemental budget requests were presented by Del Van Horn, Director of the Iowa Development Commission and Robert Lounsberry, Secretary of Agriculture.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 30, 1980, 9:35 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Robert Fagerland, Acting Director of the Conservation Commission and his staff presented supplemental budget requests.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 29, 1980, 9:45 a.m.

Members Present: Bisenius, Chairperson; Hester and C. Miller.

Members Absent: Orr, Ranking Member (excused) and Comito.

Other Business: Heard budget presentations from Stan McCausland, Director of General Services and the Secretary of the State's office; recommended $2,000 for fiscal year 1980 and $4,000 for fiscal year 1981 with a mandate to General Services to provide security files to Board of Engineering Examiners; recommended $18,000 to Department of Revenue for a humidifier system in Data Processing.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 30, 1980, 9:45 a.m.

Members Present: Bisenius, Chairperson; Comito, Hester and C. Miller.

Members Absent: Orr, Ranking Member (excused).

Other Business: Heard presentations on the State Comptroller and the Department of Revenue; recommended appropriations for IPERS.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 29, 1980, 9:20 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Bergman, Craft, Baugher and Carr.

Members Absent: none.

Other Business: John Terrell, Chief, Bureau of Collections, Child Support Recovery, presented appropriations supplemental requests for 1981; Don Kasser, Acting Chief, Bureau of Financial Assistance, ADC, presented appropriations supplemental requests—approval given for $4,600,000 for fiscal year 1980; Pat Cavanaugh, Acting Director, Division of Community Programs, presented supplemental appropriations requests—approval given for $138,000 for fiscal year 1980 for children's services.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 30, 1980, 9:30 a.m.

Members Present: Rush, Ranking Member; Carney, Gratias and Priebe.

Members Absent: Schwengels, Chairperson (excused).

Other Business: Recommended appropriations for renovating first floor of Executive Hills for offices for Arts Council and improvements to Citizens' Aide offices; discussed the Solar Energy Project, Phase II and remodeling of Lucas Building.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 30, 1980, 9:30 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member (arrived 9:40 a.m.); Holden, Scott and Waldstein.

Members Absent: none.

Other Business: Recommended appropriations for the Law Enforcement Academy, Investigative Division of DPS, Criminal Division of DPS and land acquisition for DPS.

Adjourned: 11:58 a.m.

ENERGY

Convened: January 30, 1980, 12:40 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Brown, Deluhery, Readinger (arrived 12:45 p.m.), Rodgers and Waldstein.

Members Absent: Briles.

Other Business: Discussion of SSB 2085, grants for passive solar systems; assigned bills to subcommittees.

Adjourned: 1:25 p.m.

JUDICIARY

Convened: January 30, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Briles, Coleman, Deluhery, Hansen, Ramsey, Baugher and Scott.

Members Absent: Slater and Murray (excused).

Final Action: SENATE FILE 2003, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

Recommendation: DO PASS.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Briles, Coleman, Deluhery, Gentleman, Hansen, Ramsey, Baugher and Scott. Nays, none. Absent or not voting, 2: Slater and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills and Supreme Court Rules to subcommittees.

Adjourned: 3:30 p.m.

WAYS AND MEANS

Convened: January 29, 1980, 3:10 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst.

Members Absent: none.

Final Action: SENATE FILE 2040, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5020.

Final Vote: Ayes, 14: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins, Scott and Van Gilst. Nays, none. Voting present, 1: Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned study bills to subcommittees.

Adjourned: 3:55 p.m.

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: SENATE FILE 2098, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Hultman, Hulse, Hansen, Junkins and Ramsey. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Josephine Gittler, Iowa City, Johnson County, Iowa, for appointment as a member of the Energy Policy Council under the provisions of Section 93.2, 1979 Code of Iowa, for the regular four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

SUE YENGER, Chairperson
ARNE WALDSTEIN
ARTHUR A. SMALL, JR.
STEPHEN W. BISENIUS
ROBERT M. CARR

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Sam W. Grabarski, Quincy, Adams County, Illinois, for appointment as Director of the Iowa State Arts Council pursuant to Section 304A.3, 1979 Code of Iowa, to serve at the pleasure of the Governor for a term which shall be conterminous with the term for which the Governor was elected, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLARENCE S. CARNEY, Chairperson
ROLF V. CRAFT
IRVIN L. BERGMAN
JAMES CALHOON
C. JOSEPH COLEMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Burt Harmes, Algona, Kossuth County, Iowa, for appointment as a member of the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.4, 1979 Code of Iowa, 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.

LUCAS J. DE KOSTER, Chairperson
BERL E. PRIEBE
BASS VAN GILST
STEPHEN W. BISENIUS
GARY BAUGHER

STUDY BILLS RECEIVED

S.S.B. 2145 Judiciary

Relating to Uniform Arbitration Act.

S.S.B. 2146 Judiciary

Relating to the tort liability of governmental subdivisions.

S.S.B. 2147 Judiciary

Relating to the Iowa Probate Code by increasing the amount that may pass to a minor without the necessity of appointing a conservator; by defining sale of property in probate proceedings; by providing that certain hearings are not necessary if a certain type of notice is used; and by providing that if a claimant is represented by an attorney, the attorney of record for the claimant shall be notified of the disallowance of the claim.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2091	Judiciary
S. F.	2092	Natural Resources
S. F.	2093	Commerce
S. F.	2094	Judiciary
S. F.	2095	State Government
S. F.	2096	State Government
S. F.	2097	Human Resources
S. C.R.	103	Human Resources
H.C.R.	104	Rules and Administration

AMENDMENTS FILED

S—5020	S. F.	2040	Ways and Means Committee
S—5021	S. F.	2101	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:21 p.m., until 9:00 a.m., Thursday, January 31, 1980.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 31, 1980

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Don V. Johnston, Jr., pastor of the Faith Baptist Church, Knoxville, Iowa.

The Journal of Wednesday, January 30, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lynn Leibel, Council Bluffs, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the day on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2102, by Committee on Judiciary, a bill for an act relating to the hospitalization of mentally ill persons.

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

SPECIAL GUESTS

President Branstad presented the following state officers of the Future Farmers of America, who were escorted to the well of the Senate by Senator Priebe:

Scott Neasham, South Central Vice President from Newton, Iowa, the guest of Senator Brown; Wade Carroll, South West Vice President from Avoca, the guest of Senator Hester; Patty Inman, North Central Vice President from Bancroft, the guest of Senator Priebe; and Janet Soorholtz, State Secretary from State Center, the guest of Senator E. Miller.

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:08 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2103, by Jensen, a bill for an act to increase the fees collected by the sheriff for services of warrants, original notices and subpoenas.

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

Senate File 2104, by Ramsey, Scott and Kudart, a bill for an act relating to statutory immunity for information provided in connection with the cancellation or nonrenewal of automobile insurance under chapter five hundred fifteen D (515D) of the Code.

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

Senate File 2105, by Ramsey, Rodgers, Waldstein, Van Gilst, Briles, Baugher, Junkins, Hulse and Slater, a bill for an act relating to trapping restrictions.

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

Senate File 2106, by Drake, a bill for an act to make library circulation and registration records confidential records.

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

Senate File 2107, by Taylor, Brown, Scott, Gallagher, Gratias, Baugher, Goodwin, Rodgers, Calhoon, Hester, Palmer, Carr, Hulse, Robinson, Readinger, Hutchins, Priebe, Nystrom, Van Gilst, Briles, Ramsey, Holden, Slater, Craft, Bisenius, Small, Jensen, Schwengels, Kinley, Miller of Marshall and Rush, a bill for an act to permit handicapped persons, paraplegic persons, and persons sixty-five years of age or older to use studded pneumatic tires from October fifteenth of each year to April fifteenth of the following year.

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

Senate File 2108, by Miller of Des Moines, a bill for an act relating to the manner of determining certain retirement allowances after age fifty-five.

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

Senate File 2109, by Orr, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes.

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

Senate File 2110, by Waldstein and Holden, a bill for an act to require state depository financial institutions to given written disclosure of all transactions on mortgage-loan escrow accounts.

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

Senate File 2111, by Nystrom, a bill for an act relating to special assessments against property owned by the state and not under the jurisdiction and control of the highway division of the department of transportation.

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

Senate File 2112, by DeKoster, a bill for an act relating to the number of members for merged area boards and their corresponding area education agency boards.

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

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 103
By: Committee on Ethics

Whereas, section sixty-eight B point ten (68B.10) of the Code requires that the senate committee on ethics shall prepare a code of ethics within thirty days after the commencement of the session; *Now Therefore,*

Be It Resolved by the Senate, That the senate code of ethics for the 1979 regular session of the sixty-eighth general assembly as amended and adopted on February 8, 1979, is adopted as the senate code of ethics for the 1980 regular session of the sixty-eighth general assembly.

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

SENATE RESOLUTION 104
By: Committee on Rules and Administration

Be It Resolved by the Senate, That the senate rules as amended and adopted on January 11, 1979, be further amended by striking Rules 58 and 59 and inserting in lieu thereof the following:

Rule 58
Appointments

The secretary of the senate shall maintain a file of all appointments received from the governor for confirmation. The file shall show the date an appointment was received from the governor, whether the appointment letter was read to the senate, whether the nominee has been introduced, and whether a committee report has been filed.

INVESTIGATING COMMITTEES. All appointments received from the governor shall be referred to the rules and administration committee by the secretary of the senate on the same day they are read to the senate. The rules and administration committee shall establish an en bloc confirmation calendar which must be filed with the secretary of the senate. Within five (5) legislative days after receiving an appointment, the committee shall either place a nominee on the en bloc confirmation calendar or assign the nominee to an appropriate standing committee for further investigation. If the rules and administration committee fails to take action on a nominee within the five (5) days, the nominee shall automatically be placed on the en bloc confirmation calendar.

Within the five (5) legislative days after an appointment has been referred to the rules and administration committee, any ten senators may require that the nominee be assigned to an appropriate standing committee by filing a written, signed request therefor with the chairperson of the rules

Page 2

and administration committee.

Within ten (10) legislative days after a standing committee receives an appointment for further investigation, the committee shall conduct an investigation of the nominee and file its report thereon with the secretary of the senate, who shall then place the nominee on the individual confirmation calendar. The failure of a committee to file its report within the prescribed time means that the nominee is to be automatically placed, without recommendation, upon the individual confirmation calendar.

Any senator of either the rules and administration committee

or any investigating committee may request that a nominee be introduced to the full senate prior to a vote on confirmation of the nominee.

HEARINGS. Any member of a committee investigating an appointment may obtain a hearing with the nominee by filing a written request with the chair of the investigating committee within five (5) legislative days after the committee receives the appointment. At the hearing, the nominee may be questioned as to his or her qualifications to fulfill the office to which nominated and further questioned as to his or her viewpoints on issues facing the office to which nominated. The public may, at the discretion of the investigating committee, be permitted to submit oral or written statements as to the qualifications of the nominee.

Also, within five (5) days after the investigating committee receives an appointment for investigation, any senator may submit written questions to be answered by the nominee prior to consideration of the nominee's confirmation by the senate.

VOTING ON CONFIRMATIONS. Upon the motion of the majority leader or his designee, the nominees on the en bloc confirmation calendar shall be confirmed en bloc by the affirmative vote of two-thirds of the members elected to the senate. The journal shall reflect a single roll call accompanied by a statement of the names of those individuals

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subject to the en bloc confirmation vote.

Prior to an en bloc vote, any senator may orally request an individual vote on any nominee on the en bloc confirmation calendar. The senate shall then vote separately on the nominee.

Nominees on the individual confirmation calendar shall be confirmed by a two-thirds vote; however, the senate shall take a separate roll call on each nominee, unless by unanimous consent, it determines to take one vote on all nominees under consideration. In any case, the journal shall reflect a single roll call vote for each nominee.

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

Senate Joint Resolution 2002, by Orr, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to motor vehicle fees and fuel taxes.

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

APPENDIX

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Beverly Dickerson, Indianola, Warren County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial two-year term commencing July 1, 1979, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARTHUR L. GRATIAS, Chairperson
GEORGE R. KINLEY
W. R. BILL HANSEN
JACK W. HESTER
LOWELL L. JUNKINS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lewis E. Glenn, Cedar Falls, Black Hawk County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a three-year term commencing January 1, 1980, and ending December 31, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARTHUR L. GRATIAS, Chairperson
MERLIN D. HULSE
JOE BROWN
W. R. BILL HANSEN
JAMES CALHOON

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gerald W. Shanahan, West Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council under the provisions of Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a one-year term commencing January 1, 1980, and ending December 31, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DE KOSTER, Chairperson
JAMES E. BRILES
JULIA B. GENTLEMAN
NORMAN G. RODGERS
JOHN SCOTT

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jacqueline F. Bryant, Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Speech Pathology and Audiology Examiners under the provisions of Section 147.14, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981, begs to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
MERLIN D. HULSE
A. R. KUDART
GEORGE R. KINLEY
JOHN SCOTT

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

A copy of the Report of Municipal Street Finance for fiscal year 1978 pursuant to Section 312.14, Code 1979.

A copy of the Report of the State Employee Transit Subsidy Program pursuant to Section 4, Subsection 2, Chapter 11, 1979 Acts of the Sixty-eighth General Assembly.

IOWA DEPARTMENT OF PUBLIC SAFETY

A copy of the Report on Vehicle Changes pursuant to Section 3, Subsection 3, Chapter 11, 1979 Acts of the Sixty-eighth General Assembly.

PRESENTATION OF VISITOR

President Branstad welcomed the Honorable John Mowry, former member of the Senate and House of Representatives from Marshall County who was present in the Senate chamber.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2099	Human Resources
S. F.	2100	Judiciary
S. F.	2101	State Government

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 31, 1980, 10:50 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member (arrived 11:00 a.m.); Drake, Gentleman and A. Miller.

Members Absent: none.

Other Business: Approved tentative appropriations.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 30, 1980, 9:30 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Bergman, Carr, Craft and Baugher.

Members Absent: none.

Other Business: Pat Cavanaugh presented supplemental appropriations requests for the Division of Children's Services; Art Anderson gave an overview of the Juvenile Division; John Stralow gave an overview of foster care; Donald W. Dunn, President, Iowa Hospital Association, presented a summary of the medicaid expansion program.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 31, 1980, 9:40 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Holden (arrived 9:50 a.m.) and Waldstein.

Members Absent: Scott (excused).

Other Business: Considered supplemental appropriations requests for Disaster Services, Crime Commission, National Guard and Department of Transportation.

Adjourned: 11:58 a.m.

EDUCATION

Convened: January 31, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, Jensen, Orr, Small and Taylor.

Members Absent: DeKoster.

Final Action: SENATE FILE 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5024.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, Jensen, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussion of various bills.

Adjourned: 1:50 p.m.

JUDICIARY*

* A report of this meeting was also recorded on pages 236-237 of the January 30, 1980, Senate Journal.

Convened: January 30, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Briles, Coleman, Deluhery, Hansen, Ramsey, Baugher and Scott.

Members Absent: Slater and Murray (excused).

Final Action: SENATE FILE 2102, a bill for an act relating to the hospitalization of mentally ill persons.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Kudart, Briles, Coleman, Deluhery, Gentleman, Murray, Baugher and Slater. Nays, none. Absent or not voting, 5: Rush, Ramsey, Scott, Hansen and DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills and Supreme Court Rules to subcommittees.

Adjourned: 3:30 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: January 31, 1980, 8:10 a.m.

Members Present: Carney, Vice Chairperson; Carr, Ranking Member; Calhoon, Hultman, Jensen, Orr, Palmer and Taylor (arrived 8:20 a.m.).

Members Absent: Hulse, Chairperson.

Final Action: SENATE FILE 460, a bill for an act relating to workers' compensation insurance proceedings and rates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5023.

Final Vote: Ayes, 8: Carney, Carr, Calhoon, Hultman, Jensen, Orr, Palmer and Taylor. Nays, none. Absent or not voting, 1: Hulse.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Announced subcommittee assignments; discussed Senate File 2068 with Robert Landess, Industrial Commissioner.

Adjourned: 8:52 a.m.

NATURAL RESOURCES

Convened: January 30, 1980, 3:05 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Calhoon, Gallagher, Gratias, Rodgers, Schwengels and Tieden.

Members Absent: none.

Other Business: Assigned bills to subcommittees; approved SSB 2053 as an amendment to SSB 2051 for final approval as a committee bill; representatives from the Conservation Commission gave their priorities on proposals for legislation.

Adjourned: 4:15 p.m.

RULES AND ADMINISTRATION

Convened: January 31, 1980, 11:40 a.m.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Kinley, Ranking Member; Hansen, Junkins and Ramsey.

Members Absent: none.

Final Action: SENATE RESOLUTION 104, a resolution amending the permanent rules of the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Hansen, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE CONCURRENT RESOLUTION 104, a resolution calling for a joint convention to hear the message from Chief Justice Reynoldson.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Hansen, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:05 p.m.

WAYS AND MEANS

Convened: January 31, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Holden, Hultman, Ramsey, Junkins, Rush, Scott and Van Gilst.

Members Absent: Drake, Hutchins and Hester (excused).

Other Business: Assigned bills to subcommittees.

Adjourned: 1:50 p.m.

STUDY BILLS RECEIVED

S.S.B. 2148 Judiciary

Providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

S.S.B. 2149 Judiciary

Relating to excessive speed violations.

S.S.B. 2150 Judiciary

Authorizing the director of transportation to enter into nonresident violator compacts.

S.S.B. 2151 Ways and Means

To provide for the apportionment of income of financial institutions with offices in other states.

S.S.B. 2152 Ways and Means

Relating to the definition of active duty for the purposes of the military service tax exemption.

S.S.B. 2153 Commerce

To define and regulate the number of bank offices.

S.S.B. 2154 Commerce

Relating to the rate of interest which may be charged on money after it is due and on consumer credit sales not pursuant to open end credit.

S.S.B. 2155 Commerce

To repeal the usury statutes and references thereto.

S.S.B. 2156 Commerce

Providing for the establishment of maximum interest rates applicable to certain tax anticipatory warrants.

S.S.B. 2157 Commerce

To study the need to increase the interest rate on new car loans under Section 322.19.

AMENDMENTS FILED

S—5022	H.F.	2072	C. W. Hutchins
S—5023	S. F.	460	Labor and Industrial Relations

S—5024	S. F.	108	Education Committee
S—5025	H.F.	2072	Stephen W. Bisenius
S—5026	H.F.	2072	Stephen W. Bisenius
S—5027	H.F.	2072	Norman G. Rodgers Rolf V. Craft
S—5028	H.F.	2072	William D. Palmer
S—5029	H.F.	2072	William D. Palmer
S—5030	H.F.	454	Lucas J. DeKoster
S—5031	H.F.	2072	David M. Readinger Norman G. Rodgers

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:13 p.m., until 9:00 a.m., Friday, February 1, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

NINETEENTH CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 1, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by Rabbi Jay Goldberg of the Temple B'nai Jeshurum Synagogue, Des Moines, Iowa.

The Journal of Thursday, January 31, 1980, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Murray and Hester for the day on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2113, by Hutchins, Murray, Scott, Rush, Slater, Robinson, Gallagher, Orr, Rodgers, Miller of Marshall, Nystrom, Hulse and Kudart, a bill for an act to contract with the national railroad passenger corporation for railroad passenger service and making an appropriation therefor.

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 Branstad presiding.

SPECIAL GUEST

President Branstad presented Marla Smith, Oskaloosa, Iowa, the 1980 Iowa Pork Queen, who was escorted to the rostrum by Senator Van Gilst.

Ms. Smith stated that her position as pork queen will be to serve as a spokeswoman and promoter for the pork industry and urged the Senate to support its efforts and goals.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order House File 2072.

House File 2072

On motion of Senator Craft, House File 2072, a bill for an act 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, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes, by altering the qualification for a county to levy a property tax because of a federal ordnance plant and making the Act retroactive, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Craft offered amendment S—5013 filed by the committee on Ways and Means on January 25, 1980, to pages 1, 8, 11, 12, 14 and the title page of the bill and called for a division of the amendment:

Division S—5013A: Page 1, lines 32 through 47; page 2, lines 29 through 34 and lines 38 through 40.

Division S—5013B: Page 1, lines 3 through 31.

Division S—5013C: Page 1, lines 48 through 50 and page 2, lines 1 through 28.

Division S—5013D: Page 2, lines 35 through 37.

Senator Craft moved the adoption of division S—5013A, which motion prevailed by a voice vote and division S—5013A was adopted.

Senator Palmer offered amendment S—5029 filed by him on January 31, 1980, to division S—5013B and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5029 to division S—5013B be adopted?" (H.F. 2072) the vote was:

Ayes, 19:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Robinson	Rush	Scott
Slater	Small	Van Gilst	

Nays, 29:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 2:

Hester	Murray

Amendment S—5029 lost.

Senator Rodgers offered amendment S—5027 filed by Senators Rodgers and Craft on January 31, 1980, to division S—5013B and moved its adoption.

Amendment S—5027 was adopted by a voice vote.

Senator Junkins withdrew amendment S—5033 filed by him from the floor to division S—5013B.

Senator Craft moved the adoption of division S—5013B as amended.

A record roll call was requested.

On the question "Shall division S—5013B as amended be adopted?" (H.F. 2072) the vote was:

Ayes, 16:

Bergman	Briles	Carney	Craft
DeKoster	Gentleman	Holden	Hutchins
Junkins	Miller, A.V.	Miller, C.P.	Orr
Rodgers	Scott	Van Gilst	Waldstein

Nays, 31:

Baugher	Bisenius	Calhoon	Carr
Coleman	Comito	Deluhery	Drake
Gallagher	Goodwin	Gratias	Hansen
Hulse	Hultman	Jensen	Kinley
Kudart	Miller, E.R.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Slater	Small
Taylor	Tieden	Yenger	

Absent or not voting, 3:

Brown	Hester	Murray

Division S—5013B as amended lost.

(House File 2072 and divisions S—5013C and S—5013D of the amendment pending on recess).

RECESS

On motion of Senator Hultman, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:17 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

INTRODUCTION OF BILLS

Senate File 2114, by Committee on Human Resources, a bill for an act relating to access to certain sealed records for the purpose of

locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

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

Senate File 2115, by Junkins, a bill for an act relating to speech, hearing, and psychological diagnostic and therapeutic services for nonpublic school pupils.

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

Senate File 2116, by Kudart and Schwengels, a bill for an act to repeal the guest statute.

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

Senate File 2117, by Committee on Education, a bill for an act relating to requirements for holding a meeting with an area education agency board or the boards of contiguous school districts and the board of a school district proposing to issue general obligation bonds for the construction or renovation of a school building.

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

BUSINESS PENDING

House File 2072

The Senate resumed consideration of House File 2072, divisions S—5013C and S—5013D of the amendment by the committee on Ways and Means, offered and pending.

Senator Craft asked and received unanimous consent that action on divisions S—5013C and S—5013D be temporarily deferred.

Senator Junkins offered amendment S—5036 filed by him from the floor to page 1 and the title page of the bill.

Senator Ramsey raised the point of order that amendment S—5036 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5036 out of order.

Senator Hutchins offered amendment S—5037 filed by Senators Hutchins and Rodgers from the floor to page 1 of the bill.

Senator Craft raised the point of order that amendment S—5037 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5037 out of order.

Senator Rush offered amendment S—5042 filed by Senators Rush, et al., from the floor to pages 1, 11, 13 and the title page of the bill.

Senator Craft raised the point of order that amendment S—5042 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5042 out of order.

Senator Palmer withdrew amendment S—5028 filed by him on January 31, 1980, to pages 1 and 2 of the bill.

Senator Rush offered amendment S—5045 filed by Senators Rush, et al., from the floor to pages 1 and 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5045 be adopted?" (H.F. 2072) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Bisenius	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Robinson
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 25:

Baugher	Bergman	Carney	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Jensen	Kudart

Miller, E.R.	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 3:

Briles	Hester	Murray

Amendment S—5045 lost.

Senator Junkins raised the point of order that House File 2072 made an appropriation of state funds and, therefore, should be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **House File 2072** was referred to the committee on **Appropriations** under Senate Rule 37.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: February 1, 1980, 2:30 p.m.

Members Present: Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst.

Members Absent: Murray, Chairperson.

Final Action: HOUSE FILE 2072, a bill for an act 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, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes, by altering the qualification for a county to levy a property tax because of a federal ordnance plant and making the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Taylor, Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels and Tieden. Nays, 5: Palmer, Carr, Junkins, Scott and Van Gilst. Absent or not voting, 2: Murray and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:35 p.m.

BUSINESS PENDING

House File 2072

The Senate resumed consideration of House File 2072 and division S—5013C of the amendment, previously deferred.

Senator Drake asked and received unanimous consent to withdraw amendment S—5046 filed by Senators Drake and Comito from the floor to division S—5013C.

Senator Drake offered amendment S—5047 filed by him from the floor to division S—5013C and moved its adoption.

Amendment S—5047 was adopted by a voice vote.

Senator Hutchins offered amendment S—5022 filed by him on January 31, 1980, to division S—5013C.

Senator Craft raised the point of order that amendment S—5022 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5022 in order.

Senator Hutchins moved the adoption of amendment S—5022 to division S—5013C.

A record roll call was requested.

On the question "Shall amendment S—5022 to division S—5013C be adopted?" (H.F. 2072) the vote was:

Ayes, 21:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins

Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Robinson	Rodgers
Rush	Scott	Slater	Small
Van Gilst			

Nays, 26:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 3:

Briles	Hester	Murray

Amendment S—5022 lost.

Senator Craft moved the adoption of division S—5013C as amended, which motion prevailed by a voice vote and division S—5013C as amended was adopted.

Senator Craft moved the adoption of division S—5013D, which motion prevailed by a voice vote and division S—5013D was adopted.

(House File 2072 pending on adjournment).

INTRODUCTION OF BILLS

Senate File 2118, by Committee on Judiciary, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

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

Senate File 2119, by Committee on Judiciary, a bill for an act to repeal section two hundred forty-six point seventeen (246.17) of the Code.

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

Senate File 2120, by Committee on Commerce, a bill for an act relating to products liability actions.

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

Senate File 2121, by Committee on Commerce, a bill for an act relating to the powers of savings and loan associations.

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

Senate File 2122, by Committee on County Government, a bill for an act relating to the compensation of deputy sheriffs.

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

Senate File 2123, by Committee on County Government, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

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

Senate File 2124, by Committee on County Government, a bill for an act relating to the storage of a registered snowmobile.

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

Senate File 2125, by Committee on County Government, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

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

Senate File 2126, by Committee on State Government, a bill for an act abolishing the additional bonus and disability fund.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2005

State Government
Nystrom, Chairperson
Schwengels
Gallagher

SENATE FILE 2006

Cities
Hansen, Chairperson
Briles
A. Miller

SENATE FILE 2007

Cities
Hansen, Chairperson
Briles
A. Miller

SENATE FILE 2018

State Government
E. Miller, Chairperson
Murray
Gratias

SENATE FILE 2019

State Government
Bisenius, Chairperson
Yenger
Rodgers

SENATE FILE 2022

State Government
Gratias, Chairperson
C. Miller
Drake

SENATE FILE 2023

State Government
Nystrom, Chairperson
Schwengels
Carr
Slater
Yenger
C. Miller

SENATE FILE 2029

State Government
Drake, Chairperson
Gratias
Rodgers

SENATE FILE 2031

State Government
Rodgers, Chairperson
Murray
Gratias

SENATE FILE 2037

Cities
Briles, Chairperson
Coleman
Hansen

SENATE FILE 2044

State Government
Murray, Chairperson
C. Miller
Brown

SENATE FILE 2047

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SENATE FILE 2052

State Government
Schwengels, Chairperson
C. Miller
E. Miller

SENATE FILE 2055

State Government
Schwengels, Chairperson
C. Miller
E. Miller

SENATE FILE 2057

State Government
E. Miller, Chairperson
Gratias
Carr

SENATE FILE 2058

State Government
E. Miller, Chairperson
Gratias
Carr

SENATE FILE 2059

State Government
Slater, Chairperson
Gratias
Drake

SENATE FILE 2060

Cities
Palmer, Chairperson
Kinley
Readinger

SENATE FILE 2061

Judiciary
Slater, Chairperson
Baugher
Gentleman

SENATE FILE 2062

Judiciary
Ramsey, Chairperson
Coleman
Hansen

SENATE FILE 2063

State Government
E. Miller, Chairperson
Schwengels
Slater

SENATE FILE 2065

State Government
Murray, Chairperson
Yenger
Rodgers

SENATE FILE 2066

State Government
E. Miller, Chairperson
Gratias
Slater

SENATE FILE 2068

Labor and Industrial Relations
Taylor, Chairperson
Jensen
Calhoon

SENATE FILE 2071

County Government
Kudart, Chairperson
Hester
Brown

SENATE FILE 2072

Appropriations
Appropriations Subcommittee on
Transportation and Law Enforcement

SENATE FILE 2073

Education
Taylor, Chairperson
Jensen
Orr

SENATE FILE 2074

Education
Carney, Chairperson
DeKoster
Calhoon

SENATE FILE 2075

Education
Gratias, Chairperson
Jensen
Brown

SENATE FILE 2076

County Government
Briles, Chairperson
C. Miller
Yenger

SENATE FILE 2079

Judiciary
Ramsey, Chairperson
Rush
Slater

SENATE FILE 2082

Natural Resources
Priebe, Chairperson
Goodwin
Tieden

SENATE FILE 2083

Judiciary
Scott, Chairperson
Gentleman
Kudart

SENATE FILE 2085

County Government
Yenger, Chairperson
Brown
Kudart

SENATE FILE 2089

Appropriations
Appropriations Subcommittee on
Natural Resources

SSB 2082

State Government
Nystrom, Chairperson
Schwengels
Carr
Slater
Yenger
C. Miller

SSB 2089

Ways and Means
Craft, Chairperson
Readinger
Junkins
Hester
Rodgers
Van Gilst
Comito

SSB 2090

Ways and Means
Craft, Chairperson
Readinger
Junkins
Hester
Rodgers
Van Gilst
Comito

SSB 2091

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SSB 2092

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SSB 2093

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SSB 2094

Natural Resources
Tieden, Chairperson
Calhoon
Gratias

SSB 2095

Appropriations
Appropriations Subcommittee on
State Government

SSB 2096

Appropriations
Appropriations Subcommittee on
Regulatory and Finance

SSB 2097

State Government
Drake, Chairperson
C. Miller
Yenger

SSB 2098

Energy
Readinger, Chairperson
Briles
Rodgers

SSB 2099

Commerce
Bergman, Chairperson
Goodwin
Robinson

SSB 2100

Commerce
Holden, Chairperson
Bergman
Comito
Deluhery
Robinson

SSB 2101

Agriculture
Waldstein, Chairperson
Hester
A. Miller

SSB 2102

Agriculture
Waldstein, Chairperson
Hester
A. Miller

SSB 2103

Natural Resources
Tieden, Chairperson
Gratias
Gallagher

SSB 2104

Natural Resources
Goodwin, Chairperson
Gratias
Rodgers

SSB 2105

Natural Resources
Goodwin, Chairperson
Gratias
Rodgers

SSB 2106

Natural Resources
Tieden, Chairperson
Gratias
Gallagher

SSB 2107

Natural Resources
Tieden, Chairperson
Gratias
Gallagher

SSB 2108

Natural Resources
Goodwin, Chairperson
Gratias
Rodgers

SSB 2109

Natural Resources
Goodwin, Chairperson
Gratias
Rodgers

SSB 2110

Natural Resources
Goodwin, Chairperson
Gratias
Rodgers

SSB 2111

Natural Resources
Tieden, Chairperson
Gratias
Gallagher

SSB 2112

Natural Resources
Tieden, Chairperson
Gratias
Gallagher

SSB 2113

Natural Resources
Tieden, Chairperson
Gratias
Gallagher

SSB 2115

Natural Resources
Priebe, Chairperson
Calhoon
Goodwin

SSB 2117

Natural Resources
Tieden, Chairperson
Calhoon
Priebe

SSB 2118

Natural Resources
Priebe, Chairperson
Schwengels
Rodgers

SSB 2119

Natural Resources
Rodgers, Chairperson
Gratias
Goodwin

SSB 2120

Natural Resources
Gallagher, Chairperson
Rodgers
Schwengels

SSB 2122

Natural Resources
Tieden, Chairperson
Gratias
Gallagher

SSB 2123

County Government
Hester, Chairperson
Waldstein
Hutchins

SSB 2124

County Government
Hutchins, Chairperson
Baugher
Brown

SSB 2125

Energy
Bisenius, Chairperson
Readinger
Gallagher

SSB 2126

Energy
Brown, Chairperson
Waldstein
Bisenius

SSB 2127

Energy
Readinger, Chairperson
Briles
Deluhery

SSB 2128

Energy
Readinger, Chairperson
Deluhery
Briles

SSB 2129

Energy
Readinger, Chairperson
Briles
Deluhery

SSB 2130

Energy
Briles, Chairperson
Bisenius
Rodgers

SSB 2131

Energy
Ramsey, Chairperson
Briles
Gallagher

SSB 2132

Energy
Bisenius, Chairperson
Readinger
Rodgers

SSB 2133

Energy
Bisenius, Chairperson
Readinger
Gallagher

SSB 2134

Commerce
Holden, Chairperson
Bergman
Comito
Deluhery
Robinson

SSB 2135

Agriculture
Waldstein, Chairperson
Hester
A. Miller

SSB 2136

Judiciary
Kudart, Chairperson
Briles
Slater

SSB 2137

Judiciary
Rush, Chairperson
Baugher
Gentleman

SSB 2138

Labor and Industrial Relations
Carney, Chairperson
Taylor
Calhoon

SSB 2139

Labor and Industrial Relations
Jensen, Chairperson
Hulse
Carr

SSB 2141

Ways and Means
Holden, Chairperson
Hutchins
Readinger

SSB 2142

Ways and Means
Readinger, Chairperson
Comito
Scott

SSB 2143

Ways and Means
Baugher, Chairperson
Scott
Hester

SSB 2144

Ways and Means
Holden, Chairperson
Ramsey
Van Gilst

SSB 2145

Judiciary
Kudart, Chairperson
Scott
Rush

SSB 2146

Judiciary
Rush, Chairperson
Murray
Baugher

SSB 2147

Judiciary
Scott, Chairperson
Kudart
Hansen

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Curtis F. Mineart, Washington, Washington County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial two-year term commencing July 1, 1979, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD F. DRAKE, Chairperson
FORREST V. SCHWENGELS
ROBERT M. CARR
C. JOSEPH COLEMAN
RICHARD COMITO

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Rose Marie Edgerton, Davenport, Scott County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chatper 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a regular two-year term commencing January 1, 1980, and ending December 31, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
PATRICK J. DELUHERY
JOANN ORR
EDGAR H. HOLDEN
MERLIN D. HULSE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gregory H. Williams, Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a regular three-year term commencing January 1, 1980, and ending December 31, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

SUE YENGER, Chairperson
ARNE WALDSTEIN
LOWELL L. JUNKINS
ARTHUR A. SMALL, JR.
DALE L. TIEDEN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard L. Pattenaude, Ph.D., Des Moines, Polk County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
DAVID M. READINGER
WILLIAM D. PALMER
JOANN ORR
CALVIN O. HULTMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lloyd L. Cutler, D.C., Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.14, 1979 Code of Iowa, 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.

NORMAN J. GOODWIN, Chairperson
ARTHUR L. GRATIAS
ELIZABETH R. MILLER
LOWELL L. JUNKINS
GEORGE R. KINLEY

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Stanley Isaacson, Des Moines, Polk County, Iowa, for appointment as a member of the State Soil Conservation Committee pursuant to Section 467A.4, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD F. DRAKE, Chairperson
JULIA B. GENTLEMAN
JAMES V. GALLAGHER
LUCAS J. DE KOSTER

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. J. R.	2002	Transportation
S. F.	2103	County Government
S. F.	2104	Commerce
S. F.	2105	Natural Resources
S. F.	2106	State Government
S. F.	2107	Transportation
S. F.	2108	State Government
S. F.	2109	Education
S. F.	2110	Commerce
S. F.	2111	Ways and Means
S. F.	2112	Education

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 31, 1980, 9:35 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Discussed final appropriations recommendations for the Department of Agriculture, Iowa Geological Survey and Iowa Natural Resources Council.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 31, 1980, 9:30 a.m.

Members Present: Bisenius, Chairperson; Orr, Ranking Member; Comito and C. Miller.

Members Absent: Hester (excused).

Other Business: Recommended appropriations for the State Comptroller's office for the Governor's Economy Committee Implementation and for the Secretary of State's office; approved extension of the reversion of the appropriations to Division of Data Processing to June 30, 1981; approved SSB 2025, authorizing the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund, as a committee bill.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 31, 1980, 9:35 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Bergman, Carr, Baugher and Craft.

Members Absent: none.

Other Business: Barbara Jackson, Title XX Administrator, further presented supplemental appropriations requests for the Division of Children's Services; recommended appropriations for ADC, Title XX and Children's Services; Gary Gesaman, Bureau of Medical Services, Title XIX, presented supplemental

appropriations requests in regard to ICF's; Mary Brosnahan, Bureau of Medical Services presented Tim Lag, ICF's—supplemental appropriations requests deferred.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 31, 1980, 9:30 a.m.

Members Present: Schwengels, Chairperson; Rush, Ranking Member; Carney, Gratias and Priebe.

Members Absent: none.

Other Business: Recommended appropriations for the remodeling of the Lucas Building and office systems, Administrative Rules Coordinator, Attorney General's office, Office for Planning and Programming and the Washington office; discussed Census Data Coordinating Unit and Terrace Hill.

Adjourned: 12:00 noon.

COMMERCE

Convened: January 31, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: Robinson, Ranking Member.

Final Action: SENATE FILE 2120, a bill for an act relating to products liability actions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Holden, Comito, Bergman, Craft, Gentleman, Goodwin and Priebe. Nays, 2: Deluhery and Rush. Absent or not voting, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2121, a bill for an act relating to the powers of savings and loan associations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none. Absent or not voting, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 668, a bill for an act relating to determination of attorney's fees by the court and the recovery of costs in actions to recover payment on a check, draft, or written instrument which is written in violation of chapter seven hundred fourteen (714) of the Code.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none. Absent or not voting, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned subcommittees for Senate File 2093 and SSB's 2153, 2154, 2155, 2156 and 2157.

Adjourned: 4:05 p.m.

COUNTY GOVERNMENT*

* A report of this meeting was also recorded on page 224 of the January 29, 1980, Senate Journal.

Convened: January 28, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Nystrom, Slater, Yenger, Baugher and Brown.

Members Absent: none.

Final Action: SENATE FILE 2122, a bill for an act relating to the compensation of deputy sheriffs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Hutchins, Hester, Kudart, C. Miller, Slater, Yenger, Baugher and Brown. Nays, none. Absent or not voting, 1: Nystrom.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2123, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Briles, Waldstein, Hutchins, Hester, C. Miller, Slater, Yenger, Baugher and Brown. Nays, 1; Kudart. Absent or not voting, 1: Nystrom.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2124, a bill for an act relating to the storage of a registered snowmobile.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Briles, Waldstein, Hutchins, Hester, Kudart, C. Miller, Nystrom, Slater, Yenger, Baugher and Brown. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2125, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Hutchins, Hester, Kudart, C. Miller, Slater, Yenger, Baugher and Brown. Nays, none. Absent or not voting 1: Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:45 p.m.

EDUCATION*

* A report of this meeting was also recorded on page 224 of the January 29, 1980, Senate Journal.

Convened: January 29, 1980, 3:00 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen and Taylor.

Members Absent: Orr (excused) and Small.

Final Action: SENATE FILE 2117, a bill for an act relating to requirements for holding a meeting with an area education agency board or the boards of contiguous school districts and the board of a school district proposing to issue general obligation bonds for the construction or renovation of a school building.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Jensen and Taylor. Nays, none. Absent or not voting, 2: Orr and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:45 p.m.

EDUCATION*

* A report of this meeting was also recorded on page 247 of the January 31, 1980, Senate Journal.

Convened: January 31, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, Jensen, Orr, Small and Taylor.

Members Absent: DeKoster.

Final Action: SENATE FILE 458, a bill for an act relating to the teaching of the origin of man and the origin of the earth.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5039.

Final Vote: Ayes, 7: Hansen, Gratias, Brown, Calhoon, Carney, Jensen and Taylor. Nays, 2: Orr and Small. Absent or not voting, 1: DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:50 p.m.

HUMAN RESOURCES

Convened: January 29, 1980, 8:04 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Carney, Carr, Craft, Hulse, A. Miller and Slater.

Members Absent: Hansen and Orr.

Final Action: SENATE FILE 2114, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse, A. Miller and Slater. Nays, none. Absent or not voting, 2: Hansen and Orr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:17 a.m.

JUDICIARY*

* A report of this meeting was also recorded on page 225 of the January 29, 1980, Senate Journal.

Convened: January 29, 1980, 1:30 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Briles, Coleman, Deluhery, Gentleman, Hansen, Ramsey, Baugher, Slater and Scott.

Members Absent: Murray.

Final Action: SENATE FILE 2118, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Briles, Baugher, Coleman, Deluhery, Gentleman, Hansen, Ramsey, Slater and Scott. Nays, none. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2119, a bill for an act to repeal section two hundred forty-six point seventeen (246.17) of the Code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Briles, Baugher, Coleman, Deluhery, Gentleman, Hansen, Ramsey, Slater and Scott. Nays, none. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:30 p.m.

STATE GOVERNMENT

Convened: January 24, 1980, 3:05 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Gratias (excused).

Final Action: SENATE FILE 2126, a bill for an act abolishing the additional bonus and disability fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray and Rodgers. Nays, none. Absent or not voting, 1: Gratias.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned new bills to subcommittees.

Adjourned: 3:40 p.m.

STATE GOVERNMENT

Convened: January 31, 1980, 3:05 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Drake (excused).

Final Action: HOUSE FILE 18, a bill for an act relating to the collection and distribution of state publications by the depository library center within the Iowa Library department.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned subcommittee to governor's economy committee study bills; Senate File 2065 ordered redrafted for final approval as a committee bill.

Adjourned: 4:00 p.m.

AMENDMENTS FILED

S—5032	H.F.	2072	Joann Orr
S—5033	H.F.	2072	Lowell L. Junkins
S—5034	H.F.	2072	Joann Orr Norman G. Rodgers
S—5035	H.F.	2072	Joe Brown
S—5036	H.F.	2072	Lowell L. Junkins
S—5037	H.F.	2072	C. W. Hutchins Norman G. Rodgers
S—5038	H.F.	2072	Stephen W. Bisenius
S—5039	S. F.	458	Education Committee
S—5040	H.F.	2072	Arthur A. Small, Jr.
S—5041	H.F.	2072	Bob Rush Robert M. Carr Tom Slater Joann Orr
S—5042	H.F.	2072	Bob Rush Joann Orr Joe Brown Tom Slater James Calhoon Robert M. Carr Alvin V. Miller James V. Gallagher Charles P. Miller Patrick J. Deluhery C. W. Hutchins Arthur A. Small, Jr. Lowell L. Junkins John Scott George R. Kinley William D. Palmer
S—5044	H.F.	2072	Arthur A. Small, Jr.
S—5045	H.F.	2072	Bob Rush Robert M. Carr Tom Slater

			Lowell L. Junkins
			John Scott
			Charles P. Miller
			George R. Kinley
			C. W. Hutchins
			James Calhoon
			William D. Palmer
			Joann Orr
			James V. Gallagher
			Alvin V. Miller
			C. Joseph Coleman
			Patrick J. Deluhery
S—5046	H.F.	2072	Richard F. Drake
			Richard Comito
S—5047	H.F.	2072	Richard F. Drake
S—5048	H.F.	2072	Joann Orr
S—5049	H.F.	2072	Norman G. Rodgers

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 3:21 p.m., until 10:00 a.m., Monday, February 4, 1980.

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 4, 1980

The Senate met in regular session at 10:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend H.I. Thomas, pastor of the Union Baptist Church, Des Moines, Iowa.

The Journal of Friday, February 1, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Howard Beatty, Creston, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the day on request of Senator Hultman.

WITHDRAWN

Senator Scott asked and received unanimous consent that **Senate File 15** be withdrawn from further consideration of the Senate.

QUORUM CALL

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

Roll call revealed a quorum present.

UNFINISHED BUSINESS
(Pending on February 1, 1980)

House File 2072

The Senate resumed consideration of House File 2072, a bill for an act 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, by

providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes, by altering the qualification for a county to levy a property tax because of a federal ordnance plant and making the Act retroactive, pending on February 1, 1980.

Senator Orr offered amendment S—5032 filed by her on February 1, 1980, to page 2 of the bill.

Senator Craft raised the point of order that amendment S—5032 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5032 out of order.

Senator Brown offered amendment S—5035 filed by him on February 1, 1980, to page 2 of the bill.

Senator Craft raised the point of order that amendment S—5035 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5035 out of order.

Senator Orr offered amendment S—5048 filed by her on February 1, 1980, to page 2 and the title page of the bill.

Senator Craft raised the point of order that amendment S—5048 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5048 out of order.

Senator Readinger offered amendment S—5031 filed by Senators Readinger and Rodgers on January 31, 1980, to pages 3, 4, 6, 7, 9 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5031 be adopted?" (H.F. 2072) the vote was:

Ayes, 12:

Carney	DeKoster	Holden	Junkins

Kudart	Miller, C.P.	Murray	Orr
Readinger	Rodgers	Slater	Small

Nays, 37:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hulse	Hultman	Hutchins
Jensen	Kinley	Miller, A.V.	Miller, E.R.
Nystrom	Palmer	Priebe	Ramsey
Robinson	Rush	Schwengels	Scott
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 1:

Hester

Amendment S—5031 lost.

Senator Orr offered amendment S—5034 filed by Senators Orr and Rodgers on February 1, 1980, to pages 6 and 7 of the bill.

Senator Orr asked and received unanimous consent that action on amendment S—5034 be temporarily deferred.

Senator Bisenius offered amendment S—5025 filed by him on January 31, 1980, to pages 12 through 14 and the title page of the bill.

Senator Bisenius offered amendment S—5038 filed by him on February 1, 1980, to amendment S—5025 and moved its adoption.

Amendment S—5038 was adopted by a voice vote.

Senator Bisenius offered amendment S—5026 filed by him on January 31, 1980, to amendment S—5025 and moved its adoption.

A non record roll call was requested.

The ayes were 10, nays 38.

Amendment S—5026 lost.

Senator Bisenius called for a division of amendment S—5025 as amended: Page 1, lines 3 through 50 and page 2, lines 1 through 10 and lines 39 through 42 as division S—5025A; page 2, lines 11 through 38 as division S—5025B.

Senator Junkins raised the point of order that division S—5025A as amended was not germane to the bill.

The Chair ruled the point well taken and division S—5025A as amended out of order.

Senator Bisenius asked and received unanimous consent that action on division S—5025B be temporarily deferred.

Senator Orr moved the adoption of amendment S—5034, previously deferred.

A record roll call was requested.

On the question "Shall amendment S—5034 be adopted?" (H.F. 2072) the vote was:

Ayes, 12:

Brown	Carr	Deluhery	Gentleman
Kinley	Orr	Palmer	Robinson
Rodgers	Rush	Slater	Small

Nays, 36:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Goodwin	Gratias	Hansen	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Schwengels	Scott	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 2:

Hester	Holden

Amendment S—5034 lost.

Senator Small offered amendment S—5044 filed by him on February 1, 1980, to pages 12 and 13 and the title page of the bill.

Senator Craft raised the point of order that amendment S—5044 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5044 out of order.

Senator Rush offered amendment S—5041 filed by Senators Rush, et al., on February 1, 1980, to page 13 and the title page of the bill.

Senator Craft raised the point of order that amendment S—5041 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5041 out of order.

Senator Palmer offered amendment S—5051 filed by him from the floor to page 13 of the bill.

Senator Kinley asked and received unanimous consent that action on amendment S—5051 be temporarily deferred for preparation of an amendment.

(House File 2072 and amendment S—5051 pending on recess).

INTRODUCTION OF BILLS

Senate File 2127, by Hansen, a bill for an act relating to the compensation of jury commissioners and their assistants.

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

Senate File 2128, by Holden, Tieden and Priebe, a bill for an act relating to the Iowa Administrative Procedure Act.

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

Senate File 2129, by Murray, a bill for an act establishing a catastrophic health expense program, and making an appropriation.

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

Senate File 2130, by Committee on Education, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils.

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

Senate File 2131, by Hansen, a bill for an act authorizing counties to establish work requirements for employable general assistance recipients, and requiring that the department of job service furnish certain services to those counties.

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

Senate File 2132, by DeKoster, a bill for an act relating to the selection of official county newspapers.

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

RECESS

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

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

BUSINESS PENDING

House File 2072

The Senate resumed consideration of House File 2072 and amendment S—5051 by Senator Palmer, previously deferred.

Senator Hutchins offered amendment S—5053 filed by Senators Hutchins and Drake from the floor to page 13 of the bill and moved its adoption.

Amendment S—5053 was adopted by a voice vote.

Senator Small offered amendment S—5052 filed by him from the floor to pages 13 and 14 of the bill and called for a division of the amendment: lines 3 through 9 as division S—5052A and lines 10 through 13 as division S—5052B.

Senator Small asked and received unanimous consent that action on division S—5052A be temporarily deferred.

Senator Craft raised the point of order that division S—5052B was not germane to the bill.

The Chair ruled the point not well taken and division S—5052B in order.

Senator Small moved the adoption of division S—5052B.

Division S—5052B was adopted by a voice vote.

Senator Small offered amendment S—5040 filed by him on February 1, 1980, to page 14 of the bill.

Senator Orr asked and received unanimous consent that action on amendment S—5040 be temporarily deferred for preparation of an amendment.

The Senate resumed consideration of amendment S—5051 by Senator Palmer to page 13 of the bill, previously deferred.

Senator Kinley offered amendment S—5055 filed by Senators Kinley and Priebe from the floor to amendment S—5051 and moved its adoption.

Amendment S—5055 was adopted by a voice vote.

Senator Palmer moved the adoption of amendment S—5051 as amended.

Amendment S—5051 as amended was adopted by a voice vote.

With the adoption of amendment S—5051 as amended, the Chair ruled the following amendments out of order:

Division S—5025B by Senator Bisenius to pages 13 and 14 of the bill, previously deferred.

Division S—5052A by Senator Small to page 13 of the bill, previously deferred.

Senator Rodgers offered amendment S—5049 filed by him on February 1, 1980, to the title page of the bill and moved its adoption.

Amendment S—5049 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on House File 2072 be temporarily deferred.

CONSIDERATION OF RESOLUTIONS

Senator Hultman asked and received unanimous consent to take up out of order House Concurrent Resolution 104.

House Concurrent Resolution 104

On motion of Senator Hultman, House Concurrent Resolution 104, a resolution calling for a joint convention for the condition of the judicial department message, filed January 30, 1980, and found on page 229 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 104, which motion prevailed by a voice vote and House Concurrent Resolution 104 was adopted.

Senator Hultman asked and received unanimous consent to take up out of order Senate Resolution 103.

Senate Resolution 103

On motion of Senator Ramsey, Senate Resolution 103, a resolution providing for the senate code of ethics for the 1980 regular session of the sixty-eighth general assembly, filed January 31, 1980, and found on page 242 of the Senate Journal, was taken up for consideration.

Senator Ramsey moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote and Senate Resolution 103 was adopted.

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

The Senate resumed session, President Branstad presiding.

BUSINESS PENDING

House File 2072

The Senate resumed consideration of House File 2072 and amendment S—5040 by Senator Small to page 14 of the bill, previously deferred.

Senator Small asked and received unanimous consent that action on amendment S—5040 be temporarily deferred.

Senator Orr offered amendment S—5056 filed by her from the floor to page 14 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5056 be adopted?" (H.F. 2072) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Bisenius	Brown	Calhoon	Carr
Deluhery	Gallagher	Gentleman	Hansen
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Robinson	Rodgers	Rush	Scott
Slater	Small	Van Gilst	

Nays, 26:

Baugher	Bergman	Briles	Carney
Coleman	Comito	Craft	DeKoster
Drake	Goodwin	Gratias	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 1:

Hester

Amendment S—5056 lost.

Senator Small moved the adoption of amendment S—5040, previously deferred.

A record roll call was requested.

On the question "Shall amendment S—5040 be adopted?" (H.F. 2072) the vote was:

Ayes, 23:

Baugher	Bisenius	Brown	Calhoon
Carr	DeKoster	Deluhery	Gallagher
Hansen	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Murray	Orr
Palmer	Priebe	Robinson	Rush
Scott	Slater	Small	

Nays, 26:

Bergman	Briles	Carney	Coleman
Comito	Craft	Drake	Gentleman
Goodwin	Gratias	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Nystrom	Ramsey	Readinger	Rodgers
Schwengels	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 1:

Hester

Amendment S—5040 lost.

Senator Craft moved that the bill 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. 2072) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Robinson	Rodgers	Schwengels
Scott	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 11:

Calhoon	Coleman	Deluhery	Gallagher
Kinley	Miller, C.P.	Orr	Palmer
Rush	Slater	Small	

Absent or not voting, 1:

Hester

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

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2072** be immediately messaged to the House, which request was complied with.

HOUSE AMENDMENT CONSIDERED

Senate File 286

Senator Tieden called up for consideration Senate File 286, a bill for an act relating to the cancellation of property interest granted for pipeline or electric transmission line purposes, amended by the House, and moved that the Senate concur in House amendment S—5018 filed January 29, 1980, and found on pages 217-218 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Tieden moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 286) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Holden	Hulse
Hultman	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

DeKoster Small

Absent or not voting, 2:

Hester	Hutchins

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

CONSIDERATION OF BILL

Senate File 2051

On motion of Senator Holden, Senate File 2051, a bill for an act relating to the registration and licensing of class A motor homes, was taken up for consideration.

Senator Holden offered amendment S—5011 filed by Senators Holden and Hutchins on January 25, 1980, to pages 1 and 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5011 be adopted?" (S.F. 2051) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 35:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
Craft	Deluhery	Drake	Goodwin
Hansen	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Priebe
Readinger	Robinson	Rodgers	Rush
Scott	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 10:

Brown	Carr	DeKoster	Gallagher
Gentleman	Gratias	Orr	Palmer
Ramsey	Slater		

Voting present, 2:

Junkins	Schwengels

Absent or not voting, 3:

Hester	Hutchins	Nystrom

Amendment S—5011 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2051) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Hansen
Holden	Hulse	Hultman	Jensen
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 4:

Brown	Gallagher	Gratias	Orr

Voting present, 2:

Junkins	Schwengels

Absent or not voting, 3:

Hester	Hutchins	Nystrom

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 278

Senator Jensen called up for consideration Senate File 278, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in

habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties, amended by the House by House amendment S—5016 filed January 28, 1980, and found on pages 198-205 of the Senate Journal.

Senator Jensen offered amendment S—5050 filed by him from the floor to House amendment S—5016 and moved its adoption.

Amendment S—5050 was adopted by a voice vote.

Senator Rush moved that Senate File 278 be referred to the committee on Judiciary.

Senator Rush withdrew his motion.

Senator Hultman asked and received unanimous consent that **Senate File 278** be referred to the committee on **Judiciary** until on or before February 15, 1980.

INTRODUCTION OF BILLS

Senate File 2133, by Readinger, a bill for an act providing for renter's credit to an individual for the renting of the individual's principal residence.

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

Senate File 2134, by Rodgers, a bill for an act providing an individual income tax credit for the ownership of chisel type plows, till planters and no-till planters.

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

Senate File 2135, by Hansen, a bill for an act authorizing the state department of health, in cooperation with a county, city, or governmental or private nonprofit agency to establish hospice pilot projects and appropriating state general funds to support the projects.

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

Senate File 2136, by Committee on State Government, a bill for an act to make library circulation and registration records confidential records.

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

APPENDIX

PETITIONS

The following petitions were presented and placed on file by:

Senator DeKoster from forty residents of Iowa concerning Title XX supplemental appropriations.

Senator Priebe from fifty-five residents of Kossuth County favoring reform of products liability legislation.

Senator Comito from two hundred sixty-four residents of Iowa favoring legislation repealing the present law of mandatory deposits on certain beverage containers.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Betty Lou Minor, Des Moines, Polk County, Iowa, for appointment as Administrator of the Credit Union Department pursuant to Section 533.55, 1979 Code of Iowa, effective immediately and to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

A. R. KUDART, Chairperson
CHARLES P. MILLER
GARY BAUGHER
ELIZABETH R. MILLER
JOANN ORR

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert E. Lee, Humboldt, Humboldt County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JULIA B. GENTLEMAN, Chairperson
LUCAS J. DE KOSTER
BERL E. PRIEBE
PATRICK J. DELUHERY
NORMAN J. GOODWIN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Billie B. Wallace, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council, pursuant to Section 80B.6, 1979 Code of Iowa, as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing January 1, 1980, and ending December 31, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEPHEN W. BISENIUS, Chairperson
BASS VAN GILST
CHARLES P. MILLER
GARY BAUGHER
CLARENCE S. CARNEY

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jolly Ann Davidson, Clarinda, Page County, Iowa, for reappointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1979 Code of Iowa, for a six-year term commencing January 2, 1980, and ending January 1, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

A. R. KUDART, Chairperson
CALVIN O. HULTMAN
C. W. HUTCHINS
WILLIAM D. PALMER
SUE YENGER

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in the preparation of the Senate amendment to House File 2072, the following technical corrections in S—5047 were made:

1. Page 2, line 2, "Februrary" was changed to "February".
2. Page 2, line 8, "submited" was changed to "submitted".

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2113	Appropriations
S. F.	2115	Education
S. F.	2116	Transportation

STUDY BILLS RECEIVED

S.S.B. 2158 State Government

Amend Section 52.26, subsection 7, 1979 Code, to eliminate the requirement that the voting punch device indicate error to the voter who has voted for two or more opposing candidates for the same office.

S.S.B. 2159 State Government

Relating to the state and county funding of a county fair.

S.S.B. 2160 Energy

Amend Chapter 111, Acts of the 68th General Assembly.

S.S.B. 2161 Energy

Relating to the applicability of the state building code provisions establishing thermal efficiency energy conservation standards and lighting efficiency standards.

S.S.B. 2162 Judiciary

Relating to disallowance of the federal bankruptcy exemptions.

S.S.B. 2163 Judiciary

Correcting erroneous, inconsistent or obsolete provisions of the Code of Iowa.

S.S.B. 2164 Judiciary

Relating to computer crime and providing penalties.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 4, 1980, when votes were taken. Had I been present, I would have voted "aye" on the following:

Senate Files 286 and 2051, amendment S—5047 to House File 2072 and final passage of House File 2072.

JACK W. HESTER

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: January 22, 1980, 3:00 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Small (arrived 3:20 p.m.) and Taylor.

Members Absent: Orr (excused).

Final Action: SENATE FILE 2130, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Jensen, Small and Taylor. Nays, none. Absent or not voting, 1: Orr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:30 p.m.

STATE GOVERNMENT

Convened: January 24, 1980, 3:05 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Gratias (excused).

Final Action: SENATE FILE 2136, a bill for an act to make library circulation and registration records confidential records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray and Rodgers. Nays, none. Absent or not voting, 1: Gratias.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned new bills to subcommittees.

Adjourned: 3:40 p.m.

AMENDMENTS FILED

S—5050	S. F.	278	John W. Jensen
S—5051	H.F.	2072	William D. Palmer
S—5052	H.F.	2072	Arthur A. Small, Jr.
S—5053	H.F.	2072	C. W. Hutchins Richard F. Drake
S—5054	S. F.	360	Edgar H. Holden
S—5055	H.F.	2072	George R. Kinley Berl E. Priebe
S—5056	H.F.	2072	Joann Orr

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:31 p.m., until 9:00 a.m., Tuesday, February 5, 1980.

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 5, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Ezell Wiggins, pastor of the True Bible Baptist Church, Des Moines, Iowa.

The Journal of Monday, February 4, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Reubin Widmer, Creston, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the day on request of Senator Hultman.

INTRODUCTION OF BILLS

Senate File 2137, by Hutchins, a bill for an act relating to the method and display of pricing of gasoline and special fuel sold at retail service stations.

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

Senate File 2138, by Tieden, Priebe and Holden, a bill for an act to require advertisements of sales and for bids by state agencies to be published in the Iowa administrative bulletin.

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

Senate File 2139, by Taylor, a bill for an act to redesignate the name and duties of the Iowa crime commission.

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

Senate File 2140, by Jensen, a bill for an act eliminating restrictions of board of supervisors' travel expenses.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2141, by Orr and Rush, a bill for an act authorizing osteopathic physicians and surgeons to conduct prehospitalization examinations under chapter two hundred twenty-nine (229) of the Code to determine serious mental impairment.

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

Senate File 2142, by Orr, a bill for an act to require that a farm unit soil conservation plan be requested for, and when obtained, implemented upon any tract of agricultural land as a condition of continued eligibility of that tract for the agricultural land tax credit.

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

Senate File 2143, by Orr, a bill for an act to limit the amount of the agricultural land tax credit available for any tract of agricultural land on which excessive soil erosion is being allowed to occur.

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

Senate File 2144, by Orr, a bill for an act increasing an annual appropriation from the state general fund to support an Indian settlement officer.

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

Senate File 2145, by Orr, a bill for an act to repeal the mandatory deposit on beverage containers containing alcoholic liquor and to correct erroneous internal reference in chapter four hundred fifty-five C (455C) of the Code.

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

Senate File 2146, by Yenger, a bill for an act authorizing the levy of a property tax for ambulance service in certain counties.

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

Senate File 2147, by Nystrom, a bill for an act to establish a nonbinding Iowa presidential preference primary election.

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

Senate File 2148, by Committee on State Government, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 104
By: Drake and Robinson

Whereas, the future service level of Iowa's rail transportation system is uncertain as a result of mergers, bankruptcies and restructuring of midwestern railroads and the resultant reorganization of financially insolvent carriers; and

Whereas, the Chicago, Rock Island and Pacific Railroad Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad, which provide about fifty percent of Iowa's trackage and rail service, are in bankruptcy and facing liquidation; and

Whereas, the rail restructuring gives Iowa an opportunity to give direction to the future of Iowa's rail system to meet users' rail service needs; and

Whereas, continued service in Iowa by the Rock Island and Milwaukee railroads may cease on March 2, 1980; and

Whereas, discontinued or interrupted service on essential branchlines and mainlines would create a direct negative impact upon the industrial and agricultural sectors of Iowa's economy and its future economic growth; and

Whereas, the nationally recognized Iowa branchline financial assistance program created by the sixty-fifth general assembly has been an effective and successful program for preserving and rehabilitating hundreds of miles of viable branchlines; and

Whereas, substantial progress is being made in the branchline rehabilitation program, it is imperative that we immediately begin addressing the heavy backlog of needs on mainlines, yards, terminals, and sidings; and

Whereas, in the restructuring process it is necessary that a safe and efficient mainline system is developed and preserved

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to connect our viable branchlines to market opportunities in the south, north, east and west; and

Whereas, the state department of transportation has demonstrated effective leadership in rail planning and closely coordinated their activities with the general assembly, the United States Congress, federal and state agencies, shipper groups, rail users, other states and the bankruptcy courts to develop a private sector solution to the midwest rail crisis; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the general assembly express support of the state department of transportation and the direction of its efforts to achieve a sound and rational solution to the midwest rail crisis, and the general assembly supports the financial efforts of federal, state and local officials to develop a rail system capable of providing the service essential to the economic health of Iowa and its citizens; and

Be It Further Resolved, That the general assembly pledges its support through assistance programs to bring about a viable private sector solution to the midwest rail crisis; and

Be It Further Resolved, That the general assembly supports the state department of transportation's efforts to preserve service on essential and viable Milwaukee lines and to assure a prompt and orderly transfer of property and service to successor railroads, and secure extended directed service by the Interstate Commerce Commission on essential Rock Island lines to assure an orderly transfer of property and service to successor railroads; and

Be It Further Resolved, That the general assembly calls upon the President of the United States, the United States Congress

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and the Interstate Commerce Commission to provide for a minimum of a sixty day continuation of directed service on those parts of the Rock Island railroad for which the Trustee has, before March first, begun negotiations.

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 February 1, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 747, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 747, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

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

CONSIDERATION OF BILLS

Senate File 2088

On motion of Senator Bisenius, Senate File 2088, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2088) the vote was:

Ayes, 27:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Comito	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hansen	Hulse	Hultman	Jensen
Kinley	Kudart	Miller, C.P.	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Van Gilst	Yenger	

Nays, 20:

Brown	Carr	Coleman	Craft
Gallagher	Gratias	Holden	Hutchins
Junkins	Miller, A.V.	Orr	Palmer
Priebe	Rodgers	Rush	Scott
Slater	Small	Tieden	Waldstein

Absent or not voting, 3:

Hester	Miller, E.R.	Robinson

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2012.

Senate File 2012

On motion of Senator DeKoster, Senate File 2012, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association, with report of committee recommending passage, 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. 2012) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Hester	Miller, E.R.	Robinson

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

Senate File 87

On motion of Senator Miller of Des Moines, Senate File 87, a bill for an act granting utility easements by the department of social services, with report of committee recommending passage, was taken up for consideration.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 87) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Hester	Miller, E.R.	Robinson

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

Senate File 2015

On motion of Senator Hutchins, Senate File 2015, by Hutchins, a bill for an act relating to the service of county supervisors on appointive boards, commissions, or committees of the state or political subdivisions of the state and making the Act retroactive, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins offered amendment S—5058 filed by Senators Hutchins and Slater from the floor to page 1 of the bill and moved its adoption.

Amendment S—5058 was adopted by a voice vote.

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. 2015) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Hester	Miller, E.R.	Robinson

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

House File 471

On motion of Senator Taylor, House File 471, a bill for an act relating to local advisory councils for vocational education, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 471) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 1:

Small

Absent or not voting, 3:

Hester	Miller, E.R.	Robinson

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

Senate File 2003

On motion of Senator Junkins, Senate File 2003, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined, with report of committee recommending passage, was taken up for consideration.

Senator Junkins offered amendment S—5060 filed by him from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5060 was adopted by a voice vote.

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. 2003) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr

Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Hester	Miller, E.R.	Murray	Robinson

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

Senate File 2098

On motion of Senator Hultman, Senate File 2098, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule, was taken up for consideration.

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. 2098) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Hester	Miller, E.R.	Murray	Robinson

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

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2098** be immediately messaged to the House, which request was complied with.

DEFERRED

Senator Hultman asked and received unanimous consent to take up out of order Senate File 458.

Senate File 458

On motion of Senator Taylor, Senate File 458, a bill for an act relating to the teaching of the origin of man and the origin of the earth, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Slater asked and received unanimous consent that action on Senate File 458 be deferred.

APPENDIX

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Virginia Harper, Fort Madison, Lee County, Iowa, for appointment as a member of the Board of Parole pursuant to Section 904, 1979 Code of Iowa, for a five-year term commencing July 1, 1979, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARTHUR L. GRATIAS, Chairperson
LOWELL L. JUNKINS
ALVIN V. MILLER
GARY BAUGHER
IRVIN L. BERGMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Annette Pieper, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission pursuant to Section 601A.3, 1979 Code of Iowa, for a four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. BILL HANSEN, Chairperson
GARY BAUGHER
ALVIN V. MILLER
CHARLES P. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Diane M. Ruebling, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROLF V. CRAFT, Chairperson
ALVIN V. MILLER
CHARLES P. MILLER
LUCAS J. DE KOSTER
JOHN W. JENSEN

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 4, 1980, when the votes were taken on Senate Files 286 and 2051.

Had I been present, I would have voted "aye".

C. W. HUTCHINS

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2127	County Government
S. F.	2128	Judiciary
S. F.	2129	State Government
S. F.	2131	County Government
S. F.	2132	County Government
S. F.	2133	Ways and Means
S. F.	2134	Ways and Means
S. F.	2135	State Government
S. C.R.	104	Transportation

STUDY BILLS RECEIVED

S.S.B. 2165 Agriculture

Providing for payment of indemnity based on current market prices for owners of cattle condemned due to tuberculosis lesions.

S.S.B. 2166 Agriculture

Providing standards for permits to sell seeds.

S.S.B. 2167 Agriculture

Relating to the state entomologist.

S.S.B. 2168 Commerce

Relating to the financial responsibility requirements for the operation and registration of motor vehicles in this state.

S.S.B. 2169 Commerce

Relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

S.S.B. 2170 Judiciary

To provide that the code of ethics prepared by each committee on ethics is in effect for a specific general assembly.

S.S.B. 2171 Judiciary

Amending the definition of "claim" contained in section 25A.2, subsection 5, paragraph b of the Code.

S.S.B. 2172 Judiciary

Increasing the jurisdictional amount for actions for money judgment triable as small claims from $1,000 to $2,000.

S.S.B. 2173 Transportation

Relating to railroad and highway grade crossings.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: Februrary 5, 1980, 9:35 a.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; Gentleman, A. Miller and Drake (arrived 10:17 a.m.).

Members Absent: none.

Other Business: Tentatively made recommendations.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 5, 1980, 9:35 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Goodwin, E. Miller and Gallagher (arrived 10:00 a.m.).

Members Absent: none.

Other Business: Recommended appropriations for the Department of Agriculture, Iowa Development Commission, Energy Policy Council and Iowa Geological Survey.

Adjourned: 12:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 5, 1980, 9:30 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Carr, Bergman, Baugher and Craft.

Members Absent: none.

Other Business: Pat Cavanaugh and Don Kasser presented ICF supplemental appropriations requests for fiscal year '81; William Armstrong, Chief, Bureau of Property Management, presented supplemental appropriations requests.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 5, 1980, 9:30 a.m.

Members Present: Schwengels, Chairperson; Rush, Ranking Member; Carney, Gratias and Priebe.

Members Absent: none.

Other Business: Recommended appropriations for the Communications Division of General Services and the Office for Planning and Programming (Rural Community Development Program).

Adjourned: 10:30 a.m.

COMMERCE

Convened: February 5, 1980, 1:40 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 367, a bill for an act relating to reimbursement or the payment for health care services and providing that it is a discriminatory practice to deny reimbursement or payment to certain persons.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5062.

Final Vote: Ayes, 8: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin and Rush. Nays, 2: Robinson and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2026, a bill for an act relating to deductible and coinsurance provisions of contracts with health maintenance organizations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5061.

Final Vote: Ayes, 10: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate Files 2104 and 2110 and SSB's 2168 and 2169 to subcommittees.

Adjourned: 2:20 p.m.

EDUCATION

Convened: February 5, 1980, 1:35 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Small (arrived 1:45 p.m.) and Taylor (arrived 1:42 p.m.).

Members Absent: Orr.

Final Action: SENATE FILE 2002, a bill for an act relating to expenditure of profits from auxiliary services by area schools.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5059.

Final Vote: Ayes, 6: Brown, Calhoon, Carney, DeKoster, Jensen and Small. Nays, 3: Hansen, Gratias and Taylor. Absent or not voting, 1: Orr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:00 p.m.

HUMAN RESOURCES

Convened: February 5, 1980, 8:08 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Carney, Carr, Craft, Hulse, Orr (arrived 8:12 a.m.) and Slater (arrived 8:13 a.m.).

Members Absent: Hansen and A. Miller.

Other Business: Assigned bills to subcommittees; approved SSB 2004 for redrafting; discussed SSB 2003 and SSB 2005.

Adjourned: 8:58 a.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 298 of the February 4, 1980, Senate Journal.

Convened: January 24, 1980, 3:05 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Gratias (excused).

Final Action: SENATE FILE 2148, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Yenger, Carr, Drake, Gallagher, C. Miller, E. Miller, Murray and Rodgers. Nays, none. Absent or not voting, 1: Gratias.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned new bills to subcommittees.

Adjourned: 3:40 p.m.

AMENDMENTS FILED

S—5057	S. F.	439	Arthur L. Gratias
S—5058	S. F.	2015	C. W. Hutchins Tom Slater

S—5059	S. F.	2002	Education Committee
S—5060	S. F.	2003	Lowell L. Junkins
S—5061	S. F.	2026	Commerce Committee
S—5062	S. F.	367	Commerce Committee
S—5063	S. F.	108	Ray Taylor John W. Jensen
S—5064	S. F.	439	Ray Taylor
S—5065	S. F.	458	Tom Slater

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:28 p.m., until 9:00 a.m., Wednesday, February 6, 1980.

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 6, 1980

The Senate met in regular session at 9:08 a.m., President Branstad presiding.

Prayer was offered by the Reverend Frederick Strickland, pastor of the Corinthian Baptist Church, Des Moines, Iowa.

The Journal of Tuesday, February 5, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rodney Carlson, Ankeny, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the day on request of Senator Hultman.

INTRODUCTION OF BILLS

Senate File 2149, by Committee on Natural Resources, a bill for an act to amend provisions relating to hunting license fees and stamps, by increasing the nonresident hunting license fee, combining the wildlife habitat stamp fee with certain hunting license fees and striking the requirement for a special wildlife habitat stamp and a nonresident pheasant stamp, by increasing deer hunting fees and expanding the farmer-tenant license, and subjecting violators to a penalty.

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

Senate File 2150, by Orr, a bill for an act relating to the rate of unemployment compensation contributions for employers with negative balances in their accounts.

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

Senate File 2151, by Schwengels and Bergman, a bill for an act relating to certified shorthand reporters.

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

Senate File 2152, by Schwengels, Brown, Small and Miller of Marshall, a bill for an act relating to the practice of physical therapy.

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

Senate File 2153, by Murray, a bill for an act relating to the issuance of birth certificates to residents of this state who were born in a foreign country or other state.

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

Senate File 2154, by Committee on Judiciary, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

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

Senate File 2155, by Gallagher, a bill for an act providing for the use of abandoned railroad rights-of-way for pipeline routes.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 10:30 a.m.

RECONVENED

The Senate reconvened at 10:36 a.m., President Branstad presiding.

REQUEST TO RETURN BILL TO SENATE

Senator Hultman asked and received unanimous consent that the Secretary of the Senate request House File 2072, which was passed by the Senate and messaged to the House on February 4, 1980, be returned to the Senate for a correction to division S—5052B of the amendment by Senator Small adopted by the Senate on February 4, 1980.

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

The Senate resumed session, President Branstad 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 104, 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 concurrent resolution, duly adopted, the joint convention was called to order at 10:57 a.m., President Branstad presiding.

Senator Hultman 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 by a voice vote.

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

Senator DeKoster moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify the Honorable W.W. Reynoldson, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators DeKoster, Ramsey and Rush, on the part of the Senate, and Representatives Shimanek, Patchett and Ritsema, on the part of the House.

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

The committee waited upon Chief Justice Reynoldson and escorted him to the speaker's station.

President Branstad then presented Chief Justice Reynoldson, who delivered the following State of the Judiciary Message:

MR. PRESIDENT, MADAM SPEAKER, MEMBERS OF THE SIXTY-EIGHTH GENERAL ASSEMBLY, STATE OFFICIALS, AND FELLOW IOWANS:

A year ago, pursuant to your new enactment now found at Section 684.22 of the 1979 Code, and for the first time in Iowa's history, we appeared here to report to you about the judicial branch of government. We are gratified that you did not promptly repeal that statute. We welcome the opportunity to reappear this morning to continue our examination of judicial department problems and to ask for your wisdom and continued assistance and support in resolving them.

As we closed our remarks last year, we voiced our concern with the erosion of public confidence in courts, and the implications that held for our ongoing experiment in self-government. We noted the enormous tensions in our country, and the challenge of foreign ideologies at war with the spirit of the Declaration of Independence.

For several recent weeks Americans were transfixed by televised scenes of violence and chaos in a country in which local law has broken down and international law is spurned. The faulty justice system which contributed to that revolution, and the total absence of one which now exacerbates the tragedy, should furnish a somber backdrop, however remote, to the study of any judicial system here.

Swinging our focus northward from Iran, we note that for years millions of Russian political and ethnic prisoners died in what Solzhenitsyn in his book *The Gulag Archipelago* described as Russia's "sewage disposal system." During the same time, Article 125 of the Constitution, or "Fundamental Law," of the Union of Soviet Socialist Republics essentially contained those same safeguards of freedom found in our Bill of Rights.

And so one must conclude that it takes more than the force long displayed in Iran, and more than brave words like those in the Russian Constitution, to insure basic freedoms and a stable social structure. We suggest that an independent judiciary whose rulings are respected by the people, and attorneys willing to stand up and defend individual rights, are indispensable in any democratic government.

Although time prohibits going into detail, a national survey and *The Des Moines Register's* "Iowa Poll" both confirm a degree of public dissatisfaction with the courts. One root cause identified is a deep concern with street crime. One also senses that Iowa's citizens, both rural and urban, attuned to the "QuikTrip" philosophy, simply demand faster and cheaper justice.

The national survey additionally disclosed that the general public had little information about our justice system and how it functions. Thirty-seven percent believe an ACCUSED must prove his or her innocence; sixty-two percent believe the county attorney's task is to DEFEND the accused at the taxpayer's expense; seventy-one percent believe the United States Supreme Court can overrule any state court decision.

Returning to the public's concerns relating to the judiciary, and without reflection on any other branch of government, we can hardly assume total responsibility for crime in the streets when for every 1000 reported crimes there are only 153 arrests. And we are sure Iowans do not want justice administered with the speed and efficiency of a lynch mob, nor even the efficiency of justice of Peace Roy Bean, who you will recall was the "law west of the Pecos" at the end of the railroad in Vinegaroon, Texas. His was not the rule of law but the rule of one man, administered ad hoc and sometimes at the business end of a six-shooter.

On the other hand, if our system is to operate with less waste of time and money for litigants, we must study our administrative structure and our personnel requirements. And because no citizen should be expected to value a branch of government he or she does not understand, we should explore methods to furnish that knowledge.

ADMINISTRATIVE STRUCTURE

Last year we traced some of the judicial reforms you implemented in the '60's and '70's—a unified court system, a modern procedure for judicial selection and tenure, the Iowa Court of Appeals. We requested your study and ultimate support in making that unified state court system viable and responsive by centralized STATE funding of the STATE system, with a concomitant consolidated budget procedure, and by bringing the personnel who serve the judicial department under its administration. This concept is not new: Twenty-two state court systems now are totally or substantially state funded.

You reacted with characteristic cooperation and concern to face this issue. On April 17, 1979, responding to the language of nonpartisan Senate Resolution 11, your Legislative Council unanimously voted to create a Court Study Joint Subcommittee comprised of the members of the standing Senate Judiciary Committee and the House Judiciary and Law Enforcement Committee. That Joint Subcommittee has met several times. As a result of its deliberations it requested the Legislative Council to apply for federal funds available through the National Center for State Courts to finance the necessary study, and to engage a private contractor for that purpose. Your Council obtained $57,260 in federal funds and contracted with the Resource Planning Corporation, a firm experienced in conducting judicial studies in other states. Its report is scheduled to be presented to the Council by July 31, 1980.

Several of the itemized GOALS of the study now under way are themselves an indictment of the present statutory administrative and support structure for Iowa's judicial department. A unified state court system in 1980 should be so organized administratively that it quickly could provide the legislature with "the costs which presently are incurred in the operation of the Iowa court system" and "the number and types of personnel who presently serve the . . . system."

Our current fragmented administrative structure was erected in the nineteenth century. In this century it has been cobbled up and subjected to jerry-built additions without any consideration of its overall design and efficiency. Time does not permit us to read aloud a portion of the introduction to the request for study bids formulated

by the Joint Subcommittee, summarizing some of the bizarre methods by which judicial personnel presently are obtained and paid. We attach it to this message as an appendix, for the insight it furnishes into the existing administrative morass.

There is more involved here than tax relief for local units of government. There is more at stake than the elimination of tensions between the state court system and elements of local government. Above all is the task of preparing Iowa's judicial system for the challenges of the twenty-first century.

Meanwhile, within budgetary constraints and constitutional and statutory parameters, the judiciary has initiated needed reforms through the Iowa Judicial Planning Committee and the Litigation Cost Study Committee.

1. Iowa Judicial Planning Committee.

In 1978, using available federal funds, we created and staffed the Iowa Judicial Planning Committee. Its members include lay persons, judges, attorneys, and administrators. For the first time we are acquiring the capability to make in-depth analyses of current and potential judicial problems and engage in long-range planning to meet them. Such a resource in some form is an accepted adjunct of every well-organized private enterprise of comparable size and budget.

Projects described in the planning committee's 1980 Judicial Action Plan, now being implemented, include a study to devise improved methods of rapidly assembling and disseminating information necessary to administer the department, a study to develop recommendations for improving the structure and organization of the court system, a separate study to recommend improvements for the magistrate system and experiments with "dispute settlement centers" designed to divert from adversary court proceedings certain controversies which may be resolved by mediation or arbitration.

Our planning committee and staff, and the new studies and experiments now launched, contribute toward an undercurrent of excitement in the judicial department—a sense that our options are not exhausted; that there may be ways to help ease the crushing case loads our trial judges carry; that there may be better conveyances for delivering judicial and related services to Iowa's citizens.

2. Litigation Cost Study Committee.

A year ago we reported the appointment of a blue-ribbon committee to study litigation costs, chaired by former Chief Justice C. Edwin Moore. The judges and the uncompensated lay persons and attorneys on this task force worked long and hard. They reported to the supreme court on September 12, 1979. The court studied the committee's recommendations and on October 15, 1979, issued its report which endorsed most of the task force proposals. We have filed with you the necessary civil and criminal rule amendments, and have forwarded these reports to the chairpersons of your standing judiciary committees, identifying the statutory changes required to implement the approved recommendations.

Generally, the reforms include bringing litigation discovery processes under control. A simplified method of taxing costs, adoption of the Uniform Arbitration Act (except as it would force mandatory arbitration of disputes under contracts generally regarded by courts as adhesion, consumer-type contracts), reduction of jury size, increase in interest rate on judgments, and increase in the small claims jurisdictional amount. Several of these innovations should short-cut administrative procedures and save judicial time in order to serve better your constituents who daily appear in our courtrooms. We urge you to adopt these reforms.

PERSONNEL REQUIREMENTS

In addition to a modern administrative structure, Iowa's citizens are entitled to qualified judges in sufficient number to process their legal business.

1. Quality Of Judges.

No one can compute how many of Iowa's three million citizens must be affected, directly or indirectly, by the almost one-half million legal matters processed each year by Iowa's judicial system. Too infrequently we pause to reflect on the awesome frontline responsibility carried by less than 300 judges and magistrates. They daily bear the emotional trauma of adjudicating child custody disputes, balancing the risks in persons' freedom or incarceration, and applying the intricate calculus of adjudicating property rights and damage claims. They seldom grapple with broad policy concepts like legislators, or with cold records and abstract legal philosophy like appellate judges. Each day they must directly face the troubled people, and people in trouble, whose fate and fortune they determine. They operate continually and gallantly in the eye of legal storms.

By June 30 of this year 27 seasoned Iowa judges will be age 65 or over. In this year and a few following years they will all be replaced. To perform the role we have described, and to replace those judges, Iowa must recruit persons of the same character, intelligence, judgment, sensitivity, stamina, drive, and emotional maturity required to reach the top in the private sectors of the legal profession, or in any business or profession for that matter.

But we suggest that today an attorney with those qualifications may view a judicial appointment with some reservations. That potential applicant must weigh exchanging some measure of personal control over his or her economic destiny for a career in which the salary from July 1, 1977, to January 1, 1980, increased only 8.8 percent while the cost of living mushroomed 25.9 percent. He or she might consider that the judges and magistrates who rode a 1,046,000 mile circuit in fiscal year 1979 to bring justice in Iowa's rural population, subsidized the state because their car operating expenses exceeded the reimbursement allowed under statutory limits.

We know that as time permits you will address these issues, as you have in the past. But in considering ways and means to recruit the best for Iowans, we also suggest your reexamine the concepts in House File 54, adopted by the House last year, relating to district associate judges and judicial magistrates. Full-time magistrates must be attorneys and give up private practice. They have responsible jurisdiction in

civil actions and criminal cases. They are often designated as juvenile court judges—making choices affecting the futures of Iowa's children. An enactment like House File 54 would offer recruits the title of district associate judge. It would provide them a minimal tenure in office while for the first time affording citizens the right to vote whether they should be retained. Retirement benefits of these judges would remain under IPERS. While the proposed changes from the present structure are few, they could make the difference in the quality of persons who might be influenced to choose a bench career.

No judicial system can perform better than the quality of its judges. We are proud of the vast majority of our present judges and magistrates who are hardworking, intelligent, conscientious, and concerned jurists. We know you want to maintain that QUALITY.

2. Judicial Force Quantity.

At the same time, you also determine the QUANTITY of Iowa's judicial force. In 1967 you wisely devised a flexible statutory formula, based on population and case filings, to determine the number of district court judges required to process Iowans' legal matters. Since your 1977 amendment freezing those judgeships at 92, civil case filings have climbed 17.8 percent and criminal filings have risen 7.7 percent, for an overall increase in filings of 13.8 percent.

This significant increase in case load entitles the people of Iowa to 15 additional judgeships under the statutory formula, or a total of 107 district court judges. Iowa needs this judge power to provide the speedy justice which deters crime. At the same time, the civil litigation of law-abiding Iowans should not be relegated to the back burner, nor can we eliminate the time required to supervise and expedite probate proceedings and for all other judicial department responsibilities.

In 1977, the year of the judgeship freeze amendment, and in the years which have followed, new legislation which you adopted to meet your constituents' needs has become effective. These legislative innovations have resulted, and will result, in burdensome increases in trial court attention and responsibilities. Some new code provisions which come readily to mind are chapter 229, involuntary hospitalization; chapter 232, juvenile justice act; section 321.215(1), permitting application to district court for temporary restricted driver's license; chapter 455B, department of environmental quality; chapter 553, Iowa competition law; chapter 600, the revised adoption law, and chapter 147, Laws of the 68th General Assembly, the domestic abuse act. All of this legislation ultimately will be challenged, tested, interpreted, and enforced by court actions.

We know you are concerned about taxpayers' dollars and the inherent expense of proposed legislation. Some of those costs may be projected. Others soon appear. But an expense often hidden until it ultimately surfaces in the judgeship formula computation is the cost in terms of additional judge time, and additional judges. That you have been unable to obtain this information from the judicial department IN ADVANCE, in the form of a time-translated-into-expense impact statement, is our shortfall. We intend to rectify it.

For the first time, in all areas of Iowa, judges and magistrates who have volunteered for the task will keep a record of the myriad of duties performed in their daily activities for a three-month period. Our prior statistical reports have provided no empirical evidence of time spent in juvenile, involuntary hospitalization, domestic abuse, probate, pretrial conference, pretrial motion, sentencing and postconviction matters. When the legislation you have under consideration requires a court hearing, we cannot tell you the average length of a hearing in Iowa district court, much less project the length of the particular hearing you contemplate, or estimate the number which will occur each year. Neither can we tell you how many dollars it will cost the taxpayers to fund the expenses of the judicial department in conducting the hearings or trials involved in the proposed enactment. You should have that information.

The Judicial Council, comprised of the chief judge of the Iowa Court of Appeals and the district chief judges, together with our staff, working with the Judicial Planning Committee and utilizing the evidence generated by our volunteer judges and magistrates, will devise the necessary formulae so that, UPON YOUR REQUEST, we can provide you with meaningful judicial impact statements. The same information as it relates to judicial work load may be of interest to you in considering revisions of the statutory judgeship formula and your 1977 freeze amendment.

All of us—you, Governor Ray, and the judiciary—anticipated the Senior Judge Act soon would provide some relief for Iowa's judge shortage. The senior judge is available for 13 weeks of judicial service annually, receives no salary, but his or her retirement compensation will have a limited shelter from the inflation by pro rata escalation with any increase in the salary for the position formerly held. Out of 12 eligible judges retiring prior to December 31, 1979, only Justices Moore and Mason, and Judge James E. Hughes elected senior judge status. Anyone who may have considered the legislete that annual tour of duty. Their reports of judicial service are on file. They held court in various counties in the second and fifth judicial districts, adjudicating equity actions and hearing and deciding motions and applications. However, while each senior judge performs valuable judicial services one-fourth time, the three cannot substitute for one full-time trial judge.

We closed out 1979 with more cases on file in every judicial district—a total of over 4200 more civil and criminal cases pending than were on our dockets at the end of 1978. In view of this case backlog, and the congestion of hearing and probate matters in your trial courts, we know you will move soon to relieve Iowa's citizens from that frustration of justice which results from unresolved controversies and delay in processing important legal matters.

PUBLIC LACK OF KNOWLEDGE OF JUDICIAL SYSTEM

We turn now to a concern we expressed earlier, relating to the public's lack of

knowledge of its judicial system and the inevitable erosion of public confidence in the law and the administration of justice. It is basic human nature for people to oppose what they do not understand.

But it is the courtroom crucible which distills truth, that imprints lasting impressions, that sends a clear signal about the law's expectations and the penalties which await law violators. The courtroom is government in action. It can function as a classroom, teaching law and its underlying rationale; it can provide a vivid demonstration of time-tested rules which separate fact from fiction; it can serve as a living laboratory, exploring the application of the substantive laws you enact to a given set of circumstances.

In bygone days when life moved more leisurely, people visited the courtroom. In today's hectic race they go only in response to a subpoena or summons, or when they are directly involved in a legal proceeding.

On November 21, 1979, following the lead of 21 other states and the recommendations of a hardworking Media Advisory Committee, we instituted an experiment to take the courtroom to the people. For one year, under carefully formulated safeguards, the electronic media—television, radio and cameras—will cover Iowa courts, just as the print media and sketch artists have done throughout our history.

Trials with electronic coverage are now in progress. Our media committee is monitoring the experiment, surveying the participants, and will report to us at the year's close. We hope this experiment will be successful—a demonstration that the judiciary and the news media, cooperating, can help Iowans better understand how the judicial branch of their government functions.

CONCLUSION

Before closing we direct your attention to Appendix F, attached to this message, reviewing those improvements we recommended last year which are still pending. An old friend and wise senator told us we simply suggested too many reforms for one session. You will note these items are not for the personal benefit of judges, but for the benefit of Iowans who must use the judicial system. The costs are nonexistent or nominal. In any event, it should be observed here that the same national poll which brought us bad news also brought good news: 74 percent of the public is more willing to spend tax dollars on improving the judiciary than on any other part of the criminal justice system.

A potential item of future business alarms us more. 1980 is the year of the census, triggering the constitutional mandate to reapportion in 1981. One hundred fifty years ago, the young French political philosopher Alexis de Tocqueville, examining America's democracy while the thunder of her revolution still echoed, wrote, "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." In Iowa, by constitutional amendment, an

ominous political question is converted to a judicial question if your reapportionment is unsuccessful. We implore you to take now the necessary steps to keep that issue from our bench.

In closing, we salute and commend you for the study you have launched, and pledge our full cooperation. We ask you to support the reforms we propose, and we are ready to aid in implementing them.

In the final analysis, the judicial department has no resources unless you provide them. Iowans will hold each of our departments responsible, in varying degrees

—For deterring crime while preserving those basic human rights which distinguish our democracy from dictatorship,

—For accelerating delivery of even-handed justice without shattering those fragile freedoms so vulnerable to impatient haste,

—For effecting economies in legal processes while retaining and recruiting the necessary number of high-quality judges,

—For testing measures to open court operations to Iowans without disrupting trials.

Let us wish each other success in this challenging joint venture.

APPENDIX F

The needs mentioned in the following quoted portions of the Chief Justice's 1979 message have not been addressed:

"1. Judicial Nominating Commissioners.

Members of the Judicial Nominating Commission screen candidates for judgeships and submit nominees for vacanies. This is a vital and often time-consuming duty. We think it simply has been an oversight that you have not provided these commissioners be reimbursed for their mileage, meals and lodging while on state business attending commission meetings. We recommend such reimbursement be provided.

2. Appellate Rules.

We recently met with majority and minority members of your judiciary committees and suggested several technical amendments to statutes which would enable the supreme court, by rule, to conform appellate rules in civil and criminal cases. We recommend adoption of these amendments.

5. Commission On Judicial Qualifications.

This Commission of four lay persons, two lawyers and one judge investigates complaints about judges and makes disciplinary recommendations to the supreme

court. It performs an important function. The commission deserves a permanent staff person who could also follow up on complaints. Its jurisdiction should be extended to include complaints against magistrates."

Chief Justice Reynoldson was escorted from the House chamber by the committee previously appointed.

Representative Halvorson from Clayton moved that the joint convention be dissolved, which motion prevailed by a voice vote.

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

INTRODUCTION OF BILLS

Senate File 2156, by Miller of Des Moines and Coleman, a bill for an act relating to the requirement that an inspector carrying out an inspection of a health care facility pursuant to a complaint identify himself or herself upon arrival at the facility.

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

Senate File 2157, by Taylor, Bisenius and Jensen, a bill for an act to allow children to receive equivalent instruction in lieu of attendance at a school.

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

Senate File 2158, by Miller of Cerro Gordo and Hutchins, a bill for an act relating to the unemployment compensation contribution rate for employers with negative balances in their accounts.

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

Senate File 2159, by Schwengels, Brown, Small and Miller of Marshall, a bill for an act relating to nonprofit hospital service corporations.

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

Senate File 2160, by Murray, a bill for an act relating to the study of protections of persons and communities, who become unemployed and lose valuable benefits respectively, because of business closings, relocations, reductions of operations, or reductions of work force due to automation and providing an appropriation.

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

Senate File 2161, by Hutchins, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences.

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 return House File 2072 to your honorable body.

ALSO: That the House has on February 6, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 108, a resolution providing that a joint convention of the two houses of the 1980 session of the sixty-eighth general assembly be held in the House chamber on Tuesday, February 12, 1980, at 11:00 a.m.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 108
By: Halvorson of Clayton and Avenson

Be It Resolved by the House of Representatives, the Senate Concurring, That a joint convention of the two houses of the 1980 session of the sixty-eighth general assembly be held in the House chamber on Tuesday, February 12, 1980, at 11:00 a.m.

Be It Further Resolved, That the Honorable Arthur A. Neu be invited to deliver an address to the joint session in observance of Lincoln's birthday.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2162, by Baugher, a bill for an act authorizing the establishment of minimum standards for the rehabilitation of owner-occupied, private dwellings.

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

Senate File 2163, by Brown, a bill for an act to limit the number of days school may be in session to four days each week.

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

Senate File 2164, by Brown, a bill for an act requiring that the adoption of a county zoning regulation or ordinance be approved by a vote of the county.

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

Senate File 2165, by Taylor, a bill for an act prohibiting the possession of open containers of alcoholic beverages or beer in a motor vehicle and providing a penalty.

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

Senate File 2166, by Jensen, a bill for an act relating to the percentage of city fines and forfeitures to be paid to the county.

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

Senate File 2167, by Brown, a bill for an act relating to the months of a year that school is in session.

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

Senate File 2168, by Holden, a bill for an act relating to the duties of the county compensation board.

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

MOTIONS TO RECONSIDER CONSIDERED

Senator Hultman asked and received unanimous consent to suspend Senate Rule 24 in order to take up for consideration House File 2072, which passed the Senate on February 4, 1980, in order to correct an amendment adopted by the Senate on February 4, 1980.

Senator Hultman filed the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 2072 passed the Senate on February 4, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2072) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 2:

Comito	Tieden

Absent or not voting, 5:

DeKoster	Hester	Priebe	Readinger
Robinson			

The motion prevailed.

Senator Hultman moved to reconsider the vote by which House File 2072 went to its last reading, which motion prevailed.

House File 2072

On motion of Senator Hultman, House File 2072, a bill for an act 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, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes, by altering the qualification for a county to levy a property tax because of a federal

ordnance plant and making the Act retroactive, was taken up for reconsideration.

Senator Small filed the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which division S—5052B of the amendment to House File 2072 was adopted by the Senate on February 4, 1980.

The motion prevailed and division S—5052B of the amendment to page 14 of the bill was taken up for reconsideration.

Senator Small withdrew division S—5052B.

Senator Small offered amendment S—5069 filed by him from the floor to page 14 of the bill and moved its adoption.

Amendment S—5069 was adopted by a voice vote.

Senator Craft moved that the bill 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. 2072) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, E.R.	Murray	Nystrom	Orr
Ramsey	Rodgers	Rush	Schwengels
Scott	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 8:

Calhoon	Coleman	Gallagher	Kinley
Miller, C.P.	Palmer	Slater	Small

Absent or not voting, 4:

Hester	Priebe	Readinger	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

MR. PRESIDENT: I move to reconsider the vote by which House File 2072 passed the Senate on February 6, 1980.

LOWELL L. JUNKINS

MR. PRESIDENT: I move to reconsider the vote by which House File 2072 passed the Senate on February 6, 1980.

ROLF V. CRAFT

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 108.

Senate File 108

On motion of Senator Gratias, Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gratias offered amendment S—5024 filed by the committee on Education on January 31, 1980, to page 1 of the bill.

Senator Junkins raised the point of order that Senate File 108 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 108** was referred to the committee on **Ways and Means** under **Senate Rule 37.**

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2102.

Senate File 2102

On motion of Senator DeKoster, Senate File 2102, a bill for an act relating to the hospitalization of mentally ill persons, was taken up for consideration.

Senator Waldstein withdrew amendment S—5076 filed by him from the floor to page 7 of the bill.

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. 2102) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Hester	Priebe	Readinger	Robinson

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

President pro tempore Hansen took the chair at 5:04 p.m.

Senate File 2114

On motion of Senator Gentleman, Senate File 2114, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2114) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Ramsey	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

DeKoster	Hester	Priebe	Readinger
Robinson			

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

Senator Hultman asked and received unanimous consent to take up out of order House File 18.

House File 18

On motion of Senator Miller of Des Moines, House File 18, a bill for an act relating to the collection and distribution of state publications by the depository library center within the Iowa library department, with report of committee recommending passage, was taken up for consideration.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 18) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman

Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Hester	Priebe	Readinger	Robinson

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

House File 668

On motion of Senator Craft, House File 668, a bill for an act relating to determination of attorney's fees by the court and the recovery of costs in actions to recover payment on a check, draft, or written instrument which is written in violation of chapter seven hundred fourteen (714) of the Code, with report of committee recommending passage, was taken up for consideration.

Senator Craft moved that the bill 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. 668) the vote was:

Ayes, 41:

Bergman	Bisenius	Briles	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Ramsey	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Van Gilst	Waldstein
Yenger			

Nays, 2:

Baugher	Tieden

Voting present, 2:

Hutchins Palmer

Absent or not voting, 5:

Brown Hester Priebe Readinger
Robinson

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 6, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 109, a resolution supporting the development of the essential rail services in Iowa through the railroad assistance program and calling upon the President and Congress to provide for extended services.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 109
By: Pellett, Anderson of Audubon, Hansen of O'Brien, Schnekloth, Harbor, Danker, Husak, Corey, Hinkhouse, Lloyd-Jones, Woods, Welsh, Chiodo, Hummel, Lind, Walter, Shull, West, Conlon, Hanson of Delaware, Renken, Smalley, Wells, Pavich, Miller, O'Kane, Gettings, Krewson, Crabb, Connors, Welden, Bennett, Pope, Branstad, Maulsby, Johnson of Linn, Diemer, Egenes, Hullinger, Clark of Lee, Lorenzen, Cochran, Schroeder, Stromer, Johnson of Woodbury, Crawford, Pelton, McKean, Ritsema, Tofte, Shimanek, Holt, Mullins, Spear, Clark of Cerro Gordo, Bruner, De Grott, Menke, Lageschulte, Doyle, Davitt, Avenson and Halvorson of Clayton

Whereas, the future service level of Iowa's rail transportation system is uncertain as a result of mergers, bankruptcies and restructuring of midwestern railroads and

the resultant reorganization of financially insolvent carriers; and

Whereas, the Chicago, Rock Island and Pacific Railroad Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad, which provide about fifty percent of Iowa's trackage and rail service, are in bankruptcy and facing liquidation; and

Whereas, the rail restructuring gives Iowa an opportunity to give direction to the future of Iowa's rail system to meet users' rail service needs; and

Whereas, continued service in Iowa by the Rock Island and Milwaukee railroads may cease on March 2, 1980; and

Whereas, discontinued or interrupted service on essential branchlines and mainlines would create a direct negative impact upon the industrial and agricultural sectors of Iowa's economy and its future economic growth; and

Whereas, the nationally recognized Iowa branchline financial assistance program created by the sixty-fifth general assembly has been an effective and successful program for preserving and rehabilitating hundreds of miles of viable branchlines; and

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Whereas, substantial progress is being made in the branchline rehabilitation program, it is imperative that we immediately begin addressing the heavy backlog of needs on mainlines, yards, terminals, and sidings; and

Whereas, in the restructuring process it is necessary that a safe and efficient mainline system is developed and preserved to connect our viable branchlines to market opportunities in the south, north, east and west; and

Whereas, the state department of transportation has demonstrated effective leadership in rail planning and closely coordinated their activities with the general assembly, the United States Congress, federal and state agencies, shipper groups, rail users, other states and the bankruptcy courts to develop a private sector solution to the midwest rail crisis; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the general assembly express support of the state department of transportation and the direction of its efforts to achieve a sound and rational solution to the midwest rail crisis, and the general assembly supports the financial efforts of federal, state and local officials to develop a rail system capable of providing the service essential to the economic health of Iowa and its citizens; and

Be It Further Resolved, That the general assembly pledges its support through the railroad assistance program to help bring about a viable private sector solution to the midwest rail crisis; and

Be It Further Resolved, That the general assembly supports the state department of transportation's efforts to preserve service on essential and viable Milwaukee lines and to assure a prompt and orderly transfer of property and service

Page 3

to successor railroads, and secure extended directed service by the Interstate Commerce Commission on essential and viable Rock Island lines to assure an orderly transfer of property and service to successor railroads; and

Be It Further Resolved, That the general assembly calls upon the President of the United States, the United States Congress and the Interstate Commerce Commission to provide for a minimum of a sixty day continuation of directed service on those parts of the Rock Island railroad for which the Trustee has, before March first, begun negotiations.

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

APPENDIX

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jack E. Leaman, Ames, Story County, Iowa, for appointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH R. MILLER, Chairperson
LUCAS J. DE KOSTER
JOHN S. MURRAY
JAMES CALHOON
JOHN SCOTT

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Michael V. Reagen, Ph.D., Onondaga County, Syracuse, New York, for appointment as Commissioner of Social Services pursuant to Section 217.5, 1979 Code of Iowa, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
PATRICK J. DELUHERY
C. JOSEPH COLEMAN
NORMAN J. GOODWIN
ARTHUR L. GRATIAS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herbert S. Roth, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH R. MILLER, Chairperson
GEORGE R. KINLEY
BASS VAN GILST
STEPHEN W. BISENIUS
JAMES E. BRILES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Niel Ver Hoef, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, 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.

IRVIN L. BERGMAN, Chairperson
DAVID M. READINGER
STEPHEN W. BISENIUS
ROBERT M. CARR
C. JOSEPH COLEMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of C. Roger Fair, Davenport, Scott County, Iowa, for appointment as a member of the State Transportation Commission pursuant to Section 307.3, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

SUE YENGER, Chairperson
ELIZABETH R. MILLER
PATRICK J. DELUHERY
LOWELL L. JUNKINS
CALVIN O. HULTMAN

STUDY BILLS RECEIVED

S.S.B. 2174 Energy

Golf cart operation on municipal streets.

S.S.B. 2175 Judiciary

Deferred judgement, deferred sentence, suspended sentence and probation.

S.S.B. 2176 Judiciary

Judgement and sentencing procedures, Chapter 901.4.

S.S.B. 2177 Judiciary

Pretrial confidentiality.

S.S.B. 2178 Judiciary

County detention facilities and community corrections residential facilities.

S.S.B. 2179 Judiciary

Release of defendants and conditions of bail.

S.S.B. 2180 Judiciary

Advising court of agreement.

S.S.B. 2181 Judiciary

Judgement and sentencing procedures, Chapter 901.6.

S.S.B. 2182 Judiciary

Supervision during probationary period.

S.S.B. 2183 Ways and Means

Relating to property taxation by providing a renter's credit.

S.S.B. 2184 Ways and Means

Relating to property taxation by providing property tax relief through local option taxes.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 687

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 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, respectfully make the following report:

1. That the House recede from its amendment S—3678 to the Senate amendment H—4141 to House File 687 as amended, passed and reprinted by the House.

2. That the Senate amendment H—4141 to House File 687 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by inserting after line 7 the following:

"*NEW SUBSECTION.* 'Candidate' means a candidate as defined in section fifty-six point two (56.2) of the Code for a statewide office or the general assembly."

2. Page 1, by inserting after line 41 the following:

"*NEW SUBSECTION.* 'Public disclosure' means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted pursuant to this chapter.

NEW SUBSECTION. 'Immediate family members' means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the rules adopted or executive order issued pursuant to this chapter."

3. Page 1, by striking lines 45 through page 2, line 20 and inserting in lieu thereof the following:

"1. The house of representatives and the senate shall adopt rules relating to the reporting of gifts made to members of the general assembly, legislative employees and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

2. The governor shall issue an executive order relating to the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

3. The supreme court of this state shall adopt rules relating to the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

4. The governing body of a political subdivision of this state may adopt rules relating to the reporting of gifts made to its respective members or their immediate family members and employees of the political subdivision of this state or their immediate family members. Such rules as adopted shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals having a value which exceeds fifteen dollars in any one occurrence.

Where such rules are not adopted a local official or local employee shall make public disclosure by filing a report with the county auditor of the county of that person's residence setting out the nature, amount, date and donor of any gift made to the person or to the person's immediate family members which exceeds fifteen dollars in value in any one occurrence. The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. A person who does not make public disclosure of gifts as required by the rules adopted or executive order issued pursuant to this chapter or who does not make public disclosure as required by this chapter shall be guilty of a serious misdemeanor."

4. Page 2, by striking lines 21 through 36 and inserting in lieu thereof the following:

"Sec. 8. Section sixty-eight B point five (68B.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

68B.5 GIFTS SOLICITED OR ACCEPTED. An official, employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer or make any such gift to an official, employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence."

5. Page 3, by inserting after line 2 the following:

"___. Page 2, by striking lines 17 through 32."

6. Page 5, by inserting after line 6 the following:

"___. Page 19, by inserting after line 4 the following:

'Sec. ___. Section five hundred seven B point four (507B.4), subsections twelve (12) and thirteen (13), Code 1979, are amended by striking the subsections.' "

7. Page 6, by inserting after line 31 the following:

"11. Page 19, by inserting after line 24 the following:

'Sec. ___. Senate File three hundred sixty-two (362), section four (4), subsection three (3), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

3. To be eligible for the loans, the local development corporation must secure the agreement of the commission to make the loan for the [second] *first* year after completion before commencing construction of the building.'

12. Page 19, by striking lines 25 and 26."

8. By renumbering the amendment to conform with this amendment.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
WILLIAM H. HARBOR, Chairperson	RICHARD R. RAMSEY, Chairperson
RICHARD L. BYERLY	RICHARD F. DRAKE
NORMAN G. JESSE	BERL E. PRIEBE
LAVERNE W. SCHROEDER	BOB RUSH
	ARNE WALDSTEIN

EXPLANATION OF VOTE

MR. PRESIDENT: I inadvertently voted "aye" on the final passage of House File 2072 when it was reconsidered for a technical change on February 6, 1980. I am opposed to House File 2072.

JOANN ORR

SUPPLEMENTAL REPORT OF THE 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 and appoints the following committees to prepare suitable memorial resolutions:

Anderson, Carl T., Washington

Forrest V. Schwengels, Chairperson
Charles P. Miller
Sue Yenger

McGill, Donald S., Melrose

Richard R. Ramsey, Chairperson
James E. Briles
Bass Van Gilst

Putney, Lawrence, Gladbrook

Joann Orr, Chairperson
A. R. Kudart
Elizabeth R. Miller

MERLIN D. HULSE, Chairperson
JAMES CALHOON
ROLF V. CRAFT
ALVIN V. MILLER

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 29, 1980, 1:40 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, E. Miller, Tieden, Waldstein, A. Miller, Van Gilst and Priebe (arrived 1:47 p.m.).

Members Absent: none.

Final Action: HOUSE FILE 225, a bill for an act relating to the licensing and regulations of the sale of eggs.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5068.

Final Vote: Ayes, 10: Bergman, Hester, Hutchins, Hulse, E. Miller, Tieden, Waldstein, A. Miller, Van Gilst and Priebe. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned SSB's 2101, 2102 and 2135 to subcommittees.

Adjourned: 2:45 p.m.

ENERGY

Convened: February 6, 1980, 12:35 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Deluhery and Waldstein.

Members Absent: Briles, Brown, Readinger and Rodgers (excused).

Other Business: Announced subcommittee assignments; SSB 2080 ordered redrafted for final approval as a committee bill.

Adjourned: 12:50 p.m.

HUMAN RESOURCES

Convened: February 6, 1980, 1:32 p.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Carney, Carr, Craft, Hansen, Hulse, A. Miller, Orr and Slater (arrived 1:34 p.m.).

Members Absent: none.

Final Action: SENATE FILE 2097, a bill for an act relating to the distribution of the bodies of deceased persons.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5070.

Final Vote: Ayes, 12: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hansen, Hulse, A. Miller, Orr and Slater. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB's 2003, 2005, 2006 ordered redrafted for approval as committee bills.

Adjourned: 2:20 p.m.

JUDICIARY

Convened: February 5, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Briles, Coleman, Deluhery, Gentleman, Hansen, Murray, Ramsey, Baugher, Scott and Slater.

Members Absent: none.

Final Action: SENATE FILE 2154, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Briles, Coleman, Deluhery, Gentleman, Hansen, Murray, Ramsey, Baugher, Scott and Slater. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 315, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Baugher, Briles, Coleman, Deluhery, Gentleman, Hansen, Murray and Slater. Nays, 5: DeKoster, Kudart, Ramsey, Rush and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: February 6, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Hansen, Murray, Ramsey, Coleman, Deluhery, Slater and Scott.

Members Absent: none.

Final Action: SENATE FILE 241, 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.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Hansen, Murray, Ramsey, Coleman, Deluhery, Slater and Scott. Nays, 1: Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 673, a bill for an act increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5075.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Hansen, Murray, Ramsey, Coleman, Deluhery and Slater. Nays, 1: Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: January 30, 1980, 3:00 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Gratias, Schwengels, Tieden, Calhoon, Gallagher and Rodgers.

Members Absent: none.

Final Action: SENATE FILE 2149, a bill for an act to amend provisions relating to hunting license fees and stamps, by increasing the nonresident hunting license fee, combining the wildlife habitat stamp fee with certain hunting license fees and striking the requirement for a special wildlife habitat stamp and a nonresident pheasant stamp, by increasing deer hunting fees and expanding the farmer-tenant license, and subjecting violators to a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: E. Miller, Goodwin, Priebe, Gratias, Schwengels, Tieden, Calhoon and Rodgers. Nays, 1: Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:15 p.m.

TRANSPORTATION

Convened: February 6, 1980, 1:34 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Goodwin, Holden, Coleman and Small.

Members Absent: Nystrom and Robinson.

Final Action: SENATE CONCURRENT RESOLUTION 104, a resolution regarding Iowa's Rail Transportation System.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Drake, Jensen, Scott, Comito, Goodwin, Holden, Coleman and Small. Nays, none. Absent or not voting, 2: Nystrom and Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2039, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Drake, Jensen, Scott, Comito, Goodwin, Holden, Coleman and Small. Nays, none. Absent or not voting, 2: Nystrom and Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:20 p.m.

Referred to the committee on Appropriations under Senate Rule 37.

PRESENTATION OF VISITORS

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

Thirty students from the law class of Indian Hills Community College, Ottumwa Heights Campus, accompanied by their instructor, Clark Mefford. Senator Yenger.

AMENDMENTS FILED

S—5066	S. F.	458	Tom Slater
S—5067	S. F.	458	Tom Slater
S—5068	H.F.	225	Agriculture Committee

S—5069	H.F.	2072	Arthur A. Small, Jr.
S—5070	S. F.	2097	Human Resources Committee
S—5071	S. F.	108	Stephen W. Bisenius
S—5072	S. C.R.	104	C. W. Hutchins John Scott
S—5073	S. F.	439	Ray Taylor
S—5074	S. F.	278	A. R. Kudart Bob Rush
S—5075	H.F.	673	Judiciary Committee
S—5076	S. F.	2102	Arne Waldstein

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:31 p.m., until 9:00 a.m., Thursday, February 7, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

TWENTY-FIFTH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 7, 1980

The Senate met in regular session at 9:08 a.m., President Branstad presiding.

Prayer was offered by Friedhelm Radant, President of Northwestern College, Orange City, Iowa.

The Journal of Wednesday, February 6, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion, Iowa.

INTRODUCTION OF BILLS

Senate Joint Resolution 2003, by Waldstein, Rush, Kudart, Craft, Taylor and Priebe, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to propose and enact or reject statutes by initiative petition and to reject acts of the General Assembly by referendum.

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

Senate File 2169, by Brown, a bill for an act prohibiting the sale of cigarettes and tobacco products from vending machines.

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

Senate File 2170, by Waldstein, a bill for an act relating to the acceptance of gifts by public officials and employees and subjecting violators to a penalty.

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

Senate File 2171, by Hutchins and Scott, a bill for an act providing an income tax credit for purchasing or constructing an alcohol fuel production facility which produces from agricultural products grain alcohol for fuel.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:02 p.m., President Branstad presiding.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2072

Senator Junkins withdrew the motion to reconsider House File 2072, a bill for an act 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, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes, by altering the qualification for a county to levy a property tax because of a federal ordnance plant and making the Act retroactive, filed by him on February 6, 1980, and found on page 334 of the Senate Journal.

House File 2072

Senator Craft withdrew the motion to reconsider House File 2072 filed by him on February 6, 1980, and found on page 334 of the Senate Journal.

INTRODUCTION OF BILLS

Senate File 2172, by Rodgers, a bill for an act relating to the licensing fees of food establishments.

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

Senate File 2173, by Priebe, a bill for an act relating to venue for certain traffic offenses.

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

Senate File 2174, by Carney, a bill for an act to amend section eighty-five point seventy-one (85.71) of the Code relating to workers' compensation benefits for persons employed outside of the state.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:07 p.m., President pro tempore Hansen presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hutchins and Gallagher for the afternoon on request of Senator Junkins; Senator Readinger 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 February 6, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 437, a bill for an act to repeal the limitation on charitable devises.

ALSO: That the House has on February 6, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2240, a bill for an act to make library circulation and registration records confidential records.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2240, a bill for an act to make library circulation and registration records confidential records.

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

HOUSE AMENDMENT TO
SENATE FILE 437

S—5079

Amend Senate File 437 as passed by the Senate as follows:

1. Page 1, by striking line 8 and inserting in lieu thereof the words "hospitalized to be deemed [a lunatic,] a person of unsound mind,".

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 105
By: Priebe, Gallagher, Schwengels and Ramsey

Whereas, the Iowa General Assembly appropriated funds for the purpose of investigating a coal gasification project for Forest City, Iowa, and

Whereas, a study was completed on the Forest City coal gasification project, and

Whereas, the Energy Policy Council accepted the report of the Billings Corporation, and

Whereas, the United States Secretary of Energy has requested the city of Forest City to submit an application for funding the coal gasification plan to be located in Forest City, and

Whereas, the ultimate determination of the economics of coal gasification will require additional in-depth study; *Now Therefore*,

Be It Resolved by the Senate, That the Senate of the Sixty-eighth General Assembly encourages the city of Forest City to make application to the United States Department of Energy for the necessary funds to complete the study.

Read first time and referred to the committee on **Rules and Administration.**

SENATE CONCURRENT RESOLUTION 105
By: Orr

Whereas, the educational needs of the children of Iowa are important to the future and productivity of Iowa and to the advancement of the children receiving the education; and

Whereas, in the next twenty years, society will generate changes and differences and the leaders in education will need to implement changes in the educational needs and goals to meet this challenge of change; and

Whereas, the awareness of the shortage of energy that is present today will also affect the goals and intentions of the educational programs and goals within the state; and

Whereas, changes of society will affect the environment of the home and attitudes of parents and educators alike and educational standards will need to promote the coexistence of parents and education; and

Whereas, society's demands will become increasingly more stringent and difficult to meet and the children of Iowa will need to strive to learn substantially more at an earlier age to meet the demands; and

Whereas, the generosity of Iowans that has been shown by accepting a large number of refugees in the recent past has placed a great number of refugee children in the educational facilities of Iowa; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the general assembly requests the department of public instruction to establish a task force to study the future direction of education in Iowa, the current status and the needs and goals for education of the next

Page 2

twenty years, possible changes in the calendar months of the school year and other possible effects of the current energy situation, the feasibility of promoting the responsibilities of parenthood, early childhood education, and the challenge of the education of refugee children.

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

INTRODUCTION OF BILLS

Senate File 2175, by Holden, a bill for an act relating to a flashing light displayed on a slow moving vehicle.

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

Senate File 2176, by Gentleman, a bill for an act establishing a privacy commission and making an appropriation.

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

Senate File 2177, by Nystrom, a bill for an act relating to benefits paid to retired members of the peace officers' retirement, accident and disability system.

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

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up out of order Senate Concurrent Resolution 104.

Senate Concurrent Resolution 104

On motion of Senator Drake, Senate Concurrent Resolution 104, a resolution relating to Iowa's rail transportation system, filed February 5, 1980, found on pages 302 and 303 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Drake asked and received unanimous consent that **House Concurrent Resolution 109** be **substituted** for **Senate Concurrent Resolution 104.**

House Concurrent Resolution 109

On motion of Senator Drake, House Concurrent Resolution 109, a resolution relating to Iowa's rail transportation system, filed February 6, 1980, and found on pages 338-340 of the Senate Journal, was taken up for consideration.

Senator Hultman asked and received unanimous consent that action on House Concurrent Resolution 109 be temporarily deferred.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2117.

Senate File 2117

On motion of Senator Jensen, Senate File 2117, a bill for an act relating to requirements for holding a meeting with an area education agency board or the boards of contiguous school districts and the board of a school district proposing to issue general

obligation bonds for the construction or renovation of a school building, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2117) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Craft	Gallagher	Hutchins	Kinley
Readinger			

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

Senate File 2118

On motion of Senator Briles, Senate File 2118, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services, was taken up for consideration,

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

On the question "Shall the bill pass?" (S.F. 2118) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr

Coleman	Comito	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Craft	Gallagher	Hutchins	Kinley
Readinger			

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

Senate File 2119

On motion of Senator Briles, Senate File 2119, a bill for an act to repeal section two hundred forty-six point seventeen (246.17) of the Code, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2119) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Briles	Craft	Gallagher	Hutchins
Kinley	Readinger	Tieden	

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

BILL REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate File 2120** be referred to the committee on **Judiciary** until **February 18, 1980,** and returned to its place on the calendar.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2121.

Senate File 2121

On motion of Senator Holden, Senate File 2121, a bill for an act relating to the powers of savings and loan associations, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2121) the vote was:

Ayes, 37:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hultman	Jensen
Junkins	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Robinson	Rush	Schwengels
Scott	Taylor	Tieden	Waldstein
Yenger			

Nays, 7:

Coleman	Hulse	Kudart	Miller, E.R.
Rodgers	Small	Van Gilst	

Absent or not voting, 6:

Craft	Gallagher	Hutchins	Kinley
Readinger	Slater		

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2123.

Senate File 2123

On motion of Senator Miller of Des Moines, Senate File 2123, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs, was taken up for consideration.

Senator Baugher offered amendment S—5081 filed by him from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5081 be adopted?" (S.F. 2123) the vote was:

Ayes, 17:

Baugher	Bergman	Bisenius	Comito
Craft	Gentleman	Goodwin	Gratias
Hansen	Hulse	Hultman	Jensen
Ramsey	Small	Taylor	Tieden
Waldstein			

Nays, 28:

Briles	Brown	Calhoon	Carney
Carr	Coleman	DeKoster	Deluhery
Drake	Hester	Holden	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Schwengels	Scott	Van Gilst	Yenger

Absent or not voting, 5:

Gallagher	Hutchins	Kinley	Readinger
Slater			

Amendment S—5081 lost.

Senator Kudart offered amendment S—5082 filed by Senators Kudart, Hester and Waldstein from the floor to page 1 of the bill and moved its adoption.

Amendment S—5082 was adopted by a voice vote.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2123) the vote was:

Ayes, 38:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
DeKoster	Deluhery	Drake	Goodwin
Gratias	Hansen	Hester	Hulse
Hultman	Jensen	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Robinson	Rodgers	Rush	Schwengels
Scott	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 7:

Baugher	Comito	Craft	Gentleman
Holden	Junkins	Small	

Absent or not voting, 5:

Gallagher	Hutchins	Kinley	Readinger
Slater			

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

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: SENATE RESOLUTION 105, a resolution urging the city of Forest City to apply for funds from the U.S. Department of Energy to complete the study for a coal gasification plant in Forest City.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Hultman, Hulse, Hansen, Junkins and Ramsey. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for consideration Senate Resolution 105.

Senate Resolution 105

On motion of Senator Priebe, Senate Resolution 105, a resolution urging the city of Forest City to apply for funds from the U.S. Department of Energy to complete a study for a coal gasification plant in Forest City, filed February 7, 1980, found on pages 355-356 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Priebe moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

BUSINESS PENDING

House Concurrent Resolution 109

The Senate resumed consideration of House Concurrent Resolution 109, previously deferred.

Senator Scott offered amendment S—5084 filed by him from the floor to page 2 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5084 be adopted?" (H.C.R. 109) the vote was:

Ayes, 32:

Bisenius	Briles	Brown	Calhoon
Carr	Coleman	Deluhery	Gentleman
Gratias	Holden	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Robinson	Rodgers	Rush
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 13:

Baugher	Bergman	Carney	Comito
Craft	DeKoster	Drake	Goodwin
Hansen	Hester	Hulse	Hultman
Jensen			

Absent or not voting, 5:

Gallagher	Hutchins	Kinley	Readinger
Slater			

Amendment S—5084 was adopted.

Senator Drake moved the adoption of House Concurrent Resolution 109 as amended, which motion prevailed by a voice vote.

WITHDRAWN

Senator Drake asked and received unanimous consent that **Senate Concurrent Resolution 104** be withdrawn from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House Concurrent Resolution 109**, as amended, be immediately messaged to the House, which request was complied with.

INTRODUCTION OF BILL

Senate File 2178, by Committee on State Government, a bill for an act to permit pari-mutuel betting in Iowa, by creating a state racing commission and prescribing its powers and duties, providing for licensing of certain organizations for the purpose of conducting horse racing meets, by imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties.

Read first time and referred to the committee on **Ways and Means** under **Senate Rule 37**.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 2001

Ways and Means
Craft, Chairperson
Hultman
Rodgers

SENATE JOINT RESOLUTION 2002

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2039

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2041

Transportation
Goodwin, Chairperson
Small
Nystrom

SENATE FILE 2087

Transportation
Holden, Chairperson
Small
Robinson

SENATE FILE 2091

Judiciary
Coleman, Chairperson
Briles
Slater

SENATE FILE 2092

Natural Resources
Gratias, Chairperson
Goodwin
Calhoon

SENATE FILE 2093

Commerce
Goodwin, Chairperson
Comito
Rush

SENATE FILE 2094

Judiciary
Kudart, Chairperson
Slater
Rush

SENATE FILE 2097

Human Resources
Hansen, Chairperson
C. Miller
Bergman

SENATE FILE 2099

Human Resources
Yenger, Chairperson
Carr
Hulse

SENATE FILE 2100

Judiciary
Gentleman, Chairperson
Murray
Rush

SENATE FILE 2103

County Government
Baugher, Chairperson
Slater
Nystrom

SENATE FILE 2104

Commerce
Rush, Chairperson
Bergman
Goodwin

SENATE FILE 2105

Natural Resources
Goodwin, Chairperson

SENATE FILE 2107

Transportation
Holden, Chairperson

Gratias
Calhoon
Small
Robinson

SENATE FILE 2109

Education
Carney, Chairperson
Taylor
Small

SENATE FILE 2110

Commerce
Gentleman, Chairperson
Goodwin
Priebe

SENATE FILE 2112

Education
Gratias, Chairperson
Jensen
Brown

SENATE FILE 2113

Appropriations
Appropriations Subcommittee on
Transportation and Law Enforcement

SENATE FILE 2115

Education
Jensen, Chairperson
DeKoster
Brown

SENATE FILE 2116

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2128

Judiciary
Ramsey, Chairperson
Hansen
Coleman

SENATE CONCURRENT RESOLUTION 102

Human Resources
Bergman, Chairperson
A. Miller
Carney

SENATE CONCURRENT RESOLUTION 103

Human Resources
Carney, Chairperson
Hulse
Carr

SENATE CONCURRENT RESOLUTION 104

Transportation
Drake, Chairperson
Robinson
Small

SSB 2057

Agriculture
Tieden, Chairperson
A. Miller
Waldstein

SSB 2058

Agriculture
Tieden, Chairperson
A. Miller
Waldstein

SSB 2059

Agriculture
Tieden, Chairperson
A. Miller
Waldstein

SSB 2081

Agriculture
Hester, Chairperson
Priebe
E. Miller

SSB 2148

Judiciary
Coleman, Chairperson
Gentleman
Baugher

SSB 2149

Judiciary
Ramsey, Chairperson
Baugher
Scott

SSB 2150

Judiciary
Ramsey, Chairperson
Baugher
Scott

SSB 2151

Ways and Means
Drake, Chairperson
Hutchins
Baugher

SSB 2152

Ways and Means
Craft, Chairperson
Readinger
Hester
Van Gilst
Comito
Junkins

SSB 2153

Commerce
Holden, Chairperson
Bergman
Robinson

SSB 2154

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SSB 2155

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SSB 2156

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SSB 2157

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SSB 2160

Energy
Readinger, Chairperson
Waldstein
Gallagher

SSB 2161

Energy
Waldstein, Chairperson
Ramsey
Brown

SSB 2162

Judiciary
Ramsey, Chairperson
Kudart
Coleman

SSB 2163

Judiciary
Scott, Chairperson
Slater
Baugher

SSB 2164

Judiciary
Murray, Chairperson
Ramsey
Slater

SSB 2165

Agriculture
Priebe, Chairperson
Tieden
E. Miller

SSB 2166

Agriculture
Waldstein, Chairperson
Hutchins
Van Gilst

SSB 2167

Agriculture
E. Miller, Chairperson
Hulse
A. Miller

SSB 2168

Commerce
Rush, Chairperson
Bergman
Gentleman

SSB 2169

Commerce
Holden, Chairperson
Bergman
Comito
Robinson
Deluhery

SSB 2170

Judiciary
Baugher, Chairperson
Ramsey
Slater

SSB 2171

Judiciary
Gentleman, Chairperson
Baugher
Slater

SSB 2172

Judiciary
Coleman, Chairperson
Ramsey
Scott

SSB 2173

Transportation
Small, Chairperson
Drake
Robinson

SSB 2174

Energy
Ramsey, Chairperson
Rodgers
Brown

SSB 2175

Judiciary
Slater, Chairperson
Hansen
Murray

SSB 2176

Judiciary
Gentleman, Chairperson
Baugher
Scott

SSB 2177

Judiciary
Deluhery, Chairperson
Murray
Ramsey

SSB 2178

Judiciary
Hansen, Chairperson
Coleman
Briles

SSB 2179

Judiciary
Scott, Chairperson
Rush
Murray

SSB 2180

Judiciary
Baugher, Chairperson
Rush
Kudart

SSB 2181

Judiciary
Hansen, Chairperson
Kudart
Deluhery

SSB 2182

Judiciary
Scott, Chairperson
Slater
Hansen

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2137	Commerce
S. F.	2138	State Government
S. F.	2139	State Government
S. F.	2140	County Government
S. F.	2141	Human Resources
S. F.	2142	Agriculture
S. F.	2143	Agriculture
S. F.	2144	Appropriations
S. F.	2145	Energy
S. F.	2146	Ways and Means
S. F.	2147	State Government
S. F.	2150	Labor and Industrial Relations
S. F.	2151	Judiciary
S. F.	2152	State Government
S. F.	2153	State Government
S. F.	2155	Commerce
S. F.	2156	State Government
S. F.	2157	Education
S. F.	2158	Labor and Industrial Relations
S. F.	2159	State Government
S. F.	2160	Commerce
S. F.	2161	Judiciary
S. F.	2162	State Government
S. F.	2163	Education
S. F.	2164	County Government
S. F.	2165	Transportation
S. F.	2166	County Government
S. F.	2167	Education
S. F.	2168	County Government
H.F.	747	Transportation
H.C.R.	108	Rules and Administration

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas R. Dunbar, Des Moines, Polk County, Iowa, for appointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROLF V. CRAFT, Chairperson
JULIA B. GENTLEMAN
PATRICK J. DELUHERY
RICHARD F. DRAKE
JAMES V. GALLAGHER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jack W. Peters, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the Iowa State Civil Rights Commission under the provisions of Section 601A.3, 1979 Code of Iowa, for the regular four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

A.R. KUDART, Chairperson
JOHN W. JENSEN
TOM SLATER
JOHN S. MURRAY
BERL E. PRIEBE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Eugene J. Siegert, Dubuque, Dubuque County, Iowa, for appointment as a member of the State Board of Mortuary Science Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLARENCE S. CARNEY, Chairperson
BOB RUSH
RICHARD COMITO
ROBERT M. CARR
STEPHEN W. BISENIUS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert G. Koons, Clinton, Clinton County, Iowa, for reappointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1979 Code of Iowa, for a regular six-year term commencing January 2, 1980, and ending January 1, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLARENCE S. CARNEY, Chairperson
NORMAN J. GOODWIN
C. JOSEPH COLEMAN
RICHARD COMITO

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mary E. Robinson, Cedar Rapids, Linn County, Iowa, for appointment to the State Board of Public Instruction under the provisions of Section 257.1, 1979 Code of Iowa, for a six-year term commencing January 2, 1980, and ending January 1, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
BOB RUSH
RAY TAYLOR
TOM SLATER
JAMES E. BRILES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Norman Scott, Ph.D., Ames, Story County, Iowa, for appointment as a member of the State Board of Psychology Examiners under the provisions of Section 147.14, 1979 Code of Iowa, 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.

EDGAR H. HOLDEN, Chairperson
JOHN S. MURRAY
NORMAN G. RODGERS
JACK W. HESTER
JOANN ORR

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Julia A. Shirk, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARNE WALDSTEIN, Chairperson
SUE YENGER
WILLIAM D. PALMER
BERL E. PRIEBE
GARY BAUGHER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald Knudsen, Eagle Grove, Wright County, Iowa, for appointment as a member of the State Conservation Commission pursuant to Section 107.1, 1979 Code of Iowa, for a six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARNE WALDSTEIN, Chairperson
BASS VAN GILST
RAY TAYLOR
JOE BROWN
JACK W. HESTER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Clifford Stille, Macedonia, Pottawattamie County, Iowa, for appointment as a member of the State Soil Conservation Committee under the provisions of Section 467A.4, 1979 Code of Iowa, for the regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
JOANN ORR
TOM SLATER
FORREST V. SCHWENGELS
W.R. BILL HANSEN

STUDY BILLS RECEIVED

S.S.B. 2185 Appropriations Subcommittee on Human Resources

Appropriating funds to supplement funds appropriated to various departments by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, for the fiscal year beginning July 1, 1979.

S.S.B. 2186 Appropriations Subcommittee on Human Resources

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9 relating to appropriating funds to state agencies for designated service programs including health programs, civil rights and programs for minority and elderly persons.

S.S.B. 2187 County Government

Relating to the release of a security interest on a registered vehicle.

S.S.B. 2188 County Government

Relating to the disposition of fines and forfeitures.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 7, 1980, 9:35 a.m.

Members Present: Coleman, Ranking Member; Drake, Gentleman and A. Miller.

Members Absent: Readinger, Chairperson (excused).

Other Business: Glen R. Bowles, Executive Director for the Commission on Aging, along with Mary Ann Olson, Louise Rosenfeld and Harry Prug, gave a brief

presentation on the aging; Artis Reis, Iowa Civil Rights Commission, was present; approved SSB's 2185 and 2186 and sent to the full Appropriations Committee.

Adjourned: 12:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 7, 1980, 9:45 a.m.

Members Present: Bisenius, Chairperson; Orr, Ranking Member; Comito, Hester and C. Miller.

Members Absent: none.

Other Business: Recommended appropriations for the Iowa Beer & Liquor Control Department for outside warehousing and the State Comptroller's office for municipal and county assistance funds; recommended repeal of the Code section requiring mandatory deposit on alcoholic beverage containers sold by the Iowa Beer & Liquor Control Department.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 7, 1980, 9:30 a.m.

Members Present: Schwengels, Chairperson; Rush, Ranking Member; Carney and Gratias.

Members Absent: Priebe.

Other Business: Recommended appropriations for the Office of the Citizens' Aide; Office for Planning and Programming, Rural Community Development Program and General Services.

Adjourned: 9:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: February 7, 1980, 9:35 a.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Holden, Scott and Waldstein.

Members Absent: none.

Other Business: Completed committee work.

Adjourned: 11:55 a.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 278 of the February 1, 1980, Senate Journal.

Convened: January 31, 1980, 3:05 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Drake (excused).

Final Action: SENATE FILE 2178, a bill for an act to permit pari-mutuel betting in Iowa, by creating a state racing commission and prescribing its powers and duties, providing for licensing of certain organizations for the purpose of conducting horse racing meets, by imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Slater, Bisenius, Brown, Carr, Gallagher, C. Miller, Murray, Rodgers and Yenger. Nays, 4: Nystrom, Schwengels, Gratias and E. Miller. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

WAYS AND MEANS

Convened: February 7, 1980, 1:45 p.m.

Members Present: Craft, Chairperson; Rodgers, Ranking Member; Baugher, Comito, Hester, Holden, Ramsey, Rush, Scott and Van Gilst.

Members Absent: Readinger, Vice Chairperson (excused), Hutchins (excused), Drake, Hultman and Junkins.

Other Business: Assigned bills to subcommittees.

Adjourned: 1:50 p.m.

AMENDMENTS FILED

S—5077	S. F.	108	Ray Taylor
S—5078	S. F.	108	William D. Palmer

S—5080	S. F.	2124	John N. Nystrom
S—5081	S. F.	2123	Gary L. Baugher
S—5082	S. F.	2123	A.R. Kudart
			Jack W. Hester
			Arne Waldstein
S—5083	S. F.	2163	Joe Brown
S—5084	H.C.R.	109	John Scott

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:43 p.m., until 10:00 a.m., Monday, February 11, 1980.

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 11, 1980

The Senate met in regular session at 10:12 a.m., President Branstad presiding.

Prayer was offered by the Reverend Howell Bischoff, pastor of the Zion United Church of Christ, Calumet, Iowa.

The Journal of Thursday, February 7, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, Lake City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rush for the day on request of Senator Hutchins and Senator Hester for the day on request of Senator Hultman.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

February 4, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Artis Reis, Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa State Civil Rights Commission pursuant to Section 601A.3, 1979 Code of Iowa.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 106
By: Hultman and Junkins

Whereas, House File 2072 provides for a comprehensive study of the present property tax structure and enumerates specific areas of the property tax structure that should be studied; and

Whereas, in order that the impact of property taxes are fully understood it is necessary that exemptions from property taxes be thoroughly reviewed; and

Whereas, House File 2072 does not enumerate that property tax exemptions should be studied; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the study committee created in House File 2072 shall consider the impact of tax exempt property, particularly but not limited to property owned by the state within political subdivisions, and shall also consider the creation of a tax reimbursement program designed to compensate political subdivisions for the loss of tax revenues because of the tax exempt status of state and other governmental property.

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

SENATE CONCURRENT RESOLUTION 107
By: Hultman

Whereas, a special joint committee on courts was authorized by the legislative council to meet during the 1979 interim and the 1980 session of the general assembly; and

Whereas, the purpose of this committee is to confer jointly with the Iowa supreme court and members of the public to consider legislation for the reform of the organization, administration, supervision and funding of the state court system as recommended by the chief justice of the Iowa supreme court in the message of the condition of the judicial department presented to the members of the general assembly on February 6, 1979; and

Whereas, the committee has begun its assigned task and determined that the formulation of adequate legislation concerning reform of the Iowa court system will require extensive research, including the gathering of relevant personnel and financial data from state and county offices; and

Whereas, the legislative council has received federal

funds to contract for the gathering of much of the required data and a contractor has been employed; and

Whereas, the final report of the contractor, including recommendations for reform of the court system will not be completed until July 31, 1980; and

Whereas, study by the special joint committee on courts of the report of the contractor and further input by those within the court system and by the public is necessary before the committee can determine the necessity of court system reform and recommend necessary legislation; *Now*

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Therefore,

Be It Resolved by the Senate, the House Concurring, That the special joint committee on courts as previously established be allowed to continue its work during the 1980 legislative interim at such times as the legislative council determines.

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

INTRODUCTION OF BILLS

Senate File 2179, by Committee on Transportation, a bill for an act relating to railroad and highway grade crossings.

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

Senate File 2180, by Bisenius, a bill for an act providing for compensation of victims of certain crimes and providing a penalty.

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 February 7, 1980, concurred in the Senate amendment and passed House File 2072, a bill for an act relating to property taxation.

DAVID L. WRAY, Chief Clerk

QUORUM CALL

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

Roll call revealed a quorum present.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2124.

Senate File 2124

On motion of Senator Nystrom, Senate File 2124, a bill for an act relating to the storage of a registered snowmobile, was taken up for consideration.

Senator Nystrom offered amendment S—5080 filed by him on February 7, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5080 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2124) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Comito	Hester	Orr	Rush

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

Senate File 2125

On motion of Senator Briles, Senate File 2125, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor, was taken up for consideration.

Senator Ramsey asked and received unanimous consent that action on Senate File 2125 be temporarily deferred.

Senate File 2126

On motion of Senator Drake, Senate File 2126, a bill for an act abolishing the additional bonus and disability fund, 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. 2126) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Hester	Orr	Rush

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

Senate File 2136

On motion of Senator Drake, Senate File 2136, a bill for an act to make library circulation and registration records confidential records, was taken up for consideration.

Senator Drake offered amendment S—5085 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5085 was adopted by a voice vote.

Senator Drake asked and received unanimous consent that **House File 2240** be **substituted** for **Senate File 2136** as amended.

House File 2240

On motion of Senator Drake, House File 2240, a bill for an act relating to public and confidential governmental records and providing a penalty, was taken up for consideration.

Senator Gentleman asked and received unanimous consent that action on House File 2240 be temporarily deferred.

BUSINESS PENDING

Senate File 2125

The Senate resumed consideration of Senate File 2125, previously deferred.

Senator Ramsey offered amendment S—5087 filed by him from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5087 be adopted?" (S.F. 2125) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 14:

Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Holden	Murray
Orr	Priebe	Ramsey	Robinson
Scott	Taylor		

Nays, 32:

Baugher	Bergman	Briles	Calhoon
Carney	Carr	Craft	Gentleman
Goodwin	Gratias	Hansen	Hulse

Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Palmer	Readinger
Rodgers	Schwengels	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Voting present, 1:

Bisenius

Absent or not voting, 3:

Brown	Hester	Rush

Amendment S—5087 lost.

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. 2125) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 38:

Baugher	Bergman	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	Gentleman	Goodwin	Gratias
Hansen	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 9:

Comito	DeKoster	Deluhery	Drake
Gallagher	Holden	Orr	Ramsey
Robinson			

Voting present, 1:

Bisenius

Absent or not voting, 2:

Hester	Rush

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

House File 2240

The Senate resumed consideration of House File 2240, previously deferred.

Senator Gentleman offered amendment S—5088 filed by her from the floor to page 1 of the bill and moved its adoption.

Amendment S—5088 was adopted by a voice vote.

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. 2240) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

Robinson	Taylor

Absent or not voting, 2:

Hester	Rush

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

WITHDRAWN

Senator Drake asked and received unanimous consent that **Senate File 2136** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILL

Senate File 2002

On motion of Senator Nystrom, Senate File 2002, a bill for an act relating to expenditure of profits from auxiliary services by area schools, with report of committee recommending amendment and passage, was taken up for consideration.

Senator DeKoster offered amendment S—5059 filed by the committee on Education on February 5, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5059 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2002) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Yenger

Nays, 4:

Gratias	Hansen	Taylor	Waldstein

Absent or not voting, 2:

Hester	Rush

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

UNFINISHED BUSINESS
(Pending January 28, 1980)

Senate File 360

The Senate resumed consideration of Senate File 360, a bill for an

act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeanor; providing that the accommodation offense applies only to one ounce or less of marijuana; and removing the prohibition against deferred judgments, deferred sentences and suspended sentences for certain controlled substance offenses, pending on January 28, 1980.

Senator Holden offered amendment S—5054 filed by him on February 4, 1980, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5054 be adopted?" (S.F. 360) the vote was:

Ayes, 21:

Bergman	Carney	Coleman	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Priebe	Taylor	Tieden
Van Gilst			

Nays, 27:

Baugher	Bisenius	Briles	Brown
Calhoon	Carr	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Hutchins	Kudart	Murray	Orr
Palmer	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Waldstein	Yenger	

Absent or not voting, 2:

Hester	Rush

Amendment S—5054 lost.

Senator Brown asked and received unanimous consent to withdraw amendment S—3267 filed by Senators Brown, et al., on March 23, 1979, to page 1 of the bill.

Senator Hutchins offered amendment S—3228 filed by Senators Hutchins, et al., on March 14, 1979, to page 1 of the bill and moved its adoption.

Amendment S—3228 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on Senate File 360 be deferred.

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: HOUSE CONCURRENT RESOLUTION 108, a resolution calling for a joint convention to hear the Lincoln Day message.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Hansen, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for consideration House Concurrent Resolution 108.

House Concurrent Resolution 108

On motion of Senator Hultman, House Concurrent Resolution 108, a resolution calling for a joint convention for the observance of Lincoln's birthday, filed February 6, 1980, found on page 330 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 108, which motion prevailed by a voice vote.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2026.

Senate File 2026

On motion of Senator Holden, Senate File 2026, a bill for an act relating to deductible and coinsurance provisions of contracts with health maintenance organizations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Holden offered amendment S—5061 filed by the committee on Commerce on February 5, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5061 was adopted by a voice vote.

Senator Palmer asked and received unanimous consent that action on Senate File 2026 be deferred.

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2181, by Hutchins, a bill for an act relating to the tuition loan fund administered by the college aid commission for students studying to be physicians or osteopathic physicians and surgeons, and providing an appropriation.

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

Senate File 2182, by Hutchins, Junkins and Miller of Cerro Gordo, a bill for an act regarding the interpretation of statutes imposing a tax by the department of revenue.

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

Senate File 2183, by Committee on Agriculture, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

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

Senate File 2184, by Rodgers, a bill for an act to provide payment for the accrued, unused sick leave of certain retired state employees or their beneficiaries and to make an appropriation.

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

Senate File 2185, by Carr, a bill for an act providing an exemption from the state sales, service and use tax on the purchase and rental of tangible personal property by a nonprofit organization which lends or rents the property to the general public for nonprofit purposes.

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

Senate File 2186, by Carr, a bill for an act providing for appointment by the board of supervisors of the trustees of a county public hospital.

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

Senate File 2187, by Brown, a bill for an act providing for an individual income tax credit for individuals who are developmentally disabled.

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

Senate File 2188, by Brown, a bill for an act increasing the tax on cigarettes, cigars and other tobacco products and providing for one-half of the tax revenue to be used for state match for federal Title XIX funds.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 108
By: Taylor and Bisenius

Whereas, of all the land controlled by the federal government, over ninety percent is located in thirteen western states; and

Whereas, the historical process of land disposal by the federal government which resulted in private ownership and productive development of the southern and midwest regions of the United States stopped at the rocky mountains; and

Whereas, federal land policies affecting the west have become increasingly restrictive in this century, culminating with the federal land policy management Act of 1976 which declared Congress' intent to hold the public lands in federal control in perpetuity; and

Whereas, at the same time that the public lands are restricted from development, the nation is turning

to the fossil fuel, solar and geothermal resources of the west to gain energy independence; and

Whereas, in the name of environmentalism and conservation, vast areas of the west are being placed in wilderness categories that prevent their exploration for energy and mineral resources or agricultural development; and

Whereas, the future development of the communities and economics of the western states is being dictated by Washington, D.C.; and

Whereas, national energy demands require that the abundant fuel resources of the west be developed in an orderly and environmentally sound manner; and

Whereas, control and management of the public lands by the states will allow responsible development of badly

Page 2

needed energy and mineral resources; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the general assembly endorses and supports the efforts of the western states known as the "sagebrush rebellion" to gain the equality guaranteed to all states in the Constitution; and

Be It Further Resolved, That it is in the national interest that the resources of the west be responsibly developed, and that the development will be most efficient, responsive to local communities and environmentally responsible if the unappropriated public lands are placed in state ownership and control; and

Be It Further Resolved, That support is specifically extended for the sagebrush rebellion Act which asserts state control over the unappropriated public lands as well as for congressional efforts such as S. 1680, to return the lands to the states; and

Be It Further Resolved, That copies of this resolution be forwarded to the president of the United States, the president of the United States senate, the speaker of the house of representatives and to each member of the Congress of the United States; and

Be It Further Resolved, That copies of this resolution be forwarded to the presiding officers of the legislatures of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

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

APPENDIX

PETITIONS

The following petitions were presented and placed on file by:

Senator Bisenius from fourteen residents of Dubuque County favoring legislation to permit direct raw milk sales.

Senator DeKoster from fifty-two residents of Cerro Gordo County favoring legislation to provide appropriations for the Title XX programs.

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to an investigating committee:

Iowa State Civil Rights Commission Executive Director:

Artis Reis, Des Moines, Polk County, Iowa, for appointment to a term pursuant to Section 601A.3, 1979 Code of Iowa.

Senator Bisenius, Chairperson
Senator Craft
Senator Van Gilst
Senator Readinger
Senator A. Miller

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 8th day of February, 1980.

Senate Files 121, 247, 382 and 426.

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 11th day of February, 1980.

Senate File 286.

FRANK J. STORK, Secretary of the Senate

PLACEMENTS ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of S. J. Brownlee be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BOB RUSH

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Ann Jorgensen be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BOB RUSH

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Robert Koons be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

ROBERT M. CARR

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Madalene R. Townsend, Davenport, Scott County, Iowa, for reappointment as a member of the Council on Social Services pursuant to Section 217.2, 1979 Code of Iowa, for a six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JACK W. HESTER, Chairperson
EDGAR H. HOLDEN
CALVIN O. HULTMAN
JAMES V. GALLAGHER
CHARLES P. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of George M. Mills, West Des Moines, Polk County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, 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.

RICHARD R. RAMSEY, Chairperson
WILLIAM D. PALMER

JOHN W. JENSEN
GEORGE R. KINLEY
ELIZABETH R. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph Zagnoli, Woodward, Dallas County, Iowa, for reappointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1979 Code of Iowa, for a six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARNE WALDSTEIN, Chairperson
NORMAN G. RODGERS
DALE L. TIEDEN
SUE YENGER
BASS VAN GILST

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Arnett D. Davis, Jr., Carroll, Carroll County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a one-year term commencing January 1, 1980, and ending December 31, 1980, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
STEPHEN W. BISENIUS
C. W. HUTCHINS
C. JOSEPH COLEMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John D. Field, Hamburg, Fremont County, Iowa, for appointment as a member of the State Conservation Commission pursuant to Section 107.2, 1979 Code of Iowa, for a six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD F. DRAKE, Chairperson
CALVIN O. HULTMAN
RICHARD COMITO
TOM SLATER
NORMAN G. RODGERS

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 7, 1980, when the votes were taken on Senate Files 2117, 2118, 2119, 2121, 2123 and House Concurrent Resolution 109.

Had I been present, I would have voted "aye" on final passage of all these bills.

C. W. HUTCHINS

STUDY BILLS RECEIVED

S.S.B. 2189 Ways and Means

Regarding the interpretation of statutes imposing a tax by the department of revenue.

S.S.B. 2190 Ways and Means

Relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

S.S.B. 2191 Ways and Means

Relating to the computation of the individual and corporate income tax and the franchise tax by updating references to the Internal Revenue Code, providing technical corrections, and making the Act retroactive.

S.S.B. 2192 Ways and Means

Relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons.

S.S.B. 2193 Ways and Means

Relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

S.S.B. 2194 Ways and Means

Relating to the indexing of the state individual income tax.

S.S.B. 2195 Judiciary

Amending section 602.18, subsection 11, unnumbered paragraph 2 of the Code to increase the maximum permissible number of district judges to one hundred seven.

S.S.B. 2196 State Government

Relating to the payment of recording fees for land acquisitions by governmental agencies.

S.S.B. 2197 Agriculture

Relating to the beef excise tax by establishing the present beef excise tax amounts as maximum amounts; providing for subsequent referendums; and providing for continued existence of the executive committee referred to in section 181.6.

S.S.B. 2198 Commerce

Relating to the rate of interest which may be charged on accounts receivable.

S.S.B. 2199 Commerce

To provide for the transfer of motor fuel distributor and dealer franchises at the time of death of the franchisee.

S.S.B. 2200 Commerce

To amend the Iowa Banking Act regarding required approvals, permissible deposit accounts and charges, places of business and investment, leasing and lending authority of state banks.

S.S.B. 2201 Judiciary

Relating to the taxation and recording of court costs.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. J. R.	2003	State Government
S. F.	2169	State Government
S. F.	2170	State Government
S. F.	2171	Ways and Means
S. F.	2172	State Government
S. F.	2173	Judiciary
S. F.	2174	Labor and Industrial Relations
S. F.	2175	Transportation
S. F.	2176	State Government
S. F.	2177	State Government
S. C.R.	105	Education

PRESENTATION OF VISITORS

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

Twenty-four students from the Rolfe Community School, Rolfe, Iowa, accompanied by Carrol Shurson and Richard Barrett. Senators Scott and Priebe.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 7, 1980, 9:30 a.m.

Members Present: Nystrom, Chairperson; Van Gilst, Ranking Member; Kudart and Yenger.

Members Absent: Hutchins.

Other Business: Recommended supplementary appropriations for the Commission for the Blind; Iowa Public Broadcasting Network, Interconnection Costs; IPBN Klystron Tubes and Iowa College Aid Commission Guaranteed Student Loans.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 7, 1980, 9:35 a.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Recommended supplemental requests for the Soil Conservation Commission.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 7, 1980, 9:30 a.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Bergman, Carr, Craft and Baugher.

Members Absent: none.

Other Business: Report on excess money in Title XIX; approved reduced budget for Title XIX for fiscal year '80; increased appropriations for ADC, Children's Services and Title XX and sent bill to full appropriations committee.

Adjourned: 12:15 p.m.

AGRICULTURE

Convened: February 5, 1980, 3:00 p.m.

Members Present: Bergman, Chairperson; Hutchins, Ranking Member; Hulse, A. Miller, E. Miller, Priebe, Van Gilst, Tieden and Waldstein.

Members Absent: Hester, Vice Chairperson (excused).

Final Action: SENATE FILE 2183, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Bergman, Hutchins, Hulse, A. Miller, E. Miller, Priebe, Van Gilst, Tieden and Waldstein. Nays, none. Absent or not voting, 1: Hester.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assistant Attorney General Earl Willits gave a presentation regarding the beginning farmer loan program; assigned bills to subcommittees; approved SSB 2135 as amended as a committee bill.

Adjourned: 4:00 p.m.

CITIES

Convened: February 11, 1980, 1:40 p.m.

Members Present: Readinger, Chairperson; Briles, Vice Chairperson, A. Miller, Ranking Member; Kinley, Kudart, Palmer, Taylor and Coleman (arrived 1:45 p.m.).

Members Absent: Hansen.

Final Action: SENATE FILE 2037, a bill for an act authorizing certain special charter cities to adopt a nonpartisan form of city election by ordinance.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Readinger, Briles, A. Miller, Coleman, Kinley, Kudart and Taylor. Nays, 1: Palmer. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2060, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Readinger, Briles, A. Miller, Coleman, Kinley, Kudart and Palmer. Nays, 1: Taylor. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:50 p.m.

STATE GOVERNMENT

Convened: February 7, 1980, 3:07 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Gallagher and Murray.

Final Action: SENATE FILE 2058, a bill for an act providing for the reimbursement to the city, county or state of the witness fees of a peace officer who has been paid a salary to testify while not on regular duty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 2: Gallagher and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2066, a bill for an act relating to responsibility for costs and charges for the care and treatment of mentally ill patients admitted to the Iowa security medical facility.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 2: Gallagher and Murray.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assignment of bills to subcommittees.

Adjourned: 3:37 p.m.

TRANSPORTATION

Convened: February 6, 1980, 1:34 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Goodwin, Holden, Coleman and Small.

Members Absent: Nystrom and Robinson.

Final Action: SENATE FILE 2179, a bill for an act relating to railroad and highway grade crossings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Jensen, Scott, Comito, Goodwin, Holden, Coleman and Small. Nays, none. Absent or not voting, 2: Nystrom and Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:20 p.m.

AMENDMENTS FILED

S—5085	S. F.	2136	Richard F. Drake
S—5086	S. F.	2130	Robert M. Carr Lucas J. DeKoster
S—5087	S. F.	2125	Richard R. Ramsey
S—5088	H.F.	2240	Julia B. Gentleman
S—5089	S. F.	2148	Edgar H. Holden
S—5090	S. F.	2047	Richard R. Ramsey

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:06 p.m., until 9:00 a.m., Tuesday, February 12, 1980.

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 12, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Donald A. Elly, pastor of the Covenant Presbyterian Church, West Des Moines, Iowa.

The Journal of Monday, February 11, 1980, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the day on request of Senator Hultman.

HOUSE AMENDMENT CONSIDERED

Senate File 437

Senator Kudart called up for consideration Senate File 437, a bill for an act to repeal the limitation on charitable devises, amended by the House, and moved that the Senate concur in House amendment S—5079 filed February 7, 1980, and found on page 355 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Kudart 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. 437) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias

Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Palmer	Priebe	Robinson
Rush	Schwengels	Scott	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 1:

Small

Absent or not voting, 9:

Brown	Drake	Hansen	Hester
Murray	Ramsey	Readinger	Rodgers
Slater			

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

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2122.

Senate File 2122

On motion of Senator Miller of Des Moines, Senate File 2122, a bill for an act relating to the compensation of deputy sheriffs, was taken up for consideration.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2122) the vote was:

Ayes, 40:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Drake	Goodwin
Gratias	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Robinson	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, 6:

Baugher	Comito	Deluhery	Gallagher
Gentleman	Taylor		

Absent or not voting, 4:

Hansen	Hester	Readinger	Rodgers

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

Senate File 2130

On motion of Senator Jensen, Senate File 2130, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils, was taken up for consideration.

Senator Carr offered amendment S—5086 filed by Senators Carr and DeKoster on February 11, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5086 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2130) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Gratias	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Robinson	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Goodwin	Hansen	Hester	Readinger
Rodgers			

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

Senate File 2148

On motion of Senator Schwengels, Senate File 2148, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act, was taken up for consideration.

Senator Holden withdrew amendment S—5089 filed by him on February 11, 1980, to pages 1 and 3 of the bill.

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. 2148) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Holden	Hulse
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Junkins	Rush

Absent or not voting, 4:

Hansen	Hester	Murray	Rodgers

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

Senate File 241

On motion of Senator Ramsey, Senate File 241, 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, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey asked and received unanimous consent that action on Senate File 241 be deferred.

Senate File 2097

On motion of Senator Miller of Des Moines, Senate File 2097, a bill for an act relating to the distribution of the bodies of deceased persons, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller of Des Moines offered amendment S—5070 filed by the committee on Human Resources on February 6, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5070 was adopted by a voice vote.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2097) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Hansen	Hester	Kudart	Rodgers

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

House File 225

On motion of Senator Bergman, House File 225, a bill for an act relating to the licensing and regulations of the sale of eggs, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bergman offered amendment S—5068 filed by the committee on Agriculture on February 6, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5068 was adopted by a voice vote.

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. 225) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 3:

Briles	Gallagher	Rodgers

Absent or not voting, 1:

Hester

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

House File 673

On motion of Senator Kudart, House File 673, a bill for an act increasing the amount of interest on money due on judgments and

decrees of courts from seven to ten percent, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kudart offered amendment S—5075 filed by the committee on Judiciary on February 6, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5075 was adopted by a voice vote.

Senator Palmer asked and received unanimous consent that action on House File 673 be deferred.

Senate File 439

On motion of Senator Gentleman, Senate File 439, a bill for an act relating to the alcoholic content of beer and alcoholic liquor, was taken up for consideration.

Senator Carr offered amendment S—3307 filed by Senators Carr, et al., on March 28, 1979, to page 1 of the bill.

Senator Gentleman raised the point of order that amendment S—3307 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3307 out of order.

Senator Taylor withdrew amendment S—5064 filed by him on February 5, 1980, to page 1 and the title page of the bill.

Senator Taylor offered amendment S—5073 filed by him on February 6, 1980, to page 1 of the bill.

Senator Gallagher raised the point of order that amendment S—5073 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5073 out of order.

Senator Rodgers offered amendment S—3304 filed by him on March 28, 1979, to page 2 of the bill.

Senator Gentleman raised the point of order that amendment S—3304 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3304 out of order.

Action on Senate File 439 was deferred.

BUSINESS PENDING

Senate File 241

The Senate resumed consideration of Senate File 241, previously deferred.

Senator Ramsey offered amendment S—5094 filed by Senators Ramsey and Small from the floor to page 1 of the bill and moved its adoption.

Amendment S—5094 was adopted by a voice vote.

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. 241) the vote was:

Ayes, 34:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Holden
Hulse	Kinley	Kudart	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Small	Yenger		

Nays, 15:

Brown	Craft	Gratias	Hansen
Hultman	Hutchins	Jensen	Junkins
Miller, A.V.	Miller, C.P.	Rodgers	Taylor
Tieden	Van Gilst	Waldstein	

Absent or not voting, 1:

Hester

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 Branstad 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.

On motion of Senator Hultman and in accordance with House Concurrent Resolution 108, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with House Concurrent Resolution 108, duly adopted, the joint convention was called to order, President Branstad presiding.

Senator Hultman 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 by a voice vote.

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

Senator Schwengels moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort the Honorable Arthur A. Neu to the rostrum to deliver an address in observance of Lincoln's Birthday.

The motion prevailed by a voice vote and the President appointed as such committee Senators Carney, Hutchins and Waldstein, on the part of the Senate, and Representatives Crabb, Anderson and Perkins, on the part of the House.

The committee waited upon Mr. Neu and escorted him to the Speaker's station. President Branstad then presented Mr. Neu who addressed the joint convention as follows:

Though I do not purport to be a Lincoln scholar like so many of those who have given these Lincoln Day addresses in the past, still I can't help but have an enduring admiration for Lincoln the President—but perhaps even more for Lincoln the human being. Clearly, the times in which he lived were more dismal than even the

greatest pessimist among us would argue that today is. The Union was coming apart. The political process was disintegrating and the war was all about him. He was ridiculed, opposed and in the end assassinated. His army for some time after the war commenced, suffered one defeat after another, and lacked effective leadership until well into the struggle. Lincoln's own people in government were undermining his authority and programs. Foreign governments were seeking to keep the union apart. Clearly, the period of Lincoln's presidency was a great time of stress for the Union—perhaps its greatest crisis.

It might be well for all of us to re-examine the period of the Lincoln Presidency. To do so might give us certain insights into our own era. I have always felt that reading and studying history was more than just a pleasant pasttime. It also gives us a better understanding of history in general so as to enable us to put our own age in perspective. It will also give us a better understanding of what is taking place around us. I don't mean to suggest that answers to the dilemmas we face today will somehow unfold in front of our very eyes, but rather that we can better appreciate that others before us faced difficult circumstances. Hopefully, it will also teach us to be wary of the "quick fix" or "simple solution" that may sound good at the time.

It seems to me at least, that there is an obvious parallel between Lincoln's era and our contemporary sense of crisis. So many commentators see darkness all around us and note the widespread loss of confidence in the vitality of American civilization and in its future. Drift and disillusionment exist; a sense of things going wrong or being out of joint. This really shouldn't be surprising given the events of the sixties and seventies—the assassination of the two Kennedys, of Martin Luther King, Vietnam, Watergate and now the difficult problems of inflation and energy.

We also tend to look back and think that but a few years ago we were invincible and that no nation would dare seize our embassy as did the militants in Iran. Again, it helps to think back to periods still in our lifetime. In the forties we were the undisputed world power with a nuclear monopoly. Yet in the forties Czechoslovakia was subverted by Communists and Chinese Communists were victorious over the Nationalist Chinese. The fifties weren't too much better. In 1952 Nasser triumphed in Egypt; crises in Indochina; the Suez crisis in 1956; the shock of Sputnik in 1957; the toppling of pro-western regimes in Cuba and Iraq in 1958 and Khrushchev's challenges in Berlin. The truth is that we have never been strong enough, nor will we ever be strong enough to control the events of the world. America's current foreign policy problems, though serious, are not graver than problems we have experienced in past moments of our history. They are not necessarily symptomatic of America's decline but rather of the troubled times in which we live and of the global interests we now possess.

All public figures seem to be crying out for more military preparedness in the wake of the events in Iran and Afghanistan. The tacit assumption seems to be that Khomeini and his followers would not have seized the U.S. Embassy nor would Russia have moved into Afghanistan had we a stronger military force. I doubt that to be true. Nonetheless, I feel confident that the kind of increased military spending that seems to be coming will not be examined carefully and that the military will use the funds on increasingly sophisticated weaponry that only an army of PhDs could operate and a nation of bankers could afford. True leadership would see that the

proper expenditure of additional funds on weaponry would be for more practical weaponry that could be produced at modest cost, operated by ordinary mortals and be supplied, when deemed necessary, to our allies.

It is not that the crises today are more difficult than at other times in our history, but rather that we don't seem to have any Lincolns around. In fairness to those leading us today, we must remember that Lincoln's greatness was not discerned by his contemporaries, but only became apparent to most people after his death. Nonetheless, people are crying for leadership but so far at least, no one has clearly assumed the role to the satisfaction of the people. Perhaps a Lincoln isn't possible today. Perhaps we so completely expose all the frailties of any person in our national life that even Lincoln himself would be a pathetic caricature of himself.

One of the things I most admire about Lincoln and which is most lacking in our leaders today is that Lincoln was chastened by presidential power—not intoxicated by it. That while he was the consummate politician, he also had a brooding melancholy and fatalism; a sense of the tragic nature of life and, during the Civil War, a remarkable detachment and lack of malice. We need some of those qualities today.

Thank you.

ENTERTAINMENT

President Branstad recognized Senator Carney who presented the Abu Bekr Shrine Chanters, a singing group formed in 1922 from Sioux City, Iowa. The Chanters, of which Senator Carney is a member, were under the direction of Don Kelsey and accompanied on the piano by Mike Hogan. They performed the following selections from the well of the House of Representatives: "Where in the World but in America", "America the Beautiful", "Battle Hymn of the Republic", "This Land is Your Land" and "Let There be Peace on Earth".

The members of the General Assembly showed their appreciation to the Chanters for their performance with two standing ovations.

Representative Halvorson moved that the joint convention be dissolved, which motion prevailed by a voice vote.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2189, by Committee on Commerce, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

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

Senate File 2190, by Committee on Human Resources, a bill for an act relating to the furlough of inmates sentenced to and confined in an institution under the jurisdiction of the department of social services.

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

Senate File 2191, by Taylor and Jensen, a bill for an act to provide standards for school boards in selecting textbooks and other educational material.

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

Senate File 2192, by Committee on Natural Resources, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Read first time and referred to the committee on **State Government** under **Senate Rule 37.**

Senate File 2193, by Carr, a bill for an act to reimburse counties for expenses incurred from the maintenance and operation of the district courts, and making an appropriation.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 109
By: Committee on Ways and Means

Whereas, the assessment practices in this state are of the utmost importance to the economic well-being of

all tax certifying bodies of this state; and

Whereas, various state aid programs are affected by the valuations placed upon property within taxing districts; and

Whereas, assessment practices vary from one assessment jurisidiction to another resulting in a variance in valuation of similar types of property which may have adverse effects on the taxes paid by some groups of property owners; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create an interim study committee composed of eleven members with three members from each of the committees on ways and means, two members belonging to the Iowa county assessors association who are presently serving as assessors in the state, one member each from the department of revenue and state comptroller's office, and an appraiser certified by the department of revenue or any nationally recognized assessors or appraisers organization who is not a member of the Iowa county assessors association. The study committee should be directed to conduct a study of the uniformity of assessment practices and policies throughout the state with consideration being given to the effect and implementation of equalization orders; and

Be It Further Resolved, That the study committee shall report its findings and recommendations to the standing committees on ways and means and the legislative council meeting in December, 1980 and the Sixty-ninth General Assembly meeting in 1981.

Read first time and referred to the committee on **Rules and Administration.**

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 7, 1980, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 101, a resolution amending the joint rules of the sixty-eighth General Assembly.

ALSO: That the House has on February 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2245, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

ALSO: That the House has on February 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2275, a bill for an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2245, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

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

House File 2275, a bill for an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

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

APPENDIX

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Doug Wagoner, Broadlawns Medical Center, Des Moines, Iowa.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Elaine M. Hulseberg, Marion, Linn County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

MERLIN D. HULSE, Chairperson
GEORGE R. KINLEY
CLOYD E. ROBINSON
ARNE WALDSTEIN
JOHN N. NYSTROM

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Margo Lorraine Underwood, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.14, 1979 Code of Iowa, to fill the unexpired portion of a term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
ALVIN V. MILLER
CLOYD E. ROBINSON
ELIZABETH R. MILLER
SUE YENGER

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday, February 12, 1980.

Had I been present I would have voted "aye" on Senate Files 437, 2097, 2122, 2130 and 2148.

W. R. BILL HANSEN

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S--5054 to Senate File 360 failed to be adopted by the Senate on February 11, 1980.

FORREST V. SCHWENGELS

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 12, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 121—Relating to the hunting of crows.

S.F. 247—Relating to policies of boards of directors of school districts concerning the residence of employees.

S.F. 382—Relating to the continuing education of insurance agents.

S.F. 426—Relating to the employment of legal counsel by school corporations.

STUDY BILLS RECEIVED

S.S.B. 2202 State Government

Relating to licensure of speech pathologists and audiologists.

S.S.B. 2203 Agriculture

Relating to the duties of fence viewers.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2180	Judiciary
S. F.	2181	Appropriations
S. F.	2182	State Government
S. F.	2184	State Government
S. F.	2185	Ways and Means
S. F.	2186	County Government
S. F.	2187	Ways and Means
S. F.	2188	Ways and Means
S. C.R.	106	Rules and Administration
S. C.R.	107	Rules and Administration
S. C.R.	108	Natural Resources

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Elmer F. Lange,

former member of the Senate and the House of Representatives from Sac County who was present in the Senate chamber.

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

Sixteen students from the Eagle Grove High School, Eagle Grove, Iowa, accompanied by Roger Williams. Senator Taylor.

Fifteen students from the Fairview High School, Fairview Park, Ohio, accompanied by Mrs. Josephine Chrysler. Senator Taylor.

Several students from the Moulton Elementary School, Des Moines, Iowa, accompanied by Mrs. Hubbard. Senator Kinley.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 7, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2189, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed House File 454 and Senate File 2034.

Adjourned: 3:40 p.m.

COUNTY GOVERNMENT

Convened: February 11, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Baugher, Brown, C. Miller, Slater and Yenger.

Members Absent: Hester (excused), Kudart (excused) and Nystrom.

Final Action: SENATE FILE 2043, a bill for an act relating to the supervision of construction and maintenance work on secondary roads.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Briles, Waldstein, Hutchins, Baugher, Brown, C. Miller and Yenger. Nays, 1: Slater. Absent or not voting, 2: Hester and Kudart.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2103, a bill for an act to increase the fees collected by the sheriff for service of warrants, original notices and supoenas.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Briles, Waldstein, Hutchins, Baugher, Brown, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 3: Hester, Kudart and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:45 p.m.

EDUCATION

Convened: February 7, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Orr, Small (arrived 1:35 p.m.) and Taylor.

Members Absent: none.

Final Action: SENATE FILE 2073, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5103.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Jensen, Orr and Taylor. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed bills.

Adjourned: 2:00 p.m.

EDUCATION

Convened: February 12, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor.

Members Absent: none.

Final Action: SENATE FILE 2112, a bill for an act relating to the number of members for merged area boards and their corresponding area education agency boards.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 1:50 p.m.

HUMAN RESOURCES

Convened: February 12, 1980, 8:34 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson (arrived 8:36 a.m.), C. Miller, Ranking Member; Bergman, Carney, Carr, Craft, Hulse and A. Miller.

Members Absent: Hansen, Orr and Slater.

Final Action: SENATE FILE 2190, a bill for an act relating to the furlough of inmates sentenced to and confined in an institution under the jurisdiction of the department of social services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse and A. Miller. Nays, none. Absent or not voting, 3: Hansen, Orr and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE CONCURRENT RESOLUTION 102, a resolution urging Congress to ban in all states the practice of transferring property to establish eligibility for Medical Assistance benefits.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse and A. Miller. Nays, none. Absent or not voting, 3: Hansen, Orr and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE CONCURRENT RESOLUTION 103, a resolution to proclaim 1980 through 1989 in Iowa as Decade of the Family.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse and A. Miller. Nays, none. Absent or not voting, 3: Hansen, Orr and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 8:50 a.m.

NATURAL RESOURCES

Convened: February 6, 1980, 3:05 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Calhoon, Gallagher, Gratias, Rodgers, Schwengels and Tieden.

Members Absent: Priebe, Ranking Member.

Final Action: SENATE FILE 2192, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: E. Miller, Goodwin, Calhoon, Gallagher and Rodgers. Nays, 3: Gratias, Schwengels and Tieden. Absent or not voting, 1: Priebe.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate Files 2105 and 2092 to subcommittees.

Adjourned: 3:40 p.m.

STATE GOVERNMENT

Convened: February 11, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Rodgers and Yenger.

Members Absent: E. Miller (excused) and Murray.

Final Action: SENATE FILE 2059, a bill for an act relating to the time period allowed for nurses to complete continuing education.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 4: Drake, Schwengels, E. Miller and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2070, a bill for an act to allow multi-year professional and occupational licenses.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, Rodgers, Yenger, Drake and Schwengels. Nays, none. Absent or not voting, 2: E. Miller and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: February 12, 1980, 4:00 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Comito, Goodwin, Nystrom, Coleman and Robinson.

Members Absent: Scott, Ranking Member (excused); Holden and Small.

Final Action: HOUSE FILE 747, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5104.

Final Vote: Ayes, 7: Drake, Jensen, Comito, Goodwin, Nystrom, Coleman and Robinson. Nays, none. Absent or not voting, 3: Scott, Holden and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:20 p.m.

AMENDMENTS FILED

S—5091	H.F.	315	Bob Rush
S—5092	S. F.	367	Cloyd E. Robinson
S—5093	H.F.	315	W. R. Bill Hansen
S—5094	S. F.	241	Richard R. Ramsey Arthur A. Small, Jr.
S—5095	S. F.	367	Cloyd E. Robinson
S—5096	S. F.	439	Arthur L. Gratias
S—5097	H.F.	673	Bob Rush John Scott
S—5098	S. F.	2120	Arthur A. Small, Jr.
S—5099	S. F.	2120	Arthur A. Small, Jr.
S—5100	S. F.	2120	Arthur A. Small, Jr.
S—5101	S. F.	2149	Norman G. Rodgers
S—5102	H.F.	315	A. R. Kudart
S—5103	S. F.	2073	Education Committee
S—5104	H.F.	747	Transportation Committee

ADJOURNMENT

On motion of Senator Murray, the Senate adjourned at 4:08 p.m., until 9:00 a.m., Wednesday, February 13, 1980.

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 13, 1980

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by the Reverend Gerald Sawyer, pastor of the Ankeny Christian Church, Ankeny, Iowa.

The Journal of Tuesday, February 12, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Youberg, Sac City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Orr for the day on request of Senator Junkins and Senator Hester for the day on request of Senator Hultman.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

February 5, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Bruce Foudree, Des Moines, Polk County, Iowa, for appointment as Commissioner of Insurance for the State of Iowa pursuant to Section 505.2, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

Senate File 2194, by Committee on Judiciary, a bill for an act to allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease.

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

Senate File 2195, by Bisenius, a bill for an act to limit the percent of operating budgets of school districts, area education agencies, and area schools which may be expended for administrative purposes.

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

Senate File 2196, by Hansen, a bill for an act creating a research coordinating committee for the purpose of providing for comprehensive research for members and committees of the general assembly and making an appropriation.

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

President pro tempore Hansen took the chair at 9:16 a.m.

SPECIAL PRESENTATION

President Branstad escorted Jane Teaford, President of the League of Women Voters of Iowa, to the well of the Senate.

In celebration of the League's sixtieth anniversary, Ms. Teaford presented Serge Garrison, Director of the Legislative Service Bureau, a valentine of appreciation for the dedicated service the Legislative Service Bureau has given to the Iowa Legislature and the citizens of Iowa.

UNFINISHED BUSINESS

Senate File 439

The Senate resumed consideration of Senate File 439, a bill for an act relating to the alcoholic content of beer and alcoholic liquor, deferred on February 12, 1980.

Senator Gratias withdrew amendment S—5057 filed by him on February 5, 1980, to page 1 of the bill.

Senator Gratias offered amendment S—5096 filed by him on February 12, 1980, to page 1 of the bill and called for a division of the amendment: lines 2 through 9 as division S—5096A and lines 10 through 18 as division S—5096B.

Senator Gratias moved the adoption of division S—5096A, which motion prevailed by a voice vote.

Senator Gratias withdrew division S—5096B.

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

On the question "Shall the bill pass?" (S.F. 439) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hutchins
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Waldstein		

Nays, none.

Absent or not voting, 8:

Briles	Carney	Hester	Hultman
Junkins	Orr	Small	Yenger

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

CONSIDERATION OF BILLS

Senator Holden asked and received unanimous consent to take up out of order Senate File 2149.

Senate File 2149

On motion of Senator Priebe, Senate File 2149, a bill for an act to amend provisions relating to hunting license fees and stamps, by increasing the nonresident hunting license fee, combining the wildlife habitat stamp fee with certain hunting license fees and striking the requirement for a special wildlife habitat stamp and a nonresident pheasant stamp, by increasing deer hunting fees and expanding the farmer-tenant license, and subjecting violators to a penalty, was taken up for consideration.

Senator Rodgers offered amendment S—5101 filed by him on February 12, 1980, to page 1 of the bill.

Senator Van Gilst asked and received unanimous consent that action on amendment S—5101 and Senate File 2149 be temporarily deferred.

Senate File 2154

On motion of Senator Ramsey, Senate File 2154, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2154) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hutchins	Jensen
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Briles	Carney	Comito	Hester
Hultman	Junkins	Orr	

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

Senate File 2058

On motion of Senator Miller of Des Moines, Senate File 2058, a bill for an act providing for the reimbursement to the city, county or state of the witness fees of a peace officer who has been paid a salary to testify while not on regular duty, with report of committee recommending passage, was taken up for consideration.

President Branstad took the chair at 9:53 a.m.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2058) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Briles	Carney	Hester	Holden
Orr	Scott		

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

UNFINISHED BUSINESS
(Deferred February 5, 1980)

Senate File 458

The Senate resumed consideration of Senate File 458, a bill for an

act relating to the teaching of origin of humankind and the origin of the earth, deferred on February 5, 1980.

Senator Taylor offered amendment S—5039 filed by the committee on Education on February 1, 1980, to strike everything after the enacting clause of the bill.

Senator Slater offered amendment S—5067 filed by him on February 6, 1980, to amendment S—5039 and moved its adoption.

Amendment S—5067 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on Senate File 458 and amendment S—5039 as amended be deferred.

BUSINESS PENDING

Senate File 2149

The Senate resumed consideration of Senate File 2149 and amendment S—5101, previously deferred.

Senator Junkins raised the point of order that Senate File 2149 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point not well taken.

Action on amendment S—5101 was temporarily deferred by unanimous consent.

Senator Coleman offered amendment S—5106 filed by him from the floor to page 3 of the bill.

Senator Gallagher moved that action on Senate File 2149, amendment S—5106 and amendment S—5101 be deferred for preparation of a fiscal note to the bill.

Senator Gallagher withdrew his motion.

Senator Junkins moved that action on Senate File 2149, amendment S—5106 and amendment S—5101 be deferred for preparation of a fiscal note to the bill.

Senator Junkins withdrew his motion.

Senator Hultman asked and received unanimous consent that action on Senate File 2149, amendment S—5106 and amendment S—5101 be deferred for preparation of a fiscal note to the bill.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2060.

Senate File 2060

On motion of Senator Palmer, Senate File 2060, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property, with report of committee recommending passage, was taken up for consideration.

Senator Gentleman offered amendment S—5109 filed by Senators Gentleman, et al., from the floor to page 1 of the bill and moved its adoption.

Amendment S—5109 was adopted by a voice vote.

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. 2060) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hulse	Hultman	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Scott	Slater
Small	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 1:

Taylor

Absent or not voting, 8:

Briles	Carney	Craft	Hester
Holden	Hutchins	Orr	Schwengels

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

WITHDRAWN

Senator DeKoster asked and received unanimous consent that **Senate File 2013** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILL

Senate File 2066

On motion of Senator Carr, Senate File 2066, a bill for an act relating to responsibility for costs and charges for the care and treatment of mentally ill patients admitted to the Iowa security medical facility, with report of committee recommending passage, was taken up for consideration.

Senator Murray raised the point of order that Senate File 2066 made an appropriation of state funds and should be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2066** was referred to the committee on **Appropriations** under **Senate Rule 37.**

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

The Senate resumed session, President Branstad presiding.

UNFINISHED BUSINESS
(Deferred February 11, 1980)

Senate File 360

The Senate resumed consideration of Senate File 360, a bill for an act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeanor; providing that the accommodation offense applies

only to one ounce or less of marijuana; and removing the prohibition against deferred judgments, deferred sentences and suspended sentences for certain controlled substance offenses, deferred on February 11, 1980.

Senator Brown offered amendment S—3265 filed by him on March 22, 1979, to page 1 of the bill.

Senator Brown asked and received unanimous consent that action on amendment S—3265 be deferred.

Senator Jensen offered amendment S—5014 filed by him on January 25, 1980, to page 2 and the title page of the bill.

Senator Ramsey raised the point of order that amendment S—5014 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5014 in order.

Senator Jensen moved the adoption of amendment S—5014.

A record roll call was requested.

On the question "Shall amendment S—5014 be adopted?" (S.F. 360) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Baugher	Bergman	Bisenius	Carney
Comito	Drake	Gratias	Hansen
Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Miller, A.V.	Miller, E.R.
Nystrom	Priebe	Rodgers	Taylor
Tieden	Van Gilst		

Nays, 24:

Brown	Calhoon	Carr	Coleman
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Junkins	Kudart
Miller, C.P.	Murray	Palmer	Ramsey
Readinger	Rush	Schwengels	Scott
Slater	Small	Waldstein	Yenger

Absent or not voting, 4:

Briles	Hester	Orr	Robinson

Amendment S—5014 lost.

Senator Hultman asked and received unanimous consent that action on Senate File 360 and amendment S—3265 be deferred.

POINT OF ORDER

House File 747

Senator Junkins raised the point of order that House File 747 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point well taken and **House File 747** was referred to the committee on **Ways and Means** under **Senate Rule 37.**

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 11, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 402, a bill for an act relating to attorney notices of subrogation to the department of social services under the medical assistance program.

ALSO: That the House has on February 11, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2277, a bill for an act relating to the furlough of misdemeanants.

ALSO: That the House has on February 11, 1980, concurred in the Senate amendment, and adopted the following resolution in which the concurrence of the House was asked:

House Concurrent Resolution 109, a resolution relating to Iowa's rail transportation system.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 402, a bill for an act relating to attorney notices of subrogation to the department of social services under the medical assistance program.

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

House File 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:05 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2197, by Committee on State Government, a bill for an act relating to the sale of wine and creating a license therefor.

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

Senate File 2198, by Hansen, Van Gilst, Carr, Baugher, Palmer, Miller of Des Moines, Gallagher, Rodgers, Rush, Tieden, Junkins, Brown, Kinley, Small, Coleman, Slater, Bisenius, Taylor, Schwengels, Bergman, Carney, Calhoon, Waldstein, DeKoster, Robinson and Briles, a bill for an act relating to transportation of public and nonpublic school children.

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

Senate File 2199, by Slater, a bill for an act relating to impersonation of an officer's uniform.

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

Senate File 2200, by Committee on Commerce, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles.

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

Senate File 2201, by Committee on Energy, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Read first time and referred to the committee on **Ways and Means** under **Senate Rule 37.**

Senate File 2202, by Committee on County Government, a bill for an act to provide for consultation between the board of supervisors and other elected county officers on collective bargaining proposals.

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

Senate File 2203, by Gentleman, a bill for an act relating to the authorization for the publication of historical documents by the state historical board.

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

Senate File 2204, by Miller of Des Moines, a bill for an act relating to the bonding of township clerks.

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

Senate File 2205, by Hutchins and Scott, a bill for an act allowing an exemption from property taxation for alcohol fuel production property.

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

Senate File 2206, by Hutchins, a bill for an act to provide for the cataloging of railbeds which are abandoned in this state which need to be retained for future railroad routes.

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

Senate File 2207, by Readinger, a bill for an act authorizing a temporary increase in the tax levy for county public hospitals in counties having a population of two hundred twenty-five thousand or more, and providing for a study of medical services and hospital needs in certain counties.

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

Senate File 2208, by Hulse, a bill for an act relating to official county newspapers.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 110
By: Craft

Whereas, porcelain painting is a creative activity enjoyed by many persons; and

Whereas, porcelain painting by skilled persons results in the creation of beautiful objects admired and enjoyed by those who appreciate fine art; and

Whereas, achievement of the status of a fine art by porcelain painting, and the creative achievements of persons who engage in porcelain painting, should be recognized; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the month of July is designated as Porcelain Art Month, and it is urged that this month be observed by appropriate displays of porcelain painting and opportunities for those not already enjoying this creative activity to learn more about it and to experiment with it.

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

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to an investigating committee:

As Commissioner of Insurance:

Bruce Foudree, Des Moines, Polk County, Iowa, for appointment to the unexpired portion of a term ending June 30, 1983.

Senator Nystrom, Chairperson
Senator Palmer
Senator Priebe
Senator Ramsey
Senator Readinger

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Emmanuel S. Bikakis, Sioux City, Woodbury County, Iowa, for appointment as a member of the Campaign Finance Disclosure Commission pursuant to Section 56.9, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD F. DRAKE, Chairperson
JAMES V. GALLAGHER
CLARENCE S. CARNEY
JULIA B. GENTLEMAN
C. W. HUTCHINS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Roy E. Berger, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
JOANN ORR
DAVID M. READINGER
ELIZABETH R. MILLER
BERL E. PRIEBE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ronald F. Mosher, Des Moines, Polk County, Iowa, for appointment as State Comptroller pursuant to Section 8.4, 1979 Code of Iowa, for a term commencing July 1, 1979, and to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
NORMAN G. RODGERS
BOB RUSH
RAY TAYLOR
DALE L. TIEDEN

COMMUNICATION

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

IOWA CRIME COMMISSION

A copy of the 1980 Annual Report of the Iowa Crime Commission pursuant to Section 80C.4, 1979 Code.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2191	Education
S. F.	2193	Appropriations
H.F.	2245	Human Resources
H.F.	2275	Education

STUDY BILLS RECEIVED

S.S.B. 2204 Ways and Means

Relating to the indexing of the state individual income tax.

S.S.B. 2205 Natural Resources

Relating to the possession of firearms and ammunition during deer hunting season.

S.S.B. 2206 Social Services Appropriations Subcommittee

To make a supplemental appropriation to the department of social services for the aid to dependent children program, state

supplementation to the Title XX program, and for state reimbursement to counties for certain juvenile court expenses, for the fiscal year beginning July 1, 1979.

S.S.B. 2207 Human Resources Appropriations Subcommittee

Relating to the administration and funding of substance abuse programs and making an appropriation.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 13, 1980.

Had I been present, I would have voted "aye" on Senate Files 439 and 2154.

LOWELL L. JUNKINS

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 12, 1980, 12:35 p.m.

Members Present: Bisenius, Chairperson; Orr, Ranking Member and Comito.

Members Absent: Hester (excused) and C. Miller.

Other Business: Heard presentations from Gerald Bair, Director, Department of Revenue, Mr. Harry Greiger of the Attorney General's staff and Representative James West regarding Capitol Assets Pricing Model; approved appropriations for the Department of Revenue for fiscal 1980 and 1981; approved final draft of bills for appropriations for county government and municipal assistance funds, Board of Engineering Examiners and the Department of Revenue.

Adjourned: 1:15 p.m.

COMMERCE

Convened: February 11, 1980, 3:00 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member (arrived 3:15 p.m.); Bergman, Craft, Deluhery, Gentleman (arrived 3:05 p.m.), Goodwin and Priebe.

Members Absent: Rush (excused).

Final Action: SENATE FILE 2200, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin and Priebe. Nays, none. Absent or not voting, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 454, a bill for an act relating to countersignatures on insurance policies.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5116.

Final Vote: Ayes, 9: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin and Priebe. Nays, none. Absent or not voting, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussed proposed committee amendment to Senate File 2034.

Adjourned: 4:00 p.m.

COUNTY GOVERNMENT*

* A report of this meeting was also recorded on page 415 of the February 12, 1980, Senate Journal.

Convened: February 11, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Baugher, Brown, C. Miller, Slater and Yenger.

Members Absent: Hester (excused), Kudart (excused) and Nystrom.

Final Action: SENATE FILE 2202, a bill for an act to provide for consultation between the board of supervisors and other elected county officers on collective bargaining proposals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Briles, Waldstein, Hutchins, Baugher and Brown. Nays, none. Absent or not voting, 3: Hester, Kudart and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:45 p.m.

ENERGY

Convened: February 13, 1980, 12:45 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Brown (arrived 12:53 p.m.), Deluhery (arrived 12:54 p.m.), Rodgers and Waldstein.

Members Absent: Briles and Readinger.

Final Action: SENATE FILE 2201, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Ramsey, Bisenius, Gallagher, Rodgers and Waldstein. Nays, none. Absent or not voting, 4: Briles, Brown, Deluhery and Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB 2085 approved for final redraft as a committee bill; assigned Senate File 2145 to subcommittee.

Adjourned: 1:05 p.m.

JUDICIARY

Convened: February 12, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Briles, Deluhery, Gentleman, Ramsey, Scott and Baugher.

Members Absent: Coleman, Hansen, Murray and Slater.

Final Action: SENATE FILE 2194, a bill for an act to allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Deluhery, Gentleman, Hansen, Baugher, Kudart, Rush, Briles, Ramsey, Slater and Scott. Nays, 1: Coleman. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 4:55 p.m.

STATE GOVERNMENT*

* A copy of this report was also recorded on page 397 of the February 11, 1980, Senate Journal.

Convened: February 7, 1980, 3:07 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Gallagher and Murray.

Final Action: SENATE FILE 2197, a bill for an act relating to the sale of wine and creating a license therefor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, 1: Drake. Absent or not voting, 2: Gallagher and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:37 p.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 419 of the February 12, 1980, Senate Journal.

Convened: February 11, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Rodgers and Yenger.

Members Absent: E. Miller (excused) and Murray.

Final Action: HOUSE FILE 744, a bill for an act to change the names of the Iowa training school for boys and the Iowa training school for girls.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 4: Drake, Schwengels, E. Miller and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:00 p.m.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3228 to Senate File 360 was adopted by the Senate on February 11, 1980.

FORREST V. SCHWENGELS

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Richard Norpel, former member of the Senate and House of Representatives from Jackson County who was present in the Senate chamber.

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

Fourteen students from the Winnebago County high schools of Forest City, Thompson, Lake Mills and Buffalo Center, accompanied by Norman and Joyce Ahenmann. Senator Priebe.

Forty students of the Career Education Explorer Group from Hoover High School, Des Moines, Iowa, accompanied by Mr. Heinzerling, Miss Pappas and Mrs. Sutherland. Senators Readinger and Baugher.

AMENDMENTS FILED

S—5105	S. F.	367	Rolf V. Craft
S—5106	S. F.	2149	C. Joseph Coleman
S—5107	S. F.	2149	Bass Van Gilst Norman G. Rodgers
S—5108	H.F.	747	Tom Slater
S—5109	S. F.	2060	Julia B. Gentleman William D. Palmer David M. Readinger George R. Kinley
S—5110	S. F.	2183	Berl E. Priebe

			Arne Waldstein
S—5111	S. F.	2149	Robert M. Carr
S—5112	S. F.	460	Edgar H. Holden
			Dale L. Tieden
S—5113	S. F.	2192	Elizabeth R. Miller
S—5114	S. F.	360	Joe Brown
S—5115	S. F.	2149	C. W. Hutchins
			William D. Palmer
S—5116	H.F.	454	Commerce Committee
S—5117	H.F.	747	W. R. Bill Hansen
			Richard F. Drake
			Calvin O. Hultman
			Alvin V. Miller

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:09 p.m., until 9:00 a.m., Thursday, February 14, 1980.

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 14, 1980

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

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

The Journal of Wednesday, February 13, 1980, was approved.

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2209, by Committee on Labor and Industrial Relations, a bill for an act to exclude persons employed by the public employment relations board from collective bargaining.

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

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 106
By: Calhoon

Whereas, the Mapleton Centennial Committee donated $15,000 to the city of Mapleton for a community hall; and

Whereas, the citizens of Mapleton through community fundraising obtained an additional $85,000 for the community hall; and

Whereas, this massive effort by the citizens of Mapleton resulted in the community hall which will benefit the community for generations; and

Whereas, the city of Mapleton will be dedicating the community hall on Sunday, February 17, 1980; *Now Therefore,*

Be It Resolved by the Senate, That the members of the Iowa Senate of the Sixty-eighth General Assembly extends its heartiest congratulations to the citizens

of Mapleton, Iowa, for their outstanding efforts to provide their community with a community hall; and

Be It Further Resolved, That a copy of this resolution be forwarded to the Honorable Merle Davis, Mayor of Mapleton.

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 12, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2138, a bill for an act relating to authority over traffic control and parking of the board of directors of a merged area.

ALSO: That the House has on February 12, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2169, a bill for an act relating to contracts for bridge or road construction on secondary roads.

ALSO: That the House has on February 12, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2246, a bill for an act relating to the punishment for violation of section three hundred twenty-one point five hundred sixty-one (321.561) of the Code.

ALSO: That the House has on February 12, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2279, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts.

ALSO: That the House has on February 12, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2138, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area.

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

House File 2169, a bill for an act relating to contracts for bridge or road construction on secondary roads.

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

House File 2246, a bill for an act relating to the punishment for violation of section three hundred twenty-one point five hundred sixty-one (321.561) of the Code.

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

House File 2279, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts.

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

House File 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

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

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: February 14, 1980, 9:45 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst.

Members Absent: Hultman (excused).

Final Action: HOUSE FILE 747, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violation.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Holden, Hutchins, Junkins, Rush and Scott. Nays, 1: Ramsey. Absent or not voting, 2: Hultman and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 10:45 a.m.

CONSIDERATION OF BILL

Senator Holden asked and received unanimous consent to take up for consideration House File 747.

House File 747

On motion of Senator Drake, House File 747, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations, with report of committee on Transportation recommending amendment and passage, and report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Drake offered amendment S—5104 filed by the committee on Transportation on February 12, 1980, to strike everything after the enacting clause of the bill.

Senator Ramsey called for a division of amendment S—5104:

Division S—5104A: Page 1, lines 3 through 50 and all of pages 2 through 5; page 6, lines 1 through 8; page 7, lines 11 through 34 and lines 37 through 41.

Division S—5104B: Page 6, lines 9 through 50; page 7, lines 1 through 10 and lines 35 and 36.

Senator Slater offered amendment S—5108 filed by him on February 13, 1980, to division S—5104A.

Senator Small asked and received unanimous consent that action on amendment S—5108 be temporarily deferred.

Senator Holden withdrew amendment S—5121 filed by him from the floor to division S—5104A.

Senator Holden offered amendment S—5122 filed by him from the floor to division S—5104A.

Senator Drake asked and received unanimous consent that action on amendment S—5122 be temporarily deferred.

Senator Holden offered amendment S—5125 filed by him from the floor to division S—5104A.

Senator Kinley asked and received unanimous consent that action on amendment S—5125 be temporarily deferred.

(House File 747 pending on recess).

RECESS

On motion of Senator Holden, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:20 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bisenius for the afternoon session on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2210, by Hutchins, Coleman, Miller of Cerro Gordo and Scott, a bill for an act creating the Iowa railway improvement finance authority to aid in the construction, renovation and repairing of railway facilities and providing for the authority to issue revenue bonds for that purpose.

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

BUSINESS PENDING

House File 747

The Senate resumed consideration of House File 747 and amendments S—5108, S—5122 and S—5125 to division S—5104A, previously deferred.

Senator Small offered amendment S—5128 filed by Senators Small and Slater from the floor to division S—5104A, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5128 be adopted?" (H.F. 747) the vote was:

Ayes, 16:

Calhoon	Carr	Deluhery	Gallagher
Junkins	Miller, C.P.	Orr	Palmer
Robinson	Rodgers	Rush	Scott
Slater	Small	Waldstein	Yenger

Nays, 26:

Bergman	Brown	Carney	Coleman
Craft	DeKoster	Drake	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Nystrom	Priebe
Ramsey	Readinger	Schwengels	Taylor
Tieden	Van Gilst		

Absent or not voting, 8:

Baugher	Bisenius	Briles	Comito
Gentleman	Hutchins	Jensen	Murray

Amendment S—5128 lost.

The Senate resumed consideration of amendment S—5108 by Senator Slater to division S—5104A, previously deferred.

Senator Slater moved the adoption of amendment S—5108 to division S—5104A and requested a record roll call.

On the question "Shall amendment S—5108 to division S—5104A be adopted?" (H.F. 747) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Calhoon	Carr	Deluhery	Gallagher
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	

Nays, 26:

Baugher	Bergman	Brown	Carney
Coleman	Comito	Craft	DeKoster
Drake	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Kudart	Miller, E.R.	Nystrom	Ramsey
Schwengels	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 5:

Bisenius	Briles	Gentleman	Jensen
Murray			

Amendment S—5108 lost.

The Senate resumed consideration of amendment S—5122 by Senator Holden to division S—5104A, previously deferred.

Senator Holden moved the adoption of amendment S—5122 to division S—5104A.

A record roll call was requested.

On the question "Shall amendment S—5122 to division S—5104A be adopted?" (H.F. 747) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Baugher	Bergman	Carney	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Waldstein	Yenger

Nays, 22:

Briles	Brown	Calhoon	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Goodwin
Gratias	Hansen	Hester	Kudart
Miller, E.R.	Nystrom	Orr	Rodgers
Small	Van Gilst		

Absent or not voting, 4:

Bisenius	Gentleman	Jensen	Murray

Amendment S—5122 was adopted.

Senator Kinley offered amendment S—5131 filed by Senators Kinley, Robinson and Holden from the floor to division S—5104A.

Senator Priebe moved to defer action on amendment S—5131 in order to obtain a fiscal note on the amendment.

Senator Kinley asked and received unanimous consent that action on amendment S—5131 to division S—5104A be temporarily deferred.

Senator Ramsey offered amendment S—5132 filed by him from the floor to division S—5104A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5132 to division S—5104A be adopted?" (H.F. 747) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bergman	Briles	Calhoon	Carr
Coleman	Deluhery	Hulse	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Ramsey	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 21:

Baugher	Brown	Carney	Comito
Craft	DeKoster	Drake	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hultman	Jensen	Kudart
Nystrom	Orr	Readinger	Robinson
Schwengels			

Absent or not voting, 4:

Bisenius	Gentleman	Miller, E.R.	Murray

Amendment S—5132 was adopted.

Senator Miller of Cerro Gordo offered amendment S—5129 filed by Senators Miller of Cerro Gordo, et al., from the floor to divisions S—5104A and S—5104B and called for a division: lines 4 and 5 as division S—5129A and lines 6 through 25 as division S—5129B.

Senator Miller of Cerro Gordo asked and received unanimous consent that action on division S—5129A to division S—5104A be temporarily deferred.

Action on division S—5129B to division S—5104B was temporarily deferred.

Senator Ramsey offered amendment S—5133 filed by him from the floor to divisions S—5104A and S—5104B and called for a division: lines 4 and 5 as division S—5133A and lines 6 through 8 as division S—5133B.

Senator Ramsey withdrew division S—5133A to division S—5104A.

Action on division S—5133B to division S—5104B was temporarily deferred.

Senator Ramsey raised the point of order that division S—5104B was not germane to the bill.

The Chair ruled the point well taken and division S—5104B out of order.

The Chair ruled the following amendments to division S—5104B out of order:

Division S—5129B by Senators Miller of Cerro Gordo, et al., previously deferred.

Division S—5133B by Senator Ramsey, previously deferred.

Amendment S—5117 filed by Senators Hansen, et al., on February 13, 1980.

Amendment S—5126 filed by Senators Ramsey, et al., from the floor.

Amendment S—5127 filed by Senators Hansen and Drake from the floor.

Amendment S—5134 filed by Senators Hutchins and Ramsey from the floor.

Senator Orr offered amendment S—5130 filed by her from the floor to division S—5104A and moved its adoption.

Amendment S—5130 was adopted by a voice vote.

Senator Slater offered amendment S—5135 filed by him from the floor to division S—5104A, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5135 to division S—5104A be adopted?" (H.F. 747) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Baugher	Briles	Calhoon	Carr
Coleman	Gratias	Hulse	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Palmer	Readinger	Robinson
Rodgers	Rush	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 23:

Bergman	Brown	Carney	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Hansen
Hester	Holden	Hultman	Hutchins
Kudart	Murray	Nystrom	Orr
Priebe	Ramsey	Schwengels	

Absent or not voting, 1:

Bisenius

Amendment S—5135 was adopted.

Senator Kinley asked and received unanimous consent to withdraw amendment S—5131 to division S—5104A, previously deferred.

Senator Kinley offered amendment S—5136 filed by Senators Kinley, Robinson and Holden from the floor to division S—5104A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5136 to division S—5104A be adopted?" (H.F. 747) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Briles	Brown	Calhoon	Carr
DeKoster	Deluhery	Gentleman	Holden
Kinley	Miller, C.P.	Murray	Palmer
Readinger	Robinson	Rodgers	Rush
Slater	Small		

Nays, 30:

Baugher	Bergman	Carney	Coleman
Comito	Craft	Drake	Gallagher
Goodwin	Gratias	Hansen	Hester
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, E.R.
Nystrom	Priebe	Ramsey	Schwengels
Scott	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 2:

Bisenius	Orr

Amendment S—5136 lost.

Senator Miller of Cerro Gordo asked and received unanimous consent to withdraw division S—5129A to division S—5104A, previously deferred.

Senator Hultman asked and received unanimous consent that action on House File 747, division S—5104A and amendment S—5125 to division S—5104A be deferred.

INTRODUCTION OF BILLS

Senate File 2211, by Deluhery, a bill for an act relating to the safety and operation of mopeds and motorcycles.

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

Senate File 2212, by Deluhery, a bill for an act relating to the sale of policies of accident and health insurance, including policies providing medicare supplement coverage, skilled nursing care coverage, hospital confinement indemnity coverage, and specified disease or specified accident coverage and providing penalties.

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

Senate File 2213, by Ramsey, Schwengels, Rodgers, Tieden, Comito, DeKoster, Hulse, Robinson and Drake, a bill for an act authorizing a late-payment charge at a rate not exceeding twelve percent per annum in certain credit sales of goods or services, and providing penalties.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 108

Ways and Means
Craft, Chairperson
Rush
Scott
Comito
Ramsey

SENATE FILE 278

Judiciary
Rush, Chairperson
Scott
Ramsey

SENATE FILE 2039

Appropriations
Appropriations Subcommittee
on Transportation and Law Enforcement

SENATE FILE 2070

State Government
Carr, Chairperson
Drake
Bisenius

SENATE FILE 2078

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SENATE FILE 2080

State Government
Bisenius, Chairperson
E. Miller
C. Miller

SENATE FILE 2081

State Government
Nystrom, Chairperson
Bisenius
Carr

SENATE FILE 2084

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SENATE FILE 2086

State Government
Drake, Chairperson
Murray
Slater

SENATE FILE 2090

Ways and Means
Craft, Chairperson
Readinger
Hester
Rodgers
Van Gilst
Comito
Junkins

SENATE FILE 2095

State Government
Carr, Chairperson
E. Miller
Rodgers

SENATE FILE 2096

State Government
E. Miller, Chairperson
Schwengels
Carr

SENATE FILE 2101

State Government
Drake, Chairperson
E. Miller
Carr

SENATE FILE 2111

Ways and Means
Baugher, Chairperson
Drake
Junkins

SENATE FILE 2120

Judiciary
Kudart, Chairperson
Rush
Ramsey
Murray
Scott

SENATE FILE 2133

Ways and Means
Readinger, Chairperson
Comito
Rush

SENATE FILE 2134

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SENATE FILE 2137

Commerce
Goodwin, Chairperson
Craft
Deluhery

SENATE FILE 2141

Human Resources
Orr, Chairperson
Hansen
Craft

SENATE FILE 2142

Agriculture
Tieden, Chairperson
E. Miller
A. Miller

SENATE FILE 2143

Agriculture
Tieden, Chairperson
E. Miller
A. Miller

SENATE FILE 2144

Appropriations
Appropriations Subcommittee on
Transportation and Law Enforcement

SENATE FILE 2145

Energy
Gallagher, Chairperson
Briles
Rodgers

SENATE FILE 2146

Ways and Means
Comito, Chairperson
Holden
Scott

SENATE FILE 2150

Labor and Industrial Relations
Taylor, Chairperson
Orr
Hulse

SENATE FILE 2151

Judiciary
Coleman, Chairperson
Baugher
Briles

SENATE FILE 2155

Commerce
Craft, Chairperson
Bergman
Rush

SENATE FILE 2158

Labor and Industrial Relations
Carney, Chairperson
Hultman
Calhoon

SENATE FILE 2160

Commerce
Gentleman, Chairperson
Comito
Priebe

SENATE FILE 2161

Judiciary
Briles, Chairperson
Ramsey
Scott

SENATE FILE 2173

Judiciary
Rush, Chairperson
Hansen
Slater

SENATE FILE 2174

Labor and Industrial Relations
Carney, Chairperson
Hulse
Palmer

SENATE FILE 2178

Ways and Means
Readinger, Chairperson
Rodgers
Comito

SENATE FILE 2180

Judiciary
Ramsey, Chairperson
Baugher
Scott

SENATE CONCURRENT RESOLUTION 106

Rules and Administration
Hultman, Chairperson
Ramsey
Junkins

SENATE CONCURRENT RESOLUTION 107

Rules and Administration
Ramsey, Chairperson
Junkins
Hulse

SENATE CONCURRENT RESOLUTION 108

Natural Resources
Goodwin, Chairperson
Gratias
Calhoon

SENATE CONCURRENT RESOLUTION 109

Rules and Administration
Ramsey, Chairperson
Hultman
Kinley

SSB 2158

State Government
Drake, Chairperson
E. Miller
Slater

SSB 2159

State Government
Rodgers, Chairperson
Gratias
Bisenius

SSB 2183

Ways and Means
Readinger, Chairperson
Comito
Rush

SSB 2184

Ways and Means
Readinger, Chairperson
Comito
Rush

SSB 2189

Ways and Means
Holden, Chairperson
Ramsey
Van Gilst

SSB 2190

Ways and Means
Hutchins, Chairperson
Hester
Baugher

SSB 2191

Ways and Means
Rodgers, Chairperson
Ramsey
Comito

SSB 2192

Ways and Means
Rush, Chairperson
Ramsey
Readinger

SSB 2193

Ways and Means
Holden, Chairperson
Ramsey
Van Gilst

SSB 2195

Judiciary
Rush, Chairperson
Murray
Briles

SSB 2196

State Government
Drake, Chairperson
Schwengels
Slater

SSB 2197

Agriculture
Hulse, Chairperson
Tieden
Van Gilst

SSB 2198

Commerce
Bergman, Chairperson
Comito
Rush

SSB 2199

Commerce
Bergman, Chairperson
Comito
Priebe

SSB 2200

Commerce
Holden, Chairperson
Bergman
Comito
Robinson
Deluhery

SSB 2201

Judiciary
Ramsey, Chairperson
Coleman
Baugher

SSB 2203

Agriculture
Priebe, Chairperson
Bergman
Hulse

SSB 2204

Ways and Means
Craft, Chairperson
Rush
Scott
Drake
Hultman

SSB 2205

Natural Resources
Gratias, Chairperson
Calhoon
Priebe

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gage E. Parker, Shenandoah, Page County, Iowa, for appointment as a member of the Health Facilities Council pursuant to Section 135.62, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985. begs leave to report it has made investigation and recommends the appointment be confirmed.

CLARENCE S. CARNEY, Chairperson
CALVIN O. HULTMAN
ROLF V. CRAFT
PATRICK J. DELUHERY
C. W. HUTCHINS

MR. PRESIDENT: Your committee appointed to investigate the charcter and qualifications of Artis Reis, Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Civil Rights Commission pursuant to Section 601A.3, 1979 Code of Iowa, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEPHEN W. BISENIUS, Chairperson
ROLF V. CRAFT
BASS VAN GILST
DAVID M. READINGER
ALVIN V. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications 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 135E.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

MERLIN D. HULSE, Chairperson
CALVIN O. HULTMAN
JAMES CALHOON
GEORGE R. KINLEY
JACK W. HESTER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Molly M. Scott, Spencer, Clay County, Iowa, for appointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14, 1979 Code of Iowa, 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.

JULIA B. GENTLEMAN, Chairperson
ARNE WALDSTEIN
PATRICK J. DELUHERY
ROLF V. CRAFT
JAMES CALHOON

STUDY BILLS RECEIVED

S.S.B. 2208 Energy

Providing for an income tax credit for solar energy systems.

S.S.B. 2209 Natural Resources Appropriations Subcommittee

Appropriating funds to supplement funds appropriated for natural resources agencies by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, for the fiscal year beginning July 1, 1979.

S.S.B. 2210 Regulatory and Finance Appropriations Subcommittee

Relating to appropriations by amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters 4 and 14, to increase the appropriations for the board of engineering examiners, Iowa beer and liquor control department, comptroller's office, department of revenue, secretary of state and the administration of the Iowa public employees' retirement system fund, by increasing the full-time equivalent positions for the board of engineering examiners and department of job service, by eliminating the need for additional appropriations for the Iowa beer and liquor control department by repealing the law requiring a deposit on liquor bottles and by providing that unobligated funds remaining from the appropriation to the comptroller's office for data processing shall not revert at the end of the 1979-1980 fiscal year.

S.S.B. 2211 Regulatory and Finance Appropriations Subcommittee

Appropriating funds to supplement funds appropriated to the state board of engineering examiners and the department of revenue by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 4, for the fiscal year beginning July 1, 1979 and increasing the full-time equivalent portions for the state board of engineering examiners.

S.S.B. 2212 Education Appropriations Subcommittee

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13 relating to and making appropriations to certain commissions and boards responsible for education programs of this state for the fiscal year beginning July 1, 1979.

S.S.B. 2213 Transportation Appropriations Subcommittee

Appropriating funds to supplement funds appropriated to various departments by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, including a capital appropriation for the fiscal year beginning July 1, 1979.

S.S.B. 2214 Transportation Appropriations Subcommittee

Making appropriations to the state department of transportation for capital improvements.

S.S.B. 2215 State Government Appropriations Subcommittee

Making a supplemental appropriation to the courts for the fiscal year beginning July 1, 1979.

S.S.B. 2216 Human Resources Appropriations Subcommittee

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 16, section 1, by appropriating funds for the 1980-1981 fiscal year for the continuation of the elderly care program.

S.S.B. 2217 Human Resources Appropriations Subcommittee

Resolution for Legislative Council to direct the Legislative Fiscal Bureau to conduct a program evaluation of the Chronic Renal Disease Program and provide recommendations regarding cost-containment to the Appropriations Subcommittee on Human Resources by January, 1981.

S.S.B. 2218 State Government

Establishing the jurisdiction, duties, practices and procedures of the state board of mortuary examiners for purposes of enforcement by the state board of mortuary examiners of chapter 523A of the Code, relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing penalties.

S.S.B. 2219 State Government

Relating to determining years of service for certain members of the peace officers' retirement, accident and disability system.

S.S.B. 2220 State Government

To authorize county commissioners of elections to appoint substitute precinct election officials as alternates for election board members.

S.S.B. 2221 State Government

To repeal the state residency requirement for employees of the department of social services.

S.S.B. 2222 State Government

To establish an Iowa Advisory Commission on Intergovernmental Relations; providing for membership of the commission; providing its functions and duties; providing for meetings, hearings, and committees of the commission; providing for the employment of an executive director and staff of the commission and for administrative support, office space, and equipment; providing for financing and members' per diem and travel expenses; requiring the commission to issue annually a public report on its work; providing an effective date; providing for an appropriation.

S.S.B. 2223 State Government

To establish a communications review committee and to abolish the police communications review committee.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5014 to Senate File 360 failed to be adopted by the Senate on February 13, 1980.

NORMAN J. GOODWIN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5135 to House File 747 was adopted by the Senate on February 14, 1980.

DAVID M. READINGER

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2195	Education
S. F.	2196	Education
S. F.	2198	Education

S. F.	2199	Judiciary
S. F.	2203	State Government
S. F.	2204	County Government
S. F.	2205	Ways and Means
S. F.	2206	Transportation
S. F.	2207	Ways and Means
S. F.	2208	County Government
S. C.R.	110	Rules and Administration
H.F.	402	Human Resources
H.F.	2277	Human Resources

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 14, 1980.

Had I been present, I would have voted "aye" on amendments S—5108 and S—5128 and "nay" on amendments S—5122 and S—5132 to House File 747.

JULIA B. GENTLEMAN

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 13, 1980, 4:20 p.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; A. Miller and Gentleman.

Members Absent: Drake.

Other Business: Approved SSB's 2207, 2216 and 2217 and sent to the full Appropriations Committee.

Adjourned: 5:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 13, 1980, 4:00 p.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Final action on supplemental funds for the Energy Policy Council and Iowa Natural Resources Council.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 13, 1980, 4:10 p.m.

Members Present: Bisenius, Chairperson; Comito and C. Miller.

Members Absent: Orr, Ranking Member (excused) and Hester (excused).

Other Business: Final approval of appropriation bills.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 13, 1980, 4:30 p.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Carr, Craft, Bergman and Baugher.

Members Absent: none.

Other Business: Nancy Norman, Chief, Bureau of Finance, presented projected surplus/deficit areas; approved SSB 2206 and sent to the full Appropriations Committee; approved ADC/Child Support Recovery Bill.

Adjourned: 6:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 13, 1980, 4:15 p.m.

Members Present: Schwengels, Chairperson; Carney, Gratias and Priebe.

Members Absent: Rush, Ranking Member (excused).

Other Business: Recommended supplemental appropriations for the Department of General Services to refurbish Executive Hills West; approved bill drafts for 1980 and 1981 appropriations and capitals.

Adjourned: 4:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: February 13, 1980, 4:30 p.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Scott and Waldstein.

Members Absent: Holden (excused).

Other Business: Completed work on final draft.

Adjourned: 5:10 p.m.

JUDICIARY

Convened: February 13, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson: Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Hansen, Murray, Coleman, Deluhery, Slater, Scott and Gentleman (arrived 3:20 p.m.).

Members Absent: Ramsey.

Final Action: SENATE FILE 278, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5119.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Hansen, Murray, Coleman, Deluhery, Slater, Scott and Gentleman. Nays, none. Absent or not voting, 1: Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:50 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: February 7, 1980, 8:10 a.m.

Members Present: Hulse, Chairperson; Carney, Vice Chairperson; Carr, Calhoon, Hultman, Jensen, Orr, Palmer and Taylor.

Members Absent: none.

Final Action: SENATE FILE 2209, a bill for an act to exclude persons employed by the public employment relations board from collective bargaining.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hulse, Carney, Carr, Calhoon, Hultman, Jensen, Orr, Palmer and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Mr. Niel Ver Hoef, Audiologist, and Mr. Robert Landess, Industrial Commissioner, discussed Senate File 359.

Adjourned: 9:05 a.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: February 14, 1980, 8:10 a.m.

Members Present: Hulse, Chairperson; Carney, Vice Chairperson; Carr, Ranking Member; Calhoon, Jensen, Orr and Taylor.

Members Absent: Hultman and Palmer.

Final Action: SENATE FILE 359, a bill for an act relating to worker's compensation for occupational hearing loss.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5124.

Final Vote: Ayes, 7: Hulse, Carney, Carr, Calhoon, Jensen, Orr and Taylor. Nays, none. Absent or not voting, 2: Hultman and Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate Files 2150, 2158 and 2174 to subcommittees; Niel Ver Hoef, Audiologist, discussed Senate File 359.

Adjourned: 8:32 a.m.

NATURAL RESOURCES

Convened: February 13, 1980, 3:00 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Calhoon, Gratias, Rodgers, Tieden and Schwengels (arrived 3:23 p.m.).

Members Absent: Gallagher.

Final Action: SENATE FILE 2021, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 8: E. Miller, Goodwin, Priebe, Calhoon, Gratias, Rodgers, Tieden and Schwengels. Nays, none. Absent or not voting, 1: Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2105, a bill for an act relating to trapping restrictions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5118.

Final Vote: Ayes, 8: E. Miller, Goodwin, Priebe, Calhoon, Gratias, Rodgers, Tieden and Schwengels. Nays, none. Absent or not voting, 1: Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned SCR 108 and SSB 2205 to subcommittees; Bob Russell, Iowa Association of County Conservation Boards, was present and spoke to the committee.

Adjourned: 3:55 p.m.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 687

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 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, respectfully make the following report:

1. That the House recede from its amendment S—3678 to the Senate amendment H—4141 to House File 687 as amended, passed and reprinted by the House.

2. That the Senate amendment H—4141 to House File 687 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by inserting after line 7 the following:

"*NEW SUBSECTION.* 'Candidate' means a candidate as defined in section fifty-six point two (56.2) of the Code for a statewide office or the general assembly."

2. Page 1, by inserting after line 41 the following:

"*NEW SUBSECTION.* 'Public disclosure' means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted pursuant to this chapter.

NEW SUBSECTION. 'Immediate family members' means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the rules adopted or executive order issued pursuant to this chapter."

3. Page 1, by striking lines 45 through page 2, line 20 and inserting in lieu thereof the following:

"1. The house of representatives and the senate shall adopt rules relating to the reporting of gifts made to members of the general assembly, legislative employees and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

2. The governor shall issue an executive order relating to the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

3. The supreme court of this state shall adopt rules relating to the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

4. The governing body of a political subdivision of this state may adopt rules relating to the reporting of gifts made to its respective members or their immediate family members and employees of the political subdivision of this state or their immediate family members. Such rules as adopted shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals having a value which exceeds fifteen dollars in any one occurrence.

Where such rules are not adopted a local official or local employee shall make public disclosure by filing a report with the county auditor of the county of that person's residence setting out the nature, amount, date and donor of any gift made to the person or to the person's immediate family members which exceeds fifteen dollars in value in any one occurrence. The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. A person who does not make public disclosure of gifts as required by the rules adopted or executive order issued pursuant to this chapter or who does not make public disclosure as required by this chapter shall be guilty of a serious misdemeanor."

4. Page 2, by striking lines 21 through 36 and inserting in lieu thereof the following:

"Sec. 8. Section sixty-eight B point five (68B.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

68B.5 GIFTS SOLICITED OR ACCEPTED. An official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer or make any such gift to an official, employee, local official, local employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence."

5. Page 3, by inserting after line 2 the following:

"____. Page 2, by striking lines 17 through 32."

6. Page 5, by inserting after line 6 the following:

"____. Page 19, by inserting after line 4 the following:

'Sec. ____. Section five hundred seven B point four (507B.4), subsections twelve (12) and thirteen (13), Code 1979, are amended by striking the subsections.' "

7. Page 6, by inserting after line 31 the following:

"11. Page 19, by inserting after line 24 the following:

'Sec. ____. Senate File three hundred sixty-two (362), section four (4), subsection three (3), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

3. To be eligible for the loans, the local development corporation must secure the agreement of the commission to make the loan for the [second] *first* year after completion before commencing construction of the building.'

12. Page 19, by striking lines 25 and 26."

8. By renumbering the amendment to conform with this amendment.

ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:

WILLIAM H. HARBOR, Chairperson RICHARD R. RAMSEY, Chairperson

RICHARD L. BYERLY
NORMAN G. JESSE
LAVERNE W. SCHROEDER
RICHARD F. DRAKE
BERL E. PRIEBE
BOB RUSH
ARNE WALDSTEIN

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Minnette Doderer and Kenneth Scott, former members of the Senate and House of Representatives from Johnson and Cerro Gordo Counties, who were present in the Senate chamber.

The following visitors were present in the Senate gallery:

Fifty-five students from Phillips Elementary School, Des Moines, Iowa, accompanied by Rico Nizzi and Marcia Eide-Johnson. Senator Palmer.

Twelve students from the Urbandale Junior High School, Urbandale, Iowa, accompanied by Miss VanWhy. Senator Readinger.

AMENDMENTS FILED

S—5118	S. F.	2105	Natural Resources Committee
S—5119	S. F.	278	Judiciary Committee
S—5120	H.F.	673	William D. Palmer
S—5121	H.F.	747	Edgar H. Holden
S—5122	H.F.	747	Edgar H. Holden
S—5123	S. F.	2149	Charles P. Miller Tom Slater
S—5124	S. F.	359	Labor and Industrial Relations Committee
S—5125	H.F.	747	Edgar H. Holden
S—5126	H.F.	747	Richard R. Ramsey Merlin D. Hulse Alvin V. Miller Bob Rush Berl E. Priebe Tom Slater
S—5127	H.F.	747	W. R. Bill Hansen Richard F. Drake

S—5128	H.F.	747	Arthur A. Small, Jr. Tom Slater
S—5129	H.F.	747	Alvin V. Miller Bob Rush Tom Slater Richard R. Ramsey
S—5130	H.F.	747	Joann Orr
S—5131	H.F.	747	George R. Kinley Cloyd E. Robinson Edgar H. Holden
S—5132	H.F.	747	Richard R. Ramsey
S—5133	H.F.	747	Richard R. Ramsey
S—5134	H.F.	747	C. W. Hutchins Richard R. Ramsey
S—5135	H.F.	747	Tom Slater
S—5136	H.F.	747	George R. Kinley Cloyd E. Robinson Edgar H. Holden
S—5137	S. F.	2149	Norman G. Rodgers Bass Van Gilst Berl E. Priebe James V. Gallagher
S—5138	H.F.	747	Edgar H. Holden

ADJOURNMENT

On motion by Senator Hultman, the Senate adjourned at 3:38 p.m., until 10:00 a.m., Monday, February 18, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 18, 1980

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Eugene F. Kramer, pastor of the Immanuel Lutheran Church, Waterloo, Iowa.

The Journal of Thursday, February 14, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy Turner, Armstrong, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Yenger and Holden for the day on request of Senator Hultman and Senator Priebe for the day on request of Senator Junkins.

INTRODUCTION OF BILL

Senate File 2214, by Ramsey, a bill for an act establishing a two year statute of limitations for actions pursuant to the uniform support of dependents law which seek to both establish paternity and to enforce the father's obligations.

Read first time and **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 February 14, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 97, a bill for an act providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 97

S—5140

Amend Senate File 97 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 9, by inserting after the word "of" the words "physical and".

2. Page 3, line 27, by inserting after the word "board." the words "Such examination shall be conducted no more than once every six (6) months."

3. Page 4, line 13, by striking the words "file an application for" and inserting in lieu thereof the words "successfully complete the".

4. Page 4, line 14, by inserting after the word "Act." the words "However, the waiver is conditional upon the applicant satisfying the education and experience requirements of section five (5), subsection one (1), paragraphs a and b of this Act within five years of the waiver being granted and if those requirements are not satisfied at the expiration of those five years the board shall revoke the license."

5. Page 6, by striking lines 13 through 15 and inserting in lieu thereof the following: "chiropractic, chiropractic examiners; for physical therapists *and occupational therapists*, physical *and occupational* therapy examiners; for nursing, board of nursing;".

6. Page 6, by inserting after line 21 the following:

"Sec. ____. Section one hundred forty-seven point fourteen (147.14), subsection one (1), Code 1979, is amended to read as follows:

1. For podiatry, [physical therapy,] cosmetology, barbering, and mortuary science, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board."

7. Page 6, by striking lines 25 through 30 and inserting in lieu thereof the following:

"NEW SUBSECTION. For physical therapy and occupational therapy, three members licensed to practice physical therapy, two members licensed to

practice occupational therapy, and two members who are not licensed to practice physical therapy or occupational therapy and who shall represent the general public. A quorum shall consist of a majority of the members of the board."

8. Page 6, by inserting after line 30 the following:

"Sec. ____. Section one hundred forty-seven point twenty-five (147.25), unnumbered paragraph four (4),

Page 2

Code 1979, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice medicine, surgery, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, physical therapy, *occupational therapy*, and veterinary medicine, which fee shall be based on the annual cost of collecting information for use by the department of health in the administration of the system of health manpower statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund."

9. Page 6, by inserting before line 31 the following:

"Sec. ____. Section one hundred forty-seven point eighty (147.80), subsection seven (7), Code 1979, is amended to read as follows:

7. License to practice physical therapy issued upon the basis of an examination given by the board of physical *and occupational* therapy examiners, license to practice physical therapy issued under a reciprocal agreement, renewal of a license to practice physical therapy."

10. Page 7, line 1, by inserting after the word "of" the words "physical and".

11. Page 7, line 6, by inserting after the word "of" the words "physical and".

12. Page 7, by inserting after line 9 the following:

"Sec. ____. Section two hundred fifty-eight A point one (258A.1), subsection one (1), paragraph r, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

r. The board of physical and occupational therapy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code."

13. Page 7, by inserting after line 35 the following:

"Sec. ____. The members of the board of physical therapy examiners shall become members of the board of physical and occupational therapy examiners and may continue to serve the terms to which they were appointed; however, service on both boards shall be considered together for the purposes of section one hundred forty-seven point nineteen (147.19) of the

Page 3

Code. The governor shall appoint two persons who would be qualified to take or have waived the examination to become a licensed occupational therapist pursuant to this Act to the initial positions for licensed occupational therapists on the board of physical and occupational therapy examiners. The board shall grant these appointees licenses a occupational therapists. One initial appointee shall be appointed to a term of three years and the other to a term of two years."

14. Renumbering the sections and correcting internal references to conform with this amendment.

QUORUM CALL

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

Roll call revealed a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 278

Senator Jensen called for consideration Senate File 278, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits

a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties, amended by the House by House amendment S—5016 filed January 28, 1980, and found on pages 198-205 of the Senate Journal; further amended by the Senate by amendment S—5050 to House amendment S—5016 on February 4, 1980, and referred to the committee on Judiciary on February 4, 1980, with report of committee recommending amendment and passage on February 14, 1980.

Senator Rush offered amendment S—5119 filed by the committee on Judiciary on February 14, 1980, to House amendment S—5016 as amended and called for a division of the amendment: Page 1, lines 4 through 18 and lines 22 through 50 and page 2, line 1 as division S—5119A; page 1, lines 19 through 21 as division S—5119B.

Senator Rush asked and received unanimous consent that action on division S—5119A be temporarily deferred for consideration of division S—5119B.

Senators Rush and Gentleman called for a further division of amendment S—5119 to House amendment S—5016 as amended; Page 1, lines 22 through 50 and page 2, line 1 as division S—5119A; page 1, lines 16 through 21 as division S—5119B; page 1, lines 4 through 15 as division S—5119C.

Senator Kudart moved the adoption of division S—5119B to House amendment S—5016 as amended.

A non record roll call was requested.

The ayes were 21, nays 24.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Division S—5119B lost.

Senator Rush moved the adoption of division S—5119C to House amendment S—5016 as amended.

Division S—5119C lost by a voice vote.

Senator Rush moved the adoption of division S—5119A to House amendment S—5016 as amended, previously deferred.

Division S—5119A was adopted by a voice vote.

The Chair ruled amendment S—5074 filed by Senators Kudart and Rush on February 6, 1980, to House amendment S—5016 as amended out of order.

Senator Deluhery withdrew amendment S—5142 filed by him from the floor to House amendment S—5016 as amended.

Senator Deluhery offered amendment S—5144 filed by him from the floor to House amendment S—5016 as amended and moved its adoption.

Amendment S—5144 was adopted by a voice vote.

(Senate File 278 and House amendment S—5016 as amended pending on recess.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2311, a bill for an act to legalize the proceedings of the board of supervisors of Clay county, Iowa.

ALSO: That the House has on February 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2470, a bill for an act updating references to the Internal Revenue Code.

ALSO: That the House has on February 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2458, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2311, a bill for an act to legalize the proceedings of the board of supervisors of Clay county, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

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

House File 2458, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

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

House File 2470, a bill for an act updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the Act retroactive.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:33 p.m., President Branstad presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 15, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2012, a bill for an act relating to the definition of insolvent insurer for the purposes of the Iowa insurance guaranty association.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 2215, by Brown, a bill for an act requiring the annual registration fees for certain cars to be based on the vehicle's gas mileage estimates.

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

Senate File 2216, by Brown, a bill for an act prohibiting a student from operating a motor vehicle to and from school and making penalties applicable.

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

Senate File 2217, by Brown, a bill for an act authorizing the establishment of pilot financial assistance programs to enable developmentally disabled individuals to remain in or to return to their homes.

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

Senate File 2218, by Rodgers and Coleman, a bill for an act extending from five to ten years the period during which a health care facility or portion of a facility constructed or altered in accordance with plans and specifications approved by the department of health may not be considered deficient or ineligible for licensing due to failure to comply with any subsequently established rule or standard.

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

Senate File 2219, by Hansen, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

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

Senate File 2220, by Committee on County Government, a bill for an act to provide for a fee for the collection of special city assessments.

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

Senate File 2221, by Murray, a bill for an act relating to water navigation safety and providing penalties for violations.

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.

BUSINESS PENDING

Senate File 278

The Senate resumed consideration of Senate File 278 and House amendment S—5016 as amended, offered and pending.

Senator Coleman offered amendment S—5145 filed by him from the floor to House amendment S—5016 as amended and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5145 to House amendment S—5016 be adopted?" (S.F. 278) the vote was:

Ayes, 17:

Bergman	Bisenius	Briles	Brown
Coleman	Deluhery	Gallagher	Hutchins
Junkins	Miller, C.P.	Miller, E.R.	Murray
Orr	Rodgers	Rush	Scott
Van Gilst			

Nays, 28:

Baugher	Calhoon	Carney	Carr
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Jensen
Kinley	Kudart	Miller, A.V.	Nystrom
Palmer	Ramsey	Readinger	Schwengels
Slater	Small	Tieden	Waldstein

Absent or not voting, 5:

Holden	Priebe	Robinson	Taylor
Yenger			

Amendment S—5145 lost.

Senator Deluhery filed the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5144 to House amendment S—5016 to Senate File 278 was adopted by the Senate on February 18, 1980.

The motion prevailed by a voice vote and amendment S—5144 was taken up for reconsideration.

Senator Deluhery withdrew amendment S—5144 to House amendment S—5016 as amended.

Senator Deluhery offered amendment S—5146 filed by him from the floor to House amendment S—5016 as amended and moved its adoption.

Amendment S—5146 was adopted by a voice vote.

Senator Jensen moved that the Senate concur in House amendment S—5016 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Junkins raised the point of order that with the passage of amendment S—5146 to House amendment S—5016, Senate File 278 should have a fiscal note.

The Chair advised he would not rule that a fiscal note be required, but any Senator could request deferral of the bill for preparation of a fiscal note.

Senator Jensen 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. 278) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Comito	Craft
DeKoster	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Hulse	Hultman	Jensen	Junkins

Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Rush	Schwengels
Scott	Small	Taylor	Tieden
Van Gilst	Waldstein		

Nays, 8:

Briles	Carr	Coleman	Gallagher
Hutchins	Miller, C.P.	Rodgers	Slater

Absent or not voting, 4:

Holden	Priebe	Robinson	Yenger

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

Senator Hultman asked unanimous consent that **Senate File 278** be immediately messaged to the House.

Objection was raised by Senator Junkins.

Senator Hultman withdrew his request.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 278 passed the Senate on February 18, 1980.

LOWELL L. JUNKINS

APPENDIX

COMMUNICATION

The following communication was filed with the Secretary of the Senate on February 14, 1980:

February 14, 1980

Mr. Frank J. Stork
Secretary of the Senate
Statehouse
LOCAL

Dear Mr. Stork:

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

These include six (6) claims of a general nature. This supplements our filing on January 15, 1980.

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.

FRANK J. STORK, Secretary of the Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
5701-68-25	Wayne's Oil & Tire Service, Ltd. Washington, Iowa Invoice for towing automobile	$ 30.00	Disapproved
5756-68-25	Practice of Family Medicine, P.C. Cedar Rapids, Iowa Invoice for treatment of patient thought to be from M.H.I. at Independence	59.00	Disapproved

5765-68-25	Lemoine Auxier Woodward, Iowa Adoption subsidy	Undetermined	Disapproved
5920-68-25	ARC Vocational Services Dubuque, Iowa Outdated invoice paid administratively	135.00	Disapproved
5949-68-25	Jennie Edmundson Memorial Hospital Council Bluffs, Iowa Outdated invoice for federally funded Title XIX claim	4,096.75	Disapproved
6052-68-25	Harold Jones Williamsburg, Iowa Reimbursement for sick leave (unused) resolved administratively	2,000.00	Disapproved

PROOF OF PUBLICATIONS

Published copy of Senate File 2219 and verified proof of publication of said bill in the Waterloo Courier, a newspaper published in Waterloo, Iowa, on February 13, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 2311 and verified proof of publication of said bill in The Daily Reporter, a newspaper published in Spencer, Iowa, on January 23, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 14, 1980, the Governor approved and transmitted to the Secretary of the State the following bill:

S.F. 286—Relating to the cancellation of property interests granted for pipeline or electric transmission line purposes.

ALSO:

That on February 15, 1980, the Governor approved and transmitted to the Secretary of the State the following bill:

H.F. 471—Relating to local advisory councils for vocational education.

COMMUNICATION

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

STATE BOARD OF REGENTS

A copy of the report on the Board of Regents' efforts to improve energy efficiency of motor vehicle fleets pursuant to Chapter 13, Section 27, 1979 Acts of the Sixty-eighth General Assembly.

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Ronald F. Mosher be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

W. R. BILL HANSEN

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Deborah L. Green, Cedar Falls, Black Hawk County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners under the provisions of Section 147.14, 1979 Code of Iowa, 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.

DAVID M. READINGER, Chairperson
W. R. BILL HANSEN
CHARLES P. MILLER
BASS VAN GILST
NORMAN G. RODGERS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of David A. Hoeper, Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners pursuant to Section 147.14, 1979 Code of Iowa, 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.

A. R. KUDART, Chairperson
ARTHUR A. SMALL, JR.
JOHN N. NYSTROM
JOHN SCOTT
CALVIN O. HULTMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kristi Livingston, Lorimor, Union County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners under the provisions of Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
RICHARD R. RAMSEY
NORMAN G. RODGERS
TOM SLATER
FORREST V. SCHWENGELS

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 18th day of February, 1980.

Senate File 437.

FRANK J. STORK, Secretary of the Senate

PETITIONS

The following petitions were presented and placed on file by:

Senator DeKoster from twelve residents of Cerro Gordo County favoring legislation to provide appropriations for the Title XX programs.

Senator Gallagher from sixty-three residents of Benton County favoring legislation providing an income tax credit and sales and use tax exemption for the purchase, construction and installation of a solar energy system.

STUDY BILLS RECEIVED

S.S.B. 2224 Ways and Means

Relating to the minimum filing requirements for the state individual income tax.

S.S.B. 2225 Ways and Means

Relating to the administration of the cigarette and tobacco tax laws by the department of revenue.

S.S.B. 2226 Ways and Means

Relating to the taxable status of property.

S.S.B. 2227 Ways and Means

Relating to the administration of the motor fuel and special fuel tax laws.

S.S.B. 2228 Appropriations

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, relating to appropriations from the general fund of the state for the fiscal year beginning July 1, 1980 for various operations and grants to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy use and conservation and natural resource management and research.

S.S.B. 2229 State Government

To require that reports of induced terminations of pregnancies be filed with the state department of health.

S.S.B. 2230 Ways and Means

Relating to the statute of limitations on assessment of state individual income taxes.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2210	Transportation
S. F.	2211	Transportation
S. F.	2212	Commerce
S. F.	2213	Commerce
S. R.	106	Rules and Administration
H.F.	2138	Education
H.F.	2169	Transportation
H.F.	2246	Judiciary
H.F.	2279	County Government
H.F.	2340	Education

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 18, 1980, 1:00 p.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Baugher, Bergman, Craft and Carr (arrived 1:25 p.m.).

Members Absent: none.

Other Business: Approved SSB 2206 recommending supplemental appropriations for the Department of Social Services for the ADC program, Title XX program and state reimbursement to counties for certain juvenile court expenses.

Adjourned: 1:40 p.m.

CITIES

Convened: February 18, 1980, 1:35 p.m.

Members Present: Readinger, Chairperson; Briles, Vice Chairperson; A. Miller, Ranking Member; Hansen, Kinley, Kudart, Palmer and Taylor.

Members Absent: Coleman.

Final Action: SENATE FILE 2006, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must advertise and receive sealed bids.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Readinger, Briles, A. Miller, Hansen, Kinley, Kudart, Palmer and Taylor. Nays, none. Absent or not voting, 1: Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:45 p.m.

COUNTY GOVERNMENT*

* A report of this meeting was also recorded on page 415 of the February 12, 1980, Senate Journal.

Convened: February 11, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Baugher, Brown, C. Miller, Slater and Yenger.

Members Absent: Hester (excused), Kudart (excused) and Nystrom.

Final Action: SENATE FILE 2220, a bill for an act to provide for a fee for the collection of special city assessments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Briles, Waldstein, Hutchins, Baugher, Brown, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 3: Hester, Kudart and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:45 p.m.

JUDICIARY

Convened: February 18, 1980, 9:15 a.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Gentleman, Murray, Ramsey, Baugher, Scott, Deluhery (arrived 9:30 a.m.), Hansen (arrived 9:35 a.m.) and Coleman (arrived 10:10 a.m.).

Members Absent: Briles and Slater.

Final Action: SENATE FILE 2120, a bill for an act relating to products liability actions.

Recommendation: NOT PASS AS WRITTEN.

Final Vote: Ayes, 7: DeKoster, Kudart, Rush, Coleman, Deluhery, Hansen and Scott. Nays, 2: Gentleman and Murray. Voting present, 2: Baugher and Ramsey. Absent or not voting, 2: Briles and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 10:20 a.m.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5135 to House File 747 was adopted by the Senate on February 14, 1980.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5132 to House File 747 was adopted by the Senate on February 14, 1980.

ARTHUR A. SMALL, JR.

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5132 to House File 747 was adopted by the Senate on February 14, 1980.

RAY TAYLOR

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable James Griffin, former member of the Senate from Pottawattamie County, who was present in the Senate chamber.

AMENDMENTS FILED

S—5139	S. F.	367	Rolf V. Craft Charles P. Miller
S—5142	S. F.	278	Patrick J. Deluhery
S—5143	S. F.	2149	Ray Taylor C. Joseph Coleman
S—5144	S. F.	278	Patrick J. Deluhery
S—5145	S. F.	278	C. Joseph Coleman
S—5146	S. F.	278	Patrick J. Deluhery
S—5147	S. F.	2120	Lucas J. DeKoster
S—5148	S. F.	2120	William D. Palmer
S—5149	S. F.	2070	Forrest V. Schwengels
S—5150	S. F.	2120	Bob Rush
S—5151	S. F.	2120	Arthur A. Small, Jr. Richard R. Ramsey

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:19 p.m., until 9:00 a.m., Tuesday, February 19, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 19, 1980

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Lewis Grady, pastor of the St. Paul African Methodist Church, Des Moines, Iowa.

The Journal of Monday, February 18, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Daryl Kuper, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Yenger for the day on request of Senator Hultman.

INTRODUCTION OF BILLS

Senate File 2222, by Taylor, a bill for an act excluding fuel consumed for the raising of livestock or poultry from sales tax.

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

Senate File 2223, by Rush, Ramsey, Deluhery, Priebe, Slater, Junkins, Schwengels, Small, Gratias, Calhoon, Brown, Scott and Hutchins, a bill for an act to protect public employees from personnel actions as reprisals for disclosing waste, mismanagement, or violations of law, providing for investigation of complaints by the citizens' aide, and making agencies which violate this Act subject to an order of mandamus.

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

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2120.

Senate File 2120

On motion of Senator Holden, Senate File 2120, a bill for an act relating to products liability actions, with report of committee on Judiciary recommending the bill not pass as written, was taken up for consideration.

Senator Kudart offered amendment S—5157 filed by him from the floor to strike everything after the enacting clause of the bill.

Senator Small raised the point of order that amendment S—5157 was not germane to the bill.

Senator Kudart withdrew amendment S—5157.

Senator Scott offered amendment S—5153 filed by him from the floor to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5153 be adopted?" (S.F. 2120) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Brown	Calhoon	Carr	Coleman
DeKoster	Deluhery	Drake	Gallagher
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Ramsey	Rodgers	Rush
Scott	Slater	Small	

Nays, 25:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Miller, E.R.	Murray	Nystrom	Readinger
Schwengels	Taylor	Tieden	Van Gilst
Waldstein			

Absent or not voting, 2:

Robinson	Yenger

Amendment S—5153 lost.

Senator Small offered amendment S—5099 filed by him on February 12, 1980, to page 1 of the bill.

Senator Small asked and received unanimous consent that action on amendment S—5099 be temporarily deferred for consideration of amendment S—5161.

Senator DeKoster offered amendment S—5161 filed by Senators DeKoster, et al., from the floor to page 1 of the bill, moved its adoption and requested a non record roll call.

The ayes were 33, nays 15.

Amendment S—5161 was adopted.

With the adoption of amendment S—5161, the Chair ruled the following amendments out of order:

Amendment S—5099 by Senator Small to page 1 of the bill, previously deferred.

Amendment S—5147 filed by Senator DeKoster on February 18, 1980, to page 1 of the bill.

Amendment S—5160 filed by Senators Kudart and Briles from the floor to pages 1 and 2 of the bill.

Senator DeKoster offered amendment S—5159 filed by him from the floor to pages 1 and 2 of the bill, moved its adoption and requested a non record roll call.

The ayes were 22, nays 26.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Amendment S—5159 lost.

Senator Small offered amendment S—5164 filed by him from the floor to pages 1 and 2 of the bill.

(Senate File 2120 and amendment S—5164 pending on recess.)

INTRODUCTION OF BILLS

Senate File 2224, by Brown, a bill for an act relating to the minimum requirements for licenses and permits issued to operators of motor vehicles and repealing minors' school licenses.

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

Senate File 2225, by Bisenius, a bill for an act relating to the personal liability of members of the board of parole for damages resulting from the release of a prisoner on parole.

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

Senate File 2226, by Committee on Judiciary, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant.

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

Senate File 2227, by Murray, a bill for an act establishing juvenile divisions of the judicial district departments of correctional services.

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 February 15, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2105, a bill for an act relating to the loading and unloading of pupils from school buses.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2105, a bill for an act relating to the loading and unloading of pupils from school buses.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2228, by Slater, a bill for an act providing for a patient's bill of rights for patients in health care facilities and county care facilities, and providing penalties for violations.

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

Senate File 2229, by Committee on Judiciary, a bill for an act establishing the office of state appellate defender.

Read first time and referred to the committee on **State Government** under Senate Rule 37.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 19, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2109, a bill for an act to increase the maximum interest rate payable on installment contracts for the purchase of school buses.

ALSO: That the House has, on February 19, 1980, adopted the conference committee report and passed House File 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

ALSO: That the House has on February 13, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2410, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2109, a bill for an act to increase the maximum interest rate payable on installment contracts for the purchase of school buses.

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

House File 2410, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems.

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.

BUSINESS PENDING

Senate File 2120

The Senate resumed consideration of Senate File 2120 and amendment S—5164 by Senator Small to pages 1 and 2 of the bill, offered and pending.

Senator Small asked and received unanimous consent that action on amendment S—5164 be temporarily deferred.

Senator Waldstein offered amendment S—5165 filed by Senators Waldstein and DeKoster from the floor to page 2 of the bill.

Senator Waldstein asked and received unanimous consent that action on amendment S—5165 be temporarily deferred.

Senator Small withdrew amendment S—5098 filed by him on February 12, 1980, to pages 1 and 2 of the bill.

Senator Palmer offered amendment S—5148 filed by him on February 18, 1980, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5148 be adopted?" (S.F. 2120) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Baugher	Brown	Calhoon	Carr
Coleman	DeKoster	Deluhery	Gallagher
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Scott	Slater	Small

Nays, 24:

Bergman	Bisenius	Briles	Carney
Comito	Craft	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Miller, E.R.	Murray	Schwengels	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 2:

Nystrom	Rodgers

Amendment S—5148 lost.

Senator Kudart offered amendment S—5156 filed by him from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5156 be adopted?" (S.F. 2120) the vote was:

Ayes, 20:

Brown	Calhoon	Carr	Coleman
DeKoster	Deluhery	Gallagher	Hutchins
Junkins	Kinley	Kudart	Miller, C.P.
Orr	Palmer	Ramsey	Robinson
Rush	Scott	Slater	Small

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Miller, A.V.	Miller, E.R.	Priebe
Readinger	Schwengels	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Absent or not voting, 3:

Murray Nystrom Rodgers

Amendment S—5156 lost.

Senator Waldstein offered amendment S—5169 filed by Senators Waldstein, et al., from the floor to pages 1 and 2 of the bill and called for a division of the amendment: lines 2 through 4 as division S—5169A and lines 5 through 10 as division S—5169B.

Senator Waldstein asked and received unanimous consent that action on division S—5169A be temporarily deferred.

Senator Ramsey asked and received unanimous consent that action on division S—5169B be temporarily deferred.

Senator Holden offered amendment S—5170 filed by him from the floor to page 2 of the bill.

Senator Holden asked and received unanimous consent that action on amendment S—5170 be temporarily deferred.

Senator Rush offered amendment S—5150 filed by him on February 18, 1980, to page 2 of the bill.

Senator Holden asked and received unanimous consent that action on amendment S—5150 be temporarily deferred.

Senator Hultman asked and received unanimous consent that action on **Senate File 2120** be **deferred.**

CONSIDERATION OF RESOLUTIONS

Senator Hultman asked and received unanimous consent to take up out of order Senate Concurrent Resolution 102.

Senate Concurrent Resolution 102

On motion of Senator Ramsey, Senate Concurrent Resolution 102, a resolution urging Congress to ban in all states the practice of transferring property to establish eligibility for Medical Assistance benefits, filed January 28, 1980, found on page 209 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey moved the adoption of Senate Concurrent Resolution 102, which motion prevailed by a voice vote.

Senate Concurrent Resolution 103

On motion of Senator Brown, Senator Concurrent Resolution 103, a resolution to proclaim 1980 through 1989 in Iowa as Decade of the Family, filed January 29, 1980, found on page 219 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Brown moved the adoption of Senate Concurrent Resolution 103, which motion prevailed by a voice vote.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2183.

Senate File 2183

On motion of Senator Waldstein, Senate File 2183, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition, was taken up for consideration.

Senator Waldstein offered amendment S—5110 filed by Senators Priebe and Waldstein on February 13, 1980, to page 1 of the bill.

Senator Hultman asked and received unanimous consent that action on amendment S—5110 and Senate File 2183 be deferred.

APPENDIX

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sandra J. Holien, Marshalltown, Marshall County, Iowa, for appointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
JOHN S. MURRAY
JOHN W. JENSEN
WILLIAM D. PALMER
CLOYD E. ROBINSON

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Minnette Doderer, Iowa City, Johnson County, Iowa, for appointment as a member of the State Health Facilities Council pursuant to Section 135.62, 1979 Code of Iowa, 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.

NORMAN J. GOODWIN, Chairperson
ARTHUR L. GRATIAS
ARTHUR A. SMALL, JR.
W. R. BILL HANSEN
LOWELL L. JUNKINS

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 14, 1980, the Governor approved and transmitted to the Secretary of State the following bill:

H.F. 2072—Relating to property taxation.

STUDY BILLS RECEIVED

S.S.B. 2231 Agriculture

Relating to the definitions of milk and milk products.

S.S.B. 2232 Agriculture

Amending Iowa's law on the production and sale of dairy products by making certain changes in the milk inspection delegation authority and enforcement provisions contained

therein; and by updating certain internal references and provisions as required by the Interstate Milk Shippers Compact.

S.S.B. 2233 Education

Relating to the transfer of jurisdiction of the Iowa braille and sight-saving school and the school for the deaf from the state board of regents to the department of public instruction.

S.S.B. 2234 State Government

Relating to the payment of expenses of the Iowa national guard.

S.S.B. 2235 State Government

Transferring the duties of the treasurer of the state fair board to the secretary of the state fair board.

S.S.B. 2236 State Government

Providing that members of the state fair board shall be appointed by the governor subject to confirmation by two-thirds of the members of the senate.

S.S.B. 2237 Agriculture

Establishing the Iowa family farm development authority, authorizing the issuance of bonds and prescribing its powers and duties.

S.S.B. 2238 Transportation and Law Enforcement Appropriations Subcommittee

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, relating to the administration and financing of current programs of agencies whose responsibilities relate to transportation, public safety, and public defense for the fiscal year beginning July 1, 1980.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2214	Judiciary
S. F.	2215	Transportation
S. F.	2216	Transportation
S. F.	2217	Human Resources

S. F.	2218	State Government
S. F.	2219	Judiciary
S. F.	2221	Natural Resources
H.F.	2311	Judiciary
H.F.	2458	Education
H.F.	2470	Ways and Means

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 14, 1980, 4:00 p.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher and Goodwin.

Members Absent: E. Miller (excused).

Other Business: Finalized action on 1981 supplemental appropriations.

Adjourned: 4:30 p.m.

EDUCATION

Convened: February 19, 1980, 1:40 p.m.

Members Present: Hansen, Chairperson, Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Orr and Taylor.

Members Absent: Small.

Other Business: Assigned bills to subcommittees; discussed Senate File 2109 and SSB 2045.

Adjourned: 2:20 p.m.

HUMAN RESOURCES

Convened: February 19, 1980, 8:44 a.m.

Members Present: Gentleman, Chairperson; Carney, Carr, Craft, Hulse, A. Miller and Orr.

Members Absent: Yenger, Vice Chairperson (excused); C. Miller, Ranking Member (excused); Bergman (excused), Hansen and Slater.

Other Business: Assigned House Files 402, 2245 and 2277 to subcommittees.

Adjourned: 8:52 a.m.

JUDICIARY*

* A report of this meeting was also recorded on page 464 of the February 14, 1980, Senate Journal.

Convened: February 13, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Briles, Coleman, Deluhery, Gentleman, Hansen, Murray, Baugher, Scott and Slater.

Members Absent: Ramsey.

Final Action: SENATE FILE 2226, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Briles, Kudart, Rush, Coleman, Deluhery, Gentleman, Hansen, Murray, Baugher, Scott and Slater. Nays, none. Absent or not voting, 1: Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: February 19, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Baugher, Gentleman, Murray, Deluhery, Slater, Scott, Briles (arrived 3:15 p.m.), Hansen (arrived 3:15 p.m.) and Ramsey (arrived 3:15 p.m.).

Members Absent: Rush, Ranking Member and Coleman.

Final Action: SENATE FILE 2229, a bill for an act establishing the office of state appellate defender.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: DeKoster, Kudart, Baugher, Gentleman, Murray, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 5: Rush, Briles, Hansen, Ramsey and Coleman.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:20 p.m.

WAYS AND MEANS

Convened: February 12, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Holden, Hultman, Ramsey, Junkins, Rush and Van Gilst.

Members Absent: Hutchins, Scott (excused) and Hester (excused).

Final Action: SENATE FILE 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Holden, Hultman, Ramsey, Junkins, Rush and Van Gilst. Nays, none. Absent or not voting, 3: Hutchins, Scott and Hester.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:11 p.m.

PRESENTATION OF VISITORS

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

Forty-five students from the Solon Jr.-Sr. High School, Solon, Iowa, accompanied by Denny Gruber. Senator Kudart.

AMENDMENTS FILED

S—5152	S. F.	2043	Arne Waldstein A.R. Kudart Tom Slater Charles P. Miller C.W. Hutchins Jack W. Hester
S—5153	S. F.	2120	John Scott
S—5154	S. F.	2120	A.R. Kudart
S—5155	S. F.	2120	A.R. Kudart
S—5156	S. F.	2120	A.R. Kudart

S—5157	S. F.	2120	A.R. Kudart
S—5158	S. F.	2120	Lucas J. DeKoster
S—5159	S. F.	2120	Lucas J. DeKoster
S—5160	S. F.	2120	A.R. Kudart
			James E. Briles
S—5161	S. F.	2120	Lucas J. DeKoster
			A.R. Kudart
			Richard R. Ramsey
			Arthur A. Small, Jr.
			James E. Briles
S—5162	S. F.	2041	Bass Van Gilst
			Norman J. Goodwin
S—5163	S. F.	500	Richard F. Drake
			Rolf V. Craft
			C. W. Hutchins
S—5164	S. F.	2120	Arthur A. Small, Jr.
S—5165	S. F.	2120	Arne Waldstein
			Lucas J. DeKoster
S—5166	S. F.	2139	Ray Taylor
S—5167	S. F.	500	Richard F. Drake
S—5168	S. F.	2120	A. R. Kudart
			James E. Briles
S—5169	S. F.	2120	Arne Waldstein
			Lucas J. DeKoster
			Richard R. Ramsey
			Dale L. Tieden
S—5170	S. F.	2120	Edgar H. Holden
S—5171	S. F.	2120	Richard R. Ramsey

ADJOURNMENT

On motion by Senator Hultman, the Senate adjourned at 5:28 p.m., until 9:00 a.m., Wednesday, February 20, 1980.

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 20, 1980

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Dale Jensen, pastor of the Immanuel Evangelical Lutheran Church, Estherville, Iowa.

The Journal of Tuesday, February 19, 1980, was approved.

INTRODUCTION OF BILLS

Senate File 2230, by Taylor, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

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

Senate File 2231, by Ramsey and Kudart, a bill for an act relating to the time the lien for rates or charges for utility services attaches.

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

Senate File 2232, by Taylor, a bill for an act to provide for a closed session for governmental bodies to develop criteria for and discuss strategy in matters relating to certain teachers' and administrators' contracts.

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

Senate File 2233, by Committee on State Government, a bill for an act relating to the state and county funding of a county fair.

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

Senate File 2234, by Committee on State Government, a bill for an act relating to the payment of recording fees for land acquisitions by governmental agencies.

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

Senate File 2235, by Committee on State Government, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

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

Senate File 2236, by Schwengels, a bill for an act relating to the continuing education, registration, and discipline of securities broker-dealers and agents.

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

Senate File 2237, by Schwengels, Slater and Carr, a bill for an act relating to the youth conservation corps.

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 18, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2124, a bill for an act relating to the storage of a registered snowmobile.

ALSO: That the House has on February 18, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2130, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils.

ALSO: That the House has on February 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 160, a bill for an act to require the development of programs for autistic children.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 160, a bill for an act to require the development of programs for autistic children.

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

HOUSE AMENDMENT TO SENATE FILE 2130

S—5174

Amend Senate File 2130, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 25, by inserting after the word *"sites"* the words *", or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and area education agencies providing the services,".*

2. Page 1, line 28, by inserting after the word "premises" the words *", with the permission of the lawful custodian".*

3. Page 1, by striking lines 29 and 30.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nystrom for the day on request of Senator Hultman.

UNFINISHED BUSINESS
(Deferred February 19, 1980)

Senate File 2120

The Senate resumed consideration of Senate File 2120, a bill for an act relating to products liability actions, and amendments S—5150, 5164, 5165, divisions S—5169A and 5169B, and S—5170, deferred on February 19, 1980.

Senator Small offered amendment S—5151 filed by Senators Small and Ramsey on February 18, 1980, to page 2 of the bill.

Senator Holden asked and received unanimous consent that action on amendment S—5151 be temporarily deferred.

Senator Kudart offered amendment S—5168 filed by Senators Kudart and Briles on February 19, 1980, to page 2 of the bill.

Senator Kudart asked and received unanimous consent that action on amendment S—5168 be temporarily deferred.

Senator Small withdrew amendment S—5100 filed by him on February 12, 1980, to page 2 of the bill.

Senator Kudart offered amendment S—5155 filed by him on February 19, 1980, to page 2 of the bill.

Senator Kudart asked and received unanimous consent that action on amendment S—5155 be temporarily deferred.

Senator Hultman asked and received unanimous consent that action on **Senate File 2120** be temporarily **deferred.**

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 500.

Senate File 500

On motion of Senator Drake, Senate File 500, a bill for an act relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, increasing the interest rates on special assessment bonds and making certain provisions of the Act retroactive, was taken up for consideration.

Senator Drake offered amendment S—5163 filed by Senators Drake, Craft and Hutchins on February 19, 1980, to strike everything after the enacting clause of the bill and the title page of the bill.

Senator Drake offered amendment S—5167 filed by him on February 19, 1980, to amendment S—5163 and moved its adoption.

Amendment S—5167 was adopted by a voice vote.

Senator Drake offered amendment S—5178 filed by him from the floor to amendment S—5163 and moved its adoption.

Amendment S—5178 was adopted by a voice vote.

Senator Drake moved the adoption of amendment S—5163 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5163 as amended, the Chair ruled the following amendments out of order:

Amendment S—3745 filed by Senators Willits and Drake on May 9, 1979, to page 2 of the bill.

Amendment S—3770 filed by Senator Craft on May 10, 1979, to page 1 of the bill.

Amendment S—3783 filed by Senators Drake and Craft on May 10, 1979, to pages 1 and 2 of the bill.

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. 500) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

Gallagher Miller, C.P.

Absent or not voting, 2:

Briles Nystrom

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

BILL RETURNED TO THE HOUSE

Senator Carr asked and received unanimous consent that **House File 92** be returned to the House.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 460.

Senate File 460

On motion of Senator Tieden, Senate File 460, a bill for an act relating to workers' compensation insurance proceedings and rates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Holden offered amendment S—5112 filed by Senators Holden and Tieden on February 13, 1980, to strike everything after the enacting clause of the bill.

Senator Holden offered amendment S—5179 filed by Senators Holden and Tieden from the floor to amendment S—5112 and moved its adoption.

Amendment S—5179 was adopted by a voice vote.

Senator Holden moved the adoption of amendment S—5112 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5112 as amended, the Chair ruled amendment S—5023 filed by the committee on Labor and Industrial Relations on January 31, 1980, to page 2 of the bill, out of order.

Senator Scott asked and received unanimous consent that action on **Senate File 460** be temporarily **deferred**.

Senator Hultman asked and received unanimous consent to take up out of order Senate File 367.

Senate File 367

On motion of Senator Craft, Senate File 367, a bill for an act relating to reimbursement or the payment for health care services and providing that it is a discriminatory practice to deny reimbursement or payment to certain persons, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Craft withdrew amendment S—5105 filed by him on February 13, 1980, to page 1 of the bill.

Senator Craft offered amendment S—5139 filed by Senators Craft and Miller of Des Moines on February 18, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5139 was adopted by a voice vote.

With the adoption of amendment S—5139, the Chair ruled the following amendments out of order:

Amendment S—5062 filed by the committee on Commerce on February 5, 1980, to page 1 of the bill.

Amendment S—5092 filed by Senator Robinson on February 12, 1980, to page 1 of the bill.

Amendment S—5095 filed by Senator Robinson on February 12, 1980, to page 1 of the bill.

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

On the question "Shall the bill pass?" (S.F. 367) the vote was:

Ayes, 43:

Bergman	Bisenius	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 5:

Baugher	DeKoster	Robinson	Rush
Small			

Absent or not voting, 2:

Briles	Nystrom

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

BUSINESS PENDING

Senate File 460

The Senate resumed consideration of Senate File 460, previously deferred.

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. 460) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

DeKoster

Absent or not voting, 2:

Briles Nystrom

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

MOTION OF RECONSIDER WITHDRAWN

Senate File 278

Senator Junkins withdrew the motion to reconsider Senate File 278, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties, filed by him on February 18, 1980, and found on page 481 of the Senate Journal.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2037.

Senate File 2037

On motion of Senator Holden, Senate File 2037, a bill for an act authorizing certain special charter cities to adopt a nonpartisan form of city election by ordinance, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that action on **Senate File 2037** be temporarily deferred.

UNFINISHED BUSINESS
(Deferred February 19, 1980)

Senate File 2183

The Senate resumed consideration of Senate File 2183, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition, and amendment S—5110 by Senators Priebe and Waldstein, deferred on February 19, 1980.

Senator Hultman asked and received unanimous consent that action on **Senate File 2183** and amendment S—5110 be deferred.

INTRODUCTION OF BILL

Senate File 2238, by Committee on Agriculture, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

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

RECESS

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

AFTERNOON SESSION

The Senate reconvened at 1:34 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 2037

The Senate resumed consideration of Senate File 2037, a bill for an act authorizing certain special charter cities to adopt a nonpartisan form of city election by ordinance, previously deferred.

Senator Deluhery offered amendment S—5182 filed by him from the floor to pages 1 and 2 of the bill and called for a division of the amendment: lines 2 and 3 and lines 9 through 12 as division S—5182A; lines 4 through 8 as division S—5182B.

Senator Deluhery moved the adoption of division S—5182A, which motion prevailed by a voice vote.

Senator Deluhery asked and received unanimous consent that action on division S—5182B be temporarily deferred.

Senator Deluhery offered amendment S—5183 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5183 was adopted by a voice vote.

The Senate resumed consideration of division S—5182B, previously deferred.

Senator Deluhery offered amendment S—5184 filed by him from the floor to division S—5182B and moved its adoption.

Amendment S—5184 was adopted by a voice vote.

Senator Deluhery moved the adoption of division S—5182B as amended.

Division S—5182B as amended was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2037) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hultman	Jensen
Kudart	Miller, E.R.	Murray	Ramsey
Readinger	Schwengels	Taylor	Waldstein
Yenger			

Nays, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Absent or not voting, 5:

Briles	Hulse	Nystrom	Robinson
Tieden			

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2043.

Senate File 2043

On motion of Senator Waldstein, Senate File 2043, a bill for an act relating to the supervision of construction and maintenance work on secondary roads, with report of committee recommending passage, was taken up for consideration.

Senator Waldstein offered amendment S—5152 filed by Senators Waldstein, et al., on February 19, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5152 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2043) the vote was:

Ayes, 31:

Bergman	Briles	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Goodwin	Gratias	Hansen
Holden	Hulse	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, E.R.
Murray	Palmer	Priebe	Ramsey
Rodgers	Rush	Schwengels	Scott
Taylor	Waldstein	Yenger	

Nays, 16:

Baugher	Bisenius	Brown	Calhoon
Carr	Gallagher	Gentleman	Hester
Hultman	Kudart	Miller, C.P.	Orr
Readinger	Slater	Small	Van Gilst

Absent or not voting, 3:

Nystrom	Robinson	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 2043 passed the Senate on February 20, 1980.

GEORGE R. KINLEY

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2073.

Senate File 2073

On motion of Senator Craft, Senate File 2073, a bill for an act to establish an Iowa tuition differential grant to provide for its payment from a fund established in the Act, with report of committee recommending amendment and passage, was taken up for consideration.

Senator DeKoster offered amendment S—5103 filed by the committee on Education on February 12, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5103 was adopted by a voice vote.

Senator Gallagher raised the point of order that Senate File 2073 should be referred to the committee on Appropriations.

The Chair ruled the point not well taken because the bill does not include an appropriation, but only sets up the framework for a program.

Senator Gallagher moved that Senate File 2073 be referred to the committee on Appropriations.

Senator Gallagher withdrew his motion.

Senator Hultman asked and received unanimous consent that action on **Senate File 2073** be **deferred.**

BUSINESS PENDING

Senate File 2120

The Senate resumed consideration of Senate File 2120, a bill for an act relating to products liability actions, and amendments S—5150, S—5151, S—5155, S—5164, S—5165, S—5168, divisions S—5169A and S—5169B and S—5170, previously deferred.

Senator Ramsey asked and received unanimous consent to take up for consideration amendment S—5185.

Senator Small offered amendment S—5185 filed by Senators Small, Ramsey and DeKoster from the floor to page 2 of the bill and moved its adoption.

Amendment S—5185 was adopted by a voice vote.

With the adoption of amendment S—5185, the Chair ruled the following amendments out of order:

Amendment S—5150 by Senator Rush to page 2 of the bill, deferred on February 19, 1980.

Amendment S—5151 by Senators Small and Ramsey to page 2 of the bill, previously deferred.

Amendment S—5158 filed by Senator DeKoster on February 19, 1980, to page 2 of the bill.

Amendment S—5168 by Senators Kudart and Briles to page 2 of the bill, previously deferred.

The Senate resumed consideration of divisions S—5169A and S—5169B by Senators Waldstein, et al., to pages 1 and 2 of the bill, deferred on February 19, 1980.

Senator Waldstein asked and received unanimous consent that action on division S—5169A be temporarily deferred.

Senator Holden offered amendment S—5176 filed by him from the floor to division S—5169B and moved its adoption.

Amendment S—5176 was adopted by a voice vote.

With the adoption of amendment S—5176, the Chair ruled amendment S—5187 filed by Senator Holden from the floor to division S—5169B out of order.

Senator Ramsey offered amendment S—5171 filed by him on February 19, 1980, to division S—5169B and moved its adoption.

Amendment S—5171 was adopted by a voice vote.

Senator Waldstein moved the adoption of division S—5169B as amended, which motion prevailed by a voice vote.

With the adoption of division S—5169B as amended, the Chair ruled the following amendments out of order:

Amendment S—5165 by Senators Waldstein and DeKoster to page 2 of the bill, deferred on February 19, 1980.

Amendment S—5170 by Senator Holden to page 2 of the bill, deferred on February 19, 1980.

Senator DeKoster asked and received unanimous consent that action on division S—5169A be temporarily deferred for consideration of amendment S—5188.

The Chair ruled amendment S—5164 by Senator Small to pages 1 and 2 of the bill, previously deferred, out of order.

Senator Ramsey offered amendment S—5188 filed by him from the floor to pages 1 and 2 of the bill.

Action on amendment S—5188 was temporarily deferred.

The Senate resumed consideration of amendment S—5155 by Senator Kudart to page 2 of the bill, previously deferred.

Senator Holden withdrew amendment S—5180 filed by him from the floor to amendment S—5155.

Senator Holden offered amendment S—5181 filed by him from the floor to amendment S—5155 and moved its adoption.

Amendment S—5181 was adopted by a voice vote.

Senator Kudart moved the adoption of amendment S—5155 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5155 as amended, the Chair ruled amendment S—5154 filed by Senator Kudart on February 19, 1980, to page 2 of the bill, out of order.

The Senate resumed consideration of amendment S—5188 by Senator Ramsey to pages 1 and 2 of the bill, previously deferred.

Senator Ramsey offered amendment S—5190 filed by him from the floor to amendment S—5188 and moved its adoption.

Amendment S—5190 was adopted by a voice vote.

Senator Ramsey moved the adoption of amendment S—5188 as amended.

A non record roll call was requested.

The ayes were 24, nays 25.

Amendment S—5188 as amended lost.

The Senate resumed consideration of division S—5169A by Senators Waldstein, et al., to page 1 of the bill, previously deferred.

Senator Ramsey moved the adoption of division S—5169A.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 26, nays 23.

Division S—5169A was adopted.

Senator Small offered amendment S—5186 filed by him from the floor to page 2 of the bill.

Senator Holden raised the point of order that amendment S—5186 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5186 out of order.

Senator Small withdrew amendment S—5177 filed by him from the floor to page 2 of the bill.

Senator Small withdrew amendment S—5189 filed by him from the floor to page 2 of the bill.

Senator Yenger filed the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5148 to Senate File 2120 failed to be adopted by the Senate on February 19, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2120) the vote was:

Ayes, 29:

Baugher	Brown	Calhoon	Carr
Coleman	Comito	DeKoster	Deluhery
Gallagher	Gratias	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Orr	Palmer	Ramsey
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst
Yenger			

Nays, 20:

Bergman	Bisenius	Briles	Carney

Craft	Drake	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Miller, E.R.	Priebe
Schwengels	Taylor	Tieden	Waldstein

Absent or not voting, 1:

Nystrom

The motion prevailed and amendment S—5148 by Senator Palmer to page 1 of the bill was taken up for reconsideration.

Senator Palmer moved the adoption of amendment S—5148.

A record roll call was requested.

On the question "Shall amendment S—5148 be adopted?" (S.F. 2120) the vote was:

Ayes, 26:

Baugher	Brown	Calhoon	Carr
Coleman	DeKoster	Deluhery	Gallagher
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Orr	Palmer
Ramsey	Readinger	Robinson	Rodgers
Rush	Scott	Slater	Small
Van Gilst	Yenger		

Nays, 23:

Bergman	Bisenius	Briles	Carney
Comito	Craft	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Miller, E.R.	Murray	Priebe	Schwengels
Taylor	Tieden	Waldstein	

Absent or not voting, 1:

Nystrom

Amendment S—5148 was adopted.

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

The Senate resumed session, President Branstad presiding.

Senator Small offered amendment S—5191 filed by him from the floor to page 2 of the bill.

Senator Holden raised the point of order that amendment S—5191 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5191 out of order.

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

On the question "Shall the bill pass?" (S.F. 2120) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Orr
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 3:

Kinley	Palmer	Rodgers

Absent or not voting, 1:

Nystrom

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 2239, by Hester, a bill for an act relating to the state fair board convention.

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

Senate File 2240, by Committee on Energy, a bill for an act appropriating funds for grants to builders for passive solar energy residential construction projects.

Read first time and referred to the committee on **Appropriations** under Senate Rule 37.

Senate File 2241, by Committee on Appropriations, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

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 February 20, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2088, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

DAVID L. WRAY, Chief Clerk

APPENDIX

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Kirk Ridley, Broadlawns Medical Center, Des Moines, Iowa.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2043 passed the Senate on February 20, 1980.

W. R. BILL HANSEN

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2222	Ways and Means
S. F.	2223	Labor and Industrial Relations
S. F.	2224	Transportation
S. F.	2225	Judiciary
S. F.	2227	Judiciary
S. F.	2228	Human Resources
H.F.	2105	Transportation
H.F.	2109	Education
H.F.	2410	State Government

STUDY BILLS RECEIVED

S.S.B. 2239 Ways and Means

Relating to the indexing of the state individual income tax.

S.S.B. 2240 State Government Appropriations Subcommittee

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters 2 and 3, relating to appropriations to various executive, legislative and judicial departments and agencies for the fiscal year beginning July 1, 1980.

S.S.B. 2241 State Government Appropriations Subcommittee

Making appropriations for the fiscal year beginning July 1, 1980, to the department of general services, the office of citizens' aide, and the judicial department for the purpose of providing for capital improvements.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of F. Glen Erickson, Davenport, Scott County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
EDGAR H. HOLDEN
MERLIN D. HULSE
CHARLES P. MILLER
WILLIAM D. PALMER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Mary E. Heltsley, Ames, Story County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD F. DRAKE, Chairperson
JOHN S. MURRAY
ALVIN V. MILLER
CHARLES P. MILLER
ROLF V. CRAFT

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 12, 1980, 3:00 p.m.

Members Present: Bergman, Chairperson; Hutchins, Ranking Member; Hulse, A. Miller, E. Miller, Van Gilst and Waldstein.

Members Absent: Hester, Vice Chairperson (excused); Tieden (excused) and Priebe (excused).

Final Action: SENATE FILE 2238, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Bergman, Hutchins, Hulse, A. Miller, E. Miller, Van Gilst and Waldstein. Nays, none. Absent or not voting, 3: Hester, Tieden and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate Files 2142, 2143 and SSB's 2203 and 2197 to subcommittees; Senator Hutchins reported on the task force trip to Houston regarding the movement of grain cars at the terminal.

Adjourned: 4:00 p.m.

APPROPRIATIONS

Convened: February 19, 1980, 12:00 noon.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson (arrived 12:03 p.m.); Palmer, Ranking Member (arrived 12:03 p.m.); Bisenius (arrived 12:20 p.m.), Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden (arrived 12:05 p.m.) and Van Gilst (arrived 12:05 p.m.).

Members Absent: none.

Final Action: SENATE FILE 2241, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:53 p.m.

ENERGY

Convened: February 20, 1980, 12:40 p.m.

Members Present: Bisenius, Vice Chairperson; Gallagher, Ranking Member; Brown, Readinger, Rodgers and Waldstein.

Members Absent: Ramsey, Chairperson (excused); Briles and Deluhery.

Final Action: SENATE FILE 2240, a bill for an act appropriating funds for grants to builders for passive solar energy residential construction projects.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Bisenius, Gallagher, Brown, Readinger and Rodgers. Nays, 1: Waldstein. Absent or not voting, 3: Ramsey, Briles and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Senator Readinger submitted a subcommittee report on SSB 2098; committee failed to approve SSB 2098 for redraft as a committee bill.

Adjourned: 1:10 p.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 397 of the February 11, 1980, Senate Journal.

Convened: February 7, 1980, 3:07 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Gallagher and Murray.

Final Action: SENATE FILE 2235, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 2: Murray and Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:37 p.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on pages 419 and 439 of the February 12 and February 13, 1980, Senate Journal.

Convened: February 11, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Rodgers and Yenger.

Members Absent: E. Miller (excused) and Murray.

Final Action: SENATE FILE 2233, a bill for an act relating to state and county funding of a county fair.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, Rodgers, Yenger and Drake. Nays, none. Absent or not voting, 3: Schwengels, E. Miller and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2234, a bill for an act relating to the payment of the recording fees for land acquisitions by governmental agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Nystrom, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, Rodgers, Yenger, Drake and Schwengels. Nays, none. Absent or not voting, 2: E. Miller and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: February 18, 1980, 1:37 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller and Rodgers.

Members Absent: Murray and Yenger (excused).

Final Action: SENATE FILE 74, a bill for an act relating to the resubmission to the electors of a proposal for issuance of bonds.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5172.

Final Vote: Ayes, 9: Nystrom, Schwengels, Slater, Bisenius, Brown, Drake, Gallagher, E. Miller and Rodgers. Nays, 2: Carr and Gratias. Absent or not voting, 3: C. Miller, Murray and Yenger.

Fiscal Note: NOT REQUIRED JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:00 p.m.

WAYS AND MEANS

Convened: February 19, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Rush, Scott, Van Gilst and Junkins (arrived 1:55 p.m.).

Members Absent: Rodgers, Ranking Member (excused).

Final Action: SENATE FILE 2090, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-80 fiscal year.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5175.

Final Vote: Ayes, 14: Craft, Readinger, Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Junkins, Hutchins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 1: Rodgers.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussed SSB 2204.

Adjourned: 2:35 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable James 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:

Twenty students from the Temple School, Des Moines, Iowa, accompanied by Betty Penniman. Senator Baugher.

AMENDMENTS FILED

S—5172	S. F.	74	State Government Committee
S—5173	S. F.	2183	C. Joseph Coleman
S—5175	S. F.	2090	Ways and Means Committee
S—5176	S. F.	2120	Edgar H. Holden

S—5177	S. F.	2120	Arthur A. Small, Jr.
S—5178	S. F.	500	Richard F. Drake
S—5179	S. F.	460	Edgar H. Holden Dale L. Tieden
S—5180	S. F.	2120	Edgar H. Holden
S—5181	S. F.	2120	Edgar H. Holden
S—5182	S. F.	2037	Patrick J. Deluhery
S—5183	S. F.	2037	Patrick J. Deluhery
S—5184	S. F.	2037	Patrick J. Deluhery
S—5185	S. F.	2120	Arthur A. Small, Jr. Richard R. Ramsey Lucas J. DeKoster
S—5186	S. F.	2120	Arthur A. Small, Jr.
S—5187	S. F.	2120	Edgar H. Holden
S—5188	S. F.	2120	Richard R. Ramsey
S—5189	S. F.	2120	Arthur A. Small, Jr.
S—5190	S. F.	2120	Richard R. Ramsey
S—5191	S. F.	2120	Arthur A. Small, Jr.
S—5192	H.F.	747	Richard F. Drake

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:37 p.m., until 9:00 a.m., Thursday, February 21, 1980.

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 21, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend William Ballard, pastor of the Faith United Parish Church, Centerville, Iowa.

The Journal of Wednesday, February 20, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Spearing, Harlan, Iowa.

INTRODUCTION OF BILL

Senate File 2242, by Hulse and Craft, a bill for an act to require the preparation of an environmental impact statement prior to filing a petition for a permit for a pipeline.

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 February 20, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 103, a resolution requiring state owned and operated vehicles to henceforth be fueled with gasohol.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 103
By: Pelton of Clinton

Whereas, the state of Iowa presently imports approximately 98% of our energy resources; and

Whereas, our nation and state must take all possible actions to reduce our dependence upon foreign sources of energy; and

Whereas, a transition to renewable sources of energy, as alternatives to petroleum, is very necessary for energy independence; and

Whereas, alcohol, produced from Iowa corn and other biomass, can be utilized as a fuel in intercombustion engines as gasohol; and

Whereas, Iowa has been the national leader in the marketing of gasohol, which has proven itself to be an effective, efficient and popular fuel; and

Whereas, the utilization of gasohol in motor vehicles reduces our dependence on imported petroleum and creates a demand for an Iowa commodity which aids our economy; and

Whereas, the state of Iowa should continue to be a national leader in energy conservation through progressive state public policy as we begin to leave the Age of Petroleum; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That all state owned and operated vehicles shall henceforth be fueled with gasohol, and

Be It Further Resolved, That all political subdivisions in the state of Iowa are urged to adopt policies to utilize gasohol in their vehicle fleet, and

Be It Further Resolved, That the Governor of Iowa, the Honorable Robert D. Ray, is urged to issue an executive order to effectuate the intent of this resolution.

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

UNFINISHED BUSINESS

House File 673

The Senate resumed consideration of House File 673, a bill for an act increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent, deferred on February 12, 1980.

Senator Palmer offered amendment S—5120 filed by him on February 14, 1980, to page 1 of the bill and called for a division of the amendment: lines 2 and 3 as division S—5120A; lines 4 through 12 as division S—5120B; line 13 as division S—5120C.

Senator Palmer moved the adoption of division S—5120A.

A record roll call was requested.

On the question "Shall division S—5120A be adopted?" (H.F. 673) the vote was:

Ayes, 18:

Brown	Calhoon	Carr	Coleman
Gratias	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Rodgers	Slater	Small
Tieden	Van Gilst		

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Craft	DeKoster	Deluhery
Drake	Gentleman	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Ramsey	Readinger
Robinson	Rush	Schwengels	Scott
Taylor	Waldstein	Yenger	

Absent or not voting, 5:

Comito	Gallagher	Goodwin	Murray
Nystrom			

Division S—5120A lost.

Senator Palmer moved the adoption of division S—5120B.

Division S—5120B was adopted by a voice vote.

Senator Palmer withdrew division S—5120C.

Senator Scott offered amendment S—5097 filed by Senators Rush and Scott on February 12, 1980, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 33, nays 13.

Amendment S—5097 was adopted.

Senator Kudart moved that the bill 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. 673) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Orr	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Palmer

Absent or not voting, 6:

Comito	Gallagher	Miller, C.P.	Nystrom
Schwengels	Scott		

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

WITHDRAWN

Senator DeKoster asked and received unanimous consent that **Senate File 474** be withdrawn from further consideration of the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nystrom for the morning session of request of Senator Hultman.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

House File 687

Senator Ramsey called up the conference committee report on House File 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, filed February 14, 1980, found on pages 466-469 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 687) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 34:

Bergman	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Junkins	Kudart	Miller, C.P.	Miller, E.R.
Priebe	Ramsey	Robinson	Rodgers
Schwengels	Slater	Small	Taylor
Tieden	Yenger		

Nays, 15:

Baugher	Calhoon	Deluhery	Gentleman
Hutchins	Kinley	Miller, A.V.	Murray
Orr	Palmer	Readinger	Rush
Scott	Van Gilst	Waldstein	

Absent or not voting, 1:

Nystrom

The motion prevailed and the conference committee report and the recommendation and amendments contained therein 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. 687) the vote was:

Ayes, 35:

Bergman	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Junkins	Kudart	Miller, C.P.
Miller, E.R.	Priebe	Ramsey	Robinson
Rodgers	Schwengels	Slater	Small
Taylor	Tieden	Yenger	

Nays, 14:

Baugher	Calhoon	Deluhery	Hutchins
Kinley	Miller, A.V.	Murray	Orr
Palmer	Readinger	Rush	Scott
Van Gilst	Waldstein		

Absent or not voting, 1:

Nystrom

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

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2241.

Senate File 2241

On motion of Senator Murray, Senate File 2241, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations, was taken up for consideration.

Senator Schwengels offered amendment S—5195 filed by Senators Schwengels, et al., from the floor to page 9 of the bill.

Senator Schwengels asked and received unanimous consent that action on amendment S—5195 be temporarily deferred.

Senator Murray offered amendment S—5194 filed by him from the floor to page 9 of the bill and moved its adoption.

Amendment S—5194 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on **Senate File 2241** and amendment S—5195 be **deferred**.

SPECIAL GUEST

Senator Miller of Cerro Gordo appeared at the rostrum and presented Ronda Jean Downing, age 10 from Mason City, Iowa, the 1980 Iowa Easter Seal Child.

Ronda, who is afflicted with Spina Bifida, is the daughter of Ron and Carol Downing and a student at Roosevelt Elementary School in Mason City. She expressed to the Senate the love she has for her pets and in particular, her pony "Bojo" for which she recently received a second place trophy.

HOUSE AMENDMENT CONSIDERED

Senate File 2130

Senator Jensen called up for consideration Senate File 2130, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils, amended by the House, and moved that the Senate concur in House amendment S—5174 filed February 20, 1979, and found on page 507 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Jensen 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. 2130) the vote was:

Ayes, 45:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Baugher	Holden	Miller, A.V.	Nystrom
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 Hultman asked and received unanimous consent to take up out of order Senate File 2179.

Senate File 2179

On motion of Senator Small, Senate File 2179, a bill for an act relating to railroad and highway grade crossings, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2179) the vote was:

Ayes, 43:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Gentleman

Absent or not voting, 6:

Baugher	Holden	Jensen	Nystrom
Priebe	Robinson		

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2070.

Senate File 2070

On motion of Senator Gentleman, Senate File 2070, a bill for an act to allow multi-year professional and occupational licenses, with

report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that action on **Senate File 2070** be **deferred.**

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2243, by Committee on Agriculture, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

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

Senate File 2244, by Waldstein and Craft, a bill for an act relating to the imposition of a tax on the ownership of agricultural land and appropriating the revenues from the tax to pay the cost of administration and enforcement and to provide funds for state cost-sharing conservation projects, and incorporating penalties.

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

Senate File 2245, by Waldstein, Miller of Marshall, Bergman, Gallagher, Rodgers, Carr, Craft, Baugher and Yenger, a bill for an act relating to transactions involving real property which are subject to chapter one hundred seventeen (117) of the Code, and providing penalties.

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

Senate File 2246, by Calhoon, Hutchins and Scott, a bill for an act to exempt certain holders of federal permits to manufacture alcohol for use as fuel from the requirement of obtaining a state manufacturer's permit.

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 19, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2168, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board.

ALSO: That the House has on February 19, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2425, a bill for an act relating to the educational requirements of schools.

ALSO: That the House has on February 19, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2464, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base.

ALSO: That the House has on February 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2477, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance funds.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2168, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

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

House File 2425, a bill for an act relating to the educational requirements of schools, by requiring that high school science courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions.

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

House File 2464, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base.

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

House File 2477, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2066

Appropriations
Appropriations Subcommittee
on Social Services

SENATE FILE 2077

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2108

State Government
Nystrom, Chairperson
Schwengels
Gratias
Yenger
Carr
Slater
C. Miller

SENATE FILE 2127

County Government
Brown, Chairperson
Baugher
Yenger

SENATE FILE 2131

County Government
Baugher, Chairperson
Brown
Nystrom

SENATE FILE 2139

State Government
Schwengels, Chairperson
Gratias
Rodgers

SENATE FILE 2140

County Government
C. Miller, Chairperson
Brown
Waldstein

SENATE FILE 2147

State Government
Nystrom, Chairperson
Schwengels
Brown

SENATE FILE 2157

Education
Jensen, Chairperson
Taylor
Calhoon

SENATE FILE 2162

State Government
Schwengels, Chairperson
Slater
Yenger

SENATE FILE 2163

Education
Gratias, Chairperson
DeKoster
Calhoon

SENATE FILE 2164

County Government
Slater, Chairperson
Kudart
Nystrom

SENATE FILE 2166

County Government
Hutchins, Chairperson
Waldstein
C. Miller

SENATE FILE 2167

Education
Gratias, Chairperson
DeKoster
Calhoon

SENATE FILE 2168

County Government
Waldstein, Chairperson
Brown
Yenger

SENATE FILE 2171

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SENATE FILE 2172

State Government
Schwengels, Chairperson
E. Miller
Rodgers

SENATE FILE 2177

State Government
Nystrom, Chairperson
Schwengels
Gratias
Yenger
Slater
Carr
C. Miller

SENATE FILE 2181

Appropriations
Appropriations Subcommittee
on Education

SENATE FILE 2185

Ways and Means
Holden, Chairperson
Rodgers
Baugher

SENATE FILE 2187

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SENATE FILE 2188

Ways and Means
Hester, Chairperson
Rush
Craft

SENATE FILE 2191

Education
DeKoster, Chairperson
Gratias
Orr

SENATE FILE 2193

Appropriations
Appropriations Subcommittee
on State Government

SENATE FILE 2195

Education
Jensen, Chairperson
Taylor
Calhoon

SENATE FILE 2196

Education
DeKoster, Chairperson
Carney
Small

SENATE FILE 2198

Education
Carney, Chairperson
Taylor
Brown

SENATE FILE 2199

Judiciary
Coleman, Chairperson
Baugher
Rush

SENATE FILE 2201

Ways and Means
Comito, Chairperson
Van Gilst
Baugher
Hutchins
Hester

SENATE FILE 2205

Ways and Means
Craft, Chairperson
Readinger
Hester
Rodgers
Van Gilst
Comito
Junkins

SENATE FILE 2207

Ways and Means
Scott, Chairperson
Baugher
Readinger

SENATE FILE 2212

Commerce
Gentleman, Chairperson
Goodwin
Robinson

SENATE FILE 2213

Commerce
Bergman, Chairperson
Comito
Priebe

SENATE CONCURRENT RESOLUTION 105

Education
DeKoster, Chairperson
Gratias
Orr

SENATE CONCURRENT RESOLUTION 110

Rules and Administration
Hultman, Chairperson
Hulse
Junkins

SENATE RESOLUTION 106

Rules and Administration
Hultman, Chairperson
Hulse
Junkins

HOUSE FILE 402

Human Resources
Hulse, Chairperson
A. Miller
Hansen

HOUSE FILE 2105

Transportation
Jensen, Chairperson
Scott
Drake

HOUSE FILE 2169

Transportation
Goodwin, Chairperson
Coleman
Jensen

HOUSE FILE 2245

Human Resources
Yenger, Chairperson
Carr
Hulse
Carney

HOUSE FILE 2275

Education
Gratias, Chairperson
DeKoster
Brown

HOUSE FILE 2277

Human Resources
Yenger, Chairperson
Carr
Hulse
Carney

SSB 2187

County Government
Baugher, Chairperson
Kudart
Hutchins

SSB 2188

County Government
Nystrom, Chairperson
Slater
Hutchins

SSB 2218

State Government
Schwengels, Chairperson
Gratias
C. Miller

SSB 2219

State Government
Nystrom, Chairperson
Schwengels
Gratias
Yenger
Carr
Slater
C. Miller

SSB 2220

State Government
Drake, Chairperson
Schwengels
Slater

SSB 2223

State Government
Schwengels, Chairperson
Gallagher
Gratias

SSB 2224

Ways and Means
Rodgers, Chairperson
Baugher
Drake

SSB 2225

Ways and Means
Hester, Chairperson
Comito
Drake

SSB 2226

Ways and Means
Van Gilst, Chairperson
Hester
Baugher

SSB 2227

Ways and Means
Drake, Chairperson
Van Gilst
Hultman

SSB 2229

State Government
Bisenius, Chairperson
Schwengels
Brown

SSB 2230

Ways and Means
Baugher, Chairperson
Scott
Hester

SSB 2231

Agriculture
Tieden, Chairperson
Bergman
A. Miller

SSB 2232

Agriculture
Tieden, Chairperson
Bergman
A. Miller

SSB 2233

Education
Gratias, Chairperson
DeKoster
Brown

SSB 2239

Ways and Means
Craft, Chairperson
Drake
Hultman
Rush
Scott

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 21st day of February, 1980.

Senate File 2088.

FRANK J. STORK, Secretary of the Senate

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2120 passed the Senate on February 20, 1980.

CALVIN O. HULTMAN

COMMUNICATION

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

STATE OF SOUTH DAKOTA

A copy of House Joint Resolution No. 1001, duly passed by the Fifty-fifth Session of the Legislature of the State of South Dakota, declaring that the state of South Dakota rejects and voids any purported future ratification of the proposed amendment to the Constitution of the United States to grant representation in the Senate of the United States to the District of Columbia as though it were a state.

STUDY BILL RECEIVED

S.S.B. 2242 Education

That Section 279.9, Code of Iowa, be amended to only require the prohibition of the use of tobacco inside school buildings.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2230	Agriculture
S. F.	2231	Judiciary

S. F.	2232	Education
S. F.	2236	State Government
S. F.	2237	State Government
S. F.	2239	State Government
H.F.	160	Education

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph A. Johnston, Prescott, Adams County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROLF V. CRAFT, Chairperson
JOE BROWN
JAMES E. BRILES
STEPHEN W. BISENIUS
JAMES CALHOON

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 20, 1980, 4:50 p.m.

Members Present: Van Gilst, Ranking Member; Kudart, Yenger and Hutchins.

Members Absent: Nystrom, Chairperson.

Other Business: Recommended appropriations for $9,813,000 for the Regents institutions, IPBN and Department of Public Instruction.

Adjourned: 5:33 p.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 20, 1980, 4:45 p.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Carr, Baugher, Bergman and Craft.

Members Absent: none.

Other Business: Discussed Immediate Care Facilities—no decisions made.

Adjourned: 5:30 p.m.

AGRICULTURE

Convened: February 19, 1980, 3:00 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, E. Miller, Tieden, Waldstein, A. Miller, Priebe and Van Gilst.

Members Absent: none.

Final Action: SENATE FILE 2243, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Bergman, Hester, Hutchins, Hulse, E. Miller, Tieden, Waldstein, A. Miller, Priebe and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned SSB's 2231 and 2232 to subcommittees; discussed SSB 2197—no final action taken.

Adjourned: 4:00 p.m.

COMMERCE

Convened: February 21, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Craft, Deluhery, Gentleman, Goodwin and Rush.

Members Absent: Priebe (excused).

Final Action: SENATE FILE 2034, a bill for an act to permit agricultural credit corporations owned by banks to make agricultural purpose consumer loans at interest rates permitted for closed-end consumer loans.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5198.

Final Vote: Ayes, 9: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin and Rush. Nays, none. Absent or not voting 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Amended SSB 2002 and ordered it be redrafted for final approval as a committee bill; assigned SSB's 2212 and 2213 to subcommittees.

Adjourned: 4:05 p.m.

COUNTY GOVERNMENT

Convened: February 18, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hester, Kudart, C. Miller, Slater, Baugher and Brown.

Members Absent: Hutchins, Ranking Member; Nystrom and Yenger.

Other Business: Committee failed to approve SSB 2123 as a committee bill; assigned bills to subcommittees.

Adjourned: 3:30 p.m.

EDUCATION

Convened: February 21, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor.

Members Absent: Brown, Ranking Member.

Other Business: Assigned bills to subcommittees.

Adjourned: 1:50 p.m.

PRESENTATION OF VISITORS

Sixty students from Milford Elementary School, Nevada, Iowa, accompanied by Kim Rolland, Brenda Olsen and Mary Nedtwig. Senator Murray.

Forty students from Iowa Falls High School, Iowa Falls, Iowa, accompanied by Robert Bonen and Kent Larsen. Senator Taylor.

AMENDMENTS FILED

S—5193	H.F.	747	Berl E. Priebe
S—5194	S.F.	2241	John S. Murray
S—5195	S.F.	2241	Forrest V. Schwengels
			Berl E. Priebe
			Bass Van Gilst
			Irvin L. Bergman
			Lowell L. Junkins

S—5196	S. F.	2184	Norman G. Rodgers
S—5197	S. F.	2073	John S. Murray
S—5198	S. F.	2034	Commerce Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:00 p.m., until 10:00 a.m., Monday, February 25, 1980.

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 25, 1980

The Senate met in regular session at 10:09 a.m., President Branstad presiding.

Prayer was offered by the Reverend Neal Busker, pastor of the Ebenezer Reformed Church, Leighton, Iowa.

The Journal of Thursday, February 21, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Jay Mixdorf, Algona, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Readinger for the morning session on request of Senator Hultman; Senator Orr for the day on request of Senator Rush and Senators Miller of Cerro Gordo and Junkins for the day on request of Senator Hutchins.

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 15, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

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.

HOUSE AMENDMENT CONSIDERED

Senate File 97

Senator Schwengels called up for consideration Senate File 97, a bill for an act providing for the licensing of occupational therapy assistants and subjecting persons to penalties, amended by the House, and moved that the Senate concur in House amendment S—5140 filed February 18, 1980, and found on pages 472-474 of the Senate Journal.

The motion prevailed and the Senate concurred in the House amendment.

Senator Schwengels 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. 97) the vote was:

Ayes, 34:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Deluhery	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Schwengels	Scott	Slater	Van Gilst
Waldstein	Yenger		

Nays, 6:

Craft	DeKoster	Holden	Hulse
Taylor	Tieden		

Absent or not voting, 10:

Comito	Drake	Junkins	Miller, A.V.
Orr	Readinger	Robinson	Rodgers
Rush	Small		

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

UNFINISHED BUSINESS

Senate File 2070

The Senate resumed consideration of Senate File 2070, a bill for an act to allow multi-year professional and occupational licenses, deferred on February 21, 1980.

Senator Schwengels offered amendment S—5149 filed by him on February 18, 1980, to pages 2 and 12 of the bill and called for a division of the amendment: Pages 1, 2 and lines 1 through 5 and lines 9 and 10 on page 3 as division S—5149A; page 3, lines 6 through 8 as division S—5149B.

Senator Schwengels withdrew division S—5149B.

Senator Schwengels moved the adoption of division S—5149A, which motion prevailed by a voice vote.

Senator Gentleman offered amendment S—5200 filed by her from the floor to page 12 of the bill.

Senator Gentleman moved the adoption of amendment S—5200, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2070) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Palmer
Priebe	Ramsey	Rodgers	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 11:

Briles	Comito	Drake	Jensen
Junkins	Miller, A.V.	Orr	Readinger
Robinson	Rush	Small	

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

BILLS REASSIGNED TO COMMITTEE

President Branstad announced that **Senate Files 2220** and **2238** were reassigned from the calendar to the committee on **Ways and Means** under Senate Rule 37.

UNFINISHED BUSINESS

Senate File 2241

The Senate resumed consideration of Senate File 2241, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations, and amendment S—5195 by Senators Schwengels, et al., deferred on February 21, 1980.

Senator Priebe offered amendment S—5199 filed by him from the floor to page 7 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5199 be adopted?" (S.F. 2241) the vote was:

Ayes, 18:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Gratias	Hutchins
Kinley	Miller, C.P.	Miller, E.R.	Palmer
Priebe	Rodgers	Rush	Scott
Slater	Van Gilst		

Nays, 23:

Baugher	Bergman	Bisenius	Briles
Carney	Craft	DeKoster	Gentleman
Goodwin	Hansen	Hester	Holden

Hulse	Hultman	Jensen	Kudart
Murray	Nystrom	Ramsey	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 9:

Comito	Drake	Junkins	Miller, A.V.
Orr	Readinger	Robinson	Schwengels
Small			

Amendment S—5199 lost.

Senator Schwengels asked and received unanimous consent to withdraw amendment S—5195 by Senators Schwengels, et al., to page 9 of the bill, deferred on February 21, 1980.

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. 2241) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 1:

Holden

Absent or not voting, 8:

DeKoster	Drake	Junkins	Miller, A.V.
Orr	Readinger	Robinson	Small

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

WITHDRAWN

Senator Scott asked and received unanimous consent that **Senate File 2059** be withdrawn from further consideration of the Senate.

President pro tempore Hansen took the chair at 11:48 a.m.

INTRODUCTION OF BILLS

Senate File 2247, by Committee on Ways and Means, a bill for an act relating to the indexing of the state individual income tax.

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

Senate File 2248, by Hultman, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:02 p.m., President pro tempore Hansen presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to request the return of House Concurrent Resolution 103 for correction.

DAVID L. WRAY, Chief Clerk

QUORUM CALL

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

Roll call revealed a quorum present.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2103.

Senate File 2103

On motion of Senator Baugher, Senate File 2103, a bill for an act to increase the fees collected by the sheriff for service of warrants, original notices and subpoenas, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2103) the vote was:

Ayes, 36:

Baugher	Bergman	Briles	Carney
Carr	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Rush	Schwengels	Scott	Slater
Small	Tieden	Waldstein	Yenger

Nays, 3:

Brown	Gallagher	Robinson

Absent or not voting, 11:

Bisenius	Calhoon	Coleman	Comito
Hulse	Junkins	Miller, A.V.	Priebe
Rodgers	Taylor	Van Gilst	

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

Senate File 2112

On motion of Senator DeKoster, Senate File 2112, a bill for an act relating to the number of members for merged area boards and their corresponding area education agency boards, with report of committee recommending passage, 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. 2112) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Comito
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hultman	Hutchins
Jensen	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Ramsey	Readinger	Robinson
Rush	Schwengels	Slater	Small
Taylor	Waldstein	Yenger	

Nays, 3:

Craft	Scott	Tieden

Absent or not voting, 8:

Calhoon	Coleman	Hulse	Junkins
Miller, A.V.	Priebe	Rodgers	Van Gilst

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

Senate File 2189

On motion of Senator Bergman, Senate File 2189, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments, was taken up for consideration.

Senator Hutchins raised the point of order that Senate File 2189 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2189** was referred to the committee on **Ways and Means** under Senate Rule 37.

Senate File 2194

On motion of Senator Rush, Senate File 2194, a bill for an act to allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease, was taken up for consideration.

Senator Hultman asked and received unanimous consent that action on **Senate File 2194** be temporarily **deferred.**

Senate File 2197

On motion of Senator Miller of Marshall, Senate File 2197, a bill for an act relating to the sale of wine and creating a license therefore, was taken up for consideration.

Senator Rush raised the point of order that Senate File 2197 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point not well taken.

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. 2197) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Hultman	Hutchins	Jensen
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rush
Schwengels	Scott	Slater	Small
Tieden	Yenger		

Nays, 4:

Brown	Holden	Taylor	Waldstein

Absent or not voting, 8:

Calhoon	Coleman	Hulse	Junkins
Miller, A.V.	Priebe	Rodgers	Van Gilst

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

Senate File 2200

On motion of Senator Holden, Senate File 2200, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles, was taken up for consideration.

Senator Holden offered amendment S—5201 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5201 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2200) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hultman	Hutchins
Jensen	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Ramsey	Readinger	Robinson	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Waldstein	Yenger

Nays, 1:

Carr

Voting present, 1:

Nystrom

Absent or not voting, 8:

Calhoon	Coleman	Hulse	Junkins
Miller, A.V.	Priebe	Rodgers	Van Gilst

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

BUSINESS PENDING

Senate File 2194

The Senate resumed consideration of Senate File 2194, previously deferred.

Senator Rush offered amendment S—5203 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5203 was adopted by a voice vote.

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. 2194) the vote was:

Ayes, 35:

Baugher	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Hansen	Hester
Holden	Hutchins	Kinley	Miller, C.P.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Yenger	

Nays, 9:

Bergman	Deluhery	Gratias	Hultman
Jensen	Kudart	Miller, E.R.	Taylor
Waldstein			

Absent or not voting, 6:

Calhoon	Hulse	Junkins	Miller, A.V.
Priebe	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 Hultman asked and received unanimous consent to take up out of order Senate File 2202.

Senate File 2202

On motion of Senator Hutchins, Senate File 2202, a bill for an act to provide for consultation between the board of supervisors and other elected county officers on collective bargaining proposals, 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. 2202) the vote was:

Ayes, 28:

Bergman	Bisenius	Briles	Brown
Carney	Carr	Coleman	Craft
Deluhery	Drake	Gentleman	Goodwin
Holden	Hutchins	Jensen	Kinley
Kudart	Miller, C.P.	Murray	Nystrom
Orr	Ramsey	Readinger	Scott
Slater	Small	Van Gilst	Yenger

Nays, 15:

Baugher	Comito	DeKoster	Gallagher
Gratias	Hansen	Hester	Hultman
Miller, E.R.	Palmer	Robinson	Rush
Schwengels	Taylor	Waldstein	

Absent or not voting, 7:

Calhoon	Hulse	Junkins	Miller, A.V.
Priebe	Rodgers	Tieden	

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

House File 454

On motion of Senator Deluhery, House File 454, a bill for an act relating to countersignatures on insurance policies, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Deluhery offered amendment S—5116 filed by the committee on Commerce on February 13, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5116 was adopted by a voice vote.

The Chair ruled amendment S—5030 filed by Senator DeKoster on January 31, 1980, to page 1 of the bill, out of order.

Senator Deluhery moved that the bill 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. 454) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Ramsey
Readinger	Robinson	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Calhoon	Hulse	Junkins	Miller, A.V.
Priebe	Rodgers	Tieden	

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

House File 744

On motion of Senator Slater, House File 744, a bill for an act to change the names of the Iowa training school for boys and the Iowa training school for girls, with report of committee recommending passage, 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?" (H.F. 744) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Comito

Craft	DeKoster	Deluhery	Drake
Gallagher	Goodwin	Gratias	Hansen
Holden	Hultman	Hutchins	Jensen
Kinley	Kudart	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Ramsey
Readinger	Robinson	Rush	Scott
Slater	Small	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 4:

Coleman	Hester	Miller, E.R.	Schwengels

Absent or not voting, 8:

Calhoon	Gentleman	Hulse	Junkins
Miller, A.V.	Priebe	Rodgers	Tieden

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

HOUSE CONCURRENT RESOLUTION 103
By: Pelton of Clinton
(AS CORRECTED)

Whereas, the state of Iowa presently imports approximately 98% of our energy resources; and

Whereas, our nation and state must take all possible actions to reduce our dependence upon foreign sources of energy; and

Whereas, a transition to renewable sources of energy, as alternatives to petroleum, is very necessary for energy independence; and

Whereas, alcohol, produced from Iowa corn and other biomass, can be utilized as a fuel in intercombustion engines as gasohol; and

Whereas, Iowa has been the national leader in the marketing of gasohol, which has proven itself to be an effective efficient and popular fuel; and

Whereas, the utilization of gasohol in motor vehicles reduces our dependence on imported petroleum and creates a demand for an Iowa commodity which aids our economy; and

Whereas, the state of Iowa should continue to be a national leader in energy conservation through progressive state public policy as we begin to leave the Age of Petroleum; *Now Therefore*,

Be It Resolved by the House of Reperesentatives, the Senate Concurring, That all state owned and operated vehicles, except diesel powered vehicles, shall henceforth be fueled with gasohol when economically feasible, and

Be It Further Resolved, That all political subdivisions in the state of Iowa are urged to adopt policies to utilize gasohol in their vehicle fleet, and

Be It Further Resolved, That the Governor of Iowa, the Honorable Robert D. Ray, is urged to issue an executive order to effectuate the intent of this resolution.

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

APPENDIX

PETITIONS

The following petitions favoring indexing of state inheritance tax rates and increasing exemptions were presented and placed on file by:

Senator Kudart from one hundred seventeen residents of Linn County.

Senator Hulse from sixty-nine residents of Scott County.

Senator Miller of Des Moines from thirteen residents of Des Moines County.

Senator Hultman from twenty-six residents of Montgomery County.

Senator Briles from one hundred thirty-three residents of Cass, Union, Adams and Page Counties.

Senator Drake from eighty residents of Louisa County.

The following petitions favoring legislation allowing active members of the national guard to one set of special registration plates for a motor vehicle without a fee were presented and placed on file by:

Senator Miller of Des Moines from fifty residents of Des Moines County.

Senator Yenger from one hundred twenty residents of Iowa.

Senator Junkins from fifty residents of Des Moines County.

The following petitions were presented and placed on file by:

Senator Tieden from thirty-nine residents of Clayton County requesting assistance in keeping their senior citizens mini-bus in operation.

Senator Hultman from one hundred five residents of Mills and Pottawattamie Counties favoring legislation designating the lady beetle as the state insect.

The following petitions favoring legislation to empower county boards of supervisors to levy a separate property tax for county ambulance services.

Senator Ramsey from one hundred nine residents of Union County.

Senator Briles from one hundred nine residents of Union County.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 21, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 437—Repeal the limitation on charitable devises.

S.F. 2088—Allocating funds from moneys appropriated to the Iowa Beer and Liquor Control Department for the purchase of a site for a warehouse.

H.F. 18—Relating to the collection and distribution of state publications by the Depository Library Center within the Iowa Library Department.

H.F. 668—Relating to determination of attorney's fees by the court and the recovery of costs in actions to recover payment on a check, draft, or written instrument which is written in violation of Chapter Seven Hundred Fourteen (714) of the Code.

PROOF OF PUBLICATION

Published copy of Senate File 2248 and verified proof of publication of said bill in the Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, on February 5, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2244	Ways and Means
S. F.	2246	State Government
H.F.	2168	Appropriations
H.F.	2425	Education
H.F.	2464	Appropriations
H.F.	2477	Appropriations

STUDY BILLS RECEIVED

S.S.B. 2243 Agriculture

To authorize a compact between the states of Iowa, Missouri, Nebraska and Kansas to develop the Missouri River for more barge traffic and promote the use of barges on the Missouri River.

S.S.B. 2244 Judiciary

To amend the changes to the rules of procedure and forms for the involuntary hospitalization of the mentally ill proposed by the supreme court.

S.S.B. 2245 Cities

Relating to property taxation by providing property tax relief through local option taxes.

S.S.B. 2246 Judiciary

To correct certain technical errors and clarify certain ambiguities in the Uniform Commercial Code.

S.S.B. 2247 Judiciary

Relating to Section 906.5 of the Iowa Criminal Code (prior forcible felony).

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 25, 1980, when votes were taken.

Had I been present, I would have voted "aye" on Senate Files 97, 2070 and 2241.

DAVID M. READINGER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Karlton Lane Kunath, Spencer, Clay County, Iowa, for reappointment as a member of the Board of Watchmaking Examiners pursuant to Section 120.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1978,

and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
JOHN N. NYSTROM
IRVIN L. BERGMAN
BERL E. PRIEBE
BOB RUSH

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: February 21, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Rush, Scott, Van Gilst and Junkins (arrived 1:55 p.m.).

Members Absent: none.

Final Action: SENATE FILE 69, a bill for an act relating to the income requirement of a totally disabled person seeking a special assessment tax abatement.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5202.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 2: Hultman and Junkins.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2247, a bill for an act relating to the indexing of the state individual income tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Hultman, Ramsey, Junkins, Rush and Scott. Nays, none. Absent or not voting, 3: Holden, Hutchins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; approved SSB's 2143 and 2239 as committee bills.

Adjourned: 2:45 p.m.

AMENDMENTS FILED

S—5199	S. F.	2241	Berl E. Priebe
S—5200	S. F.	2070	Julia B. Gentleman
S—5201	S. F.	2200	Edgar H. Holden
S—5202	S. F.	69	Ways and Means Committee
S—5203	S. F.	2194	Bob Rush

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:35 p.m., until 9:00 a.m., Tuesday, February 26, 1980.

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 26, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by Father Mervin J. Hood, pastor of the St. Mary's Catholic Church, Humboldt, Iowa.

The Journal of Monday, February 25, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D.J. Soll, Denison, Iowa.

INTRODUCTION OF BILL

Senate File 2249, by Ramsey, Rodgers, Van Gilst, Nystrom, Brown, Hansen, Hulse and Slater, a bill for an act exempting from the state use tax the portion of the purchase price of a mobile home which is not attributable to the cost of the materials used in manufacturing the mobile home.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 111
By: Holden

Whereas, section 291.9 of the Code requires the secretary of each school district in every even-numbered year to inform the superintendent of public instruction of the names, sex, and ages of all children residing in the school district; and

Whereas, it is difficult to obtain the necessary census information about the children residing in the district in an accurate, timely and efficient basis; and

Whereas, it appears that other public agencies may also be compiling census information and the secretary of the school district may be able to obtain informa-

tion about the children residing in the district from other public agencies; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the superintendent of public instruction is directed to appoint a task force composed of employees of the department of public instruction, superintendents of school districts, and members of boards of directors of school districts to study the requirements for conducting the school census, uses to which the school census information is put, and the feasibility of obtaining school census information from other public agencies and to make a report of the results of the study. A copy of the report shall be transmitted to the General Assembly prior to the convening of the General Assembly in January, 1981.

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

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 359.

Senate File 359

On motion of Senator DeKoster, Senate File 359, a bill for an act relating to worker's compensation for occupational hearing loss, with report of committee recommending amendment and passage, was taken up for consideration.

Senator DeKoster offered amendment S—5124 filed by the committee on Labor and Industrial Relations on February 14, 1980, to pages 1 through 6 of the bill.

Senator Hultman asked and received unanimous consent that action on **Senate File 359** and amendment S—5124 be temporarily **deferred.**

Senate File 2021

On motion of Senator Tieden, Senate File 2021, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Baugher offered amendment S—5205 filed by Senators Baugher, et al., from the floor to page 1 of the bill.

Senator Junkins asked and received unanimous consent that action on **Senate File 2021** and amendment S—5205 be temporarily **deferred.**

Senate File 2105

On motion of Senator Ramsey, Senate File 2105, a bill for an act relating to trapping restrictions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller of Marshall asked and received unanimous consent to withdraw amendment S—5118 filed by the committee on Natural Resources on February 14, 1980, to page 1 of the bill.

Senator Rodgers asked unanimous consent that Senate File 2105 be rereferred to the committee on Natural Resources.

Senator Rodgers withdrew his request.

Senator Hultman asked and received unanimous consent that action on **Senate File 2105** be **deferred** and that the bill be placed on the calendar as **unfinished business.**

Senate File 2209

On motion of Senator Carney, Senate File 2209, a bill for an act to exclude persons employed by the public employment relations board from collective bargaining, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2209) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.

Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Briles	Drake	Hansen	Murray

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2090.

Senate File 2090

On motion of Senator Rush, Senate File 2090, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in 1979-80 fiscal year, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Craft offered amendment S—5175 filed by the committee on Ways and Means on February 20, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5175 was adopted by a voice vote.

Senator Hutchins offered amendment S—5204 filed by Senators Hutchins and Craft from the floor to page 1 of the bill and moved its adoption.

Amendment S—5204 was adopted by a voice vote.

Senator Hutchins offered amendment S—5210 filed by him from the floor to the title page of the bill and moved its adoption.

Amendment S—5210 was adopted by a voice vote.

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. 2090) the vote was:

Ayes, 45:

Baugher	Bisenius	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bergman	Briles	Drake	Murray
Robinson			

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

Senate File 2006

On motion of Senator Hansen, Senate File 2006, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must advertise and receive sealed bids, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom offered amendment S—5209 filed by him from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—5209 was adopted by a voice vote.

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. 2006) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bergman	Brown	Calhoon	Carney
Carr	Deluhery	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Junkins	Kinley	Miller, A.V.
Miller, E.R.	Nystrom	Palmer	Readinger
Robinson	Rush	Slater	Yenger

Nays, 24:

Baugher	Bisenius	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Hultman	Hutchins	Jensen	Kudart
Miller, C.P.	Orr	Priebe	Ramsey
Rodgers	Schwengels	Scott	Small
Taylor	Tieden	Van Gilst	Waldstein

Absent or not voting, 2:

Briles	Murray

The bill not having received 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 2006 failed to pass the Senate on February 26, 1980.

A.R. KUDART

CONSIDERATION OF BILL

Senate File 74

On motion of Senator Robinson, Senate File 74, a bill for an act relating to the resubmission to the electors of a proposal for issuance of bonds, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Nystrom offered amendment S—5172 filed by the committee on State Government on February 20, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5172 was adopted by a voice vote.

Senator Slater offered amendment S—5213 filed by Senators Slater, Gratias and Carr from the floor to page 1 of the bill.

Senator Hultman raised the point of order that amendment S—5213 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5213 out of order because it went beyond the subject matter of the title of the bill.

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. 74) the vote was:

Ayes, 31:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Coleman	Comito
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Holden	Hulse
Hultman	Jensen	Kudart	Miller, A.V.
Miller, E.R.	Nystrom	Orr	Priebe
Ramsey	Robinson	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Nays, 18:

Carney	Carr	DeKoster	Gratias
Hansen	Hester	Junkins	Kinley
Miller, C.P.	Murray	Palmer	Readinger
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Absent or not voting, 1:

Hutchins

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 2250, by Junkins, a bill for an act to legalize the sale of certain property in Lee county.

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

Senate File 2251, by Small, a bill for an act relating to competency examinations for teachers.

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 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2042, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng.

ALSO: That the House has on February 21, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 111, a resolution authorizing the Board of Regents to construct an addition to the general hospital of the state university of Iowa.

ALSO: That the House has on February 21, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 112, a resolution authorizing the Fiscal Committee to conduct a study of the impact on the state of federal funds available to and received by state agencies.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2042, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng.

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

HOUSE CONCURRENT RESOLUTION 111
By: Committee on Appropriations

Whereas, chapter two hundred sixty-three A (263A) of the Code, provides that the state board of regents after authorization by a constitutional majority of the general assembly may carry out any project as defined in that chapter of the Code at the state university of Iowa; and

Whereas, chapter two hundred sixty-three A (263A)

of the Code, authorizes the state board of regents to borrow money and to issue and sell negotiable bonds or notes to pay all or any part of the cost of carrying out such projects at the institution payable solely and only from and secured by an irrevocable pledge of a sufficient portion of the university hospital income; and

Whereas, many of the facilities of the hospitals at the state university of Iowa were built more than fifty years ago and are inadequate to meet present and future demands for statewide specialty care and teaching services; and

Whereas, three hundred seventy-six beds of the hospitals at the state university of Iowa have been determined by the state department of health to be "nonconforming" and no longer meet modern hospital building codes and standards and detailed studies have shown that upgrading these facilities to modern standards would be prohibitive because of the cost; and

Whereas, ninety-one pediatric beds of the three hundred seventy-six nonconforming beds are dispersed throughout the hospital and do not meet present-day

Page 2

standards of a modern tertiary level teaching hospital relating to infection control, patient privacy, and spatial requirements, including parent rooming-in for the optimal delivery of pediatric care; and

Whereas, the pediatric and surgical outpatient clinics are located in temporary metal structures that do not conform to codes and standards for patient care areas; and

Whereas, to alleviate these conditions, the state board of regents requests authorization to construct an addition to the south of Roy J. Carver Pavilion of approximately one hundred sixty-three thousand gross square feet, to house outpatient clinics and inpatient facilities for ninety-one beds, and to construct supporting mechanical facilities at an estimated total cost of twenty-one million nine hundred forty-eight thousand (21,948,000) dollars of which not more than eighteen million (18,000,000) dollars would be financed by borrowing under the provisions of chapter two hundred sixty-three A (263A) of the Code, and the remainder to be financed by other funds; *Now Therefore*,

Be It Resolved by the House of Representatives, The Senate Concurring, That the state board of regents

is authorized to construct an addition of one hundred sixty-three thousand gross square feet of floor space, more or less, to the south of the Roy J. Carver Pavilion of the general hospital of the state university of Iowa to house outpatient clinics and inpatient facilities and to construct supporting

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mechanical facilities at an estimated total cost of twenty-one million nine hundred forty-eight thousand (21,948,000) dollars of which not more than eighteen million (18,000,000) dollars would be financed by borrowing through the issuance of bonds as authorized by the provisions of chapter two hundred sixty-three A (263A) of the Code.

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

HOUSE CONCURRENT RESOLUTION 112
By: Committee on Appropriations

Whereas, the use of federal funds by state agencies has an impact on the state's appropriation process; and

Whereas, experiences in Iowa and other states have shown that use of federal funds can result in a level of expenditures for programs that is in excess of that authorized by the legislature, thereby creating a distortion or preemption of the legislative prerogative; and

Whereas, the federal government has been shifting and is continuing to shift to the state the costs of various federally mandated programs; and

Whereas, a comprehensive system for legislative oversight of the use of federal funds does not exist in the state; and

Whereas, the General Assembly may better perform its appropriations function if more complete information regarding the extent and impact of the state's use of federal funds is available; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Fiscal Committee is authorized to conduct a study of the impact on the state and its appropriations process of federal funds available to and received by state agencies, for the purpose of determining an effective method for legislative oversight of federal funds. The Legislative Fiscal Bureau shall provide staff support for the study.

Be It Further Resolved, That the Legislative Fiscal Committee shall prepare a report of its findings and recom-

mendations for change, if any, and submit it to the Legislative Council and the members of the Sixty-ninth General Assembly, by February 1, 1981.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:09 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2252, by Committee on State Government, a bill for an act to amend the statutory provision that an electronic voting system authorized for use in this state allow an elector to correct an error in marking the ballot, by deleting the requirement that the system indicate when an error has been made.

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

Senate File 2253, by Committee on Ways and Means, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

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

Senate File 2254, by Hutchins, Coleman, Miller of Cerro Gordo, Scott and Orr, a bill for an act relating to the use of railroad assistance funds and making an appropriation.

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

Senate File 2255, by Hutchins, Coleman, Miller of Cerro Gordo, Scott and Orr, a bill for an act authorizing the department of transportation to initiate efforts to formulate a midwestern railroad compact and authorizing the governor to approve Iowa's participation in the compact.

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

APPENDIX

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 25, 1980, when votes were taken.

Had I been present, I would have voted "aye" on Senate Files 2103, 2112, 2194, 2197, 2200, 2202, and House Files 454 and 744.

JAMES CALHOON

PROOF OF PUBLICATION

Published copy of Senate File 2250 and verified proof of publication of said bill in The West Point Bee, a newspaper published in West Point, Iowa, on February 6, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2242	Natural Resources
S. F.	2245	Commerce
S. F.	2248	Judiciary
H.F.	2443	State Government
H.C.R.	103	Energy

STUDY BILLS RECEIVED

S.S.B. 2248 Transportation

Granting the state the power of eminent domain to acquire railroad right-of-way.

S.S.B. 2249 Transportation

Providing for temporary allocation of farm-to-market road use funds.

S.S.B. 2250 Ways and Means

Authorizing the levy of a tax for ambulance services in certain counties after approval by the county electorate.

S.S.B. 2251 Appropriations

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, relating to and making appropriations to certain departments, agencies and commissions responsible for education programs of this state for the fiscal year beginning July 1, 1980.

S.S.B. 2252 Transportation

Relating to the movement of vehicles of excessive size and weight.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas L. Maher, Davenport, Scott County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

MERLIN D. HULSE, Chairperson
JOHN SCOTT
EDGAR H. HOLDEN
JOHN W. JENSEN
ALVIN V. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gary Hughes, Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1979 Code of Iowa as amended by Chapter 28, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for a two-year term commencing January 1, 1980, and ending December 31, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
RAY TAYLOR
ARTHUR A. SMALL, JR.
TOM SLATER
JOHN N. NYSTROM

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Alfredo G. Parrish, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission pursuant to

Section 601A.3, 1979 Code of Iowa, for a four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

EDGAR H. HOLDEN, Chairperson
MERLIN D. HULSE
WILLIAM D. PALMER
CALVIN O. HULTMAN
JOANN ORR

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Milton C. Engman, Des Moines, Polk County, Iowa, for appointment as a member of the Solid Waste Disposal Commission of the Department of Environmental Quality, pursuant to Section 455B.4, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
DAVID M. READINGER
ARNE WALDSTEIN
BASS VAN GILST
LOWELL L. JUNKINS

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 26, 1980, 11:15 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius (arrived 11:20 a.m.), Carr, DeKoster, Hultman, Junkins, Readinger, Schwengels, Scott, Tieden and Van Gilst.

Members Absent: Nystrom and Small.

Final Action: HOUSE FILE 2477, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Readinger, Schwengels, Scott, Tieden and Van Gilst. Nays, none. Absent or not voting, 2: Nystrom and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB's 2025 and 2210 approved as committee bills.

Adjourned: 12:05 p.m.

COUNTY GOVERNMENT*

* A report of this meeting was also recorded on page 549 of the February 21, 1980, Senate Journal.

Convened: February 18, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hester, Kudart, C. Miller, Slater, Baugher, and Brown.

Members Absent: Hutchins, Ranking Member; Nystrom and Yenger.

Final Action: SENATE FILE 2140, a bill for an act eliminating restrictions of board of supervisors' travel expenses.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5216.

Final Vote: Ayes, 7: Briles, Waldstein, Baugher, Hester, Kudart, C. Miller and Slater. Nays, none. Absent or not voting, 4: Hutchins, Brown, Nystrom and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:30 p.m.

COUNTY GOVERNMENT

Convened: February 25, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Slater, Yenger, Baugher and Brown.

Members Absent: Nystrom.

Other Business: Assigned House File 2279 to subcommittee.

Adjourned: 3:10 p.m.

EDUCATION

Convened: February 26, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, DeKoster, Jensen, Orr, Small and Taylor.

Members Absent: Carney (excused).

Other Business: Assigned bills to subcommittees and discussed Senate File 2157.

Adjourned: 2:45 p.m.

ENERGY

Convened: February 26, 1980, 12:45 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Brown, Deluhery, Readinger, Rodgers and Waldstein (arrived 1:20 p.m.).

Members Absent: Briles.

Other Business: Subcommittee report on SSB 2087; presentation regarding energy audits of public buildings by Bud Karachawala of the Energy Policy Council.

Adjourned: 1:30 p.m.

HUMAN RESOURCES

Convened: February 26, 1980, 8:33 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Carney, Carr, Craft, Hulse, Orr (arrived 8:40 a.m.) and Slater (arrived 8:35 a.m.).

Members Absent: Hansen and A. Miller.

Final Action: SENATE FILE 2099, a bill for an act requiring the director of the division of adult corrections to provide habilitative services and treatment to imprisoned mentally retarded offenders.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse, Orr and Slater. Nays, none. Absent or not voting, 2: Hansen and A. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5215.

Final Vote: Ayes, 10: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse, Orr and Slater. Nays, none. Absent or not voting, 2: Hansen and A. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate Files 2217 and 2228 to subcommittees.

Adjourned: 9:02 a.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 528 of the February 20, 1980, Senate Journal.

Convened: February 18, 1980, 1:37 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller and Rodgers.

Members Absent: Murray and Yenger (excused).

Final Action: SENATE FILE 2252, a bill for an act to amend the statutory provision that an electronic voting system authorized for use in this state allow an elector to correct an error in marking the ballot, by deleting the requirement that the system indicate when an error has been made.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller and Rodgers. Nays, 2: Schwengels and E. Miller. Absent or not voting, 3: Nystrom, Murray and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: February 25, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Drake and Murray.

Final Action: SENATE FILE 2031, a bill for an act relating to state grants and loans to governmental subdivisions which incur expenses due to damage from natural disasters.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, 1: Gallagher. Absent or not voting, 2: Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2237, a bill for an act relating to the youth conservation corps.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 2: Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:07 p.m.

WAYS AND MEANS*

* A copy of this report was also recorded on page 569 of the February 25, 1980, Senate Journal.

Convened: February 21, 1980, 1:50 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Rush, Scott, Van Gilst and Junkins (arrived 1:55 p.m.).

Members Absent: none.

Final Action: SENATE FILE 2253, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott, Van Gilst, Hultman, Drake, Craft, Readinger and Rodgers. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:45 p.m.

PRESENTATION OF VISITORS

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

Twenty-nine students from Hedrick High School, Hedrick, Iowa, accompanied by Hazel Thompson and Mac Mullins. Senator Yenger.

AMENDMENTS FILED

S—5204	S. F.	2090	C. W. Hutchins Rolf V. Craft
S—5205	S. F.	2021	Gary L. Baugher John W. Jensen Cloyd E. Robinson Robert M. Carr Tom Slater
S—5206	S. F.	359	John W. Jensen
S—5207	S. F.	359	John W. Jensen Lucas J. DeKoster
S—5208	S. F.	2021	Lowell L. Junkins John Scott
S—5209	S. F.	2006	John N. Nystrom
S—5210	S. F.	2090	C. W. Hutchins
S—5211	S. F.	108	Arthur L. Gratias
S—5212	S. F.	2021	Lowell L. Junkins John Scott
S—5213	S. F.	74	Tom Slater Arthur L. Gratias Robert M. Carr
S—5214	H.F.	315	John Scott
S—5215	H.F.	2277	Human Resources Committee
S—5216	S. F.	2140	County Government Committee
S—5217	S. F.	2073	Joann Orr
S—5218	S. F.	346	C. W. Hutchins

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:19 p.m., until 9:00 a.m., Wednesday, February 27, 1980.

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 27, 1980

The Senate met in regular session at 9:11 a.m., President Branstad presiding.

Prayer was offered by the Reverend David Ohrt, pastor of the Silver Creek Church, Hancock, Iowa.

The Journal of Tuesday, February 26, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Corton, Waterloo, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ramsey for the morning session on request of Senator Hultman.

INTRODUCTION OF BILLS

Senate File 2256, by Orr, a bill for an act relating to the unit pricing of food offered for sale to consumers and providing a penalty.

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

Senate File 2257, by Orr, a bill for an act relating to the age and requirements for school admission.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 112
By: Orr

Whereas, narrow base terraces are now approved by the United States Soil Conservation Service for public cost-sharing as a permanent soil conservation practice; and

Whereas, these terraces are suitable for use on slopes as steep as fourteen percent, can be built entirely with a bulldozer, and facilitate avoidance of tile intakes during farming operations; and

Whereas, the initial cost of construction of narrow base terraces, on a linear foot basis, is only slightly over half that of the more conventional seeded backslop terraces; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the department of soil conservation is urged to take the actions necessary to encourage or require local soil conservation district commissioners to obtain maximum effect in protection of Iowa land from soil erosion by directing all or a major portion of the state funds appropriated to help pay the cost of permanent soil conservation practices toward construction of narrow base terraces.

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 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2181, a bill for an act to legalize proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of certain properties.

ALSO: That the House has on February 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2355, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in certain counties.

ALSO: That the House has on February 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2461, a bill for an act relating to tort liability of soil conservation districts and their officers, employees, and agents.

ALSO: That the House has on February 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2463, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

ALSO: That the House has on February 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2469, a bill for an act relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2181, a bill for an act to legalize proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of certain properties.

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

House File 2355, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in the counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, in connection with an election authorizing a lease-purchase agreement and the lease-purchase authorization.

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

House File 2461, a bill for an act relating to tort liability of regional boards of library trustees, soil conservation districts and their officers, employees, and agents.

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

House File 2463, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

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

House File 2469, a bill for an act relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees.

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 2120

Senator Hultman withdrew the motion to reconsider Senate File 2120, a bill for an act relating to products liability actions, filed by him on February 21, 1980, and found on page 546 of the Senate Journal.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2243.

Senate File 2243

On motion of Senator Van Gilst, Senate File 2243, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, was taken up for consideration.

Senator Holden offered amendment S—5219 filed by him from the floor to pages 11, 12, 13, 14, 16 and 26 of the bill and called for a division of the amendment:

Division S—5219A: lines 2 through 11 and lines 20 and 21.

Division S—5219B: lines 12 and 13 and lines 22 and 23.

Division S—5219C: lines 14 through 19.

Division S—5219D: lines 24 through 31.

Division S—5219E: lines 32 through 35.

Division S—5219F: line 36.

Division S—5219G: lines 37 and 38.

Senator Van Gilst called for a further division of amendment S—5219: lines 20 and 21 as division S—5219H.

Senator Holden moved the adoption of division S—5219A.

A record roll call was requested.

On the question "Shall division S—5219A be adopted?" (S.F. 2243) the vote was:

Ayes, 15:

Carney	DeKoster	Deluhery	Goodwin
Hester	Holden	Hulse	Hultman
Kudart	Murray	Readinger	Rush
Taylor	Tieden	Waldstein	

Nays, 31:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Gallagher	Gentleman
Gratias	Hansen	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Robinson	Rodgers	Schwengels	Scott
Slater	Van Gilst	Yenger	

Absent or not voting, 4:

Drake	Priebe	Ramsey	Small

Division S—5219A lost.

Senator Holden moved the adoption of division S—5219B.

A record roll call was requested.

On the question "Shall division S—5219B be adopted?" (S.F. 2243) the vote was:

Ayes, 7:

Goodwin	Hester	Holden	Hulse
Hultman	Kudart	Taylor	

Nays, 36:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Gallagher	Gentleman	Gratias	Hansen
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Orr	Palmer	Readinger	Robinson
Rodgers	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 7:

Craft	Drake	Miller, E.R.	Priebe
Ramsey	Rush	Schwengels	

Division S—5219B lost.

Senator Holden withdrew division S—5219C.

Senator Holden moved the adoption of division S—5219D.

A record roll call was requested.

On the question "Shall division S—5219D be adopted?" (S.F. 2243) the vote was:

Ayes, 12:

Baugher	Bisenius	Carney	Comito
Craft	Goodwin	Hester	Holden
Hulse	Kudart	Readinger	Taylor

Nays, 36:

Bergman	Briles	Brown	Calhoon
Carr	Coleman	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Gratias
Hansen	Hultman	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 2:

Miller, C.P.	Ramsey

Division S—5219D lost.

Senator Holden withdrew division S—5219E.

Senator Holden moved the adoption of division S—5219F.

A record roll call was requested.

On the question "Shall division S—5219F be adopted?" (S.F. 2243) the vote was:

Ayes, 13:

Baugher	Carney	Craft	DeKoster
Gentleman	Goodwin	Hester	Holden
Hulse	Jensen	Kudart	Readinger
Taylor			

Nays, 34:

Bergman	Bisenius	Briles	Brown
Calhoon	Carr	Coleman	Comito
Deluhery	Gallagher	Gratias	Hultman
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 3:

Drake	Hansen	Ramsey

Division S—5219F lost.

Senator Holden withdrew divisions S—5219G and S—5219H.

Senator Waldstein offered amendment S—5220 filed by Senators Waldstein and Rodgers from the floor to page 11 of the bill and moved its adoption.

Amendment S—5220 was adopted by a voice vote.

Senator Taylor offered amendment S—5222 filed by him from the floor to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5222 be adopted?" (S.F. 2243) the vote was:

Ayes, 17:

Baugher	Bergman	Bisenius	Carney
DeKoster	Drake	Goodwin	Holden
Hulse	Hultman	Jensen	Kudart
Orr	Readinger	Small	Taylor
Tieden			

Nays, 31:

Briles	Brown	Calhoon	Carr
Coleman	Comito	Craft	Deluhery
Gallagher	Gentleman	Gratias	Hansen
Hester	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Robinson
Rodgers	Schwengels	Scott	Slater
Van Gilst	Waldstein	Yenger	

Absent or not voting, 2:

Ramsey	Rush

Amendment S—5222 lost.

Senator Holden offered amendment S—5223 filed by him from the floor to page 26 of the bill.

Senator Van Gilst called for a division of amendment S—5223: lines 2 and 3 as division S—5223A; lines 4 through 6 as division S—5223B.

Senator Holden moved the adoption of division S—5223A, which motion prevailed by a voice vote.

Senator Holden moved the adoption of division S—5223B.

A record roll call was requested.

On the question "Shall division S—5223B be adopted?" (S.F. 2243) the vote was:

Ayes, 16:

Baugher	Bisenius	Carney	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Holden	Hulse	Hultman	Kudart
Orr	Palmer	Readinger	Taylor

Nays, 31:

Bergman	Briles	Brown	Calhoon
Carr	Coleman	Comito	Gallagher
Gratias	Hansen	Hester	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Priebe	Robinson	Rodgers	Schwengels

Scott	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Absent or not voting, 3:

Craft	Ramsey	Rush

Division S—5223B lost.

Senator Holden offered amendment S—5224 filed by him from the floor to page 26 of the bill.

Senator Hutchins raised the point of order that amendment S—5224 was out of order because the same subject matter had previously been considered by the Senate.

The Chair ruled the point not well taken and amendment S—5224 in order.

Senator Holden moved the adoption of amendment S—5224.

A record roll call was requested.

On the question "Shall amendment S—5224 be adopted?" (S.F. 2243) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Baugher	Bisenius	Carney	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Murray	Palmer	Readinger	Rush
Slater	Small	Taylor	

Nays, 25:

Bergman	Briles	Brown	Calhoon
Carr	Coleman	Deluhery	Gallagher
Gratias	Hansen	Hutchins	Junkins
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Priebe	Robinson	Rodgers	Schwengels
Scott	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 2:

Orr Ramsey

Amendment S—5224 lost.

Senator Kinley offered amendment S—5227 filed by Senators Kinley, Hutchins and Scott from the floor to pages 1, 2, 3 and the title page of the bill.

Senator Van Gilst raised the point of order that amendment S—5227 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5227 out of order.

Senator Murray raised the point of order that Senate File 2243 created a new agency and should be referred to the committee on State Government under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2243** was referred to the committee on **State Government** under Senate Rule 37.

INTRODUCTION OF BILLS

Senate File 2258, by Orr, a bill for an act to repeal the requirement that assessors gather agricultural statistics from persons whose property is assessed.

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

Senate File 2259, by Taylor, a bill for an act to require the district court to award attorney's fees and court costs to the respondent in cases involving the civil rights commission under certain circumstances.

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

Senate File 2260, by Scott, a bill for an act providing for the supreme court to fix salary ranges for juvenile probation officers.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:08 p.m., President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2261, by Committee on Commerce, a bill for an act relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapters one hundred seventeen (117), one hundred twenty-eight (128) and one hundred thirty (130).

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 21, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 432, a bill for an act relating to licensing and regulation of child foster care facilities and prescribing penalties.

ALSO: That the House has on February 20, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2453, a bill for an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

ALSO: That the House has on February 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2460, a bill for an act relating to notice requirements for termination of farm tenancies.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2453, a bill for an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

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

House File 2460, a bill for an act relating to notice requirements for termination of farm tenancies.

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

HOUSE AMENDMENT TO SENATE FILE 432

S—5230

Amend Senate File 432, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 23 the following:

"c. Care furnished by a private boarding school subject to approval by the state board of public instruction pursuant to section two hundred fifty-seven point twenty-five (257.25) of the Code.

d. Child day care furnished by a licensed child care center or a registered or nonregistered child day care facility under chapter two hundred thirty-seven A (237A) of the Code."

2. Page 2, line 9, by inserting after the word "facilities" the words ", including but not limited to residential treatment centers, group homes, and foster family homes".

3. Page 3, line 5, by inserting after the word "care" the words "provided by agencies".

4. Page 3, by inserting after line 13 the following: "The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph."

5. Page 3, by inserting after line 16 the following:

"j. Prior to the licensing of an individual as a foster family home, a required, written social assessment of the quality of the living situation in the home of the individual, and a required compilation of personal references for the individual other than those references given by the individual."

6. Page 3, by inserting after line 29 the following:

"6. Rules of the department shall not prohibit the licensing, as foster family homes, of individuals who are departmental employees not directly engaged in the administration of the child foster care program pursuant to this Act."

7. By striking page 3, line 34 through page 4, line 4 and inserting in lieu thereof the following: "However, a license is not required of the following:

1. An individual providing child foster care for a total of not more than twenty days in one calendar year.

2. A hospital licensed under chapter one hundred thirty-five B (135B) of the Code.

3. A health care facility licensed under chapter one hundred thirty-five C (135C) of the Code.

4. A juvenile detention home or juvenile shelter care home approved under section two hundred thirty-two point one hundred forty-two (232.142) of the Code.

Page 2

5. An institution listed in section two hundred eighteen point one (218.1) of the Code.

6. An individual providing child care as a babysitter for one or more children, up to a maximum of six children simultaneously, not overnight, at the request of a parent, guardian or relative having lawful custody of the child."

8. Page 5, line 4, by striking the words "or to" and inserting in lieu thereof the words ". A licensee shall not furnish child foster care to".

9. Page 5, by striking line 11 and inserting in lieu thereof the words "at least one annual unannounced inspection of each facility to assess the quality of the living situation and".

10. Page 6, by striking line 5 and inserting in lieu thereof the words and figure "two hundred thirty-two point sixty-nine (232.69) of the Code."

11. Page 6, by inserting after line 17 the following:

"Sec. ____. *NEW SECTION.* DISCIPLINE. A facility licensed under this Act or a facility licensed or registered under chapter two hundred thirty-seven A (237A) of the Code shall not subject a child to unusual, unnecessary, or severe corporal punishment. However, a facility licensed under this Act may subject a child to reasonable corporal punishment and a facility licensed under chapter two hundred thirty-seven A (237A) may, with the written permission of a child's parent, subject the child to reasonable corporal punishment. As used in this section, "corporal punishment" is limited to striking the child's buttocks or hands with an open hand in such a manner as to have not more than a momentary physical effect."

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: February 27, 1980, 12:00 noon.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Gallagher, Gratias, C. Miller, E. Miller, Murray and Rodgers.

Members Absent: Carr, Drake and Yenger.

Final Action: SENATE FILE 2243, a bill for an act establishing the Iowa family farm development authority authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Schwengels, Slater, Bisenius, Brown, Gallagher, Gratias, C. Miller, E. Miller, Murray and Rodgers. Nays, none. Absent or not voting, 3: Carr, Drake and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:07 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller of Cerro Gordo for the afternoon session on request of Senator Junkins.

BUSINESS PENDING

Senate File 2243

The Senate resumed consideration of Senate File 2243.

Senator Taylor offered amendment S—5231 filed by Senators Taylor and Waldstein from the floor to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5231 be adopted?" (S.F. 2243) the vote was:

Ayes, 17:

Bisenius	Carney	DeKoster	Goodwin
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Orr	Ramsey
Readinger	Taylor	Tieden	Waldstein
Yenger			

Nays, 31:

Baugher	Bergman	Brown	Calhoon
Carr	Coleman	Comito	Craft
Deluhery	Drake	Gallagher	Gentleman
Gratias	Hansen	Hester	Hutchins
Junkins	Kinley	Miller, C.P.	Miller, E.R.
Nystrom	Palmer	Priebe	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Van Gilst	

Absent or not voting, 2:

Briles	Miller, A.V.

Amendment S—5231 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. 2243) the vote was:

Ayes, 45:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 4:

Baugher	Comito	Holden	Small

Absent or not voting, 1:

Miller, A.V.

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

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2253 Transportation

Permits the expenditure of railroad assistance funds for main lines, terminals, switching yards, and sidings in addition to branch lines.

S.S.B. 2254 Judiciary

Chapter 565.4, Iowa Code, forfeiture of real estate contracts.

S.S.B. 2255 Human Resources

Requiring the department of social services to establish and maintain a work adjustment and training program at the Riverview center at Newton.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2249	Ways and Means
S. F.	2250	Judiciary
S. F.	2251	Education
S. F.	2254	Appropriations
S. F.	2255	Transportation
S. C.R.	111	Rules and Administration
H.F.	2042	Natural Resources
H.C.R.	111	Appropriations
H.C.R.	112	Rules and Administration

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jim Meyer, Odebolt, Sac County, Iowa, for appointment as a member of the Iowa Board of Veterinary Medicine Examiners pursuant to Section 169.5, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1978,

and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
JOHN SCOTT
JOANN ORR
RAY TAYLOR
FORREST V. SCHWENGELS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nolden Gentry, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Commission for the Blind pursuant to Section 601B.1, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

JACK W. HESTER, Chairperson
JULIA B. GENTLEMAN
ARTHUR L. GRATIAS
ROBERT M. CARR
NORMAN G. RODGERS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Wyatt Yon, Storm Lake, Buena Vista County, Iowa, for reappointment as a member of the Job Service Advisory Council pursuant to Section 96.11, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JACK W. HESTER, Chairperson
JOHN SCOTT
JOE BROWN
RICHARD F. DRAKE
LUCAS J. DE KOSTER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sheila Sidles, Centerville, Appanoose County, Iowa, for appointment to the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 regular session, for an initial two-year term commencing July 1, 1979, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JULIA B. GENTLEMAN, Chairperson
RICHARD R. RAMSEY
BERL E. PRIEBE
TOM SLATER
RICHARD COMITO

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 25, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Craft, Deluhery, Gentleman, Goodwin and Rush.

Members Absent: Priebe (excused).

Final Action: SENATE FILE 2261, a bill for an act relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapters one hundred seventeen (117), one hundred twenty-eight (128) and one hundred thirty (130).

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin and Rush. Nays, none. Absent or not voting, 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB 2169 ordered redrafted as a committee bill.

Adjourned: 3:50 p.m.

JUDICIARY

Convened: February 26, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Hansen, Murray, Ramsey, Coleman, Deluhery, Slater and Scott.

Members Absent: none.

Final Action: HOUSE FILE 654, a bill for an act to prohibit operating a motor vehicle while having a certain percentage of alcohol in the blood, and to apply penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5221.

Final Vote: Ayes, 11: DeKoster, Kudart, Baugher, Briles, Gentleman, Hansen, Murray, Ramsey, Coleman, Deluhery and Scott. Nays, 2: Rush and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 708, a bill for an act to permit the issuance of shares of a professional corporation to persons who are licensed in other states to practice the profession which the corporation is licensed to practice in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Hansen, Murray, Ramsey, Coleman, Slater and Scott. Nays, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2311, a bill for an act to legalize the proceedings of the board of supervisors of Clay county, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Kudart, Rush, Coleman, Gentleman, Deluhery, Briles, Murray, Ramsey, Slater and Baugher. Nays, 1: DeKoster. Absent or not voting, 2: Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: February 27, 1980, 8:10 a.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member (arrived 8:20 a.m.); Comito, Goodwin, Coleman, Robinson and Small (arrived 8:35 a.m.).

Members Absent: Holden and Nystrom.

Final Action: HOUSE FILE 2105, a bill for an act relating to the loading and unloading of pupils from school buses.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5228.

Final Vote: Ayes, 6: Drake, Jensen, Comito, Goodwin, Coleman and Robinson. Nays, 1: Scott. Absent or not voting, 3: Holden, Nystrom and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:45 a.m.

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 26, 1980, when the final vote was taken on Senate File 2209.

Had I been present, I would have voted "aye" on this bill.

W.R. BILL HANSEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 25, 1980, when votes were taken.

Had I been present, I would have voted "aye" on Senate Files 97, 2070, 2103, 2112, 2194, 2197, 2200, 2202, amendment S—5199 to Senate File 2241, final passage of Senate File 2241 and House Files 454 and 744.

LOWELL L. JUNKINS

PROOF OF PUBLICATIONS

Published copy of House File 2181 and verified proof of publication of said bill in the Cedar Valley Daily Times, a newspaper published in Vinton, Iowa, on December 20, 1979, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 2355 and verified proof of publication of said bill in the Atlantic News-Telegraph, a newspaper published in Atlantic, Iowa, on February 5, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

PRESENTATION OF VISITORS

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

Thirty students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Leyria Walters. Senator Gentleman.

AMENDMENTS FILED

S—5219	S. F.	2243	Edgar H. Holden
S—5220	S. F.	2243	Arne Waldstein Norman G. Rodgers
S—5221	H.F.	654	Judiciary Committee
S—5222	S. F.	2243	Ray Taylor
S—5223	S. F.	2243	Edgar H. Holden

S—5224	S. F.	2243	Edgar H. Holden
S—5225	S. F.	2140	John W. Jensen
S—5226	H.F.	2443	Jack W. Hester Joe Brown
S—5227	S. F.	2243	George R. Kinley C.W. Hutchins John Scott
S—5228	H.F.	2105	Transportation Committee
S—5229	S. F.	2021	Joann Orr Joe Brown
S—5231	S. F.	2243	Ray Taylor Arne Waldstein
S—5232	S. F.	2247	Lucas J. DeKoster John S. Murray

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:48 p.m., until 9:00 a.m., Thursday, February 28, 1980.

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 28, 1980

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by the Reverend Edward English, pastor of the West Branch Friends Church, West Branch, Iowa.

The Journal of Wednesday, February 27, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M.D. Hayden, Cherokee, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Miller of Cerro Gordo and Slater for the day on request of Senator Junkins.

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 21, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2121, a bill for an act relating to the powers of savings and loan associations.

ALSO: That the House has on February 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2467, a bill for an act relating to the purchase of goods or services by a political subdivision from a member of the political subdivision's governing board.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2467, a bill for an act relating to the purchase of goods or services by a political subdivision from a member of the political subdivision's governing board.

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

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2247.

Senate File 2247

On motion of Senator Craft, Senate File 2247, a bill for an act relating to the indexing of the state individual income tax, was taken up for consideration.

Senator Rodgers offered amendment S—5233 filed by him from the floor to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5233 be adopted?" (S.F. 2247) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 13:

Bisenius	Brown	Calhoon	Coleman
Gallagher	Kinley	Miller, C.P.	Orr
Palmer	Priebe	Robinson	Rodgers
Tieden			

Nays, 32:

Baugher	Bergman	Briles	Carney
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Rush	Schwengels
Scott	Van Gilst	Waldstein	Yenger

Absent or not voting, 5:

Carr	Miller, A.V.	Slater	Small
Taylor			

Amendment S—5233 lost.

Senator Junkins offered amendment S—5235 filed by him from the floor to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5235 be adopted?" (S.F. 2247) the vote was:

Ayes, 6:

DeKoster	Deluhery	Gallagher	Gentleman
Jensen	Junkins		

Nays, 41:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	Drake	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 3:

Carr	Miller, A.V.	Slater

Amendment S—5235 lost.

Senator DeKoster offered amendment S—5232 filed by Senators DeKoster and Murray on February 27, 1980, to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5232 be adopted?" (S.F. 2247) the vote was:

Ayes, 10:

DeKoster	Deluhery	Gentleman	Junkins
Kudart	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger		

Nays, 36:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	Gallagher	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Kinley	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 4:

Carr	Drake	Miller, A.V.	Slater

Amendment S—5232 lost.

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

On the question "Shall the bill pass?" (S.F. 2247) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Miller, A.V.	Robinson	Slater

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

Senator Hultman asked and received unanimous consent to take up for consideration House File 2477.

House File 2477

On motion of Senator Bisenius, House File 2477, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980, with report of committee recommending passage, was taken up for consideration.

Senator Bisenius moved that the bill 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. 2477) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Miller, A.V. Slater

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

UNFINISHED BUSINESS
(Deferred February 26, 1980)

Senate File 359

The Senate resumed consideration of Senate File 359, a bill for an act relating to worker's compensation for occupational hearing loss, and amendment S—5124 by the committee on Labor and Industrial Relations to pages 1 through 6 of the bill, deferred on February 26, 1980.

Senator Robinson called for a division of amendment S—5124: Page 1, lines 2 through 7 and lines 12 through 50 and page 2 as division S—5124A; page 1, lines 8 through 11 as division S—5124B.

Senator Jensen offered amendment S—5207 filed by Senators Jensen and DeKoster on February 26, 1980, to division S—5124A and moved its adoption.

Amendment S—5207 was adopted by a voice vote.

Senator DeKoster moved the adoption of division S—5124A as amended, which motion prevailed by a voice vote.

Senator DeKoster moved the adoption of division S—5124B.

A non record roll call was requested.

The ayes were 28, nays 17.

Division S—5124B was adopted.

Senator Jensen offered amendment S—5206 filed by him on February 26, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5206 was adopted by a voice vote.

Senator Jensen offered amendment S—5234 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—5234 was adopted by a voice vote.

Senator DeKoster asked and received unanimous consent that Niel Ver Hoef, Audiologist, be seated at his desk during discussion of Senate File 359.

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. 359) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rush	Schwengels
Scott	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 4:

Briles	Carr	Coleman	Hester

Absent or not voting, 3:

Miller, A.V.	Rodgers	Slater

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

UNFINISHED BUSINESS
(Deferred February 20, 1980)

Senate File 2073

The Senate resumed consideration of Senate File 2073, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act, deferred on February 20, 1980.

Senator Orr offered amendment S—5217 filed by her on February 26, 1980, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5217 be adopted?" (S.F. 2073) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bisenius	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Gentleman
Hutchins	Junkins	Kinley	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rush
Scott	Small	Tieden	Yenger

Nays, 23:

Baugher	Bergman	Briles	Carney
Comito	Craft	DeKoster	Drake
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Ramsey	Schwengels
Taylor	Van Gilst	Waldstein	

Absent or not voting, 3:

Miller, A.V.	Rodgers	Slater

Amendment S—5217 was adopted.

Senator Murray offered amendment S—5197 filed by him on February 21, 1980, to page 3 of the bill.

Senator Hultman asked and received unanimous consent that action on amendment S—5197 and **Senate File 2073** be **deferred.**

INTRODUCTION OF BILLS

Senate File 2262, by Junkins, a bill for an act creating a department of corrections, prescribing the powers and duties thereof, appropriating moneys and providing penalties.

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

Senate File 2263, by Miller of Des Moines, Brown, Orr and Schwengels, a bill for an act relating to the probation period for police officers in cities with a population of one hundred fifty thousand or more.

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

Senate File 2264, by Committee on Ways and Means, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 113
By: Schwengels, Bergman, Gallagher, Hester, Hulse, Miller of Cerro Gordo, Miller of Marshall, Priebe, Van Gilst and Waldstein

Whereas, erosion of soil from cropland in Iowa is occurring at an estimated annual rate of nearly ten tons per acre, and continuation of this rate of soil loss will ultimately be economically disastrous to Iowa agriculture; and

Whereas, hearings held around the state during the fall of 1979, by the Soil Conservation Laws Joint Subcommittee of the Agriculture and the Natural Resources Committees of the Senate and House of Representatives demonstrated considerable support among farmers and others for greater efforts to end excessive soil erosion, both to preserve the fertility of Iowa cropland and to reduce pollution of the state's rivers and lakes; and

Whereas, it should be the policy of the State of Iowa to provide soil conservation education at all levels, to provide incentives for good soil management, and to provide needed technical assistance, all with the objective of bringing erosion of topsoil from all land within nondepleting levels by the year 2000; and

Whereas, the objective just described may be referred to as the "Iowa Soil 2000" goal; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the General Assembly endorses the Iowa Soil 2000 goal and adopts, as guidelines against which pertinent legislation should be evaluated, the following series of intermediate objectives as steps toward achievement of the Iowa Soil 2000 goal:

A. Five-year objectives

1. To accelerate the availability of soil survey mapping data.

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2. To provide each farm unit with a conservation folder by 1985.

3. To control erosion of the most fragile soils,

which under present agricultural use and management will be depleted in 20 years.

4. To reduce excessive soil erosion on all agricultural lands by 40%.

5. To control nonpoint source pollution in at least twelve high priority watersheds, based on the Iowa agricultural nonpoint source pollution plan.

B. Ten-year objectives

1. To require each landowner or operator to keep his or her conservation folder current with computed soil loss rates provided by the local soil conservation district.

2. To control erosion on soil which under present agricultural use and management will be depleted in 40 years.

3. To reduce excessive soil erosion on all agricultural lands by an additional 40%.

4. To control nonpoint source pollution in at least an additional twenty-four high priority watersheds, based on the Iowa agricultural nonpoint source pollution plan.

C. Fifteen-year objectives

1. To control erosion on all agricultural land at a nondepleting level.

2. To control nonpoint source pollution in at least an additional fifty high priority watersheds, based on the Iowa agricultural nonpoint source pollution plan

D. Twenty-year objectives

Page 3

1. To maintain a nondepleting level of soil loss on agricultural land and control sediment production on all Iowa land.

2. To continue to develop and install cost effective soil conservation practices so that soil erosion is held at a nondepleting level.

3. To control nonpoint source pollution in all watersheds, based on the agricultural nonpoint pollution plan.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

INTRODUCTION OF BILLS

Senate File 2265, by Yenger and Slater, a bill for an act relating to laying off state employees when the services formerly rendered by those employees are subsequently obtained by contract from nonstate employees, prohibiting that practice and declaring it to be contrary to public policy, providing that certain employees who have been so laid off shall be offered the opportunity to return to their former jobs, and revising the manner of selecting members of the council on social services in order to further the policy declared by this Act.

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

Senate File 2266, by Yenger, a bill for an act authorizing certain public employees of a political subdivision who are subject to a collective bargaining agreement to exempt themselves from civil service by an election.

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

Senate File 2267, by Committee on Judiciary, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation.

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

Senate File 2268, by Committee on Judiciary, a bill for an act to make consistent Code provisions relating to limitation of actions against cities and municipalities.

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

Senate File 2269, by Committee on State Government, a bill for an act to establish a communications review committee and to abolish the police communications review committee.

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

Senate File 2270, by Committee on Ways and Means, a bill for an act relating to the military service tax exemption by defining active duty and extending the exemption to persons serving on active duty who otherwise qualify for the exemption.

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

Senate File 2271, by Rodgers, a bill for an act relating to the regulation by the commissioner of insurance of self-insured accident or health insurance policies or programs offered to employees and providing a penalty.

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

Senate File 2272, by Committee on Transportation, a bill for an act relating to the movement of vehicles of excessive size and weight.

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

Senate File 2273, by Committee on Appropriations, a bill for an act relating to appropriations by amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters four (4) and fourteen (14), to increase the appropriations for the board of engineering examiners, Iowa beer and liquor control department, comptroller's office, department of revenue, secretary of state and the administration of the Iowa public employees' retirement system fund, by increasing the full-time equivalent positions for the board of engineering examiners and department of job service, by eliminating the need for additional appropriations for the Iowa beer and liquor control department by repealing the law requiring a deposit on liquor bottles and by providing that unobligated funds remaining from the appropriation to the comptroller's office for data processing shall not revert at the end of the 1979-1980 fiscal year.

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

Senate File 2274, by Committee on Appropriations, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

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

Senate File 2275, by Committee on Judiciary, a bill for an act to legalize certain plats of city or town lots recorded before January 1, 1970.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 114
By: Nystrom

Whereas, the Governor's Economy Committee '79 has made 386 recommendations designed to provide greater economy in the operation of Iowa state government; and

Whereas, in excess of one hundred of those recommendations appear to require legislative action and many of the recommendations are extremely complex and require in-depth study and consultation with executive department personnel; and

Whereas, the passage of many of the comprehensive recommendations of the Governor's Economy Committee '79, if approved without a detailed study, might create implementation problems, particularly in regard to providing proper physical facilities in the case of government reorganization proposals, at a time when the renovation of physical space for executive departments is not yet complete; and

Whereas, the interim period would provide more time for comprehensive hearings, review of drafts, consultation with department personnel, and coordination of proposed bills, in addition to allowing a review of the projected savings; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Legislative Council is requested to create a study committee consisting of members of both Houses representing both political parties for the purpose of reviewing bill drafts designed to carry out the recommendations of the Governor's Economy Committee '79, providing for proper hearings in order that those departments affected might be provided adequate opportunity to comment upon the proposals, and in order that a more detailed plan for

Page 2

implementation of those recommendations might be developed; and

Be It Further Resolved, That the study committee shall make periodic reports to the Legislative Council and a final report to the general assembly meeting in the year 1981 accompanied by bill drafts designed to carry out the recommendations of the study committee.

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 February 28, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 114, a resolution requesting the legislative council to create a study committee to study the financial collapse of the southeast Iowa grain elevator.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 114
By: Pellet, Crabb, Husak,
Schroeder, Pope and Chiodo

Whereas, many farmers and other persons have recently suffered severe financial loss because a grain elevator did not have sufficient grain to cover outstanding warehouse receipts and incurred other debts for which there may not be sufficient assets; and

Whereas, the problems associated with the financial collapse of one of the largest grain elevators in southeast Iowa are extremely complex and solutions to such problems are not readily apparent; and

Whereas, farmers and other persons want to know what can be done to recover their losses and prevent such losses in the future; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is requested to create a study committee consisting of six members of the House of Representatives, three representing the House committee on agriculture and three representing the House

committee on commerce, of which two members from each committee shall represent the majority party and one shall represent the minority party; and six members of the Senate, three representing the Senate committee on agriculture and three representing the Senate committee on commerce, of which two members from each committee shall represent the majority party and one member shall represent the minority party; and

Be It Further Resolved, That the study committee shall review the facts which contributed to the financial collapse of the grain elevator, current state and federal laws designed to provide financial protection to consumers, recommendations of knowledgeable persons including government

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officials whose duties relate to administering laws and programs relating to grain elevators and financing; and

Be It Further Resolved, That the study committee shall make periodic reports to the legislative council and a final report to the General Assembly meeting in the year 1981 accompanied by bill drafts designed to carry out its recommendations.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2069

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2132

County Government
Waldstein, Chairperson
C. Miller
Yenger

SENATE FILE 2165

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2175

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2189

Ways and Means
Comito, Chairperson
Rush
Craft

SENATE FILE 2204

County Government
Yenger, Chairperson
Kudart
Slater

SENATE FILE 2206

Transportation
Small, Chairperson
Drake
Jensen

SENATE FILE 2208

County Government
Waldstein, Chairperson
Yenger
C. Miller

SENATE FILE 2210

Transportation
Small, Chairperson
Drake
Jensen

SENATE FILE 2211

Transportation
Jensen, Chairperson
Coleman
Goodwin

SENATE FILE 2214

Judiciary
Scott, Chairperson
Murray
Baugher

SENATE FILE 2215

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2216

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2217

Human Resources
Bergman, Chairperson
Craft
A. Miller

SENATE FILE 2219

Judiciary
Rush, Chairperson
Kudart
Slater

SENATE FILE 2220

Ways and Means
Baugher, Chairperson
Hester
Junkins

SENATE FILE 2221

Natural Resources
Gratias, Chairperson
Rodgers
Schwengels

SENATE FILE 2222

Ways and Means
Drake, Chairperson
Hultman
Junkins

SENATE FILE 2223

Labor and Industrial Relations
Taylor, Chairperson
Carney
Calhoon

SENATE FILE 2224

Transportation
Drake, Chairperson
Jensen
Scott

SENATE FILE 2225

Judiciary
Murray, Chairperson
Rush
Scott

SENATE FILE 2227

Judiciary
Gentleman, Chairperson
Coleman
Ramsey

SENATE FILE 2228

Human Resources
Craft, Chairperson
Slater
Carr

SENATE FILE 2230

Agriculture
Hester, Chairperson
Hulse
Priebe

SENATE FILE 2231

Judiciary
Murray, Chairperson
Baugher
Scott

SENATE FILE 2232

Education
DeKoster, Chairperson
Carney
Orr

SENATE FILE 2238

Ways and Means
Hester, Chairperson
Scott
Ramsey

SENATE FILE 2240

Appropriations
Appropriations Subcommittee on
Natural Resources

SENATE FILE 2242

Natural Resources
Priebe, Chairperson
Goodwin
Gallagher

SENATE FILE 2244

Ways and Means
Ramsey, Chairperson
Van Gilst
Craft

SENATE FILE 2245

Commerce
Holden, Chairperson
Comito
Robinson

SENATE FILE 2251

Education
Gratias, Chairperson
Carney
Brown

HOUSE FILE 160

Education
Gratias, Chairperson
Taylor
Brown

HOUSE FILE 2109

Education
Carney, Chairperson
Jensen
Small

HOUSE FILE 2138

Education
Taylor, Chairperson
Jensen
Calhoon

HOUSE FILE 2279

County Government
Brown, Chairperson
Yenger
Slater

HOUSE FILE 2311

Judiciary
Kudart, Chairperson
Slater
Rush

HOUSE FILE 2340

Education
Gratias, Chairperson
DeKoster
Orr

HOUSE FILE 2425

Education
Carney, Chairperson
DeKoster
Small

HOUSE FILE 2458

Education
DeKoster, Chairperson
Gratias
Brown

HOUSE FILE 2470

Ways and Means
Rodgers, Chairperson
Ramsey
Comito

HOUSE FILE 2477

Appropriations
Appropriations Subcommittee on
Regulatory and Finance

SSB 2242

Education
DeKoster, Chairperson
Gratias
Small

SSB 2243

Agriculture
Hester, Chairperson
Bergman
Hutchins

SSB 2244

Judiciary
Murray, Chairperson
Gentleman
Hansen

SSB 2246

Judiciary
Scott, Chairperson
Kudart
Rush

SSB 2247

Judiciary
Ramsey, Chairperson
Gentleman
Coleman

SSB 2248

Transportation
Small, Chairperson
Drake
Robinson

SSB 2249

Transportation
Coleman, Chairperson
Goodwin
Holden

SSB 2250

Ways and Means
Ramsey, Chairperson
Hultman
Hutchins

SSB 2252

Transportation
Drake, Chairperson
Comito
Robinson

SSB 2254

Judiciary
Scott, Chairperson
Kudart
Murray

SSB 2255

Human Resources
Carr, Chairperson
Gentleman
Bergman

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 February, 1980.

Senate Files 2012 and 2124.

FRANK J. STORK, 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 copy of the Annual Report to the legislature on public transit programs financed by federal, state, and local aid within the State, prepared by the Public Transit Division of the Department of Transportation pursuant to Section 601J.4, 1979 Code.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2477 passed the Senate on February 28, 1980.

ROBERT M. CARR

STUDY BILLS RECEIVED

S.S.B. 2256 County Government

Create a committee to study and make recommendations relating to the maintenance of the secondary highway system.

S.S.B. 2257 Judiciary

Legalizing act for Black Hawk County Board of Supervisors.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2256	Commerce
S. F.	2257	Education
S. F.	2258	Agriculture
S. F.	2259	Judiciary
S. F.	2260	Judiciary
S. C.R.	112	Natural Resources
H.F.	2181	Judiciary
H.F.	2355	Judiciary
H.F.	2453	Transportation
H.F.	2460	Judiciary
H.F.	2461	Agriculture
H.F.	2463	Agriculture
H.F.	2469	County Government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of E. R. (Mac) McCann, Waterloo, Black Hawk County, Iowa, for appointment as a member of the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.4, 1979 Code of Iowa, for the unexpired portion of a term commencing July 1, 1978, and ending June 30, 1982,

begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN J. GOODWIN, Chairperson
W. R. BILL HANSEN
GARY L. BAUGHER
JAMES V. GALLAGHER
CLOYD E. ROBINSON

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 26, 1980, 4:20 p.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Baugher, Bergman, Carr and Craft.

Members Absent: none.

Other Business: Recommended appropriations for RCF's; ICF's; medical assistance; Title XX, Childrens Services and Child Support Recovery; Veteran's Home and approved intent language, Title XIX.

Adjourned: 6:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 27, 1980, 1:00 p.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Craft, Bergman, Baugher and Carr (arrived 1:25 p.m.).

Members Absent: none.

Other Business: Approved Scott County gerentology project, State Patients amendment and intent language in regard to ICF/RCF.

Adjourned: 2:15 p.m.

APPROPRIATIONS*

* A report of this meeting was also recorded on page 584 of the February 26, 1980, Senate Journal.

Convened: February 26, 1980, 11:15 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson, Palmer, Ranking Member; Bisenius (arrived 11:20 a.m.), Carr, DeKoster, Hultman, Junkins, Readinger, Schwengels, Scott, Tieden and Van Gilst.

Members Absent: none.

Final Action: SENATE FILE 2273, a bill for an act relating to appropriations by amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters four (4) and fourteen (14), to increase the appropriations for the board of engineering examiners, Iowa beer and liquor control department, comptroller's office, department of revenue, secretary of state and the administration of the Iowa public employees' retirement system fund, by increasing the full-time equivalent positions for the board of engineering examiners and department of job service, by eliminating the need for additional appropriations for the Iowa beer and liquor control department by repealing the law requiring a deposit on liquor bottles and by providing that unobligated funds remaining from the appropriation to the comptroller's office for data processing shall not revert at the end of the 1979-80 fiscal year.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Murray, Taylor, Palmer, Bisenius, DeKoster, Hultman, Junkins, Readinger, Schwengels, Scott and Tieden. Nays, 2; Carr and Van Gilst. Absent or not voting, 2: Nystrom and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2274, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Readinger, Schwengels, Scott, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:05 p.m.

EDUCATION

Convened: February 28, 1980, 1:30 p.m.

Members Present: Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, DeKoster, Jensen, Orr, Carney, Small and Taylor.

Members Absent: Hansen, Chairperson.

Final Action: HOUSE FILE 2275, a bill for an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Brown, Calhoon, DeKoster, Jensen, Orr, Carney, Small and Taylor. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2109, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5238.

Final Vote: Ayes, 9: Gratias, Brown, Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussed bills.

Adjourned: 2:45 p.m.

JUDICIARY*

* A report of this meeting was also recorded on pages 608-609 of the February 27, 1980, Senate Journal.

Convened: February 26, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Coleman, Deluhery, Gentleman, Murray, Ramsey, Rush, Slater, Hansen (arrived 3:25 p.m.) and Scott (arrived 3:25 p.m.).

Members Absent: none.

Final Action: SENATE FILE 2267, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Briles, Coleman, Deluhery, Gentleman, Murray, Ramsey, Rush, Slater, Hansen and Scott. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2268, a bill for an act to make consistent Code provisions relating to limitation of actions against cities and municipalities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Briles, Coleman, Deluhery, Gentleman, Murray, Ramsey, Rush, Slater, Hansen and Scott. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2275, a bill for an act to legalize certain plats of city or town lots recorded before January 1, 1970.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Baugher, Briles, Coleman, Deluhery, Gentleman, Murray, Ramsey, Rush, Slater, Hansen and Scott. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: February 27, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Coleman, Gentleman, Deluhery, Slater, Ramsey (arrived 3:30 p.m.), Baugher, Murray and Hansen (arrived 3:20 p.m.).

Members Absent: Scott (excused) and Briles.

Final Action: SENATE FILE 124, a bill for an act relating to the adoption of foreign born persons.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5236.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Deluhery, Coleman, Gentleman, Slater, Baugher and Murray. Nays, none. Absent or not voting, 4: Briles, Ramsey, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2219, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

Recommendation: DO PASS.

Final Vote: Ayes 10: DeKoster, Kudart, Rush, Baugher, Coleman, Deluhery, Gentleman, Hansen, Murray and Slater. Nays, 1: Ramsey. Absent or not voting, 2: Briles and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 715, a bill for an act relating to the information to be furnished a jury commission for use in drawing jury lists.

Recommendation: DO PASS.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Deluhery, Coleman, Gentleman, Slater, Baugher and Murray. Nays, none. Absent or not voting, 4: Briles, Ramsey, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 4:00 p.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on pages 587-588 of the February 26, 1980, Senate Journal.

Convened: February 25, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Drake and Murray.

Final Action: SENATE FILE 2269, a bill for an act establishing a communications review committee and to abolish the police communications review committee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 2: Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:07 p.m.

STATE GOVERNMENT

Convened: February 28, 1980, 3:01 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Slater, Ranking Member; Drake and Murray.

Final Action: SENATE FILE 2192, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5240.

Final Vote: Ayes, 10: Nystrom, Schwengels, Bisenius, Brown, Carr, Gratias, Gallagher, E. Miller, C. Miller and Rodgers. Nays, none. Absent or not voting, 4: Slater, Drake, Murray and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:53 p.m.

TRANSPORTATION*

* A report of this meeting was also recorded on page 609 of the February 27, 1980, Senate Journal.

Convened: February 27, 1980, 8:10 a.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member (arrived 8:20 a.m.); Comito, Goodwin, Coleman, Robinson and Small (arrived 8:35 a.m.).

Members Absent: Holden and Nystrom.

Final Action: SENATE FILE 2272, a bill for an act relating to the movement of vehicles of excessive size and weight.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Drake, Jensen, Scott, Comito, Goodwin, Coleman and Robinson. Nays, none. Absent or not voting, 3: Holden, Nystrom and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:45 a.m.

WAYS AND MEANS

Convened: February 26, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott, Van Gilst, Drake (arrived 1:50 p.m.) and Hultman (arrived 1:55 p.m.).

Members Absent: none.

Final Action: SENATE FILE 2264, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Craft, Readinger, Rodgers, Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott, Van Gilst, Drake and Hultman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB 2152 ordered redrafted for final approval as a committee bill; assigned bills to subcommittees.

Adjourned: 2:00 p.m.

WAYS AND MEANS

Convened: February 28, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Baugher, Hester, Holden, Hutchins, Junkins, Rush, Scott and Van Gilst.

Members Absent: Readinger, Vice Chairperson; Rodgers, Ranking Member (excused); Comito, Drake, Hultman and Ramsey.

Final Action: SENATE FILE 2238, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Craft, Baugher, Hester, Holden, Hutchins, Junkins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 6: Readinger, Rodgers, Comito, Drake, Hultman and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2270, a bill for an act relating to the military service tax exemption by defining active duty and extending the exemption to persons serving on active duty who otherwise qualify for the exemption.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Baugher, Hester, Holden, Hutchins, Junkins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 6: Readinger, Rodgers, Comito, Drake, Hultman and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate File 2249 to subcommittee.

Adjourned: 1:45 p.m.

PRESENTATION OF VISITORS

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

Thirty students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mary Huggins. Senator Gentleman.

AMENDMENTS FILED

S—5233	S. F.	2247	Norman G. Rodgers
S—5234	S. F.	359	John W. Jensen
S—5235	S. F.	2247	Lowell L. Junkins
S—5236	S. F.	124	Judiciary Committee
S—5237	S. F.	69	Richard R. Ramsey
S—5238	S. F.	2109	Education Committee
S—5239	S. F.	2274	John S. Murray
S—5240	S. F.	2192	State Government Committee

ADJOURNMENT

On motion of Senator Ramsey, the Senate adjourned at 4:10 p.m., until 10:00 a.m., Monday, March 3, 1980.

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 3, 1980

The Senate met in regular session at 10:04 a.m., President Branstad presiding.

Prayer was offered by the Reverend Delbert Story, pastor of the Hazel Dell Methodist Church, Council Bluffs, Iowa.

The Journal of Thursday, February 28, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stephen Richards, Algona, Iowa.

INTRODUCTION OF BILL

Senate File 2276, by Committee on Agriculture, a bill for an act to amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repairs and improvements in drainage and levee districts.

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 28, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2003, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

ALSO: That the House has on February 28, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2357, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties.

ALSO: That the House has on February 28, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2474, a bill for an act to amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repair and improvements in drainage and levee districts.

ALSO: That the House has on February 28, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2357, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties.

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

House File 2474, a bill for an act to amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repairs and improvements in drainage and levee districts.

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

House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators.

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

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order House File 2311.

House File 2311

On motion of Senator Bergman, House File 2311, a bill for an act to legalize the proceedings of the board of supervisors of Clay county, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds, with report of committee recommending passage, 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?" (H.F. 2311) the vote was:

Ayes, 36:

Baugher	Bergman	Carney	Carr
Coleman	Comito	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Priebe	Robinson	Rodgers
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, 7:

Brown	Craft	DeKoster	Gallagher
Miller, C.P.	Rush	Taylor	

Absent or not voting, 7:

Bisenius	Briles	Calhoon	Hansen
Palmer	Ramsey	Readinger	

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

WITHDRAWN

Senator Bergman asked and received unanimous consent that **Senate File 2094** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2234.

Senate File 2234

On motion of Senator Drake, Senate File 2234, a bill for an act relating to the payment of recording fees for land acquisitions by governmental agencies, 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. 2234) the vote was:

Ayes, 47:

Baugher	Bergman	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Bisenius	Briles	Small

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

Senate File 2235

On motion of Senator Schwengels, Senate File 2235, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa, was taken up for consideration.

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. 2235) the vote was:

Ayes, 46:

Baugher	Bergman	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias

Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Bisenius	Briles	Miller, C.P.	Small

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2099.

Senate File 2099

On motion of Senator DeKoster, Senate File 2099, a bill for an act requiring the director of the division of adult corrections to provide habilitative services and treatment to imprisoned mentally retarded offenders, with report of committee recommending passage, 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. 2099) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Kudart Small

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2237.

Senate File 2237

On motion of Senator Schwengels, Senate File 2237, a bill for an act relating to the youth conservation corps, with report of committee recommending passage, was taken up for consideration.

Senator Carr offered amendment S—5241 filed by Senators Carr and Nystrom from the floor to page 1 of the bill and moved its adoption.

Amendment S—5241 was adopted by a voice vote.

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. 2237) the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 1:

Drake

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2031.

Senate File 2031

On motion of Senator Briles, Senate File 2031, a bill for an act relating to state grants and loans to governmental subdivisions which incur expenses due to damage from natural disasters, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2031) the vote was:

Ayes, 50:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 69.

Senate File 69

On motion of Senator Ramsey, Senate File 69, a bill for an act relating to income requirement of a totally disabled person seeking a special assessment tax abatement, with report of committee recommending amendment and passage was taken up for consideration.

Senator Ramsey offered amendment S—5202 filed by the committee on Ways and Means on February 25, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5202 was adopted by a voice vote.

Senator Ramsey offered amendment S—5237 filed by him on February 28, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5237 was adopted by a voice vote.

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. 69) the vote was:

Ayes, 50:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

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

Senate File 2140

On motion of Senator Jensen, Senate File 2140, a bill for an act eliminating restrictions of board of supervisors' travel expenses,

with report of committee recommending amendment and passage, was taken up for consideration.

Senator Waldstein offered amendment S—5216 filed by the committee on County Government on February 26, 1980, to page 1 and the title page of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 30, nays 19.

Amendment S—5216 was adopted.

Senator Jensen offered amendment S—5225 filed by him on February 27, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5225 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2140) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 5:

Gallagher	Gentleman	Kudart	Miller, A.V.
Palmer			

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 2277, by Committee on State Government, a bill for

an act to require that reports of induced terminations of pregnancies be filed with the state department of health.

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

Senate File 2278, by Committee on Judiciary, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

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

Senate File 2279, by Committee on Judiciary, a bill for an act relating to the dates for limitations of actions on title to real property.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:03 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

INTRODUCTION OF BILLS

Senate File 2280, by Committee on Transportation, a bill for an act granting the state the power of eminent domain to acquire railroad right-of-way.

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

Senate File 2281, by Committee on Transportation, a bill for an act providing for temporary allocation of farm-to-market road use funds.

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

Senate File 2282, by Committee on Commerce, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

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

Senate File 2283, by Craft, a bill for an act relating to the agricultural land credit by requiring, beginning January 1, 1985, the filing of a claim for the credit with certification that a conservation plan has been approved or implemented.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 115
By: Drake, Coleman and Hutchins

Whereas, section one hundred three of the United States Internal Revenue Code provides for the issuance of industrial revenue bonds by a political unit for the construction of private or public facilities; and

Whereas, the majority of these tax-exempt bonds are limited to ten million dollars in any one instance; and

Whereas, certain facilities have been deemed to have a public purpose and are therefore not subject to the ten million tax exempt limit; and

Whereas, these exempt facilities include airports, docks, wharves, mass commuting, parking, and other transportation facilities; and

Whereas, the construction, repair and upgrading of railbeds, trackage, and appurtenances, but not rolling stock, are also deemed to have a public purpose; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Iowa General Assembly urges the Congress of the United States to amend the United States Internal Revenue Code, section one hundred three, to provide for unlimited exemptions on obligations issued to finance certain railroad improvement projects; and

Be It Further Resolved, That copies of this resolution be forwarded to members of the Iowa Congressional Delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, and the chairpersons of the Ways and Means

Committees of the United States House of Representatives and Senate.

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

UNFINISHED BUSINESS
(Deferred February 20, 1980)

Senate File 2183

The Senate resumed consideration of Senate File 2183, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition, and amendment S—5110 by Senators Priebe and Waldstein to page 1 of the bill, deferred on February 20, 1980.

Senator Waldstein asked and received unanimous consent that amendment S—5110 be withdrawn.

Senator Coleman offered amendment S—5173 filed by him on February 20, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5173 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2183) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Craft Miller, C.P.

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

UNFINISHED BUSINESS
(Deferred February 26, 1980)

Senate File 2021

The Senate resumed consideration of Senate File 2021, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty, and amendment S—5205 by Senators Baugher, et al., deferred on February 26, 1980.

Senator Orr offered amendment S—5229 filed by Senators Orr and Brown on February 27, 1980, to page 1 of the bill.

Senator Tieden raised the point of order that amendment S—5229 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5229 out of order.

The Senate resumed consideration of amendment S—5205 to page 1 of the bill, deferred on February 26, 1980.

Senator Scott offered amendment S—5212 filed by Senators Junkins and Scott on February 26, 1980, to amendment S—5205.

President pro tempore Hansen took the chair at 4:34 p.m.

Senator Scott moved the adoption of amendment S—5212 to amendment S—5205.

A non record roll call was requested.

The ayes were 26, nays 19.

Amendment S—5212 was adopted.

The Chair ruled amendment S—5208 filed by Senators Junkins and Scott on February 26, 1980, to amendment S—5205 out of order.

Senator Baugher moved the adoption of amendment S—5205 as amended.

Amendment S—5205 as amended was adopted by a voice vote.

Senator DeKoster asked and received unanimous consent that action on **Senate File 2021** be **deferred.**

UNFINISHED BUSINESS
(Deferred February 26, 1980)

Senate File 2105

The Senate resumed consideration of Senate File 2105, a bill for an act relating to trapping restrictions, deferred on February 26, 1980.

Senator Hultman asked and received unanimous consent that action on **Senate File 2105** be **deferred.**

MOTION TO RECONSIDER WITHDRAWN

House File 2477

Senator Carr withdrew the motion to reconsider House File 2477, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980, filed by him on February 28, 1980, and found on page 631 of the Senate Journal.

APPENDIX

PETITIONS

The following petitions favoring indexing of state inheritance tax rates and increasing exemptions were presented and placed on file by:

Senator Schwengels from fourteen residents of Washington County.

Senator Schwengels from seventy-one residents of Jefferson County.

COMMUNICATION FROM THE SECRETARY OF STATE

February 28, 1980

Frank J. Stork
Secretary of Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2072, was published in the Marshalltown Times-Republican, Marshalltown, Iowa, on February 23, 1980, and in the Globe-Gazette, Mason City, Iowa, on February 23, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

COMMUNICATION

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

IOWA HOUSING FINANCE AUTHORITY

A copy of a report by the Housing Finance Authority regarding the disclosure of mortgage lending patterns and practices in the state and the financial needs of economically depressed urban residential areas in the state, pursuant to Section 220.6, Code 1979.

PROOF OF PUBLICATION

Published copy of House File 2357 and verified proof of publication of said bill in the Centerville Iowegian & Citizen, a newspaper published in Centerville, Iowa, on

January 25, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2262	State Government
S. F.	2263	Cities
S. F.	2265	State Government
S. F.	2266	Labor and Industrial Relations
S. F.	2271	Commerce
S. C.R.	113	Natural Resources
S. C.R.	114	Rules and Administration
H.F.	2467	State Government
H.C.R.	114	Rules and Administration

STUDY BILLS RECEIVED

S.S.B. 2258 State Government

To define years of experience in the practice of public accounting for certified public accountants.

S.S.B. 2259 State Government

Relating to retainage withheld from payments to contractors under contracts for public improvements.

S.S.B. 2260 Commerce

Relating to the installation and inspection of smoke detectors by fire and casualty insurance companies in apartments with more than four units, hotels, motels, and rooming houses.

S.S.B. 2261 Agriculture

Establishes a loan fund and appropriates $1,000,000 to the fund to be used to make small loans to individual farmers whose farming operation has been jeopardized by the bankruptcy of a grain elevator.

REPORT OF INVESTIAGTING 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 pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARTHUR L. GRATIAS, Chairperson
JAMES CALHOON
JACK W. HESTER
JAMES E. BRILES
STEPHEN W. BISENIUS

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 26, 1980, 3:00 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, E. Miller, Tieden, Waldstein, A. Miller and Van Gilst.

Members Absent: Priebe.

Final Action: SENATE FILE 2276, a bill for an act to amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repairs and improvements in drainage and levee districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Bergman, Hester, Hutchins, Hulse, E. Miller, Tieden, Waldstein, A. Miller and Van Gilst. Nays, none. Absent or not voting, 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: J. D. Hook from the Department of Agriculture discussed SSB 2166 with the committee; assigned Senate File 2230 to subcommittee; discussed SSB 2167—no final action taken.

Adjourned: 4:05 p.m.

CITIES

Convened: March 3, 1980, 1:35 p.m.

Members Present: Readinger, Chairperson; A. Miller, Ranking Member; Coleman, Kudart, Taylor and Hansen (arrived 1:45 p.m.).

Members Absent: Briles, Vice Chairperson; Kinley and Palmer.

Final Action: SENATE FILE 386, a bill for an act authorizing certain cities to contract with elected city officers.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5247.

Final Vote: Ayes, 5: Readinger, A. Miller, Coleman, Kudart and Taylor. Nays, none. Absent or not voting, 4: Briles, Hansen, Kinley and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed SSB 2245.

Adjourned: 1:50 p.m.

COMMERCE

Convened: February 28, 1980, 2:35 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member (arrived 3:05 p.m.); Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none. Absent or not voting, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB 180 failed recommendation for passage—motion to reconsider filed by Senator Bergman; approved SSB 2200 and ordered redrafted as a committee bill; Senate File 2245 assigned to subcommittee.

Adjourned: 3:55 p.m.

COMMERCE

Convened: March 3, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: Craft (excused).

Final Action: SENATE FILE 2050, a bill for an act relating to the definition of public utility to exclude persons who sell energy generated from nonfossil fuel sources to neighboring properties but not to the general public.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Holden, Comito, Robinson, Bergman, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none. Absent or not voting 1: Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Reconsidered the vote by which SSB 180 failed recommendation for passage on February 28, 1980, and approved it be redrafted as a committee bill; discussed SSB 2099 and deferred final action until the next meeting; Wallace Dick, Director of the Warehouse Division of the Commerce Commission, discussed various proposals relating to grain elevators and financing; assigned SSB 2260 and Senate File 2256 to subcommittees.

Adjourned: 4:05 p.m.

JUDICIARY*

* A report of this meeting was also recorded on pages 608-609 of the February 27, 1980, Senate Journal, and pages 634-635 of the February 28, 1980, Senate Journal.

Convened: February 26, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Coleman, Deluhery, Gentleman, Murray, Ramsey, Rush, Slater, Hansen (arrived 3:25 p.m.) and Scott (arrived 3:25 p.m.).

Members Absent: none.

Final Action: SENATE FILE 2278, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Briles, Coleman, Deluhery, Gentleman, Murray, Ramsey and Slater. Nays, none. Absent or not voting, 2: Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

JUDICIARY*

* A report of this meeting was also recorded on pages 635-636 of the February 28, 1980, Senate Journal.

Convened: February 27, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Coleman, Deluhery, Gentleman, Murray, Slater, Hansen (arrived 3:20 p.m.), and Ramsey (arrived 3:30 p.m.).

Members Absent: Scott (excused) and Briles.

Final Action: SENATE FILE 2279, a bill for an act relating to the dates for limitations of actions on title to real property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Deluhery, Gentleman, Murray, Slater, Hansen and Ramsey. Nays, none. Absent or not voting, 2: Briles and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: February 27, 1980, 3:00 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Calhoon, Gratias, Rodgers, Tieden, Schwengels and Gallagher (arrived 3:10 p.m.).

Members Absent: none.

Final Action: SENATE FILE 2082, a bill for an act relating to the control of rabies by allowing for an open season on skunk and a vaccination program for cats and providing a penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5246.

Final Vote: Ayes, 6: E. Miller, Goodwin, Priebe, Calhoon, Rodgers and Schwengels. Nays, 3: Gratias, Tieden and Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE CONCURRENT RESOLUTION 108, a resolution urging the general assembly to endorse and support the efforts of the western states to gain the equality guaranteed to all states in the Constitution regarding development of badly needed energy and mineral resources.

Recommendation: DO PASS.

Final Vote: Ayes, 6: E. Miller, Goodwin, Calhoon, Gratias, Tieden and Schwengels. Nays, 3: Priebe, Gallagher and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate Files 2221 and 2242 to subcommittees; discussed House Files 700 and 705.

Adjourned: 3:35 p.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 637 of the February 28, 1980, Senate Journal.

Convened: February 28, 1980, 3:01 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Slater, Ranking Member; Drake and Murray.

Final Action: SENATE FILE 57, a bill for an act excluding persons engaged in the management of real estate from the necessity of acquiring a real estate license.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Schwengels, Bisenius, Brown, Carr, Gratias, Gallagher, E. Miller, C. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 340, a bill for an act to specify in the Iowa Code, the date the armed forces of the United States were directed by formal order of the government of the United States to cease hostilities in the Vietnam conflict.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Schwengels, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2277, a bill for an act to require that reports of induced terminations of pregnancies be filed with the state department of health.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Nystrom, Schwengels, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller and Rodgers. Nays, 2: E. Miller and Yenger. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 79, a bill for an act to allow members of the office of citizens' aide to become notary publics.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Schwengels, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:53 p.m.

TRANSPORTATION*

* A report of this meeting was also recorded on page 609 of the February 27, 1980, Senate Journal, and page 637 of the February 28, 1980, Senate Journal.

Convened: February 27, 1980, 8:10 a.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member (arrived 8:20 a.m.); Comito, Goodwin, Coleman, Robinson and Small (arrived 8:35 a.m.).

Members Absent: Holden and Nystrom.

Final Action: SENATE FILE 2280, a bill for an act granting the state the power of eminent domain to acquire railroad right-of-way.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Jensen, Scott, Comito, Goodwin, Coleman, Robinson and Small. Nays, none. Absent or not voting, 2: Holden and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2281, a bill for an act providing for temporary allocation of farm-to-market road use funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, Jensen, Comito, Goodwin, Coleman and Robinson. Nays, none. Absent or not voting, 4: Scott, Holden, Nystrom and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:45 a.m.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable John C. Culver, United States Senator from Iowa, who was present in the Senate chamber.

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

Twenty-five students from South Hamilton Jr.-Sr. High School, Jewell, Iowa, accompanied by Richard Steffen. Senator Nystrom.

AMENDMENTS FILED

S—5241	S. F.	2237	Robert M. Carr John N. Nystrom
S—5242	S. F.	2273	Lowell L. Junkins Edgar H. Holden
S—5243	S. F.	2273	William D. Palmer Alvin V. Miller
S—5244	S. F.	432	Sue Yenger John S. Murray Julia B. Gentleman Tom Slater
S—5245	S. F.	2252	Arthur A. Small, Jr. Richard F. Drake

S—5246	S. F.	2082	Natural Resources Committee
S—5247	S. F.	386	Cities Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:39 p.m., until 9:00 a.m., Tuesday, March 4, 1980.

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 4, 1980

The Senate met in regular session at 9:00 a.m., Senator Holden presiding.

Prayer was offered by the Reverend Dale Anderson, pastor of the Evangelical Free Church, Albert City, Iowa.

The Journal of Monday, March 3, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, Iowa City, 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 29, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 468, a bill for an act relating to the forfeiture of installment real estate contracts.

ALSO: That the House has on February 29, 1980, amended the Senate amendment, and repassed the following bill in which the concurrence of the House was asked:

House File 2240, a bill for an act to make library circulation and registration records confidential records.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 2240

S—5248

Amend Senate amendment H—5217 to House File 2240 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 5 through 7 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item from the library."

2. Page 1, by adding the following after line 7:

"2. Title page, by striking lines 1 and 2, and inserting in lieu thereof the following: 'An Act relating to the confidentiality of certain library records.' "

President pro tempore Hansen took the chair at 9:04 a.m.

QUORUM CALL

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

Roll call revealed a quorum present.

UNFINISHED BUSINESS
(Deferred February 28, 1980)

Senate File 2073

The Senate resumed consideration of Senate File 2073, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act, and amendment S—5197 by Senator Murray to page 3 of the bill, deferred on February 28, 1980.

Senator Murray moved the adoption of amendment S—5197 to page 3 of the bill, deferred on February 28, 1980.

A record roll call was requested.

On the question "Shall amendment S—5197 be adopted?" (S.F. 2073) the vote was:

Ayes, 12:

Brown	Calhoon	Coleman	Gallagher
Gentleman	Miller, A.V.	Miller, E.R.	Murray
Palmer	Readinger	Robinson	Small

Nays, 37:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Drake	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Nystrom	Orr	Priebe	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 1:

Ramsey

Amendment S—5197 lost.

Senator Hultman asked and received unanimous consent that action on **Senate File 2073** be temporarily **deferred.**

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order House File 708.

House File 708

On motion of Senator Scott, House File 708, a bill for an act to permit the issuance of shares of a professional corporation to persons who are licensed in other states to practice the profession which the corporation is licensed to practice in Iowa, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 708) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen

Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Briles	Ramsey

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

BUSINESS PENDING

Senate File 2073

The Senate resumed consideration of Senate File 2073, previously deferred.

Senator Small offered amendment S—5250 filed by him from the floor to page 3 of the bill.

Senator Craft raised the point of order that amendment S—5250 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5250 in order.

Senator Small moved the adoption of amendment S—5250.

Amendment S—5250 lost by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2073) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester

Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Robinson	Rodgers	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

Rush Small

Absent or not voting, 2:

Junkins Ramsey

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2073 passed the Senate on March 4, 1980.

JOHN S. MURRAY

INTRODUCTION OF BILL

Senate File 2284, by Slater, a bill for an act providing for the establishment and maintenance of a statewide car-pool WATS line by the state department of transportation, and making an appropriation.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 116
By: Committee on County Government

Whereas, there are approximately 90,000 miles of secondary roads and highways maintained by county government; and

Whereas, the combined factors of limited funding resources and the inflated costs of reconstruction and maintenance make it virtually impossible to properly maintain the secondary road system; and

Whereas, two possible alternatives, the vacating of those secondary roads which provide a secondary access to property

or significantly reducing maintenance services on all secondary roads, have not proven or are not considered satisfactory solutions to the problem; and

Whereas, additional study of the secondary road system problems by state and local officials and interested citizens is needed to gain support and acceptance for a solution or alternative solutions; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create a study committee composed of members of the committees on county government and the committees on transportation of the general assembly, representatives of the Iowa state association of counties, the state department of transportation, and other interested citizens to study and make recommendations relating to the maintenance of the secondary highway system; and

Be It Further Resolved, That the study committee shall report its findings and recommendations, with legislative bill drafts required to implement its recommendations to the respective standing committees, the legislative council, and the general assembly convening in January, 1981.

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 February 29, 1980, concurred in the Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 741, a bill for an act to exempt from the real estate transfer tax certain deeds between family corporations or authorized farm corporations and their stockholders.

DAVID L. WRAY, Chief Clerk

RECESS

On motion by Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum was not present.

INTRODUCTION OF BILL

Senate File 2285, by Committee on State Government, a bill for an act to repeal the state residency requirement for employees of the department of social services.

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 February 27, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources by reorganizing the department of environmental quality.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 205

S—5253

Amend Senate File 205, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 14, by inserting after the word "chapter." the following: *"However, the owner or person in charge shall be notified."*

2. Page 3, line 6, by adding after the word "environment." the following: "Any agreement is subject to the approval of the commission."

3. Page 3, by striking lines 18 through 24 and inserting in lieu thereof the following: "membership of the commission shall be as follows: three members actively engaged in livestock and grain farming, a member actively engaged in the management of a manufacturing company, one member actively engaged

in the business of finance or commerce, and four members who".

4. Page 3, lines 26 and 27, by striking the words and figures "commencing July 1, 1979".

5. Page 4, by striking lines 15 through 19 and inserting in lieu thereof the following:

"4. The members of the commission who are not in the full-time employment of a public agency shall be paid a per diem of forty dollars while engaged in the performance of the duties of office. Members shall be reimbursed for their actual and necessary expenses while performing the duties of office. Per diem and expenses shall be paid from funds appropriated to the department."

6. Page 4, line 22, by striking the word "five" and inserting in lieu thereof the word "ten".

7. Page 5, by striking line 22 and inserting in lieu thereof the following: "the provisions of this chapter and the rules deemed necessary".

8. Page 5, line 29, by inserting after the word "chapter." the following: "A rule adopted by the commission or the executive director under this chapter may be rescinded by a resolution adopted by either house of the general assembly. The resolution shall be included in the next publication of the Iowa administrative bulletin."

9. Page 5, line 30, by striking the date "1980" and inserting in lieu thereof the date "1981".

10. Page 6, line 28, by striking the word "five" and inserting in lieu thereof the word "four".

11. Page 6, line 32, by striking the word "statement" and inserting in lieu thereof the words "comprehensive estimate".

12. Page 7, line 5, by striking the word "one" and inserting in lieu thereof the word "three".

13. Page 8, line 6, by striking the word

Page 2

"necessary" and inserting in lieu thereof the words "consistent with rules".

14. Page 15, line 32, by striking the date *"1980"* and inserting in lieu thereof the date *"1981"*.

15. Page 22, line 3, by striking the date *"1980"* and inserting in lieu thereof the date *"1981"*.

16. Page 25, line 14, by striking the date *"1980"* and inserting in lieu thereof the date *"1981"*.

17. Page 27, line 14, by striking the date "1980" and inserting in lieu thereof the date "1981".

18. Page 27, by inserting after line 16 the

following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred eleven (111), section two (2), subsection one (1), is amended by striking the subsection.

Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred eleven (111), section thirteen (13), is amended to read as follows:

SEC. 13. Section three hundred seven point ten (307.10), Code 1979, is amended by adding the following new [subsection] *unnumbered paragraph*:

NEW SUBSECTION UNNUMBERED PARAGRAPH. The commission may adopt, after consultation with the department of environmental quality and the department of public safety, rules to enforce the rules regarding transportation of hazardous wastes promulgated by the [solid waste disposal] *environmental quality* commission of the department of environmental quality under section three (3), subsection three (3) of this Act. The department and the division of the highway safety patrol of the department of public safety shall carry out the rules through the use of the director's powers and duties of enforcement and inspection.

Sec. ____. Section four hundred fifty-five B point one hundred thirty (455B.130), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

455B.130 RESTRICTIONS ON USE OF AGRICULTURAL CHEMICALS.

1. If the commission determines that an agricultural chemical causes an unreasonable, adverse effect on humans or the environment, the commission shall submit to the secretary of agriculture its findings and recommended actions. The secretary of agriculture shall propose rules implementing the recommended actions and shall hold a public hearing to determine the effects of the proposed rules as provided in chapter two hundred six (206) of the Code

Page 3

after review and consideration of the findings as provided in subsection two (2) of this section. A rule of the secretary shall be adopted pursuant to chapter seventeen A (17A) of the Code.

2. The commission shall submit to the secretary of agriculture its findings on the unreasonable, adverse effect that the agricultural chemical causes to humans or the environment. The department of

agriculture shall prepare an estimate of the economic impact of restricting the use of the agricultural chemical. The economic impact statement, the commission's findings and the report of the advisory committee created under section sixty-seven (67) of this Act shall be available at the time of publication of the intended rule action by the secretary. The secretary of agriculture and the advisory committee shall review the commission's findings and collect, analyze and interpret any other scientific data relating to the agricultural chemical. The secretary and the committee shall consider any official reports, academic studies, expert opinions or testimony, or other matters deemed to have probative value and shall consider the toxicity, hazard, effectiveness, public need for the agricultural chemical or other means of control other than the chemical in question, and the economic impact on the members of the public and agencies affected by it.

3. As used in this section, 'agricultural chemical' means a pesticide as defined in section two hundred six point two (206.2) of the Code and also means any feed or soil additive, other than a pesticide, which is designed for and used to promote the growth of plants or animals."

19. Page 29, by striking lines 8 through 11 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* The advisory committee created in section sixty-seven (67) of this Act shall advise and assist the secretary on the registration of a product of commercial fertilizer or soil conditioner under the provisions of this chapter."

20. Page 31, line 5, by striking the date "1980" and inserting in lieu thereof the date "1981".

21. Page 34, lines 9 and 10, by striking the words "the statutes on administrative rules" and inserting in lieu thereof the words "[the statutes on administrative rules] *chapter seventeen A (17A) of the Code*".

22. Page 35, line 6, by striking the date "1980" and inserting in lieu thereof the date "1981".

23. Page 35, lines 25 and 26, by striking the

Page 4

words and figures "four hundred fifty-five B point one hundred thirty (455B.130),".

24. Page 36, by striking lines 10 through 32 and inserting in lieu thereof the following:

"Sec. 83. EFFECTIVE DATE—TRANSITION. The

effective date of this Act is January 1, 1981, except that this section shall be effective July 1, 1980. After July 1, 1980, the governor may appoint the members of the environmental quality commission, authorize the environmental quality commission to organize as provided in this Act and authorize the environmental quality commission to plan for the transfer of powers, duties, records, and other property as applicable. The terms of the persons initially appointed to the environmental quality commission for four-year terms shall commence July 1, 1980 and end June 30, 1984, and the terms of persons initially appointed for two-year terms shall commence July 1, 1980 and end June 30, 1982. The persons may be reappointed as provided in this Act. The members of the environmental quality commission authorized to meet before January 1, 1981, may be paid per diem and necessary expenses from funds appropriated to the department of environmental quality.

The terms of office of members of the geology board and the executive committee, water quality commission, air quality commission, solid waste disposal commission and the chemical technology commission of the department of environmental quality shall expire on December 31, 1980."

25. Renumbering sections and internal references to sections to conform to this amendment.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 3, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 2012—Relating to the definition of insolvent insurer for purposes of the Iowa Insurance Guaranty Association.

S.F. 2124—Relating to the storage of a registered snowmobile.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 359, the following technical corrections were made:

1. Page 1, line 16 of S—5207 to S—5124, the words "The interpretation of the audiometric ex-" were inserted.
2. Page 2, line 22, "effected" was changed "affected".

FRANK J. STORK, Secretary of the Senate

EXPLANATION OF VOTE

MR. PRESIDENT: I was unable to be present for Senate debate on February 29, 1980.

Had I been present, I would have voted "aye" on Senate File 2247.

TOM SLATER

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2031 passed the Senate on March 3, 1980.

C. W. HUTCHINS

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2073 passed the Senate on March 4, 1980.

ROLF V. CRAFT

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2073 passed the Senate on March 4, 1980.

WILLIAM D. PALMER

COMMUNICATION

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

IOWA DEPARTMENT OF TRANSPORTATION

A report prepared by the Department of Transportation covering the chemical road deicing program and providing a comparative analysis of the need for and costs of the program, pursuant to Sec. 15, Chapter 1019, 1978 Acts of the Sixty-seventh General Assembly.

STUDY BILLS RECEIVED

S.S.B. 2262 Transportation

Providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income.

S.S.B. 2263 Natural Resources

Relating to appropriations for capital projects for natural resources.

S.S.B. 2264 Natural Resources

Relating to the reports of the study of hazardous waste management by the solid waste disposal commission.

S.S.B. 2265 Agriculture

Relating to the fees of certain licenses and permits issued by the department of agriculture.

S.S.B. 2266 Commerce

Creating an industrial loan corporation thrift certificate guaranty fund.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2283	Agriculture
S. C.R.	115	Transportation
H.F.	2357	Judiciary
H.F.	2474	Agriculture
H.F.	2475	Education

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Rick Morain, Jefferson, Greene County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

MERLIN D. HULSE, Chairperson
C. W. HUTCHINS
LOWELL L. JUNKINS
ARTHUR L. GRATIAS
NORMAN J. GOODWIN

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 4, 1980, 4:00 p.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst.

Members Absent: none.

Final Action: HOUSE CONCURRENT RESOLUTION 111, a resolution authorizing the board of regents to construct an addition to the general hospital of the state university of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:55 p.m.

COUNTY GOVERNMENT

Convened: March 3, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Slater, Yenger, Baugher and Brown.

Members Absent: Nystrom.

Final Action: SENATE FILE 2071, a bill for an act to provide that declarations of value shall be public information.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Hutchins, Baugher, Kudart, Brown, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 2: Hester and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2085, a bill for an act providing for the township trustees to act as an advisory committee to the board of supervisors and the general relief director with respect to administration in their township of chapter two hundred fifty-two (252) of the Code.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Briles, Waldstein, Hutchins, Baugher, Brown, Hester, Kudart, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 1: Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2131, a bill for an act authorizing counties to establish work requirements for employable general assistance recipients, and requiring that the department of job service furnish certain services to those counties.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Briles, Waldstein, Hutchins, Baugher, Kudart, C. Miller, Slater and Yenger. Nays, 1: Brown. Absent or not voting, 2: Hester and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2204, a bill for an act relating to the bonding of township clerks.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Briles, Waldstein, Hutchins, Baugher, Brown, Hester, Kudart, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 1: Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE CONCURRENT RESOLUTION 116, a resolution requesting a study committee to make recommendations relating to maintenance of the secondary highway system.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 10: Briles, Waldstein, Hutchins, Baugher, Brown, Hester, Kudart, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 1: Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned House File 2469 to subcommittee.

Adjourned: 4:00 p.m.

EDUCATION

Convened: March 4, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Small and Taylor.

Members Absent: Orr (excused).

Final Action: HOUSE FILE 2109, a bill for an act to increase the maximum interest rate payable on installment contracts for the purchase of school buses.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Hansen, Gratias, Brown, Calhoon, Carney, Jensen, Small and Taylor. Nays, 1: DeKoster. Absent or not voting, 1: Orr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussed Senate Files 202 and 2157 and House File 2425.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: March 4, 1980, 8:14 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Carr, Craft, Hulse, A. Miller (arrived 8:22 a.m.) and Orr.

Members Absent: Carney, Hansen and Slater.

Final Action: SENATE FILE 30, a bill for an act relating to the provision of X-rays by certain professionals to other professionals and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carr, Craft, Hulse, A. Miller and Orr. Nays, none. Absent or not voting, 3: Carney, Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 132, a bill for an act to require the department of social services to make certified psychologists eligible to receive payment for services rendered to recipients of medical assistance.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carr, Craft, Hulse, A. Miller and Orr. Nays, none. Absent or not voting, 3: Carney, Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2245, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5252.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carr, Craft, Hulse, A. Miller and Orr. Nays, none. Absent or not voting, 3: Carney, Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed SSB 2255.

Adjourned: 8:47 a.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 637 of the February 28, 1980, Senate Journal and pages 660-661 of the March 3, 1980, Senate Journal.

Convened: February 28, 1980, 3:01 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Slater, Ranking Member, Drake and Murray.

Final Action: SENATE FILE 2285, a bill for an act repealing the state residency requirement for employees of the department of social services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:53 p.m.

STATE GOVERNMENT

Convened: March 3, 1980, 1:32 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Gallagher.

Final Action: HOUSE FILE 2410, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5254.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Yenger, Drake, Gratias, C. Miller, E. Miller, Murray and Rodgers. Nays, none. Absent or not voting, 1: Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussed Senate File 2101.

Adjourned: 2:04 p.m.

AMENDMENTS FILED

S—5249	S. F.	2006	Clarence Carney
S—5250	S. F.	2073	Arthur A. Small, Jr.
S—5251	S. F.	432	Sue Yenger John S. Murray Julia B. Gentleman Tom Slater
S—5252	H.F.	2245	Human Resources Committee
S—5254	H.F.	2410	State Government Committee
S—5255	S. F.	2273	Forrest V. Schwengels Stephen W. Bisenius James E. Briles Charles P. Miller
S—5256	H.F.	747	Clarence Carney

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:09 p.m., until 9:00 a.m., Wednesday, March 5, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 5, 1980

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Robert Loffer, pastor of the Trinity United Church of Christ, Marengo, Iowa.

The Journal of Tuesday, March 4, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Veverka, Prairie City, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

February 28, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Donald W. Brown, Ames, Story County, Iowa, for reappointment as a member of the Board of Accountancy pursuant to Section 116.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jerry J. Perpich, Des Moines, Polk County, Iowa, for reappointment as a member of the

Board of Accountancy pursuant to Section 116.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jacqueline H. Day, Des Moines, Polk County, Iowa, for reappointment as a member of the Board of Parole pursuant to Chapter 904.2, 1979 Code of Iowa, for a five-year term commencing July 1, 1980, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Thomas F. Pogue, Iowa City, Johnson County, Iowa, for reappointment as a member of the City Development Board pursuant to Section 368.9, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1980, and ending June 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Daniel W. Clifford, Des Moines, Polk County, Iowa, for reappointment as a member of the City Finance Committee pursuant to Section 384.13, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Darrel Rensink, Sioux Center, Sioux County, Iowa, for appointment as a member of the City

Finance Committee pursuant to Section 384.13, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1980, and for a four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Jean A. Tester, Iowa City, Johnson County, Iowa, for appointment as a member of the Commission on Judicial Qualifications pursuant to Section 605.26, 1979 Code of Iowa, for a six-year term commencing January 1, 1980, and ending December 31, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of James E. Carrell, Fort Madison, Lee County, Iowa, for reappointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

UNFINISHED BUSINESS
(Deferred February 14, 1980)

House File 747

The Senate resumed consideration of House File 747, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations, division S—5104A by the committee on Transportation and amendment S—5125 by Senator Holden to division S—5104A, deferred on February 14, 1980.

Senator Holden withdrew amendment S—5125 to division S—5104A, deferred on February 14, 1980.

Senator Holden offered amendment S—5138 filed by him on February 14, 1980, to division S—5104A.

A record roll call was requested.

On the question "Shall amendment S—5138 to division S—5104A be adopted?" (H.F. 747) the vote was:

Ayes, 13:

Bisenius	DeKoster	Deluhery	Gentleman
Goodwin	Holden	Hulse	Kinley
Murray	Robinson	Rush	Small
Waldstein			

Nays, 32:

Baugher	Bergman	Brown	Calhoon
Carney	Carr	Coleman	Comito
Drake	Gallagher	Gratias	Hansen
Hester	Hultman	Hutchins	Jensen
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Readinger	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Yenger

Absent or not voting, 5:

Briles	Craft	Junkins	Ramsey
Rodgers			

Amendment S—5138 lost.

Senator Priebe withdrew amendment S—5193 filed by him on February 21, 1980, to division S—5104A.

Senator Carney withdrew amendment S—5256 filed by him on March 4, 1980, to division S—5104A.

Senator Drake offered amendment S—5192 filed by him on February 20, 1980, to division S—5104A and moved its adoption.

Amendment S—5192 was adopted by a voice vote.

Senator Hultman filed the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5122 to division S—5104A to House File 747 passed the Senate on February 14, 1980.

A non record roll call was requested.

The ayes were 39, nays 6.

The motion prevailed and amendment S—5122 by Senator Holden to division S—5104A was taken up for reconsideration.

Senator Holden withdrew amendment S—5122.

Senator Readinger called up the motion to reconsider the vote by which amendment S—5135 by Senator Slater to division S—5104A was adopted by the Senate on February 14, 1980, filed by him on February 14, 1980, found on page 461 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. 747) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, E.R.	Murray	Nystrom	Orr
Priebe	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 9:

Calhoon	Carr	Gallagher	Miller, A.V.
Miller, C.P.	Palmer	Slater	Small
Tieden			

Absent or not voting, 2:

Junkins	Ramsey

The motion prevailed and amendment S—5135 was taken up for reconsideration.

Senator Slater moved the adoption of amendment S—5135 to division S—5104A and requested a record roll call.

On the question "Shall amendment S—5135 to division S—5104A be adopted?" (H.F. 747) the vote was:

Ayes, 11:

Calhoon	Carr	Gratias	Miller, A.V.
Miller, C.P.	Miller, E.R.	Palmer	Slater
Small	Tieden	Yenger	

Nays, 36:

Baugher	Bergman	Bisenius	Brown
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Kudart	Murray
Nystrom	Orr	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Taylor	Van Gilst	Waldstein

Absent or not voting, 3:

Briles	Junkins	Ramsey

Amendment S—5135 lost.

Senator Small called up the motion to reconsider the vote by which amendment S—5132 by Senator Ramsey to division S—5104A was adopted by the Senate on February 14, 1980, filed by him on February 18, 1980, found on page 488 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5132 was taken up for reconsideration.

Senator Hultman asked and received unanimous consent that amendment S—5132 be withdrawn.

The Chair ruled the motion to reconsider the vote by which amendment S—5135 by Senator Slater to division S—5104A was adopted by the Senate on February 14, 1980, filed by Senator Taylor on February 18, 1980, and found on page 488 of the Senate Journal, out of order.

The Chair ruled the motion to reconsider the vote by which amendment S—5132 by Senator Ramsey to division S—5104A was

adopted by the Senate on February 14, 1980, filed by Senator Taylor on February 18, 1980, and found on page 488 of the Senate Journal, out of order.

Senator Drake moved the adoption of division S—5104A as amended.

A record roll call was requested.

On the question "Shall division S—5104A as amended be adopted?" (H.F. 747) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 4:

Gallagher	Miller, C.P.	Orr	Palmer

Absent or not voting, 2:

Junkins	Ramsey

Division S—5104A 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?" (H.F. 747) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	Craft	DeKoster	Deluhery

Drake	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Priebe	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 6:

Coleman	Gallagher	Gentleman	Miller, C.P.
Palmer	Small		

Absent or not voting, 2:

Junkins	Ramsey

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

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order House File 2277.

House File 2277

On motion of Senator Yenger, House File 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Yenger offered amendment S—5215 filed by the committee on Human Resources on February 26, 1980, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 46, nays 1.

Amendment S—5215 was adopted.

Senator Yenger moved that the bill 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. 2277) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Junkins	Ramsey

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

WITHDRAWN

Senator Yenger asked and received unanimous consent that **Senate File 2190** be withdrawn from further consideration of the Senate.

Senator Drake asked and received unanimous consent that **Senate File 2040** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order House File 2105.

House File 2105

On motion of Senator Jensen, House File 2105, a bill for an act relating to the loading and unloading of pupils from school buses, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S—5228 filed by the committee on Transportation on February 27, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5228 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 2105** be **deferred.**

Senate File 124

On motion of Senator Gentleman, Senate File 124, a bill for an act relating to the adoption of foreign born persons, with report of committee recommending amendment and passage, was taken up for consideration.

Senator DeKoster offered amendment S—5236 filed by the committee on Judiciary on February 28, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5236 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 124) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Junkins	Miller, A.V.	Ramsey

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

Senate File 2109

On motion of Senator Orr, Senate File 2109, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Orr offered amendment S—5238 filed by the committee on Education on February 28, 1980, to strike everything after the enacting clause of the bill.

Senator Rodgers raised the point of order that Senate File 2109 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2109** was referred to the committee on **Ways and Means** under Senate Rule 37.

Senate File 2219

On motion of Senator Hansen, Senate File 2219, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties, with report of committee recommending passage, was taken up for consideration.

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. 2219) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Priebe	Readinger	Robinson	Rush
Scott	Slater	Taylor	Tieden
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Briles	Junkins	Nystrom	Ramsey
Rodgers	Schwengels	Small	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 Junkins for the day on request of Senator Rush.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2240

Senator Drake called up for consideration House File 2240, a bill for an act to make library circulation and registration records confidential records, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5248 to Senate amendment H—5217 filed March 4, 1980, and found on pages 664-665 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Drake 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. 2240) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Hulse
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.

Murray	Orr	Palmer	Priebe
Readinger	Robinson	Rush	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 1:

Holden

Absent or not voting, 7:

Briles	Junkins	Nystrom	Ramsey
Rodgers	Schwengels	Scott	

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 February 29, 1980, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 278, a bill for an act relating to violations of motor vehicle laws by providing for technical corrections.

ALSO: That the House has on March 3, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 446, a bill for an act relating to weighing and measuring.

ALSO: That the House has on March 3, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2126, a bill for an act abolishing the additional bonus and disability fund.

ALSO: That the House has on March 3, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2476, a bill for an act relating to the state and county funding of a county fair by providing for a referendum.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2476, a bill for an act relating to the state and county funding of a county fair by providing for a referendum.

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

HOUSE AMENDMENT TO SENATE FILE 446

S—5258

Amend Senate File 446, as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting after line 6, the following:

"Sec. 2. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL. A motor vehicle fuel pump at a retail service station may record the price per half gallon of fuel dispensed when the price per gallon exceeds ninety-nine and nine-tenths cents per gallon and if the following conditions are met:

1. All pumps at the service station shall be uniform in the method of computing the price of motor vehicle fuel.

2. Signs at the service station visible from the street shall display only the full gallon price.

3. The price per gallon shall be displayed in a conspicuous place near or on the pump.

4. A large and conspicuous window or street sign shall be posted indicating that the pumps register half gallon prices.

5. The service station shall comply with rules that the secretary of agriculture may adopt imposing additional requirements on the size and location of notices relating to half gallon pricing.

All motor vehicle fuel sold by the gallon at retail service stations shall be priced at the pump by the gallon, by the half gallon, or by any other method of pricing approved by the department of agriculture by rule-making pursuant to chapter seventeen A (17A) of the Code. Any other method of pricing is prohibited

Sec. 3. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. MOTOR VEHICLE FUEL PUMP PRICING LABELS. A retail dealer selling motor vehicle fuel may use pricing labels on the face of any existing

motor vehicle fuel pump for the purpose of providing the pump with the capability of measuring and recording sales of motor vehicle fuel priced in excess of ninety-nine and nine-tenths cents per gallon. However, such pricing labels shall consist only of half-price pump postings or one-tenth calibrated pricing labels providing the consumer with a view of an added zero digit equal in size to the adjoining price digits on the price display face of the existing motor vehicle fuel pump, to which the added zero digit is attached, or any other pricing labels approved by the department of agriculture by rule-making pursuant to chapter

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seventeen A (17A) of the Code.

Sec. 4. Section two hundred fourteen point one (214.1), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. 'Retail dealer' means retail dealer as defined in section two hundred fourteen A point one (214A.1), subsection three (3), of the Code.

NEW SUBSECTION. 'Motor vehicle fuel' means motor vehicle fuel as defined in section two hundred fourteen A point one (214A.1), subsection one (1), of the Code.

NEW SUBSECTION. 'Existing motor vehicle fuel pump' shall mean any pump, meter, or similar measuring device, existing on the effective date of this Act, with the capability of measuring and recording sales of motor vehicle fuel not priced in excess of ninety-nine and nine-tenths cents per gallon.

NEW SUBSECTION. 'One tenth calibrated pricing labels' shall mean pricing labels which, when applied to an existing motor vehicle fuel pump face, cause increases by multiples of ten in the amounts shown on the price display face and the price per gallon display face of any such pump.

NEW SUBSECTION. 'Added zero digit' shall mean a pricing label bearing the digit 'zero' which is secured to the pump face of any existing motor vehicle fuel pump immediately adjacent to the penny wheel on the price display face of such pump."

2. Page 1, line 20, by inserting after the word "individual", the words "employed by a service agency".

3. Page 1, by inserting after line 26 the following:

"4. 'Packer' means a person engaged in the business of any of the following:

a. Buying livestock in commerce for purposes of

slaughter;
b. Manufacturing or preparing meats or meat food products for sale or shipment in commerce;
c. Marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce.
Sec. 6. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:
NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With payment for each purchase of livestock except poultry bought on a carcass weight or grade and yield basis, each packer shall provide the seller with one statement displaying the individual carcass weights of all the animals sold."

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4. Page 1, by striking lines 29 and 30, and inserting in lieu thereof the following:
"NEW SECTION. PACKER-MONORAIL SCALE. The speed of a monorail scale operation used by a packer shall not exceed the manufacturer's".
5. Page 4, by striking lines 17 through 20 and inserting in lieu thereof the following:
"215.19 AUTOMATIC RECORDERS ON SCALES. [All motor truck scales, livestock scales, grain dump scales, and combination truck and railroad track] *Except for scales used by packers slaughtering fewer than one hundred twenty head of livestock per day, all* scales *with a capacity over five hundred pounds, which are* used for commercial purposes in".
6. Page 4, line 23, by inserting before the word "shall", the words "*and installed after January 1, 1981,*".
7. Page 4, by inserting after line 27 the following:
"Sec. _____. Section two hundred fifteen A point three (215A.3), Code 1979, is amended to read as follows:
215A.3 RULES ADOPTED—HEARING. The department is [hereby] charged with the enforcement of this chapter and, after due publicity and due public hearing, is empowered to establish rules, regulations, specifications, standards, and tests as [may be] necessary in order to secure the efficient administration of this chapter. Publicity concerning the public hearing shall be reasonably calculated to give interested parties adequate notice and adequate opportunity to be heard. In establishing such rules,

regulations, specifications, standards, and tests the department may use [such] *the* specifications and tolerances established in section 215.18, [or those] *and shall use the* specifications and tolerances established by the United States department of agriculture[, until established by the United States bureau of standards] *as of November 15, 1971, in chapter XII of GR instruction 916-6, equipment manual, used by the federal grain inspection service.* The department may from time to time publish such data in connection with the administration of this chapter as may be of public interest."

8. Page 6, line 11, by adding the following after the word "date." "Sections two (2), three (3) and four (4) of this Act are repealed January 1, 1985."

9. Title page, line 1, by inserting after the word "measuring" the words "by granting the department of agriculture the authority to promulgate rules to

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implement chapters two hundred fourteen (214) and two hundred fifteen (215) and enforce its regulations, by defining various weighing and measuring devices and providing related definitions, relating to persons who service weighing and measuring devices, relating to weighing and measuring devices and procedures used in the transportation of commodities, relating to measuring devices used in the retail sale of motor vehicle fuel, and relating to weighing regulations in the sale of animal carcasses".

10. Renumbering the remaining sections and internal references as are necessary to conform to this amendment.

INTRODUCTION OF BILLS

Senate File 2286, by Calhoon, Rodgers, Gallagher, Kinley, Orr, Slater, Carr and Brown, a bill for an act providing for a state lottery, a state lottery commission to administer the lottery, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal and providing a penalty for their commission, and providing an appropriation.

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

Senate File 2287, by Committee on State Government, a bill for an act relating to the payment of expenses of the Iowa national guard.

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

Senate File 2288, by Committee on State Government, a bill for an act transferring the duties of the treasurer of the state fair board to the secretary of the state fair board.

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

Senate File 2289, by Committee on State Government, a bill for an act providing that members of the state fair board shall be appointed by the governor subject to confirmation by two-thirds of the members of the senate.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2290, by Committee on Appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), relating to the administration and financing of current programs of agencies whose responsibilities relate to transportation, public safety, and public defense for the fiscal year beginning July 1, 1980.

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

Senate File 2291, by Committee on Appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) relating to and making appropriations to certain departments, agencies and commissions responsible for education programs of this state for the fiscal year beginning July 1, 1980.

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

Senate File 2292, by Committee on Commerce, a bill for an act amending the Iowa banking law in relation to the powers of banks with respect to the compensation of directors, permissible deposit accounts and related charges, places of doing business, permissible investments, loan charges and leasing powers.

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

QUORUM CALL

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

Roll call revealed a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hutchins for the afternoon session on request of Senator Rush.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 108.

Senate File 108

On motion of Senator Gratias, Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, with report of committee on Education recommending amendment and passage, report of committee on Ways and Means recommending passage and amendment S—5024 by the committee on Education pending on February 6, 1980, was taken up for consideration.

Senator Gratias moved the adoption of amendment S—5024 to page 1 of the bill, pending on February 6, 1980.

Amendment S—5024 was adopted by a voice vote.

Senator Taylor asked and received unanimous consent to withdraw amendment S—5063 filed by Senators Taylor and Jensen on February 5, 1980, to page 1 and the title page of the bill.

Senator Taylor offered amendment S—5077 filed by him on February 7, 1980, to page 1 and the title page of the bill.

Senator Gratias raised the point of order that amendment S—5077 was not germane to the bill.

Senator Gratias withdrew his point of order.

Senator Taylor called for a division of amendment S—5077: lines 2 through 43 and lines 47 through 49 as division S—5077A; lines 44 through 46 as division S—5077B.

Senator Taylor withdrew division S—5077B.

Senator Taylor moved the adoption of division S—5077A, which motion prevailed by a voice vote.

Senator Palmer offered amendment S—5078 filed by him on February 7, 1980, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5078 be adopted?" (S.F. 108) the vote was:

Ayes, 17:

Brown	Carr	Deluhery	Drake
Gallagher	Gentleman	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Readinger
Rodgers	Rush	Scott	Slater
Taylor			

Nays, 29:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
Craft	DeKoster	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Nystrom	Orr	Ramsey	Robinson
Schwengels	Small	Tieden	Waldstein
Yenger			

Absent or not voting, 4:

Hutchins	Junkins	Murray	Van Gilst

Amendment S—5078 lost.

Senator Hultman asked and received unanimous consent that action on **Senate File 108** be **deferred.**

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2253.

Senate File 2253

On motion of Senator Baugher, Senate File 2253, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2253) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hultman	Jensen	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Hulse	Hutchins	Junkins	Ramsey
Van Gilst			

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2233.

Senate File 2233

On motion of Senator Rodgers, Senate File 2233, a bill for an act relating to the state and county funding of a county fair, was taken up for consideration.

Senator Rodgers asked and received unanimous consent that **House File 2476** be **substituted** for **Senate File 2233**.

House File 2476

On motion of Senator Rodgers, House File 2476, a bill for an act relating to the state and county funding of a county fair by providing for a referendum, was taken up for consideration.

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. 2476) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Schwengels	Scott	Slater	Small
Taylor	Tieden	Yenger	

Nays, 2:

Kudart Waldstein

Absent or not voting, 5:

Craft	Hutchins	Junkins	Rush
Van Gilst			

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

WITHDRAWN

Senator Rodgers asked and received unanimous consent that **Senate File 2233** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2252.

Senate File 2252

On motion of Senator Drake, Senate File 2252, a bill for an act to amend the statutory provision that an electronic voting system authorized for use in this state allow an elector to correct an error in marking the ballot, by deleting the requirement that the system indicate when an error has been made, was taken up for consideration.

Senator Small offered amendment S—5245 filed by Senators Small and Drake on March 3, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5245 was adopted by a voice vote.

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. 2252) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Yenger	

Nays, 8:

Hester	Hulse	Hultman	Miller, E.R.
Priebe	Scott	Tieden	Waldstein

Absent or not voting, 3:

Hutchins	Junkins	Van Gilst

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2238.

Senate File 2238

On motion of Senator Waldstein, Senate File 2238, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition, with report of committee on Ways and Means recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2238) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Nystrom	Palmer
Ramsey	Robinson	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Waldstein	Yenger	

Nays, 7:

Comito	Gallagher	Miller, C.P.	Orr
Priebe	Readinger	Rodgers	

Absent or not voting, 4:

Hutchins	Junkins	Murray	Van Gilst

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2275.

Senate File 2275

On motion of Senator Scott, Senate File 2275, a bill for an act to legalize certain plats of city or town lots recorded before January 1, 1970, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2275) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Palmer	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Waldstein	Yenger	

Nays, 1:

Priebe

Absent or not voting, 6:

Brown	Gallagher	Hutchins	Junkins
Murray	Van Gilst		

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

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As members of the Board of Accountancy:

Donald W. Brown, Ames, Story County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator E. Miller, Chairperson
Senator Murray
Senator Robinson
Senator Rodgers
Senator Yenger

Jerry J. Perpich, Des Moines, Polk County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Hester, Chairperson
Senator Hansen
Senator Kinley
Senator Hutchins
Senator Briles

As a member of the Board of Parole:

Jacqueline H. Day, Des Moines, Polk County, Iowa, for reappointment to a regular five-year term commencing July 1, 1980, and ending June 30, 1985.

Senator Hansen, Chairperson
Senator Baugher
Senator C. Miller
Senator A. Miller
Senator Bergman

As a member of the City Development Board:

Thomas F. Pogue, Iowa City, Johnson County, Iowa, for reappointment to a regular six-year term commencing July 1, 1980, and ending June 30, 1986.

Senator Taylor, Chairperson
Senator Scott
Senator Small
Senator Kudart
Senator Hultman

As members of the City Finance Committee:

Daniel W. Clifford, Des Moines, Polk County, Iowa, for reappointment to a regular four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Goodwin, Chairperson
Senator Gentleman
Senator Gratias
Senator Coleman
Senator Calhoon

Darrel Rensink, Sioux Center, Sioux County, Iowa, for appointment to the unexpired portion of a term ending June 30, 1980, and for a four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Drake, Chairperson
Senator DeKoster
Senator Gallagher
Senator Comito
Senator Carr

As a member of the Commission of Judicial Qualifications:

Jean A. Tester, Iowa City, Johnson County, Iowa, for appointment to a six-year term commencing January 1, 1980, and ending December 31, 1985.

Senator Waldstein, Chairperson
Senator Van Gilst
Senator Small
Senator Schwengels
Senator Ramsey

As a member of the Iowa Crime Commission:

James E. Carrell, Fort Madison, Lee County, Iowa, for reappointment to a four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Jensen, Chairperson
Senator Junkins
Senator Slater
Senator Rush
Senator Baugher

COMMUNICATION

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

IOWA HOUSING FINANCE AUTHORITY

The annual report for the Iowa Housing Finance Authority for the fiscal year ending June 30, 1979, pursuant to Section 220.7, 1979 Code.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. F. 2284 Transportation

STUDY BILLS RECEIVED

S.S.B. 2267 Commerce

Relating to the maximum finance charge permitted under sections 537.2201, 537.2202, 537.2401, 537.2402, and amending these sections to establish the maximum finance charge in all consumer credit transactions at 18 percent, annual percentage rate.

S.S.B. 2268 Natural Resources

Revising the Iowa coal mining law and providing penalties.

S.S.B. 2269 Energy

Amend Chapter 123 so that holders of federal permits to produce ethyl alcohol for use as fuel are not required to obtain a manufacturer's permit from the Iowa beer and liquor control department.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Delmer A. Nelson, Spirit Lake, Dickinson County, Iowa, for appointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, 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.

RICHARD COMITO, Chairperson
IRVIN L. BERGMAN
RICHARD F. DRAKE
JAMES V. GALLAGHER
C. JOSEPH COLEMAN

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 4, 1980, 3:00 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, E. Miller, A. Miller, Priebe, Tieden, Van Gilst and Waldstein.

Members Absent: none.

Final Action: HOUSE FILE 2461, a bill for an act relating to tort liability of regional boards of library trustees, soil conservation districts and their officers, employees, and agents.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5273.

Final Vote: Ayes, 10: Bergman, Hester, Hutchins, Hulse, A. Miller, E. Miller, Priebe, Tieden, Van Gilst and Waldstein. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned SSBs 2261 and 2265 and Senate File 2258 to subcommittees; suspended rules to take up Senate File 2230 and SSB 2261.

Adjourned: 4:05 p.m.

APPROPRIATIONS*

* A report of this meeting was also recorded on page 677 of the March 4, 1980, Senate Journal.

Convened: March 4, 1980, 4:00 p.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Tieden, Carr, Junkins, Scott, Small and Van Gilst.

Members Absent: none.

Final Action: SENATE FILE 2290, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), relating to the administration and financing of current programs of agencies whose responsibilities relate to transportation, public safety, and public defense for the fiscal year beginning July 1, 1980.

Recommendation: APPROVED COMMITTEE BILL

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Tieden, Carr, Junkins, Scott, Small and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2291, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) relating to and making appropriations to certain departments, agencies and commissions responsible for education programs of this state for the fiscal year beginning July 1, 1980.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Tieden, Carr, Junkins, Scott, Small and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:55 p.m.

COMMERCE

Convened: March 5, 1980, 2:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson (arrived 2:10 p.m.); Robinson, Ranking Member (arrived 2:15 p.m.); Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2292, a bill for an act amending the Iowa banking law in relation to the powers of banks with respect to the compensation of directors, permissible deposit accounts and related charges, places of doing business, permissible investments, loan charges and leasing powers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none. Absent or not voting, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Amended and approved SSB 2099 and SSB 2199 and ordered redrafted as committee bills; assigned SSBs 2266 and 2267 and Senate File 2271 to subcommittees.

Adjourned: 2:50 p.m.

EDUCATION*

* A report of this meeting was also recorded on pages 679-680 of the March 4, 1980, Senate Journal.

Convened: March 4, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Small and Taylor.

Members Absent: Orr (excused).

Final Action: SENATE FILE 2157, a bill for an act to allow children to receive equivalent instruction in lieu of attendance at a school.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5260.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Jensen, Small and Taylor. Nays, none. Absent or not voting, 1: Orr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2425, a bill for an act relating to the educational requirements of schools, by requiring that high school science courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5259.

Final Vote: Ayes, 6: Hansen, Gratias, Calhoon, Carney, Jensen and Taylor. Nays, 3: Brown, DeKoster and Small. Absent or not voting, 1: Orr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2458, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5257.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Jensen, Small and Taylor. Nays, none. Absent or not voting, 1: Orr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:00 p.m.

ENERGY

Convened: March 5, 1980, 12:45 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Brown, Deluhery, Rodgers and Waldstein.

Members Absent: Gallagher, Ranking Member; Briles and Readinger.

Other Business: SSB 2126 amended, approved and ordered redrafted as a committee bill; discussed SSB 2161; assigned House Concurrent Resolution 103 to subcommittee.

Adjourned: 1:30 p.m.

JUDICIARY

Convened: March 4, 1980, 3:15 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Coleman, Baugher, Deluhery, Gentleman, Murray, Ramsey, Slater, Scott and Hansen (arrived 3:30 p.m.).

Members Absent: Briles.

Other Business: Discussed Senate File 2227—no final action taken; assigned bills to subcommittees.

Adjourned: 4:10 p.m.

JUDICIARY

Convened: March 5, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery, Slater, Scott and Hansen (arrived 3:40 p.m.).

Members Absent: none.

Final Action: SENATE FILE 404, a bill for an act providing that the court may sentence a defendant who is convicted of a crime other than a forcible felony to perform unpaid community service.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5270.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2025, a bill for an act relating to the injury to animals chapter of the criminal code and providing a penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S--5272.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Murray, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 2: Hansen and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2161, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2199, a bill for an act relating to impersonation of an officer's uniform.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S--5271.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

STATE GOVERNMENT*

* A report of this meeting was also recorded on page 637 of the February 28, 1980, Senate Journal, pages 660-661 of the March 3, 1980, Senate Journal and page 681 of the March 4, 1980, Senate Journal.

Convened: February 28, 1980, 3:01 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger.

Members Absent: Slater, Ranking Member; Drake and Murray.

Final Action: SENATE FILE 2287, a bill for an act relating to the payment of expenses of the Iowa national guard.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Nystrom, Schwengels, Bisenius, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, 2: Brown and Carr. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2288, a bill for an act relating to transferring the duties of the treasurer of the state fair board to the secretary of the state fair board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Bisenius, Gallagher, Brown, Carr, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2289, a bill for an act providing that members of the state fair board shall be appointed by the governor subject to confirmation by two-thirds of the members of the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Slater, Drake and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:53 p.m.

TRANSPORTATION

Convened: March 5, 1980, 1:10 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Goodwin, Holden, Nystrom (arrived 1:25 p.m.), Coleman, Robinson and Small.

Members Absent: none.

Final Action: SENATE CONCURRENT RESOLUTION 115, a resolution urging the United States Congress to amend the Internal Revenue Code, Section 103.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Drake, Jensen, Scott, Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2453, a bill for an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Drake, Jensen, Scott, Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:20 p.m.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2219 passed the Senate on March 5, 1980.

BERL E. PRIEBE

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2252 passed the Senate on March 5, 1980.

FORREST V. SCHWENGELS

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Roger J. Shaff, former member of the Senate from Clinton County, who was present in the Senate chamber.

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

Eighty students from Terrace Elementary School, Ankeny, Iowa. Senator Baugher.

Thirty-nine students from Pella Christian School, Pella, Iowa, accompanied by Dan Jonker and Ivan Groothuiz. Senator Brown.

AMENDMENTS FILED

S—5257	H.F.	2458	Education Committee
S—5259	H.F.	2425	Education Committee
S—5260	S. F.	2157	Education Committee
S—5261	S. F.	2261	W. R. Bill Hansen
S—5262	S. F.	2073	John S. Murray
S—5263	S. F.	2282	Edgar H. Holden
S—5264	H.F.	2105	C. W. Hutchins
S—5265	S. F.	2279	A. R. Kudart
S—5266	H.F.	654	Lucas J. DeKoster
S—5267	H.F.	2109	Lucas J. DeKoster
S—5268	H.F.	2410	Forrest V. Schwengels
S—5269	H.F.	654	Bob Rush
S—5270	S. F.	404	Judiciary Committee
S—5271	S. F.	2199	Judiciary Committee
S—5272	S. F.	2025	Judiciary Committee
S—5273	H.F.	2461	Agriculture Committee
S—5274	S. F.	2273	Forrest V. Schwengels Stephen W. Bisenius
S—5275	S. F.	2006	Clarence Carney
S—5276	S. F.	2021	Dale L. Tieden
S—5277	S. F.	108	Stephen W. Bisenius

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:28 p.m., until 9:00 a.m. Thursday, March 6, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 6, 1980

The Senate met in regular session at 9:03 a.m., President Branstad presiding.

Prayer was offered by the Reverend Bob Martin, pastor of the United Methodist Church, Rockwell, Iowa.

The Journal of Wednesday, March 5, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla, Iowa.

INTRODUCTION OF BILLS

Senate File 2293, by Committee on Transportation, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings.

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

Senate File 2294, by Carr, a bill for an act to increase the maximum authorized tax levy for township fire protection.

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

Senate File 2295, by Orr, a bill for an act to encourage innovative and energy efficient construction in the state by prohibiting zoning ordinances that specifically exclude earth sheltered construction, by providing an individual income tax credit for earth sheltered dwellings and making the tax provisions retroactive, by requiring that a life cycle cost analysis conducted for a public building examine active and passive solar and other design features and energy system alternatives.

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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Brown for the day on request of Senator Junkins.

CONSIDERATION OF BILL

Senate File 2273

On motion of Senator Bisenius, Senate File 2273, a bill for an act relating to appropriations by amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters four (4) and fourteen (14), to increase the appropriations for the board of engineering examiners, Iowa beer and liquor control department, comptroller's office, department of revenue, secretary of state and the administration of the Iowa public employees' retirement system fund, by increasing the full-time equivalent positions for the board of engineering examiners and department of job service, by eliminating the need for additional appropriations for the Iowa beer and liquor control department by repealing the law requiring a deposit on liquor bottles and by providing that unobligated funds remaining from the appropriation to the comptroller's office for data processing shall not revert at the end of the 1979-1980 fiscal year, was taken up for consideration.

Senator Schwengels asked and received unanimous consent to withdraw amendment S—5255 filed by Senators Schwengels, et al., on March 4, 1980, to page 3 of the bill.

Senator Schwengels asked and received unanimous consent to withdraw amendment S—5274 filed by Senators Schwengels and Bisenius on March 5, 1980, to page 3 of the bill.

Senator Junkins offered amendment S—5242 filed by Senators Junkins and Holden on March 1, 1980, to pages 5 through 7 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5242 be adopted?" (S.F. 2273) the vote was:

Ayes, 35:

Bergman	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Palmer	Priebe	Rodgers	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 12:

Baugher	Bisenius	Briles	Comito
Gentleman	Hester	Murray	Orr
Ramsey	Readinger	Robinson	Rush

Absent or not voting, 3:

Brown	Nystrom	Schwengels

Amendment S—5242 was adopted.

Senator Hutchins offered amendment S—5281 filed by Senators Hutchins and Junkins from the floor to page 2 of the bill.

Senator Bisenius raised the point of order that amendment S—5281 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5281 in order.

Senator Bisenius asked and received unanimous consent that action on amendment S—5281 be temporarily deferred for immediate consideration of amendment S—5282.

Senator Murray offered amendment S—5282 filed by Senators Murray and Bisenius from the floor to pages 1 and 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 36, nays 12.

Amendment S—5282 was adopted.

Senator Hutchins moved the adoption of amendment S—5281 to page 2 of the bill, previously deferred.

Amendment S—5281 was adopted by a voice vote.

Senator Hutchins offered amendment S—5280 filed by him from the floor to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5280 be adopted?" (S.F. 2273) the vote was:

Ayes, 18:

Calhoon	Carr	Coleman	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 4:

Brown	Holden	Orr	Robinson

Amendment S—5280 lost.

Senator Jensen offered amendment S—5283 filed by Senators Jensen and Waldstein from the floor to page 3 of the bill.

Senator Bisenius raised the point of order that amendment S—5283 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5283 in order.

Senator Bisenius raised the point of order that amendment S—5283 should require a fiscal note under Joint Rule 16.

Senator Bisenius withdrew his point of order.

Senator Jensen moved the adoption of amendment S—5283.

A record roll call was requested.

On the question "Shall amendment S—5283 be adopted?" (S.F. 2273) the vote was:

Ayes, 15:

Baugher	Bergman	DeKoster	Gratias
Jensen	Miller, A.V.	Miller, E.R.	Priebe
Ramsey	Rodgers	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 31:

Bisenius	Briles	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Hansen	Hester	Hulse	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Readinger	Rush	Schwengels
Scott	Slater	Small	

Absent or not voting, 4:

Brown	Calhoon	Holden	Robinson

Amendment S—5283 lost.

(Senate File 2273 pending on recess).

MOTION TO RECONSIDER WITHDRAWN

Senate File 2031

Senator Hutchins withdrew the motion to reconsider Senate File 2031, a bill for an act relating to state grants and loans to governmental subdivisions which incur expenses due to damage from natural disasters, filed by him on March 4, 1980, and found on page 675 of the Senate Journal.

INTRODUCTION OF BILLS

Senate File 2296, by Committee on Transportation, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation.

Read first time and referred to the committee on **Appropriations** under Senate Rule 37.

Senate File 2297, by Committee on Ways and Means, a bill for an act authorizing counties to levy a tax for ambulance services.

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

RECESS

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

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 2273

The Senate resumed consideration of Senate File 2273.

Senator Palmer offered amendment S—5243 filed by Senators Palmer and Miller of Cerro Gordo on March 1, 1980, to pages 3 and 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5243 be adopted?" (S.F. 2273) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Calhoon	Carr	Coleman	Comito
Deluhery	Drake	Gallagher	Gratias
Hansen	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst

Nays, 21:

Baugher	Bergman	Bisenius	Briles
Carney	Craft	DeKoster	Gentleman
Goodwin	Hester	Holden	Hulse
Hultman	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Waldstein
Yenger			

Absent or not voting, 1:

Brown

Amendment S—5243 was adopted.

Senator Hultman asked and received unanimous consent that action on **Senate File 2273** be temporarily **deferred.**

CONSIDERATION OF RESOLUTION

House Concurrent Resolution 111

On motion of Senator Nystrom, House Concurrent Resolution 111, a resolution authorizing the board of regents to construct an addition to the general hospital of the state university of Iowa, filed February 26, 1980, found on pages 578-580 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved the adoption of House Concurrent Resolution 111.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.C.R. 111) the vote was:

Ayes, 47:

Bergman	Bisenius	Briles	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 1:

Baugher

Absent or not voting, 2:

Brown Tieden

The motion prevailed and the resolution was adopted.

BUSINESS PENDING

Senate File 2273

The Senate resumed consideration of Senate File 2273, previously deferred.

Senator Drake withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5243 to Senate File 2273 was adopted by the Senate on March 6, 1980.

Senator Hultman asked and received unanimous consent that action on **Senate File 2273** be temporarily **deferred.**

CONSIDERATION OF BILL

Senate File 2274

On motion of Senator Bisenius, Senate File 2274, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund, was taken up for consideration.

Senator Murray offered amendment S—5239 filed by him on February 28, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5239 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2274) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Brown	Tieden

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 446

Senator Hester called up for consideration Senate File 446, a bill for an act relating to weighing and measuring, amended by the House, and moved that the Senate concur in House amendment S—5258 filed March 5, 1980, and found on pages 696-699 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Hester 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. 446) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Brown	Drake	Tieden

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

BUSINESS PENDING

Senate File 2273

The Senate resumed consideration of Senate File 2273, previously deferred.

Senator Murray offered amendment S—5290 filed by him from the floor to the title page of the bill and moved its adoption.

Amendment S—5290 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2273) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Brown	Tieden

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

INTRODUCTION OF BILL

Senate File 2298, by Committee on Ways and Means, a bill for an act relating to the taxable status of property.

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

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 4, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

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 Board of Landscape Architectural Examiners pursuant to section 118A.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dorothy B. Sheil, West Des Moines, Polk County, Iowa, for reappointment to the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Maynard Hayden, Indianola, Warren County, Iowa, for reappointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Julian C. Campbell, Bloomfield, Davis County, Iowa, for reappointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Deloris C. Morris, Oelwein, Fayette County, Iowa, for reappointment as a member of the State Board of Cosmetology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Bertha J. Kirkwood, Ankeny, Polk County, Iowa, for reappointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Kristine K. Grimm, Monroe, Jasper County, Iowa, for appointment as a member of the Transportation Regulation Board pursuant to Section 307.15, 1979 Code of Iowa, for a six-year term commencing June 30, 1979, and ending June 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 5, 1980

Dear Governor Branstad:

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 147.14, 1979 Code of

Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

APPENDIX

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 6th day of March, 1980.

Senate Files 97 and 2130.

FRANK J. STORK, Secretary of the Senate

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As members of the Board of Landscape Architectural Examiners:

Milford A. Fjare, Council Bluffs, Pottawattamie County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Gratias, Chairperson
Senator Slater
Senator Goodwin
Senator Hester
Senator Gallagher

Dorothy B. Sheil, West Des Moines, Polk County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Hulse, Chairperson
Senator Holden
Senator Readinger
Senator Hutchins
Senator Junkins

As a member of the Iowa Crime Commission:

Maynard Hayden, Indianola, Warren County, Iowa, for reappointment to a four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator DeKoster, Chairperson
Senator Rodgers
Senator Comito
Senator Deluhery
Senator Drake

As a member of the Iowa Real Estate Commission:

Julian C. Campbell, Bloomfield, Davis County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Tieden, Chairperson
Senator Ramsey
Senator Priebe
Senator Robinson
Senator Taylor

As a member of the State Board of Barber Examiners:

Richard E. Sisco, Cedar Rapids, Linn County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Bisenius, Chairperson
Senator Kudart
Senator Briles
Senator Brown
Senator Calhoon

As a member of the State Board of Cosmetology Examiners:

Deloris C. Morris, Oelwein, Fayette County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Nystrom, Chairperson
Senator Craft
Senator Carney
Senator Carr
Senator Coleman

As a member of the State Board of Optometry Examiners:

Bertha J. Kirkwood, Ankeny, Polk County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Hultman, Chairperson
Senator Baugher
Senator E. Miller
Senator Palmer
Senator Orr

As a member of the Transportation Regulation Board:

Kristine K. Grimm, Monroe, Jasper County, Iowa, for appointment to a six-year term commencing June 30, 1979, and ending June 30, 1985.

Senator Schwengels, Chairperson
Senator Brown
Senator Scott
Senator Bergman
Senator Carney

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2219 passed the Senate on March 5, 1980.

W. R. BILL HANSEN

MR. PRESIDENT: I move to reconsider the vote by which House File 2277 passed the Senate on March 5, 1980.

ROBERT M. CARR

BILL RETURNED TO CALENDAR

Pursuant to Senate Rule 37, **Senate File 2229** was returned to the Calendar from the Committee on State Government.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. F. 2286 State Government

STUDY BILLS RECEIVED

S.S.B. 2270 Judiciary

Relating to a contract or agreement for the construction, alteration, repair, or maintenance of a building, structure, highway bridge, viaduct, water, sewer, or gas distribution system, or other work dealing with construction, or for any moving, demolition, or excavation connected with such construction.

S.S.B. 2271 State Government

Relating to the practice of physical therapy.

REPORTS OF COMMITTEE MEETINGS

TRANSPORTATION*

* A report of this meeting was also recorded on page 609 of the February 27, 1980, Senate Journal, page 637 of the February 28, 1980, Senate Journal and page 661 of the March 3, 1980, Senate Journal.

Convened: February 27, 1980, 8:10 a.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member (arrived 8:20 a.m.); Comito, Goodwin, Coleman, Robinson and Small (arrived 8:35 a.m.).

Members Absent: Holden and Nystrom.

Final Action: SENATE FILE 2293, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, Jensen, Comito, Coleman, Robinson and Goodwin. Nays, none. Absent or not voting, 4: Scott, Holden, Nystrom and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:45 a.m.

TRANSPORTATION*

* A report of this meeting was also recorded on page 717 of the March 5, 1980, Senate Journal.

Convened: March 5, 1980, 1:10 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Goodwin, Holden, Nystrom (arrived 1:25 p.m.), Coleman, Robinson and Small.

Members Absent: none.

Final Action: SENATE FILE 2296, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited

bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income; and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Drake, Jensen, Scott, Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:20 p.m.

WAYS AND MEANS

Convened: March 4, 1980, 1:35 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Hester, Hutchins, Ramsey, Rush, Scott, Van Gilst, Holden (arrived 1:40 p.m.) and Junkins (arrived 1:45 p.m.).

Members Absent: Drake and Hultman.

Final Action: SENATE FILE 2189, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Comito, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 3: Baugher, Drake and Hultman.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2297, a bill for an act authorizing counties to levy a tax for ambulance services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Readinger, Rodgers, Baugher, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst. Nays, 2: Craft and Comito. Absent or not voting, 2: Drake and Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2298, a bill for an act relating to the taxable status of property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Comito, Hester, Holden, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 3: Baugher, Drake and Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2470, a bill for an act updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 3: Junkins, Hultman and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:30 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Hilarius L. Heying and Roger J. Shaff, former members of the Senate from Fayette and Clinton Counties, who were present in the Senate chamber.

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

Twenty-seven students from Western Hills School, West Des Moines, Iowa, accompanied by Paul Linn. Senator Gentleman.

Fifty students from Leo High School, Holy Cross, Iowa, accompanied by Sister Felicia J. and Sister Monica. Senator Tieden.

Sixty students from Monroe Elementary School, Monroe, Iowa, accompanied by Mrs. Johnson, Mrs. Van Lare, Mrs. Stewart and Mrs. Murphy. Senator Brown.

One hundred twenty students from Hartford-Carlisle Community School District, Carlisle, Iowa, accompanied by Lee Brecht. Senator Brown.

AMENDMENTS FILED

S—5278	H.F.	2105	C.W. Hutchins Arthur L. Gratias
S—5279	S. F.	108	Gary L. Baugher
S—5280	S. F.	2273	C.W. Hutchins
S—5281	S. F.	2273	C.W. Hutchins Lowell L. Junkins
S—5282	S. F.	2273	John S. Murray Stephen W. Bisenius
S—5283	S. F.	2273	John W. Jensen Arne Waldstein
S—5284	S. F.	2261	Richard F. Drake Edgar H. Holden
S—5285	S. F.	432	Sue Yenger John S. Murray Julia B. Gentleman Tom Slater
S—5286	S. F.	2021	Dale L. Tieden
S—5287	S. F.	2282	Richard F. Drake Edgar H. Holden
S—5288	S. F.	2282	Edgar H. Holden
S—5289	H.F.	2410	Forrest V. Schwengels
S—5290	S. F.	2273	John S. Murray
S—5291	S. F.	2108	Charles P. Miller

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 3:00 p.m., until 9:00 a.m., Friday, March 7, 1980.

JOURNAL OF THE SENATE

FIFTY-FOURTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 7, 1980

The Senate met in regular session at 9:03 a.m., President Branstad presiding.

Prayer was offered by the Reverend George W. Baker, pastor of the United Methodist Church, Mason City, Iowa.

The Journal of Thursday, March 6, 1980, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Miller of Marshall for the day on request of Senator Hultman and Senator Orr for the day on request of Senator Rush.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 26, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2098, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule.

ALSO: That the House has on March 5, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2241, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations.

ALSO: That the House has on March 5, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2490, a bill for an act relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

ALSO: That the House has on March 5, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 110, a resolution urging Congress to amend the Internal Revenue Code to provide for unlimited exemptions on obligations issued to finance railroad projects.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2490, a bill for an act relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

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

HOUSE CONCURRENT RESOLUTION 110
By: Lloyd-Jones, Hullinger, Cochran, Howell, Woods, Pavich, Walter, Jay, Norland, Anderson of Jasper, Davitt, Bina, Groth, Connolly, Hibbs, Wells and Dieleman

Whereas, section 103 of the United States Internal Revenue Code provides for the issuance of industrial revenue bonds by a political unit for the construction of private or public facilities; and

Whereas, the majority of these tax-exempt bonds are limited to ten million dollars in any one instance; and

Whereas, certain facilities have been deemed to have a public purpose and are therefore not subject to the ten million tax exempt limit; and

Whereas, these exempt facilities include airports, docks, wharves, mass commuting, parking, and other transportation facilities; and

Whereas, the construction, repair, and upgrading of railbeds, trackage, and appurtenances, but not rolling stock, are also deemed to have a public purpose; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa General Assembly urges the Congress of the United States to amend the United States Internal Revenue Code, section 103, to provide for unlimited exemptions on obligations issued to finance certain railroad improvement projects; and

Be It Further Resolved, That copies of this resolution be forwarded to members of the Iowa Congressional Delegation, the Speaker of the United States House of

Representatives, the President of the United States Senate, and the chairpersons of the Ways and Means Committees of the United States House of Representatives and Senate.

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

HOUSE AMENDMENT TO SENATE FILE 2241

S—5292

Amend Senate File 2241 as amended, passed and reprinted by the Senate, as follows:

1. Page 6, line 2, by striking the words and figure "section one (1)" and inserting in lieu thereof the words and figures "Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section three (3), subsection one (1), as amended by section fifteen (15)".

2. Page 9, by inserting after line 15 the following:

"Sec. ____. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under sections eighteen and twenty of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under sections eighteen or twenty of this Act which exists on June thirtieth, 1980 shall revert to the fund from which it was appropriated."

3. Title page, line 1, by striking the word "year" and inserting in lieu thereof the word "years".

4. Title page, line 2, by inserting after the figure "1979" the words and figure "and 1980".

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2291.

Senate File 2291

On motion of Senator Nystrom, Senate File 2291, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) relating to and making appropriations to certain departments, agencies and commissions responsible for education programs of this state for the fiscal year beginning July 1, 1980, was taken up for consideration.

Senator Junkins asked and received unanimous consent that action on **Senate File 2291** be temporarily **deferred.**

MOTION TO RECONSIDER LOST

Senate File 2073

Senator Craft called up the motion to reconsider Senate File 2073, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act, filed by him on March 4, 1980, found on page 675 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 11, nays 33.

The motion lost.

The Chair ruled the motion to reconsider the vote by which Senate File 2073 passed the Senate on March 4, 1980, filed by Senator Palmer on March 4, 1980, and found on page 676 of the Senate Journal, out of order.

The Chair ruled the motion to reconsider the vote by which Senate File 2073 passed the Senate on March 4, 1980, filed by Senator Murray on March 4, 1980, and found on page 668 of the Senate Journal, out of order.

The Chair ruled amendment S—5262 filed by Senator Murray on March 5, 1980, to page 1 of the bill, out of order.

UNFINISHED BUSINESS
(Deferred March 5, 1980)

House File 2105

The Senate resumed consideration of House File 2105, a bill for an act relating to the loading and unloading of pupils from school buses, deferred on March 5, 1980.

The Chair ruled amendment S—5264 filed by Senator Hutchins on March 5, 1980, to amendment S—5228, out of order.

Senator Hutchins offered amendment S—5278 filed by Senators Hutchins and Gratias on March 6, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5278 was adopted by a voice vote.

Senator Jensen moved that the bill 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. 2105) the vote was:

Ayes, 36:

Bisenius	Briles	Brown	Calhoon
Carney	Carr	Coleman	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Scott	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 7:

Bergman	Deluhery	Holden	Hulse
Kudart	Rush	Small	

Absent or not voting, 7:

Baugher	Comito	Craft	Gallagher
Miller, E.R.	Orr	Schwengels	

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

UNFINISHED BUSINESS
(Deferred March 5, 1980)

Senate File 108

The Senate resumed consideration of Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, deferred on March 5, 1980.

Senator Gratias offered amendment S—5211 filed by him on February 26, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5211 was adopted by a voice vote.

With the adoption of amendment S—5211, the Chair ruled amendment S—5071 filed by Senator Bisenius on February 6, 1980, to page 2 of the bill, out of order.

Senator Bisenius offered amendment S—5277 filed by him on March 5, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5277 was adopted by a voice vote.

Senator Baugher offered amendment S—5279 filed by him on March 6, 1980, to page 1 of the bill.

Senator Gratias raised the point of order that amendment S—5279 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5279 out of order.

Senator Hultman asked and received unanimous consent that action on **Senate File 108** be **deferred.**

BUSINESS PENDING

Senate File 2291

The Senate resumed consideration of Senate File 2291, previously deferred.

Senator Readinger offered amendment S—5301 filed by Senators Readinger, et al., from the floor to page 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5301 be adopted?" (S.F. 2291) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Baugher	Briles	Brown	Calhoon

Carr	Coleman	Deluhery	Drake
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Scott
Slater	Small	Van Gilst	

Nays, 24:

Bergman	Bisenius	Carney	Comito
Craft	DeKoster	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Ramsey	Schwengels
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 3:

Miller, E.R.	Orr	Robinson

Amendment S—5301 lost.

Senator Yenger offered amendment S—5296 filed by Senators Yenger and Taylor from the floor to page 3 of the bill.

Senator Taylor asked and received unanimous consent that action on amendment S—5296 be temporarily deferred.

Senator Slater offered amendment S—5299 filed by Senators Slater, et al., from the floor to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5299 be adopted?" (S.F. 2291) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Hansen	Hutchins	Junkins
Kinley	Miller, A.V.	Palmer	Priebe
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gallagher	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, C.P.	Murray
Nystrom	Ramsey	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 3:

Gratias	Miller, E.R.	Orr

Amendment S—5299 lost.

Senator Carr offered amendment S—5297 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5297 be adopted?" (S.F. 2291) the vote was:

Ayes, 22:

Baugher	Brown	Calhoon	Carr
Coleman	Deluhery	Gentleman	Hansen
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Readinger	Robinson
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 25:

Bergman	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Nystrom	Ramsey
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 3:

Miller, E.R.	Orr	Priebe

Amendment S—5297 lost.

Senator Van Gilst asked and received unanimous consent to withdraw amendment S—5294 filed by Senators Van Gilst and Hutchins from the floor to page 4 of the bill.

Senator Van Gilst offered amendment S—5302 filed by Senators Van Gilst and Hutchins from the floor to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5302 be adopted?" (S.F. 2291) the vote was:

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 3:

Jensen	Miller, E.R.	Orr

Amendment S—5302 lost.

Senator Carr offered amendment S—5300 filed by Senators Orr and Carr from the floor to page 4 of the bill.

Senator Hansen offered amendment S—5307 filed by him from the floor to amendment S—5300.

Senator Junkins raised the point of order that amendment S—5307 was not germane under Senate Rule 12.

The Chair ruled the point not well taken and amendment S—5307 in order.

Senator Hansen moved the adoption of amendment S—5307 and requested a record roll call.

On the question "Shall amendment S—5307 be adopted?" (S.F. 2291) the vote was:

Ayes, 26:

Baugher	Bergman	Bisenius	Briles
Carney	Craft	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Nays, 20:

Brown	Carr	Coleman	DeKoster
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Absent or not voting, 4:

Calhoon	Comito	Miller, E.R.	Orr

Amendment S—5307 was adopted.

Senator Carr moved the adoption of amendment S—5300 as amended.

A record roll call was requested.

On the question "Shall amendment S—5300 as amended be adopted?" (S.F. 2291) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Carr	Coleman	Comito
DeKoster	Deluhery	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Yenger

Nays, 3:

Carney	Jensen	Taylor

Absent or not voting, 7:

Calhoon	Craft	Drake	Hester
Miller, E.R.	Orr	Waldstein	

Amendment S—5300 as amended was adopted.

Senator Yenger asked and received unanimous consent to withdraw amendment S—5296 to page 3 of the bill, previously deferred.

Senator Yenger offered amendment S—5306 filed by Senators Yenger and Taylor from the floor to page 3 of the bill.

Senator Nystrom raised the point of order that amendment S—5306 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5306 in order.

Senator Yenger moved the adoption of amendment S—5306.

A record roll call was requested.

On the question "Shall amendment S—5306 be adopted?" (S.F. 2291) the vote was:

Ayes, 21:

Bergman	Bisenius	Briles	Craft
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Ramsey	Readinger
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Nays, 26:

Baugher	Brown	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Drake	Hansen	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Robinson
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Absent or not voting, 3:

Calhoon Miller, E.R. Orr

Amendment S—5306 lost.

Senator Readinger offered amendment S—5310 filed by Senators Readinger, et al., from the floor to page 3 of the bill.

Senator Murray raised the point of order that amendment S—5310 was out of order because the same subject matter had previously been considered.

The Chair ruled the point not well taken and amendment S—5310 in order.

(Senate File 2291 and amendment S—5310 pending on adjournment).

BILL REASSIGNED TO COMMITTEE

President Branstad announced that **Senate File 2289** was reassigned from the calendar to the committee on **Agriculture.**

INTRODUCTION OF BILL

Senate File 2299, by Committee on Commerce, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership.

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

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 117
By: Committee on Appropriations

Whereas, the cost to the state of the chronic renal disease program administered by the state department of health, pursuant to section one hundred thirty-five point forty-five (135.45) of the Code has dramatically increased during the years of its existence; and

Whereas, cost containment measures implemented by the state department of health appear to be ineffective; and

Whereas, the chronic renal disease program is intended to provide livesaving care for Iowa residents unable to

provide for the continuing cost of their care; and
Whereas, the financial criteria established by the state department of health appear to provide assistance to individuals who may be able to provide for all or part of the cost of their care; *Now Therefore*,
Be It Resolved by the Senate, the House Concurring, That the legislative council direct the legislative fiscal bureau to conduct a program evaluation of the chronic renal disease program and to provide recommendations regarding cost containment to the legislative council and the appropriations subcommittee on human resources by December, 1980.

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

SENATE RESOLUTION 107
By: Hutchins and Scott

Whereas, the Senate has expressed its concern relating to the approval process of worker's compensation insurance rates by passing Senate File 460 which requires certain hearings upon demand prior to approval by the commissioner of insurance of workers' compensation insurance rates; and
Whereas, the high costs of securing minimum workers' compensation insurance coverage by agricultural employers have caused concern regarding the lack of workers' compensation coverage for some agricultural employees and the inability of some agricultural employers to afford the costs of securing workers' compensation coverage for their agricultural employees; and
Whereas, the mandatory workers' compensation coverage required for agricultural employers has been established at the level of one thousand dollars of payroll during the preceding calendar year and does not adequately address the situation of hiring incidental and part-time agricultural employees; and
Whereas, the alternatives to workers' compensation coverage, among which are employer liability for personal injury to employees, mandatory liability insurance coverage, and mandatory accident or health insurance coverage, have not yet been adequately studied; and
Whereas, the interim period would provide more time for comprehensive study, consultation, and joint preparation of legislative proposals; *Now Therefore*,
Be It Resolved by the Senate, That the Legislative Council is requested to create a study committee consisting of members of both Houses representing both

Page 2

political parties for the purpose of studying the problems of workers' compensation insurance coverage and costs of such coverage, especially minimum workers' compensation insurance coverage costs, and recommending any necessary legislative changes; and

Be It Further Resolved, That the study committee make periodic reports to the Legislative Council and a final report to the general assembly meeting in the year 1981 accompanied by bill drafts designed to implement any recommendations of the study committee.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT RESOLUTION 2003

State Government
Schwengels, Chairperson
Rodgers
E. Miller

SENATE FILE 2129

State Government
Murray, Chairperson
Brown
E. Miller

SENATE FILE 2135

State Government
Gallagher, Chairperson
E. Miller
Gratias

SENATE FILE 2139

State Government
Gallagher, Chairperson
Gratias
Yenger

SENATE FILE 2152

State Government
Schwengels, Chairperson
Brown
Drake

SENATE FILE 2153

State Government
Murray, Chairperson
Yenger
Brown

SENATE FILE 2156

State Government
Schwengels, Chairperson
Rodgers
E. Miller

SENATE FILE 2159

State Government
Schwengels, Chairperson
Rodgers
E. Miller

SENATE FILE 2169

State Government
Schwengels, Chairperson
E. Miller
Rodgers

SENATE FILE 2170

State Government
Schwengels, Chairperson
E. Miller
Rodgers

SENATE FILE 2176

State Government
Schwengels, Chairperson
E. Miller
Rodgers

SENATE FILE 2182

State Government
Schwengels, Chairperson
E. Miller
Rodgers

SENATE FILE 2184

State Government
Schwengels, Chairperson
E. Miller
Rodgers

SENATE FILE 2192

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SENATE FILE 2203

State Government
Slater, Chairperson
E. Miller
Yenger

SENATE FILE 2218

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SENATE FILE 2229

State Government
Schwengels, Chairperson
Nystrom
Rodgers

SENATE FILE 2236

State Government
Schwengels, Chairperson
Rodgers
E. Miller

SENATE FILE 2239

State Government
Rodgers, Chairperson
Schwengels
Brown

SENATE FILE 2248

Judiciary
Rush, Chairperson
Slater
Baugher

SENATE FILE 2249

Ways and Means
Craft, Chairperson
Baugher
Junkins

SENATE FILE 2250

Judiciary
Deluhery, Chairperson
Hansen
Coleman

SENATE FILE 2254

Appropriations
Appropriations Subcommittee on
Transportation and Law Enforcement

SENATE FILE 2256

Commerce
Bergman, Chairperson
Comito
Robinson

SENATE FILE 2257

Education
Taylor, Chairperson
Jensen
Brown

SENATE FILE 2258

Agriculture
Hester, Chairperson
Hutchins
Waldstein

SENATE FILE 2259

Judiciary
Gentleman, Chairperson
Rush
Deluhery

SENATE FILE 2260

Judiciary
Deluhery, Chairperson
Briles
Gentleman

SENATE FILE 2271

Commerce
Craft, Chairperson
Bergman
Robinson

SENATE FILE 2296

Appropriations
Hultman, Chairperson
Junkins
Nystrom

SENATE CONCURRENT RESOLUTION 112

Natural Resources
Tieden, Chairperson
Rodgers
Priebe

HOUSE FILE 2042

Natural Resources
Goodwin, Chairperson
Gallagher
Gratias

HOUSE FILE 2181

Judiciary
Scott, Chairperson
Deluhery
Baugher

HOUSE FILE 2357

Judiciary
Kudart, Chairperson
Rush
Baugher

HOUSE FILE 2460

Judiciary
Kudart, Chairperson
Baugher
Rush

HOUSE FILE 2463

Agriculture
Tieden, Chairperson
Waldstein
A. Miller

HOUSE FILE 2469

County Government
Briles, Chairperson
Kudart
Brown

HOUSE CONCURRENT RESOLUTION 103

Energy
Briles, Chairperson
Readinger
Gallagher

SENATE CONCURRENT RESOLUTION 113

Natural Resources
Gallagher, Chairperson
Calhoon
Schwengels

HOUSE FILE 2168

Appropriations
Appropriations Subcommittee on
Transportation and Law Enforcement

HOUSE FILE 2355

Judiciary
Kudart, Chairperson
Briles
Rush

HOUSE FILE 2410

State Government
Schwengels, Chairperson
Nystrom
Rodgers

HOUSE FILE 2461

Agriculture
Hester, Chairperson
Priebe
E. Miller

HOUSE FILE 2464

Appropriations
Schwengels, Chairperson
Hultman
Palmer

HOUSE FILE 2475

Education
Carney, Chairperson
Taylor
Small

HOUSE CONCURRENT RESOLUTION 111

Appropriations
Appropriations Subcommittee
on Education

SSB 2202

State Government
Nystrom, Chairperson
Schwengels
Rodgers

SSB 2221

State Government
Rodgers, Chairperson
E. Miller
Bisenius

SSB 2222

State Government
Schwengels, Chairperson
Nystrom
Rodgers

SSB 2234

State Government
Nystrom, Chairperson
Schwengels
Drake
Rodgers
Gallagher

SSB 2235

State Government
Nystrom, Chairperson
Schwengels
Drake
Rodgers
Gallagher

SSB 2236

State Government
Nystrom, Chairperson
Schwengels
Drake
Rodgers
Gallagher

SSB 2257

Judiciary
Hansen, Chairperson
Rush
Kudart

SSB 2260

Commerce
Comito, Chairperson
Craft
Priebe

SSB 2261

Agriculture
Priebe, Chairperson
Bergman
Tieden

SSB 2263

Natural Resources
Schwengels, Chairperson
Rodgers
Tieden

SSB 2264

Natural Resources
Goodwin, Chairperson
Rodgers
Priebe

SSB 2265

Agriculture
Hulse, Chairperson
Hester
Hutchins

SSB 2266

Commerce
Gentleman, Chairperson
Comito
Deluhery

SSB 2267

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

SSB 2268

Natural Resources
Goodwin, Chairperson
Rodgers
E. Miller

SSB 2269

Energy
Ramsey, Chairperson
Briles
Rodgers

SSB 2270

Judiciary
Scott, Chairperson
Murray
Kudart

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 6, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 687—Correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

H.F. 744—To change the names of the Iowa Training School for Boys and the Iowa Training School for Girls.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Darrel Rensink, Sioux Center, Sioux County, Iowa, for appointment as a member of the City Finance Committee pursuant to Section 384.13, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1980, and a four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD F. DRAKE, Chairperson
LUCAS J. DE KOSTER
JAMES V. GALLAGHER
RICHARD COMITO
ROBERT M. CARR

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 5, 1980, when votes were taken.

Had I been present, I would have voted "aye" on amendment S—5078 to Senate File 108 and Senate Files 124, 2219, 2238, 2252, 2253 and 2275; division S—5104A and amendment S—5135 to House File 747 and House Files 2240, 2277 and 2476.

I would have voted "nay" on amendment S—5138 to House File 747, the motion to reconsider amendment S—5135 to House File 747 and final passage of House File 747.

LOWELL L. JUNKINS

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 446 passed the Senate on March 6, 1980.

C. W. HUTCHINS

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5258 to Senate File 446 on March 6, 1980.

C. W. HUTCHINS

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5306 to Senate File 2291 failed to be adopted by the Senate on March 7, 1980.

GARY L. BAUGHER

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F. 2294 Ways and Means
S. F. 2295 Energy

STUDY BILL RECEIVED

S.S.B. 2272 Rules and Administration

Relating to gubernatorial appointments which are subject to confirmation by the senate.

REPORT OF COMMITTEE

AGRICULTURE

Final Action: SENATE FILE 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Bergman, Hester, Hutchins, Hulse, Tieden, Waldstein, A. Miller, Priebe and Van Gilst. Nays, none. Absent or not voting, 1: E. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS*

*A report of this meeting was also recorded on pages 677-678 of the March 4, 1980, Senate Journal and pages 711-712 of the March 5, 1980, Senate Journal.

Convened: March 4, 1980, 4:00 p.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Tieden, Carr, Junkins, Scott, Small and Van Gilst.

Members Absent: none.

Final Action: SENATE CONCURRENT RESOLUTION 117, a resolution that the legislative council direct the legislative fiscal bureau to conduct a program evaluation of the chronic renal disease program and to provide recommendations regarding cost.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 15; Murray, Taylor, Palmer, Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Tieden, Carr, Junkins, Scott, Small and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:55 p.m.

COMMERCE

Convened: March 6, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson (arrived 3:12 p.m.); Robinson, Ranking Member; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe (arrived 3:12 p.m.) and Rush.

Members Absent: none.

Final Action: SENATE FILE 2299, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Holden, Robinson, Bergman, Gentleman, Goodwin and Rush. Nays, 1: Deluhery. Absent or not voting, 3: Comito, Craft and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB 2168 amended and ordered redrafted as a committee bill.

Adjourned: 4:05 p.m.

COUNTY GOVERNMENT

Convened: March 6, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hester, C. Miller, Nystrom, Slater, Yenger and Baugher.

Members Absent: Hutchins, Ranking Member; Brown (excused) and Kudart.

Final Action: SENATE FILE 2168, a bill for an act relating to the duties of the county compensation board.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Briles, Waldstein, Baugher, Hester, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 4: Hutchins, Brown, Kudart and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:15 p.m.

EDUCATION

Convened: March 6, 1980, 2:45 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor.

Members Absent: Brown, Ranking Member.

Final Action: SENATE FILE 202, a bill for an act authorizing merged areas to acquire and operate student residence halls, dormitories, and student centers including dining and parking facilities, and to finance the cost with revenue bonds.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5314.

Final Vote: Ayes, 8: Hansen, Gratias, Calhoon, Carney, DeKoster, Jensen, Orr and Taylor. Nays, 1: Small. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2075, a bill for an act providing for modifications of the basic allowable growth per pupil for certain eligible school districts.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hansen, Gratias, Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2198, a bill for an act relating to transportation of public and nonpublic school children.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5305.

Final Vote: Ayes, 8: Hansen, Gratias, Calhoon, Carney, DeKoster, Jensen, Small and Taylor. Nays, 1: Orr. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2232, a bill for an act to provide for a closed session for governmental bodies to develop criteria for and discuss strategy in matters relating to certain teachers' and administrators' contracts.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5312.

Final Vote: Ayes, 9: Hansen, Gratias, Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2257, a bill for an act relating to the age and requirements for school admission.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 6: Hansen, Calhoon, DeKoster, Orr, Small and Taylor. Nays, 3: Gratias, Carney and Jensen. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussed Senate Files 202 and 2232.

Adjourned: 4:45 p.m.

PRESENTATION OF VISITORS

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

Thirty-three students from Carroll High School, Carroll, Iowa, accompanied by Sandy Hood. Senator Hutchins.

AMENDMENTS FILED

S—5293	S. F.	205	Richard F. Drake
S—5294	S. F.	2291	Bass Van Gilst C. W. Hutchins
S—5295	S. F.	2290	Richard F. Drake William D. Palmer
S—5296	S. F.	2291	Sue Yenger Ray Taylor
S—5297	S. F.	2291	Robert M. Carr
S—5298	S. F.	2290	John Scott Bob Rush George R. Kinley
S—5299	S. F.	2291	Tom Slater Arthur A. Small, Jr. C. W. Hutchins Robert M. Carr Bob Rush Berl E. Priebe Joe Brown W. R. Bill Hansen

S—5300	S. F.	2291	Joann Orr Robert M. Carr
S—5301	S. F.	2291	David M. Readinger William D. Palmer Gary L. Baugher C. W. Hutchins Bass Van Gilst
S—5302	S. F.	2291	Bass Van Gilst C. W. Hutchins
S—5303	S. F.	2290	Forrest V. Schwengels
S—5304	S. F.	2290	C. W. Hutchins
S—5305	S. F.	2198	Education Committee
S—5306	S. F.	2291	Sue Yenger Ray Taylor
S—5307	S. F.	2291	W. R. Bill Hansen
S—5308	S. F.	446	C. W. Hutchins
S—5309	S. F.	2290	John Scott Bob Rush George R. Kinley
S—5310	S. F.	2291	David M. Readinger William D. Palmer Gary L. Baugher Bass Van Gilst Tom Slater
S—5311	S. F.	2291	Tom Slater
S—5312	S. F.	2232	Education Committee
S—5313	S. F.	2025	Edgar H. Holden
S—5314	S. F.	202	Education Committee
S—5315	S. C.R.	117	David M. Readinger
S—5316	S. F.	2292	Patrick J. Deluhery

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:40 p.m., until 10:00 a.m., Monday, March 10, 1980.

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 10, 1980

The Senate met in regular session at 10:08 a.m., President Branstad presiding.

Prayer was offered by the Reverend Robert Bagley, pastor of the Bethany Lutheran Church, Thompson, Iowa.

The Journal of Friday, March 7, 1980, was approved.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 6, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Christine A. Hansen, Davenport, Scott County, Iowa, for appointment as a member of the Iowa State Commerce Commission pursuant to Section 474.1, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

On July 12, 1979, I submitted to the Senate for their consideration the name of Robert J. Sixta, Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Dental Examiners.

I have now been advised by Mr. Sixta that he has accepted a position in Minnesota and cannot accept this appointment.

I am, therefore, accepting his resignation and wish to withdraw his name from consideration.

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 March 5, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 732, a bill for an act to require that certain vacancies in elective city offices be filled by appointment for the period until the next succeeding city election.

ALSO: That the House has on March 5, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2180, a bill for an act to allow certain corporations to contract for additional law enforcement services.

ALSO: That the House has on March 6, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2258, a bill for an act relating to the time of taking the oath of office by persons elected to the city council.

ALSO: That the House has on February 29, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2429, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant.

ALSO: That the House has on March 6, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2471, a bill for an act relating to retention of budget documents.

ALSO: That the House has on March 5, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2473, a bill for an act relating to reports of reportable disease.

ALSO: That the House has on March 6, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2491, a bill for an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 732, a bill for an act to require that certain vacancies in elective city offices be filled by appointment only for the period until the next succeeding city election.

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

House File 2180, a bill for an act to allow certain corporations to contract for additional law enforcement services.

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

House File 2258, a bill for an act relating to the time of taking the oath of office by persons elected to the city council.

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

House File 2429, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant.

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

House File 2471, a bill for an act relating to retention of budget documents.

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

House File 2473, a bill for an act relating to reports of reportable disease.

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

House File 2491, a bill for an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States code 81a et seq.

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

INTRODUCTION OF BILL

Senate File 2300, by Committee on Natural Resources, a bill for an act relating to appropriations for capital projects for natural resources.

Read first time and referred to the committee on **Appropriations** under Senate Rule 37.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Holden for the day on request of Senator Hultman.

MOTION TO RECONSIDER ADOPTED

Senator Hutchins called up the motion to reconsider Senate File 446 filed by him on March 7, 1980, found on page 759 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 38, nays 1.

The motion prevailed.

Senator Hutchins moved to reconsider the vote by which Senate File 446 went to its last reading, which motion prevailed by a voice vote.

Senate File 446

On motion of Senator Hutchins, Senate File 446, a bill for an act relating to weighing and measuring, was taken up for reconsideration.

Senator Hutchins called up the motion to reconsider the vote by which the Senate concurred in House amendment S—5258 on March 6, 1980, filed by him on March 7, 1980, found on page 759 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—5258 was taken up for reconsideration.

Senator Hutchins offered amendment S—5308 filed by him on March 7, 1980, to House amendment S—5258 and moved its adoption, which motion prevailed by a voice vote.

Senator Hester moved that the Senate concur in House amendment S—5258 as amended, which motion prevailed by a voice vote.

Senator Hester 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. 446) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Hutchins	Jensen
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

DeKoster

Absent or not voting, 6:

Briles	Craft	Hansen	Holden
Junkins	Robinson		

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Craft for the day on request of Senator Hultman.

HOUSE AMENDMENT CONSIDERED

Senate File 2241

Senator Murray called up for consideration Senate File 2241, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making

additional appropriations, amended by the House, and moved that the Senate concur in House amendment S—5292 filed March 7, 1980, and found on page 742 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Murray 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. 2241) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Briles	Craft	Holden	Junkins
Orr	Palmer	Robinson	

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

UNFINISHED BUSINESS
(Pending March 7, 1980)

Senate File 2291

The Senate resumed consideration of Senate File 2291, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) relating to and making appropriations to certain departments, agencies and commissions responsible for education programs of this state for the fiscal year

beginning July 1, 1980, and amendment S—5310 by Senators Readinger, et al., pending on March 7, 1980.

Senator Readinger asked and received unanimous consent to withdraw amendment S—5310 to page 3 of the bill.

Senator Slater offered amendment S—5311 filed by him on March 7, 1980, to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5311 be adopted?" (S.F. 2291) the vote was:

Ayes, 16:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Kinley	Miller, C.P.
Orr	Palmer	Priebe	Rodgers
Rush	Scott	Slater	Small

Nays, 30:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Jensen	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 4:

Craft	Holden	Junkins	Robinson

Amendment S—5311 lost.

Senator Baugher called up the motion to reconsider the vote by which amendment S—5306 to Senate File 2291 failed to pass the Senate on March 7, 1980, filed by him on March 7, 1980, found on page 759 of the Senate Journal and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 22, nays 24.

The motion lost.

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

On the question "Shall the bill pass?" (S.F. 2291) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Craft	Drake	Holden	Robinson

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

UNFINISHED BUSINESS
(Deferred March 7, 1980)

Senate File 108

The Senate resumed consideration of Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, deferred on March 7, 1980.

Senator Hultman asked and received unanimous consent that action on **Senate File 108** be **deferred**.

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

BILL REASSIGNED TO COMMITTEE

President Branstad announced that **Senate Concurrent Resolution 116** was reassigned from the calendar to the committee on **Rules and Administration.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Calhoon for the afternoon session on request of Senator Junkins.

INTRODUCTION OF BILLS

Senate File 2301, by Committee on Rules and Administration, a bill for an act relating to gubernatorial appointments which are subject to confirmation by the senate.

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

Senate File 2302, by Ramsey, a bill for an act providing for waiving the platting of land.

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

Senate File 2303, by Committee on Judiciary, a bill for an act to permit counties to use random computer selection of jurors.

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 10, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 477, a bill for an act relating to the control, abatement and prevention of air pollution by the department of environmental quality.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 477

S—5322

Amend Senate File 477 as amended, passed and reprinted by the Senate as follows:

1. Page 2, line 21, by inserting after the word "source." the following:

"The standards or limitations adopted under this section shall not exceed the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clear Air Act as amended to January 1, 1979. This does not prohibit the commission from adopting a standard for a source or class of sources for which the United States environmental protection agency has not promulgated a standard."

2. Page 2, line 26, by inserting after the word "equipment," the word "material,".

3. Page 2, line 29, by striking the words "in nonattainment areas" and inserting in lieu thereof the words "or the lowest achievable emission rate in nonattainment areas, or in order to establish best available control technology in areas subject to prevention of significant deterioration review,".

4. Page 3, line 3, by inserting after the word "equipment," the word "material,".

5. Page 3, line 8, by inserting after the word "equipment," the word "material,".

6. Page 4, by striking lines 6 through 26, and inserting in lieu thereof the following:

"10. *a.* Require, by rules, notice of the construction [or the installation] of any [equipment] *air contaminant source* which may cause or contribute to air pollution, and the submission of plans and

specifications to the department, or [such] other information deemed necessary, for the installation of [equipment from which air contaminants may be emitted to the atmosphere] *air contaminants sources* and related control equipment. *The rules shall allow the owner or operator of a major stationary source to elect to obtain a conditional permit in lieu of a construction permit.* The rules relating to a conditional permit for an electric power generating facility subject to chapter 476A *and other major stationary sources* shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of

Page 2

emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used *unless authorized by subsection four (4) of this section."*

7. Page 4, by striking lines 30 through 35.

8. Page 5, by striking line 1.

9. Page 5, by inserting before line 2, the following:

"Sec. ____ . Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), Code 1979, is amended to read as follows:

3. Grant, modify, or deny permits for the [installation] *construction* of new [equipment capable of emitting air contaminants to produce air pollution] *or modified air contaminant sources* and for related control equipment, and conditional permits for electric power generating facilities subject to chapter 476A *and other major stationary sources*, subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.

a. No [equipment which may cause or contribute to air pollution or which is intended primarily to prevent or to control the emission of air contaminants] *air contaminant source* shall be installed, altered so that it significantly affects [operation efficiency] *emissions*, or placed in use unless a *construction*

or conditional permit has been issued for [such equipment] *the source.*

b. The condition of expected performance [must] *shall* be reasonably detailed in the *construction or conditional* permit [unless it is agreed between the department and the permit holder that a condition of development and adjustment exists].

c. *All applications for permits other than conditional permits for electric generating facilities shall be subject to such notice and public participation as may be provided by rule by the commission.* Upon denial *or limitation* of [such] a permit *other than a conditional permit for an electric generating facility,* the applicant shall be notified of such denial and informed of the reason or reasons therefor, and such applicant shall be entitled to a hearing before the commission as provided in section 455B.12, subsection 6.

d. All applications for conditional permits *for electric power generating facilities* shall be subject to such notice and opportunity for public participation as may be consistent with chapter 476A or any agreement

Page 3

pursuant thereto under chapter 28E. The applicant or intervenor may appeal to the commission from the denial of a conditional permit or any of it conditions. For the purposes of chapter 476A, the issuance or denial of a conditional permit by the executive director or by the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawings and an application for a construction permit for control equipment that will meet the emission limitations established in the conditional permit."

10. Page 5, lines 27 and 28, by striking the words "an application for an installation" and inserting in lieu thereof the words "a completed application for a construction".

11. Page 8, line 4, by striking the word "operation", and inserting in lieu thereof the word "conditional".

12. Page 8, line 7, by striking the word "construction".

13. Page 8, line 10, by striking the words "an

operation" and inserting in lieu thereof the word "the".

14. By renumbering sections to conform to this amendment.

UNFINISHED BUSINESS
(Deferred March 3, 1980)

Senate File 2021

The Senate resumed consideration of Senate File 2021, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty, deferred on March 3, 1980.

Senator Tieden withdrew amendment S—5276 filed by him on March 5, 1980, to page 1 of the bill.

Senator Tieden offered amendment S—5286 filed by him on March 6, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5286 was adopted by a voice vote.

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. 2021) the vote was:

Ayes, 36:

Bergman	Bisenius	Briles	Brown
Carney	Comito	DeKoster	Drake
Gallagher	Goodwin	Hansen	Hester
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 10:

Baugher	Carr	Coleman	Deluhery
Gentleman	Gratias	Kinley	Palmer
Rush	Small		

Absent or not voting, 4:

Calhoon	Craft	Holden	Scott

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

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2269.

Senate File 2269

On motion of Senator Schwengels, Senate File 2269, a bill for an act to establish a communications review committee and to abolish the police communications review committee, was taken up for consideration.

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. 2269) the vote was:

Ayes, 44:

Bergman	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Baugher	Small

Absent or not voting, 4:

Calhoon	Craft	Holden	Scott

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

APPENDIX

PETITIONS

The following petitions were presented and placed on file by:

Senator Calhoon from one hundred sixteen residents of Woodbury County favoring freedom of individual citizens to engage in various forms of speculative investments, especially "The List".

Senator Holden from seventy residents of Scott County favoring legislation to legalize pari-mutuel betting in Iowa.

Senator Schwengels from forty-one residents of Washington County favoring legislation eradicating the multiflora rose in Iowa.

Senator Yenger from seven hundred fifty residents of Wapello County favoring legislation making appropriations for public transit purposes.

The following petitions favoring indexing of state inheritance tax rates and increasing exemptions were presented and placed on file by:

Senator Ramsey from one hundred sixty-eight residents of Clarke, Madison and Ringgold Counties.

Senator Van Gilst from two hundred ninety-three residents of Marion and Warren Counties.

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to an investigating committee:

As a member of the Iowa State Commerce Commission:

Christine A. Hansen, Davenport, Scott County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Hester, Chairperson
Senator A. Miller

Senator Holden
Senator Kinley
Senator Hulse

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2273, the following technical correction was made:

1. Page 1, line 5 of S—5282 to Senate File 2273, the words "maintenance, and other" were deleted.

FRANK J. STORK, Secretary of the Senate

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, 1980.

Senate Files 468, 2003 and 2121.

FRANK J. STORK, Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

March 7, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 2088, was published in The Council Bluffs Nonpareil, Council Bluffs, Iowa, on February 25, 1980, and in The DeWitt Observer, DeWitt, Iowa, on February 25, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5024 to Senate File 108 was adopted by the Senate on March 5, 1980.

ARTHUR A. SMALL, JR.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 10, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 97—Providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties.

S.F. 2130—Relating to the locations where certain services may be provided to nonpublic school pupils.

H.F. 741—To exempt from the real estate transfer tax certain deeds between family corporations and their stockholders.

H.F. 2311—To legalize the proceedings of the Board of Supervisors of Clay County, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

H.F. 2477—Amending the acts of the Sixty-eighth General Assembly, 1979 Session, Chapter Four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

STUDY BILLS RECEIVED

S.S.B. 2273 County Government

Relating to the authority of county boards of supervisors to adopt and enforce county-wide personnel policies and compensation plans.

S.S.B. 2274 County Government

Relating to the age of fire fighters.

S.S.B. 2275 Appropriations

To place an additional restriction upon the use of funds appropriated for the state center, the census data center, and certain related activities.

S.S.B. 2276 Agriculture

Relating to biennial licenses issued by the department of agriculture.

S.S.B. 2277 Judiciary

Permit appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals, and civil appeals to be more uniform and consistent.

S.S.B. 2278 Judiciary

Making technical amendments to the rules on hospitalization of the mentally ill.

S.S.B. 2279 Judiciary

Amend Sec. 356.5(6) to require equal treatment of sexes.

S.S.B. 2280 Judiciary

Legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. R.	107	Rules and Administration
H.F.	2490	Appropriations

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 10, 1980, 11:45 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Tieden, Junkins, Scott, Small and Van Gilst.

Members Absent: Carr.

Final Action: SENATE FILE 2296, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Murray, Taylor, Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Small, Tieden and Van Gilst. Nays, 3: Palmer, Junkins and Scott. Absent or not voting, 1: Carr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 11:55 a.m.

JUDICIARY*

*A report of this meeting was also recorded on pages 635-636 of the February 28, 1980, Senate Journal and page 659 of the March 3, 1980, Senate Journal.

Convened: February 27, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Coleman, Deluhery, Gentleman, Murray, Rush, Slater, Hansen (arrived 3:20 p.m.) and Ramsey (arrived 3:30 p.m.).

Members Absent: Scott (excused) and Briles.

Final Action: SENATE FILE 2303, a bill for an act to permit counties to use random computer selection of jurors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Baugher, Coleman, Deluhery, Gentleman, Murray and Slater. Nays, none. Absent or not voting, 4: Hansen, Ramsey, Briles and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: March 5, 1980, 3:10 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Gratias, Rodgers, Tieden, Schwengels (arrived 3:20 p.m.) and Gallagher (arrived 3:20 p.m.).

Members Absent: Calhoon.

Final Action: SENATE FILE 2300, a bill for an act relating to appropriations for capital projects for natural resources.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: E. Miller, Goodwin, Schwengels, Tieden, Gallagher and Rodgers. Nays, 2: Priebe and Gratias. Absent or not voting, 1: Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE CONCURRENT RESOLUTION 113, a resolution relating to Iowa Soil 2000.

Recommendation: DO PASS.

Final Vote: Ayes, 8: E. Miller, Goodwin, Priebe, Gratias, Tieden, Schwengels, Gallagher and Rodgers. Nays, none. Absent or not voting, 1: Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 700, a bill for an act relating to the use of a license for the taking of fish and animals and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENTS S—5318 and 5319.

Final Vote: Ayes, 8: E. Miller, Goodwin, Priebe, Gratias, Tieden, Schwengels, Gallagher and Rodgers. Nays, none. Absent or not voting, 1: Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 705, a bill for an act relating to the use of watercraft on artificial lakes under the jurisdiction of the Iowa State conservation commission.

Recommendation: DO PASS.

Final Vote: Ayes, 7: E. Miller, Goodwin, Gratias, Schwengels, Tieden, Gallagher and Rodgers. Nays, 1: Priebe. Absent or not voting, 1: Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 3:55 p.m.

RULES AND ADMINISTRATION

Convened: March 7, 1980, 8:30 a.m.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Junkins and Ramsey.

Members Absent: Kinley, Ranking Member and Hansen.

Final Action: SENATE FILE 2301, a bill for an act relating to gubernatorial appointments which are subject to confirmation by the senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Hultman, Hulse, Junkins and Ramsey. Nays, none. Absent or not voting, 2: Kinley and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: The committee voted to allow the majority and minority leaders a typewriter, if needed.

Adjourned: 8:45 a.m.

PRESENTATION OF VISITORS

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

Twenty-five students from South Hamilton Jr.-Sr. High School, Jewell, Iowa, accompanied by Richard Steffen. Senator Nystrom.

AMENDMENTS FILED

S—5317	H.F.	2410	C. W. Hutchins
S—5318	H.F.	700	Natural Resources Committee
S—5319	H.F.	700	Natural Resources Committee
S—5320	S. F.	2290	John Scott
S—5321	S. F.	108	Arthur A. Small, Jr. William D. Palmer Stephen W. Bisenius
S—5323	S. F.	108	Arthur A. Small, Jr. William D. Palmer Gary L. Baugher Dale L. Tieden
S—5324	S. F.	2296	John Scott Richard F. Drake
S—5325	S. F.	205	Richard F. Drake

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:27 p.m., until 9:00 a.m., Tuesday, March 11, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 11, 1980

The Senate met in regular session at 9:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Richard T. Hohl, pastor of the United Methodist Church, Greenfield, Iowa.

The Journal of Monday, March 10, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Orr for the day on request of Senator Junkins and Senator Craft for the day on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2304, by Committee on County Government, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts.

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

Senator Coleman took the chair at 9:20 a.m.

CONSIDERATION OF BILL

Senate File 2290

On motion of Senator Taylor, Senate File 2290, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), relating to the administration and financing of current programs of agencies whose responsibilities relate to transportation, public safety, and public defense for the fiscal year beginning July 1, 1980, was taken up for consideration.

President Branstad took the chair at 9:31 a.m.

Senator Schwengels offered amendment S—5303 filed by him on March 7, 1980, to pages 1 and 4 of the bill and called for a division of the amendment: Page 1, lines 2 through 5 and lines 9 through 50 and page 2 as division S—5303A; page 1, lines 6 through 8 as division S—5303B.

Senator Schwengels moved the adoption of division S—5303A and requested a record roll call.

On the question "Shall division S—5303A be adopted?" (S.F. 2290) the vote was:

Ayes, 25:

Bisenius	Brown	Calhoon	Carr
Coleman	DeKoster	Deluhery	Hansen
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Ramsey	Rodgers	Rush
Schwengels	Scott	Slater	Van Gilst
Yenger			

Nays, 21:

Baugher	Bergman	Carney	Comito
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Priebe
Readinger	Small	Taylor	Tieden
Waldstein			

Absent or not voting, 4:

Briles	Craft	Orr	Robinson

Division S—5303A was adopted.

Senator Schwengels offered amendment S—5327 filed by him from the floor to division S—5303B and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5327 to division S—5303B be adopted?" (S.F. 2290) the vote was:

Ayes, 28:

Bisenius	Briles	Brown	Calhoon
Carr	Coleman	DeKoster	Deluhery
Gallagher	Gentleman	Hansen	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Tieden	Van Gilst	Yenger

Nays, 19:

Baugher	Bergman	Carney	Comito
Drake	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Ramsey	Readinger
Small	Taylor	Waldstein	

Absent or not voting, 3:

Craft	Orr	Priebe

Amendment S—5327 was adopted.

Senator Schwengels moved the adoption of division S—5303B as amended.

A record roll call was requested.

On the question "Shall division S—5303B as amended be adopted?" (S.F. 2290) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bisenius	Brown	Calhoon	Carr
Coleman	DeKoster	Deluhery	Gallagher
Hansen	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Van Gilst	Yenger

Nays, 23:

Baugher	Bergman	Briles	Carney
Comito	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse

Hultman	Jensen	Kudart	Miller, E.R.
Murray	Ramsey	Readinger	Small
Taylor	Tieden	Waldstein	

Absent or not voting, 3:

Craft	Orr	Priebe

Division S—5303B as amended was adopted.

Senator Rush offered amendment S—5329 filed by him from the floor to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 47, nays none.

Amendment S—5329 was adopted.

Senator Scott offered amendment S—5298 filed by Senators Scott, Rush and Kinley on March 7, 1980, to page 2 of the bill.

Senator Scott offered amendment S—5320 filed by him on March 10, 1980, to amendment S—5298 and moved its adoption.

Amendment S—5320 was adopted by a voice vote.

Senator Small asked and received unanimous consent that action on amendment S—5298 as amended be temporarily deferred.

Senator Drake offered amendment S—5295 filed by Senators Drake and Palmer on March 7, 1980, to page 2 of the bill.

Senator Hutchins offered amendment S—5304 filed by him on March 7, 1980, to amendment S—5295.

Senator Drake raised the point of order that amendment S—5304 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5304 in order.

Senator Hutchins moved the adoption of amendment S—5304 to amendment S—5295.

A record roll call was requested.

On the question "Shall amendment S—5304 to amendment S—5295 be adopted?" (S.F. 2290) the vote was:

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	

Absent or not voting, 3:

Craft	Orr	Yenger

Amendment S—5304 lost.

Senator Drake moved the adoption of amendment S—5295 and requested a record roll call.

On the question "Shall amendment S—5295 be adopted?" (S.F. 2290) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Brown	Calhoon	Carr	Coleman
Comito	Deluhery	Drake	Goodwin
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst
Yenger			

Nays, 22:

Baugher	Bergman	Bisenius	Briles
Carney	DeKoster	Gallagher	Gentleman

Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Nystrom	Ramsey	Schwengels	Taylor
Tieden	Waldstein		

Absent or not voting, 3:

Craft	Miller, E.R.	Orr

Amendment S—5295 was adopted.

The Senate resumed consideration of amendment S—5298 as amended to page 2 of the bill, previously deferred.

Senator Scott moved the adoption of amendment S—5298 as amended.

A record roll call was requested.

On the question "Shall amendment S—5298 as amended be adopted?" (S.F. 2290) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Robinson	Rush	Scott	Slater
Small	Van Gilst		

Nays, 27:

Baugher	Bergman	Bisenius	Carney
Comito	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 5:

Briles	Craft	Gallagher	Orr
Rodgers			

Amendment S—5298 as amended lost.

(Senate File 2290 pending on recess).

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

March 10, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Andrea VanBeek, Orange City, Sioux County, Iowa, for appointment as a member of the Iowa Beer and Liquor Control Council pursuant to Section 123.5, 1979 Code of Iowa, for a five-year term commencing July 1, 1980, and ending June 30, 1985.

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 March 7, 1980, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 454, a bill for an act relating to countersignatures on insurance policies.

ALSO: That the House has on March 7, 1980, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the House was asked:

House File 673, a bill for an act increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2089, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2116, a bill for an act to include classes offered by area schools as eligible for supplementary weighting.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2239, a bill for an act relating to duties of area education agency boards to encourage and assist school districts to jointly employ personnel, buildings, and equipment.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2260, a bill for an act relating to the eligibility of residents of bordering states to purchase nonresident licenses for the taking of fish, mussels, game, or furbearing animals.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2280, a bill for an act relating to the recording of agency agreements for joint or cooperative action.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2365, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2481, a bill for an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2500, a bill for an act relating to the compensation and expenses of the board of trustees of a sanitary sewer district.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2089, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

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

House File 2116, a bill for an act to include classes offered by area schools as eligible for supplementary weighting.

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

House File 2239, a bill for an act relating to duties of area education agency boards to encourage and assist school districts to jointly employ personnel, buildings, and equipment.

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

House File 2260, a bill for an act relating to the eligibility of residents of bordering states to purchase nonresident licenses for the taking of fish, mussels, game, or furbearing animals.

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

House File 2280, a bill for an act relating to the recording of agency agreements for joint or cooperative action.

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

House File 2365, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties.

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

House File 2481, a bill for an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

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

House File 2500, a bill for an act relating to the compensation and expenses of the board of trustees of a sanitary sewer district.

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

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 673

S—5326

Amend the Senate amendment H—5303 to House File 673 as passed by the House as follows:

1. Page 1, by striking lines 3 through 14 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 6 through 8 and inserting in lieu thereof the words *'percent per year,* unless'."

RECESS

On motion of Senator Hultman, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:17 p.m., President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2305, by Committee on Judiciary, a bill for an act relating to the tort liability of governmental subdivisions.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Small for the afternoon session on request of Senator Junkins.

QUORUM CALL

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

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 2290

The Senate resumed consideration of Senate File 2290.

Senator Scott asked and received unanimous consent to withdraw amendment S—5309 filed by Senators Scott, Rush and Kinley on March 7, 1980, to page 2 of the bill.

Senator Junkins offered amendment S—5330 filed by Senators Hutchins, et al., from the floor to page 2 of the bill.

Senator Taylor raised the point of order that amendment S—5330 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5330 out of order.

Senator Taylor asked and received unanimous consent to withdraw amendment S—5332 filed by Senators Taylor, et al., from the floor to pages 2 and 4 of the bill.

Senator Taylor offered amendment S—5337 filed by Senators Taylor, et al., from the floor to pages 2 and 4 of the bill.

Senator Taylor asked and received unanimous consent that action on amendment S—5337 be temporarily deferred.

Senator Brown offered amendment S—5344 filed by Senators Brown and Palmer from the floor to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 28.

Amendment S—5344 lost.

Senator Rush offered amendment S—5341 filed by him from the floor to page 4 of the bill.

Senator Taylor raised the point of order that amendment S—5341 was not germane to the bill.

Senator Taylor withdrew his point of order.

Senator Rush withdrew amendment S—5341.

The Senate resumed consideration of amendment S—5337 to pages 2 and 4 of the bill, previously deferred.

Senator Junkins called for a division of amendment S—5337: Page 1, lines 35 through 50 and page 2 as division S—5337A; page 1, lines 2 through 34 as division S—5337B.

Senator Junkins raised the point of order that division S—5337A was not germane to the bill.

The Chair ruled the point well taken and division S—5337A out of order.

Senator Taylor asked and received unanimous consent to withdraw division S—5337B.

Senator Ramsey offered amendment S—5346 filed by him from the floor to page 2 of the bill.

Senator Taylor raised the point of order that amendment S—5346 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5346 in order.

Senator Ramsey moved the adoption of amendment S—5346.

A record roll call was requested.

On the question "Shall amendment S—5346 be adopted?" (S.F. 2290) the vote was:

Ayes, 20:

Baugher	Bisenius	Brown	Calhoon
Carr	Coleman	Deluhery	Gallagher
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Ramsey
Robinson	Rodgers	Rush	Van Gilst

Nays, 25:

Bergman	Briles	Carney	Comito
DeKoster	Drake	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Readinger
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 5:

Craft	Orr	Scott	Slater
Small			

Amendment S—5346 lost.

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. 2290) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr

Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Craft	Orr	Scott	Slater
Small			

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 2290 passed the Senate on March 11, 1980.

RAY TAYLOR

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 6, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2102, a bill for an act relating to the hospitalization of mentally ill persons.

ALSO: That the House has on March 7, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2299, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2299, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction.

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

HOUSE AMENDMENT TO SENATE FILE 2102

S—5345

Amend Senate File 2102 as follows:

1. Page 1, by striking lines 2 through 31 and inserting in lieu thereof the words and figures "(229.1), subsection six (6), Code 1979, is amended to read as follows:".

2. Page 1, line 33, by inserting after the figure "148" the words and figure ", *one hundred fifty (150)*".

3. Page 1, line 34, by inserting after the word *"surgery"* the word ", *osteopathy*".

4. Page 2, by striking lines 3 through 17 and inserting in lieu thereof the following:

"1. An application for admission to a public or private hospital for observation, diagnosis, care and treatment as a voluntary patient may be made by any person who is mentally ill or has symptoms of mental illness. In the case of a minor, the parent [or], guardian *or custodian* may make application for admission of the minor as a voluntary patient[, however if]. *Upon receipt of an application for voluntary admission of a minor, the chief medical officer shall provide separate prescreening interviews and consultations with the parent, guardian or custodian and the minor to assess the family environment and the appropriateness of the application for admission. If* the chief medical officer of the hospital to which application is made determines that the admission is appropriate but the minor objects to the admission, the parent [or], guardian *or custodian* must petition the juvenile court for approval of the admission before the minor is actually admitted. The juvenile court shall determine whether the admission is in the best interest of the minor and is consistent with his or her rights."

5. Page 2, by striking lines 25 through 32 and inserting in lieu thereof the following:

"2. If the patient is a minor who was admitted on the application of his or her parent [or], guardian *or custodian* pursuant to section 229.2, subsection 1, his or her release prior to becoming eighteen years of age may be conditioned upon the consent of the parent [or], guardian *or custodian*, or upon the approval of the juvenile court if the admission was approved by the juvenile court; and".

6. Page 3, line 12, by striking the word "if" and inserting in lieu thereof the words "[if] *the county and the state shall each pay fifty percent of the total compensation. If*".

7. Page 3, by inserting after line 28 the words *"The county and the state shall each pay fifty percent of the cost of the examination."*

Page 2

8. Page 3, by striking lines 31 through 34 and inserting in lieu thereof the words "her own choice. [The reasonable cost of such separate examination shall, if the respondent lacks sufficient funds to pay the cost, be paid from county funds upon order of the court.] *If the respondent is a resident of the state and lacks sufficient funds to pay the cost of the separate examination, eighty percent of the reasonable cost of the examination shall be paid from county funds and twenty percent shall be paid from state funds upon order of the court. However, if the respondent is not a resident of the state and lacks sufficient funds to pay the cost of the separate examination, the state shall pay the entire reasonable cost of the examination upon order of the court."*

9. Page 7, by striking lines 2 through 4 and inserting in lieu thereof the words "be paid on order of the court from [the county mental health and institutions fund of the county in which the court is located] *state funds."*

10. Page 9, by striking lines 9 through 35.

11. Striking pages 10 and 11.

12. Page 12, by striking lines 1 through 25.

13. Page 12, by striking lines 26 through 30 and inserting in lieu thereof the following:

"Sec. ____. Chapter two hundred twenty-nine (229), Code 1979, is amended by adding the following new section:

NEW SECTION. APPOINTMENT OF ADVOCATE FOR MINOR. If a minor is voluntarily admitted by the minor's parent, guardian or custodian, the chief medical officer shall notify the district"

14. Page 12, line 34, by inserting after the word "duties" the words *"and be compensated as"*.

15. Page 13, line 15, by inserting after the word "her." the words "The county and the state shall each pay fifty percent of the amount the parent, guardian or custodian is unable to pay for the minor's attorney."

16. Renumbering section numbers as made necessary by this amendment.

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to an investigating committee:

As a member of the Iowa Beer and Liquor Control Council:

Andrea VanBeek, Orange City, Sioux County, Iowa, for appointment to a five-year term commencing July 1, 1980, and ending June 30, 1985.

Senator Murray, Chairperson
Senator DeKoster
Senator Nystrom
Senator Palmer
Senator C. Miller

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dorothy B. Sheil, West Des Moines, Polk County, Iowa, for reappointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

MERLIN D. HULSE, Chairperson
EDGAR H. HOLDEN
DAVID M. READINGER
C.W. HUTCHINS
LOWELL L. JUNKINS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Andrew Varley, Stuart, Adair County, Iowa, for appointment as a member of the Iowa State Commerce Commission under the provisions of Section 474.1, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
C.W. HUTCHINS
RICHARD R. RAMSEY
CLOYD E. ROBINSON
DAVID M. READINGER

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 10, 1980, when the final vote was taken on Senate File 446.

Had I been present, I would have voted "aye" on this bill.

W. R. BILL HANSEN

PROOF OF PUBLICATION

Published copy of House File 2365 and verified proof of publication of said bill in the Sibley Tribune, a newspaper published in Sibley, Iowa, on January 31, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 2281 Transportation

Relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

S.S.B. 2282 County Government

To exempt publicly-owned cemeteries from the responsibility for erection and maintenance of partition fences.

S.S.B. 2283 Judiciary

Amendments to the existing Rules of Civil Procedure filed with the Iowa General Assembly January 28, 1980.

S.S.B. 2284 Judiciary

Relating to the offense of assisting a prisoner to escape.

S.S.B. 2285 Appropriations

Relating to agency moving expenses or telephone relocation expenses of state agencies for which no appropriation is made.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2302	Judiciary
H.F.	732	Cities
H.F.	2180	County Government
H.F.	2258	Cities
H.F.	2429	Judiciary
H.F.	2471	Cities
H.F.	2473	State Government
H.F.	2491	Commerce

REPORTS OF COMMITTEE MEETINGS

COUNTY GOVERNMENT*

* A report of this meeting was also recorded on page 761 of the March 7, 1980, Senate Journal.

Convened: March 6, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hester, C. Miller, Nystrom, Slater, Yenger and Baugher.

Members Absent: Hutchins, Ranking Member, Brown (excused) and Kudart.

Final Action: SENATE FILE 2304, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Briles, Waldstein, Baugher, Hester, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 4: Hutchins, Brown, Kudart and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:15 p.m.

EDUCATION

Convened: March 11, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson (arrived 1:50 p.m.); Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Small and Taylor.

Members Absent: Orr.

Other Business: SSB 2242 failed recommendation for passage; discussed House File 2475 and Senate Concurrent Resolution 105.

Adjourned: 2:20 p.m.

HUMAN RESOURCES

Convened: March 11, 1980, 8:12 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson (arrived 8:25 a.m.); C. Miller, Ranking Member; Bergman, Carney, Carr, Hulse and A. Miller.

Members Absent: Craft, Hansen, Slater and Orr (excused).

Other Business: Donald Dunn, Iowa Hospital Association, reviewed proposal for medically needy; discussed SSB 2255.

Adjourned: 9:13 a.m.

JUDICARY

Convened: March 10, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Rush, Ranking Member; Ramsey, Gentleman, Scott, Coleman, Deluhery, Murray (arrived 3:25 p.m.) and Hansen (arrived 3:30 p.m.).

Members Absent: Kudart, Vice Chairperson; Briles, Baugher and Slater (all excused).

Other Business: Announced bill assignments.

Adjourned: 4:10 p.m.

JUDICIARY

Convened: March 11, 1980, 12:00 noon.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Coleman, Gentleman, Hansen, Ramsey, Baugher, Scott and Deluhery (arrived 12:35 p.m.).

Members Absent: Briles, Murray and Slater (all excused).

Final Action: SENATE FILE 2305, a bill for an act relating to the tort liability of governmental subdivisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Coleman, Gentleman, Deluhery, Ramsey, Baugher and Scott. Nays, none. Absent or not voting, 4: Hansen, Briles, Murray and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2181, a bill for an act to legalize proceedings taken by the board of directors of Shellsburg community school district relating to the sale of certain properties.

Recommendation: DO PASS.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Coleman, Gentleman, Deluhery, Ramsey, Baugher and Scott. Nays, none. Absent or not voting, 4: Hansen, Briles, Murray and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 1:10 p.m.

STATE GOVERNMENT

Convened: March 10, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: none.

Final Action: House File 357, a bill for an act relating to the acceptance of checks by vendors of state liquor stores.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5342.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county, or the state of Iowa.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5343.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:40 p.m.

WAYS AND MEANS

Convened: March 11, 1980, 1:40 p.m.

Members Present: Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Hultman, Ramsey, Hutchins, Junkins, Rush, Scott, Van Gilst and Holden (arrived 1:45 p.m.).

Members Absent: Craft, Chairperson (excused).

Final Action: HOUSE FILE 761, a bill for an act relating to the state inheritance tax by increasing the amount of the estate under which no tax is owed and increasing the individual exemptions allowed under section four hundred fifty point nine (450.9) of the Code for a surviving spouse, son, daughter, father, mother and other lineal descendant in computing the state inheritance tax.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Readinger, Rodgers, Baugher, Comito, Drake, Hester, Hultman, Ramsey, Hutchins, Junkins, Rush, Scott, Van Gilst and Holden. Nays, none. Absent or not voting, 1: Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed SSB 2230—deferred action; assigned bills to subcommittees.

Adjourned: 3:15 p.m.

PRESENTATION OF VISITORS

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

Eighty-one students from Creston High School, Creston, Iowa, accompanied by Mrs. Cathryn Mueller and Tom Shannon. Senators Briles and Ramsey.

Students from the English Valleys High School, North English, Iowa, accompanied by Brian Newell. Senator Orr.

Sixty students from Hanawalt Elementary School, Des Moines, Iowa, accompanied by Mrs. Renaud. Senator Gentleman.

President Branstad welcomed the Honorable John M. Walsh, former member of the Senate from Dubuque County, who was present in the Senate chamber.

AMENDMENTS FILED

S—5327	S. F.	2290	Forrest V. Schwengels
S—5328	H.F.	2410	Joann Orr
S—5329	S. F.	2290	Bob Rush
S—5330	S. F.	2290	C.W. Hutchins Lowell L. Junkins Tom Slater Charles P. Miller John Scott George R. Kinley Alvin V. Miller Berl E. Priebe Bass Van Gilst C. Joseph Coleman Joe Brown
S—5331	S. F.	2257	Arthur L. Gratias John W. Jensen
S—5332	S. F.	2290	Ray Taylor Richard F. Drake Arne Waldstein Edgar H. Holden
S—5333	H.F.	654	Bob Rush
S—5334	S. F.	2105	Norman G. Rodgers Gary L. Baugher

			Elizabeth R. Miller
			Berl E. Priebe
S—5335	S. F.	2292	Edgar H. Holden
S—5336	S. F.	30	Charles P. Miller
S—5337	S. F.	2290	Ray Taylor
			Richard F. Drake
			Arne Waldstein
			Edgar H. Holden
S—5338	S. F.	108	Arthur L. Gratias
			James E. Briles
S—5339	S. F.	2277	Julia B. Gentleman
S—5340	S. F.	464	A.R. Kudart
			Arthur A. Small, Jr.
			Lucas J. DeKoster
S—5341	S. F.	2290	Bob Rush
S—5342	H.F.	357	State Government Committee
S—5343	H.F.	2443	State Government Committee
S—5344	S. F.	2290	Joe Brown
			William D. Palmer
S—5346	S. F.	2290	Richard R. Ramsey
S—5347	S. F.	2280	Cloyd E. Robinson
			John W. Jensen

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:43 p.m., until 9:00 a.m., Wednesday, March 12, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 12, 1980

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by Father Walding, pastor of the St. Boniface Catholic Church, Charter Oak, Iowa.

The Journal of Tuesday, March 11, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Asher, Hamburg, 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 March 10, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 584, a bill for an act relating to commemorative bottles containing a alcoholic liquor.

ALSO: That the House has on March 10, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2163, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools.

ALSO: That the House has on March 10, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2482, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

ALSO: That the House has on March 10, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2488, a bill for an act relating to the powers to be exercised by electors of school corporations at certain elections.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 584, a bill for an act relating to commemorative bottles containing alcoholic liquor.

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

House File 2163, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools.

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

House File 2482, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

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

House File 2488, a bill for an act relating to the powers to be exercised by electors of school corporations at certain elections.

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

HOUSE AMENDMENT CONSIDERED

Senate File 205

Senator Drake call up for consideration Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commission, water quality commission, solid waste disposal commission and the chemical technology commission to the environmental quality commission; redistributing the authority over agricultural chemicals between the departments of agriculture and environmental quality; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating

amendments to the Code; and subjecting violators to penalties, amended by the House by House amendment S—5253 filed March 4, 1980, and found on pages 670-674 of the Senate Journal.

Senator Drake offered amendment S—5293 filed by him on March 7, 1980, to House amendment S—5253 and moved its adoption.

Amendment S—5293 was adopted by a voice vote.

Senator Drake offered amendment S—5325 filed by him on March 10, 1980, to House amendment S—5253 and moved its adoption.

Amendment S—5325 was adopted by a voice vote.

Senator Drake moved that the Senate concur in House amendment S—5253 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment 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. 205) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hansen	Hester	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 2:

Holden	Hulse

Absent or not voting, 3:

Gallagher Readinger Robinson

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

Senate File 477

Senator Goodwin called up for consideration Senate File 477, a bill for an act relating to the control, abatement and prevention of air pollution by the department of environmental quality, and providing a civil penalty, amended by the House, and moved that the Senate concur in House amendment S—5322 filed March 10, 1980, and found on pages 774-777 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Goodwin 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. 477) the vote was:

Ayes, 47:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Holden

Absent or not voting, 2:

Baugher Readinger

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

Senate File 464
(Deferred April 24, 1979)

The Senate resumed consideration of Senate File 464, a bill for an act relating to final report of the personal representative of a decedent's estate, and amendment S—3608 by Senator Small to House amendment S—3570, deferred on April 24, 1979.

Senator Ramsey asked and received unanimous consent that amendment S—5340 be taken up for immediate consideration.

Senator Kudart offered amendment S—5340 filed by Senators Kudart, Small and DeKoster on March 11, 1980, to House amendment S—3570 and moved its adoption.

Amendment S—5340 was adopted by a voice vote.

With the adoption of amendment S—5340 to House amendment S—3570, the Chair ruled the following amendments to House amendment S—3570 as amended, out of order:

Amendment S—3608 by Senator Small, deferred on April 24, 1979.

Amendment S—3611 filed by Senators Willits, et al., on April 24, 1979.

Amendment S—3623 filed by Senators Willits, et al., on April 25, 1979.

Amendment S—3627 filed by Senators Hutchins, et al., on April 25, 1979.

Amendment S—5006 filed by Senator Ramsey on January 24, 1980.

Senator Kudart moved that the Senate concur in House amendment S—3570 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Kudart 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. 464) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Carney	Priebe	Readinger	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 432

Senator Gentleman called up for consideration Senate File 432, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties, amended by the House by House amendment S—5230 filed February 27, 1980, and found on pages 601-602 of the Senate Journal.

Senator Yenger asked and received unanimous consent to withdraw amendment S—5244 filed by Senators Yenger, et al., on March 1, 1980, to House amendment S—5230 and amendment S—5251 filed by Senators Yenger, et al., on March 4, 1980, to House amendment S—5230.

Senator Yenger offered amendment S—5285 filed by Senators Yenger, et al., on March 6, 1980, to House amendment S—5230.

Senator Ramsey took the chair at 10:56 a.m.

President Branstad took the chair at 11:24 a.m.

Senator Yenger moved the adoption of amendment S—5285 to House amendment S—5230.

A record roll call was requested.

On the question "Shall amendment S—5285 to House amendment S—5230 be adopted?" (S.F. 432) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Calhoon	Carr	Coleman	Craft
DeKoster	Deluhery	Gallagher	Gentleman
Hultman	Hutchins	Kinley	Kudart
Miller, A.V.	Murray	Orr	Priebe
Robinson	Rodgers	Rush	Slater
Small	Waldstein	Yenger	

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Comito	Drake
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Jensen	Junkins
Miller, C.P.	Miller, E.R.	Nystrom	Palmer
Ramsey	Readinger	Schwengels	Scott
Taylor	Tieden		

Absent or not voting, 1:

Van Gilst

Amendment S—5285 lost.

DISTINGUISHED GUESTS

President Branstad presented the Honorable Dr. and Mrs. Rory O'Hanlon, T.D., from Carrickmacross, Ireland, a government member of the House of Parliament, republic of Ireland in Dublin, Ireland. He is a member of the Fianna Fail government party and serves on the Committee of Public Accounts and the Regional Health Board.

Dr. O'Hanlon, who was visiting the Senate and the guest of Senator and Mrs. Berl Priebe, addressed the Senate and stated that it was his first time in the United States and Iowa was the first state he had visited. He referred to the agricultural similarities between Iowa and the republic of Ireland and the strong bond of friendship between the United States and Ireland, making reference to the 260,000 Americans that visited Ireland last year.

Dr. O'Hanlon stated that the past 10 years had been a tragic time for the republic of Ireland, but hoped the coming decade would bring an end to the violence and fighting for all time.

Dr. O'Hanlon said he was looking forward to attending the annual St. Patrick's Association's activities in Emmetsburg, Iowa.

BUSINESS PENDING

Senate File 432

The Senate resumed consideration of Senate File 432 and House amendment S—5230.

Senator Murray offered amendment S—5350 filed by him from the floor to House amendment S—5230 and moved its adoption.

Amendment S—5350 was adopted by a voice vote.

Senator Hutchins offered amendment S—5353 filed by Senators Hutchins and DeKoster from the floor to House amendment S—5230 and moved its adoption.

Amendment S—5353 was adopted by a voice vote.

Senator Carr offered amendment S—5348 filed by him from the floor to House amendment S—5230.

(Senate File 432, House amendment S—5230 and amendment S—5348 to House amendment S—5230 pending on recess).

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

INTRODUCTION OF BILLS

Senate File 2306, by Committee on Judiciary, a bill for an act providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

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

Senate File 2307, by Committee on Energy, a bill for an act to provide for the registration and bonding of insulation installers and to subject violators to civil penalties.

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

Senate File 2308, by Craft, a bill for an act providing a tax credit to business firms in computing their state income, franchise or premium tax for assistance provided in impoverished areas.

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

Senate File 2309, by Committee on Judiciary, a bill for an act relating to the Iowa Administrative Procedure Act.

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

Senate File 2310, by Committee on Judiciary, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

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

Senate File 2311, by Committee on County Government, a bill for an act relating to the age of fire fighters.

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

Senate File 2312, by Committee on County Government, a bill for an act to exempt publicly-owned cemeteries from the responsibility for erection and maintenance of partition fences.

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

Senate File 2313, by Committee on Commerce, a bill for an act providing for the regulation of residential maintenance service companies by the commissioner of insurance, and providing a penalty.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 118
By: Committee on Judiciary

Whereas, concern has been expressed regarding the possible lack of uniformity in the caseloads and policies of the various juvenile probation offices throughout the state; and

Whereas, there exist varying opinions as to the appropriate source of funding for juvenile probation offices; and

Whereas, concern has been expressed regarding possible conflicts of interest in the various relationships between juvenile court judges and juvenile probation officers; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the program evaluation division of the legislative fiscal bureau be directed to conduct an evaluation of the structure, administration and funding of the state juvenile probation offices and report its findings to the 1981 session of the Sixty-ninth General Assembly.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 673

Senator Kudart called up for consideration House File 673, a bill for an act increasing the amount of interest on money due on

judgments and decrees of courts from seven to ten percent, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5326 to Senate amendment H—5303 filed March 11, 1980, and found on page 795 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Kudart 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. 673) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Drake	Miller, A.V.	Priebe

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

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2301.

Senate File 2301

On motion of Senator Hultman, Senate File 2301, a bill for an act

relating to gubernatorial appointments which are subject to confirmation by the senate, was taken up for consideration.

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. 2301) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Orr	Priebe	Robinson

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

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2301** be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS
(Deferred March 10, 1980)

Senate File 108

The Senate resumed consideration of Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, deferred on March 10, 1980.

Senator Small asked and received unanimous consent to withdraw amendment S—5321 filed by Senators Small, Palmer and Bisenius on March 10, 1980, to page 1 of the bill.

Senator Small offered amendment S—5323 filed by Senators Small, et al., on March 10, 1980, to page 1 of the bill.

Senator Small asked and received unanimous consent that action on amendment S—5323 be temporarily deferred.

Senator Small called up the motion to reconsider the vote by which amendment S—5024 to Senate File 108 was adopted by the Senate on March 5, 1980, filed by him on March 10, 1980, found on page 780 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. 108) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Baugher	Bisenius	Calhoon	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Holden	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Scott
Slater	Small	Van Gilst	Waldstein
Yenger			

Nays, 20:

Bergman	Briles	Brown	Carney
Carr	DeKoster	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Jensen	Miller, E.R.	Murray	Nystrom
Orr	Ramsey	Schwengels	Taylor

Absent or not voting, 1:

Tieden

The motion prevailed and amendment S—5024 to page 1 of the bill was taken up for reconsideration.

Senator Gratias asked and received unanimous consent that action on amendment S—5024 be temporarily deferred.

Senator Small moved the adoption of amendment S—5323 to page 1 of the bill, previously deferred.

A non record roll call was requested.

The ayes were 33, nays 17.

Amendment S—5323 was adopted.

With the adoption of amendment S—5323, the Chair ruled amendment S—5024 to page 1 of the bill, previously deferred, out of order.

Senator Gratias asked and received unanimous consent to withdraw amendment S—5338 filed by Senators Gratias and Briles on March 11, 1980, to page 1 of the bill.

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

On the question "Shall the bill pass?" (S.F. 108) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hansen	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 3:

Gallagher	Hester	Holden

Absent or not voting, 1:

Rush

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

CONSIDERATION OF RESOLUTION

Senate Concurrent Resolution 117

On motion of Senator Readinger, Senate Concurrent Resolution 117, a resolution that the legislative council direct the legislative fiscal bureau to conduct a program evaluation of the chronic renal disease program and to provide recommendations regarding cost, filed March 7, 1980, and found on pages 751-752 of the Senate Journal, was taken up for consideration.

Senator Readinger offered amendment S—5315 filed by him on March 7, 1980, to page 1 of the resolution and moved its adoption.

Amendment S—5315 was adopted by a voice vote.

Senator Readinger moved the adoption of Senate Concurrent Resolution 117.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 117) the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none:

Absent or not voting, 1:

Drake

The motion prevailed and the resolution was adopted.

MOTION TO RECONSIDER ADOPTED

Senator Kudart called up the motion to reconsider Senate File 2006 filed by him on February 26, 1980, found on page 576 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 41, nays 7.

The motion prevailed.

Senator Kudart moved to reconsider the vote by which Senate File 2006 went to its last reading, which motion prevailed by a voice vote.

Senate File 2006

On motion of Senator Kudart, Senate File 2006, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must advertise and receive sealed bids, was taken up for reconsideration.

Senator Carney withdrew amendment S—5249 filed by him on March 4, 1980, to page 1 of the bill.

Senator Carney offered amendment S—5275 filed by him on March 5, 1980, to page 1 of the bill.

Senator Junkins raised the point of order that amendment S—5275 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5275 out of order.

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

On the question "Shall the bill pass?" (S.F. 2006) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Readinger
Robinson	Rodgers	Rush	Schwengels
Slater	Taylor	Van Gilst	Yenger

Nays, 10:

Craft	DeKoster	Miller, C.P.	Palmer
Priebe	Ramsey	Scott	Small
Tieden	Waldstein		

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

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2291, the following technical correction was made:

1. Page 3, line 19 of S—5300 to Senate File 2291, the "." was deleted.

FRANK J. STORK, Secretary of the Senate

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 11, 1980, when the final vote was taken on Senate File 205.

Had I been present, I would have voted "aye" on this bill.

JAMES V. GALLAGHER

STUDY BILLS RECEIVED

S.S.B. 2286 Commerce

Relating to the procedures and permits required for the construction, operation and maintenance of a pipeline or underground gas storage.

S.S.B. 2287 Judiciary

Amend chapter 902.4, reconsideration of sentence.

S.S.B. 2288 Commerce

Amend chapters 542 and 543 of the Code, relating to the marketing of certain agricultural products.

S.S.B. 2289 State Government

Amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union".

S.S.B. 2290 Energy

Prohibits zoning ordinances that exclude earth-sheltered homes.

REPORTS OF INVESTIGATING COMMITTEES

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 member of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN J. GOODWIN, Chairperson
W. R. BILL HANSEN
JOE BROWN
JAMES V. GALLAGHER
C. W. HUTCHINS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bruce Foudree, Des Moines, Polk County, Iowa, for appointment as Commissioner of Insurance pursuant to Section 505.2, 1979 Code of Iowa, for the unexpired portion of a term ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
WILLIAM D. PALMER
RICHARD R. RAMSEY
BERL E. PRIEBE
DAVID M. READINGER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James E. Carrell, Fort Madison, Lee County, Iowa, for appointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of Iowa, for the regular four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
LOWELL L. JUNKINS
TOM SLATER
BOB RUSH
GARY L. BAUGHER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Maynard Hayden, Indianola, Warren County, Iowa, for reappointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of Iowa, for the regular four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and

recommends the appointment be confirmed.

LUCAS J. DE KOSTER, Chairperson
NORMAN G. RODGERS
RICHARD COMITO
PATRICK J. DELUHERY
RICHARD F. DRAKE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Julian C. Campbell, Bloomfield, Davis County, Iowa, for reappointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
RICHARD R. RAMSEY
BERL E. PRIEBE
CLOYD E. ROBINSON
RAY TAYLOR

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2089	State Government
H.F.	2116	Education
H.F.	2239	Education
H.F.	2260	Natural Resources
H.F.	2280	State Government
H.F.	2299	Education
H.F.	2365	Judiciary
H.F.	2481	Judiciary
H.F.	2500	Appropriations

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 10, 1980, 1:15 p.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Baugher, Bergman and Carr.

Members Absent: Craft (excused).

Other Business: Amended and recommended Social Services appropriations bill to the full Appropriations Committee.

Adjourned: 1:30 p.m.

COMMERCE*

*A report of this meeting was also recorded on pages 760-761 of the March 7, 1980, Senate Journal.

Convened: March 6, 1980, 3:10 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2110, a bill for an act to require state depository financial institutions to give written disclosure of all transactions on mortgage-loan escrow accounts.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5354.

Final Vote: Ayes, 10: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:05 p.m.

COMMERCE

Convened: March 12, 1980, 8:00 a.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member (arrived 8:10 a.m.); Bergman, Craft, Deluhery (arrived 8:20 a.m.), Gentleman, Goodwin, Priebe and Rush (arrived 8:05 a.m.).

Members Absent: none.

Final Action: SENATE FILE 2313, a bill for an act providing for the regulation of residential maintenance service companies by the commissioner of insurance, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Holden, Comito, Bergman, Craft, Gentleman, Goodwin and Priebe. Nays, none. Absent or not voting 3: Robinson, Deluhery and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Amended and approved SSB 2286 and ordered redrafted as a committee bill.

Adjourned: 9:00 a.m.

COMMERCE

Convened: March 12, 1980, 12:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft, Deluhery, Goodwin, Priebe and Rush.

Members Absent: Robinson, Ranking Member and Gentleman.

Other Business: Assigned SSB 2288 and House File 2491 to subcommittees.

Adjourned: 12:10 p.m.

COUNTY GOVERNMENT

Convened: March 4, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Slater, Yenger, Baugher and Brown.

Members Absent: Nystrom.

Final Action: SENATE FILE 2312, a bill for an act to exempt publicly-owned cemeteries from the responsibility for erection and maintenance of partition fences.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Hutchins, Baugher, Brown, Hester, Kudart, C. Miller, Slater and Yenger. Nays, none. Absent or not voting, 1: Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

COUNTY GOVERNMENT

Convened: March 10, 1980, 3:00 p.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Slater, Yenger, Baugher and Brown.

Members Absent: Nystrom.

Final Action: SENATE FILE 2311, a bill for an act relating to the age of fire fighters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Briles, Waldstein, Baugher, Hester, Kudart, C. Miller and Yenger. Nays, none. Absent or not voting, 4: Hutchins, Brown, Nystrom and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned SSB 2273 to subcommittee.

Adjourned: 4:00 p.m.

ENERGY

Convened: March 12, 1980, 12:17 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Brown, Deluhery, Readinger, Rodgers and Waldstein.

Members Absent: Briles.

Final Action: SENATE FILE 2307, a bill for an act to provide for the registration and bonding of insulation installers and to subject violators to civil penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Ramsey, Bisenius, Gallagher, Brown, Deluhery, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 1: Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Amended SSB 2174 and SSB 2208 and ordered redrafted as committee bills; SSB 2161 approved and ordered redrafted as a committee bill; announced subcommittee assignments.

Adjourned: 12:50 p.m.

ENERGY

Convened: March 12, 1980, 12:52 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Brown, Deluhery, Readinger, Rodgers and Waldstein.

Members Absent: Briles.

Other Business: Approved SSB 2269 and ordered redrafted as a committee bill; proposal relating to zoning ordinances on earth sheltered homes approved for drafting as a committee bill.

Adjourned: 1:07 p.m.

JUDICIARY*

*A report of this meeting was also recorded on page 806 of the March 11, 1980, Senate Journal.

Convened: March 10, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Rush, Ranking Member; Ramsey, Gentleman, Scott, Coleman, Deluhery, Murray (arrived 3:25 p.m.) and Hansen (arrived 3:30 p.m.).

Members Absent: Kudart, Vice Chairperson; Briles, Baugher and Slater (all excused).

Final Action: SENATE FILE 2306, a bill for an act providing that magistrates, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: DeKoster, Rush, Ramsey, Gentleman, Scott, Coleman and Deluhery. Nays, none. Absent or not voting, 6: Murray, Hansen, Kudart, Briles, Baugher and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

JUDICIARY*

* A report of this meeting was also recorded on pages 806-807 of the March 11, 1980, Senate Journal.

Convened: March 11, 1980, 12:00 noon.

Members Present: DeKoster, Chairperson, Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Coleman, Gentleman, Hansen, Ramsey, Scott and Deluhery (arrived 12:45 p.m.).

Members Absent: Briles, Murray and Slater (all excused).

Final Action: SENATE FILE 2309, a bill for an act relating to the Iowa Administrative Procedure Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Hansen, Ramsey, Scott and Deluhery. Nays, none. Absent or not voting, 3: Briles, Murray and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2310, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Coleman, Gentleman, Ramsey, Baugher, Hansen and Scott. Nays, 1: Deluhery. Absent or not voting, 3: Briles, Murray and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:10 p.m.

JUDICIARY

Convened: March 12, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery and Scott.

Members Absent: Hansen and Slater (excused).

Final Action: SENATE CONCURRENT RESOLUTION 118, a resolution providing that the state juvenile probation offices be evaluated.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery and Scott. Nays, none. Absent or not voting, 2: Slater and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Leslie C. Klink,

former member of the Senate from Clayton County, who was present in the Senate chamber.

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

Sixteen students, members of the Ecology class from Burlington Community High School, Burlington, Iowa, accompanied by Sherman Lundy. Senator Miller of Des Moines.

Forty-two students from Gilmore-City Bradgate Jr.-Sr. High School, Gilmore City, Iowa, accompanied by Velma Juelfs. Senator Coleman.

Members of the undefeated Terril Tigerettes girls basketball team from Terril, Iowa, accompanied by Orville Lewis, Roger Conway and Dwayne Torkelson. Senator Bergman.

AMENDMENTS FILED

S—5348	S. F.	432	Robert M. Carr
S—5349	S. F.	2297	Richard Comito Jack W. Hester Arne Waldstein Dale L. Tieden W. R. Bill Hansen John N. Nystrom John W. Jensen Gary L. Baugher Richard F. Drake Berl E. Priebe
S—5350	S. F.	432	John S. Murray
S—5351	S. F.	2305	William D. Palmer
S—5352	S. F.	2071	Norman G. Rodgers Arne Waldstein Forrest V. Schwengels Bass Van Gilst Calvin O. Hultman Lowell L. Junkins
S—5353	S. F.	432	C. W. Hutchins Lucas J. DeKoster
S—5354	S. F.	2110	Commerce Committee

S—5355	H.F.	2474	Forrest V. Schwengels
S—5356	S. F.	2226	Bob Rush
S—5357	S. F.	2189	Edgar H. Holden
S—5358	S. F.	2192	Dale L. Tieden
			Berl E. Priebe
S—5359	S. F.	2131	W. R. Bill Hansen
S—5360	S. F.	2192	Ray Taylor
S—5361	S. F.	2192	Elizabeth R. Miller
S—5362	S. F.	2192	Ray Taylor
			Berl E. Priebe

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:31 p.m., until 9:00 a.m., Thursday, March 13, 1980.

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 13, 1980

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by the Reverend Sam Hahn, pastor of the West Branch Methodist Church, West Branch, Iowa.

The Journal of Wednesday, March 12, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Murphy, Boone, Iowa.

INTRODUCTION OF BILLS

Senate File 2314, by Committee on Judiciary, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

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

Senate File 2315, by Committee on Judiciary, a bill for an act relating to presentence investigation reports.

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

Senate File 2316, by Committee on Judiciary, a bill for an act relating to the disposition of property by counties.

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2122, a bill for an act relating to the compensation of deputy sheriffs.

ALSO: That the House has on March 11, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 690, a bill for an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

ALSO: That the House has on March 11, 1980, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 747, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 690, a bill for an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

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

HOUSE AMENDMENT TO SENATE FILE 2122

S—5365

Amend Senate File 2122, as passed by the Senate, as follows:

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

"Section 1. Section three hundred forty point eight (340.8), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

340.8 COMPENSATION OF DEPUTY SHERIFFS AND OTHER EMPLOYEES OF THE SHERIFF.

1. Each deputy sheriff shall receive an annual base salary as determined by the board of supervisors. Upon certification by the sheriff, the board of supervisors shall review, and may modify, the annual base salary of each deputy before certifying it to the county auditor. The annual base salary of a first or second deputy sheriff shall not exceed eighty-five percent of the annual base salary of the sheriff. The annual base salary of any other deputy sheriff shall not exceed the annual base salary of the first

or second deputy sheriff except that in counties over two hundred fifty thousand population, the annual base salary of any additional deputies shall not exceed seventy-five percent of the annual base salary of the sheriff.

2. The board of supervisors shall determine the compensation for other employees in the sheriff's office.

3. The total annual compensation including the annual base salary, overtime pay, longevity pay, shift differential pay or other forms of supplemental pay and fringe benefits received by a deputy sheriff shall be less than the total annual compensation including fringe benefits received by the sheriff.

4. As used in this section, 'base salary' means the basic compensation excluding overtime pay, longevity pay, shift differential pay, or other supplemental pay and fringe benefits.

Sec. 2. This Act becomes effective January first following its enactment."

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2252

Senator Schwengels withdrew the motion to reconsider Senate File 2252, a bill for an act to amend the statutory provision that an electronic voting system authorized for use in this state allow an elector to correct an error in marking the ballot, by deleting the requirement that the system indicate when an error has been made, filed by him on March 5, 1980, and found on page 717 of the Senate Journal.

Senate File 2290

Senator Taylor withdrew the motion to reconsider Senate File 2290, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), relating to the administration and financing of current programs of agencies whose responsibilities relate to transportation, public safety, and public defense for the fiscal year beginning July 1, 1980, filed by him on March 11, 1980, and found on page 799 of the Senate Journal.

QUORUM CALL

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

Roll call revealed a quorum present.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2229.

Senate File 2229

On motion of Senator DeKoster, Senate File 2229, a bill for an act establishing the office of state appellate defender, 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. 2229) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Carney	Carr	Comito	Robinson
Small			

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2268.

Senate File 2268

On motion of Senator Scott, Senate File 2268, a bill for an act to make consistent Code provisions relating to limitation of actions against cities and municipalities, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2268) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 1:

Gentleman

Absent or not voting, 6:

Carney	Carr	Comito	Hutchins
Small	Tieden		

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

Senate File 2270

On motion of Senator Craft, Senate File 2270, a bill for an act relating to the military service tax exemption by defining active duty and extending the exemption to persons serving on active duty who otherwise qualify for the exemption, was taken up for consideration.

Senator Brown asked and received unanimous consent that action on **Senate File 2270** be temporarily **deferred.**

Senate File 2272

On motion of Senator Drake, Senate File 2272, a bill for an act relating to the movement of vehicles of excessive size and weight, 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. 2272) the vote was:

Ayes, 44:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Coleman	Comito
Craft	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Van Gilst	Waldstein	Yenger

Nays, 3:

DeKoster	Gallagher	Miller, C.P.

Voting present, 1:

Baugher

Absent or not voting, 2:

Carr	Tieden

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

House File 715

On motion of Senator Rush, House File 715, a bill for an act relating to the information to be furnished a jury commission for use in drawing jury lists, with report of committee recommending passage, 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?" (H.F. 715) the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 1:

Carr

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2192.

Senate File 2192

On motion of Senator Miller of Marshall, Senate File 2192, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy, with report of committee on State Government recommending amendment and passage, was taken up for consideration.

Senator Miller of Marshall offered amendment S—5240 filed by the committee on State Government on February 28, 1980, to page 4 of the bill and moved its adoption.

Amendment S—5240 was adopted by a voice vote.

Senator Jensen offered amendment S—5366 filed by him from the floor to pages 3 and 5 of the bill and moved its adoption.

Senator Jensen asked and received unanimous consent that action on amendment S—5366 be temporarily deferred.

Senator Taylor offered amendment S—5364 filed by him from the floor to pages 5, 6 and 7 of the bill.

Senator Palmer called for a division of amendment S—5364: lines 2 and 3 as division S—5364A; line 4 as division S—5364B; lines 5 and 6 as division S—5364C.

Senator Taylor moved the adoption of division S—5364A, which motion prevailed by a voice vote.

Senator Taylor asked and received unanimous consent that action on division S—5364B be temporarily deferred.

Senator Junkins raised the point of order that Senate File 2192 be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2192** was referred to the committee on **Appropriations** under Senate Rule 37.

Senate File 2264

On motion of Senator Hutchins, Senate File 2264, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue, 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. 2264) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.

Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Drake	Rodgers

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

BUSINESS PENDING

Senate File 2270

The Senate resumed consideration of Senate File 2270, previously deferred.

Senator Brown offered amendment S—5374 filed by him from the floor to pages 1 and 2 of the bill.

Senator Craft raised the point of order that amendment S—5374 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5374 out of order.

Senator Murray raised the point of order that Senate File 2270 be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2270** was referred to the committee on **Appropriations** under Senate Rule 37.

MOTIONS TO RECONSIDER WITHDRAWN
(Senate File 2219)

Senator Priebe withdrew the motion to reconsider Senate File 2219, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties, filed by him on March 5, 1980, and found on page 717 of the Senate Journal.

Senator Hansen withdrew the motion to reconsider Senate File 2219 filed by him on March 6, 1980, and found on page 735 of the Senate Journal.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up out of order House File 2275.

House File 2275

On motion of Senator Gratias, House File 2275, a bill for an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year, with report of committee recommending passage, was taken up for consideration.

Senator Gratias moved that the bill 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. 2275) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Robinson	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Readinger	Rodgers

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

UNFINISHED BUSINESS
(Deferred March 3, 1980)

Senate File 2105

The Senate resumed consideration of Senate File 2105, a bill for an act relating to trapping restrictions, deferred on March 3, 1980.

Senator Baugher offered amendment S—5334 filed by Senators Baugher, et al., on March 11, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5334 was adopted by a voice vote.

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. 2105) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 45:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 3:

Gratias	Miller, C.P.	Scott

Absent or not voting, 2:

Briles	Rodgers

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 2317, by Committee on Judiciary, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

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

Senate File 2318, by Committee on Judiciary, a bill for an act relating to the Iowa Probate Code.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 119
By: Committee on Human Resources

Whereas, the Prison Industries Advisory Board has completed its Report to the General Assembly, dated January, 1980 and has made the following legislative recommendations:

1. That current law be amended to clarify the relationship between Iowa State Industries and private industry ventures inside the state correctional institutions.

2. That current law be clarified to allow Iowa State Industries to engage in subcontracting with the private sector.

3. That the General Assembly consider the possibility of providing space outside and adjacent to the walls of the state correctional institutions for Iowa State Industries.

4. That the General Assembly study the possibility of providing additional economic incentives in order to involve private industry in the prison industries program of Iowa State Industries.

5. That an extensive in-depth study of the actual costs and benefits of assumption by Iowa State Industries of operational control of the farms at the state correctional institutions be conducted and that any legislation reassign control to Iowa State Industries on a gradual basis.

6. That current law be amended to exempt from the requirement of centralized purchasing through the Division of General Services those purchases by Iowa State Industries of items unique to industries and not of general use.

Page 2

7. That the General Assembly consider exempting the sales force for Iowa State Industries from the Iowa Merit System.

8. That the General Assembly consider the awarding of "good and honor time" by appropriate means including the completion of satisfactory work in Iowa State Industries and especially for special competence or special contributions to production; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the Legislative Council is requested to create a study committee consisting of members of both Houses representing both political parties for the purpose of reviewing the Prison Industries Advisory Board's Report to the General Assembly and the recommendations contained in the report; and

Be It Further Resolved, That the study committee shall make periodic reports to the Legislative Council and a final report to the General Assembly meeting in the year 1981 accompanied by any bill drafts designed to carry out the recommendations of the study committee.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:08 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

INTRODUCTION OF BILLS

Senate File 2319, by Committee on Human Resources, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

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

Senate File 2320, by Committee on Judiciary, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

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

Senate File 2321, by Committee on Judiciary, a bill for an act relating to the offense of assisting a prisoner to escape.

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

Senate File 2322, by Committee on Commerce, a bill for an act providing for successors to the interest of a franchisee upon the death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels, and providing a penalty.

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

Senate File 2323, by Committee on State Government, a bill for an act relating to the practice of physical therapy.

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

Senate File 2324, by Committee on State Government, a bill for an act relating to the requirement that an inspector carrying out an inspection of a health care facility pursuant to a complaint identify himself or herself upon arrival at the facility.

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

Senate File 2325, by Committee on Agriculture, a bill for an act relating to the state entomologist.

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

Senate File 2326, by Committee on Agriculture, a bill for an act to repeal the requirement that assessors gather agricultural statistics from persons whose property is assessed.

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

Senate File 2327, by Committee on Judiciary, a bill for an act to provide or increase the penalty for failure to file or pay the state income, sales and use, or inheritance and estate taxes.

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

Senate File 2328, by Committee on Judiciary, a bill for an act requiring that upon reconsideration of a prisoner's sentence a certified copy of the court's order be sent to the institution to which the prisoner was confined.

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

Senate File 2329, by Committee on Judiciary, a bill for an act making technical amendments to the rules on hospitalization of the mentally ill.

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

Senate File 2330, by Committee on Transportation, a bill for an act to provide for the cataloging of railbeds which are abandoned in this state which need to be retained for future railroad routes.

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

Senate File 2331, by Committee on Judiciary, a bill for an act to legalize the sale of certain property in Lee county.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 120
By: Readinger, Gentleman, Nystrom, Baugher, Murray, Hutchins, Palmer and Kinley

Whereas, the general assembly appropriates funds from the general fund of the state annually for the operation of the area schools, and for the fiscal year commencing July 1, 1980 the appropriated amount exceeded fifty million dollars; and

Whereas, the department of public instruction is given the responsibility of allocating the state funds to the various area schools; and

Whereas, the formula by which state funds are allocated to the fifteen merged area schools does not adequately reflect the actual financial pressures faced by the individual area schools; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the department of public instruction is directed to

review the existing formula along with various alternative methods of allocation, and shall report its findings and recommendations to the appropriate joint legislative subcommittees of the committees on appropriations not later than January 15, 1981. Additional factors which the department shall consider are the actual enrollment growth or decline, changes in the enrollment figure between the base year used in the formula and the current year, use of actual full-time equivalent enrollment cost per program at each of the merged area schools rather than a statewide average, and any consistency in allowable growth rates for the several levels of educational institutions.

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

UNFINISHED BUSINESS
(Deferred February 13, 1980)

Senate File 2149

The Senate resumed consideration of Senate File 2149, a bill for an act to amend provisions relating to hunting license fees and stamps, by increasing the nonresident hunting license fee, combining the wildlife habitat stamp fee with certain hunting license fees and striking the requirement for a special wildlife habitat stamp and a nonresident pheasant stamp, by increasing deer hunting fees and expanding the farmer-tenant license, and subjecting violators to a penalty, and amendment S—5101 by Senator Rodgers to page 1 of the bill and amendment S—5106 by Senator Coleman to page 3 of the bill, deferred on February 13, 1980.

Senator Rodgers asked and received unanimous consent to withdraw amendment S—5101 to page 1 of the bill, deferred on February 13, 1980.

With the withdrawal of amendment S—5101, the Chair ruled amendment S—5107 filed by Senators Van Gilst and Rodgers on February 13, 1980, to amendment S—5101, out of order.

Senator Rodgers offered amendment S—5137 filed by Senators Rodgers, et al., on February 14, 1980, to pages 1 and 3 of the bill and moved its adoption.

Amendment S—5137 was adopted by a voice vote.

Senator Taylor offered amendment S—5143 filed by Senators Taylor and Coleman on February 18, 1980, to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5143 be adopted?" (S.F. 2149) the vote was:

Ayes, 31:

Bisenius	Brown	Calhoon	Carney
Coleman	Comito	Gallagher	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Orr	Palmer	Ramsey	Robinson
Schwengels	Scott	Slater	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 15:

Baugher	Briles	Carr	Craft
DeKoster	Deluhery	Gentleman	Miller, A.V.
Miller, E.R.	Murray	Priebe	Readinger
Rodgers	Rush	Tieden	

Absent or not voting, 4:

Bergman	Drake	Nystrom	Small

Amendment S—5143 was adopted.

Senator Miller of Des Moines offered amendment S—5123 filed by Senators Miller of Des Moines and Slater on February 14, 1980, to page 3 of the bill and moved its adoption.

Amendment S—5123 was adopted by a voice vote.

The Chair ruled amendment S—5106 to page 3 of the bill, deferred on February 13, 1980, out of order.

Senator Miller of Marshall moved that Senate File 2149 be rereferred to the committee on Natural Resources.

Senator Miller of Marshall withdrew her motion.

Senator Hultman asked and received unanimous consent that action on **Senate File 2149** be **deferred.**

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up out of order Senate Concurrent Resolution 108.

Senate Concurrent Resolution 108

On motion of Senator Taylor, Senate Concurrent Resolution 108, a resolution urging the general assembly to endorse and support the efforts of the western states to gain the equality guaranteed to all states in the Constitution regarding development of badly needed energy and mineral resources, filed February 11, 1980, found on pages 388-389 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Junkins raised the point of order that Senate Concurrent Resolution 108 was out of order under Senate Rule 31 because it did not have an explanation attached.

The Chair ruled the point not well taken.

(Senate Concurrent Resolution 108 pending on adjournment).

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2290, the following technical corrections were made:

1. Page 1, line 4 of S—5329 to Senate File 2290, the letter "*b.*" was changed to "*a.*".

2. Page 6, lines 13 and 14, "four (4), five (5), and six (6) were changed to "five (5), six (6), and seven (7)".

FRANK J. STORK, Secretary of the Senate

PROOF OF PUBLICATIONS

Proof of publication for Senate File 2317 can be found on page 567 of the Senate Journal as provided for in Senate File 2248.

Published copy of Senate File 2314 and verified proof of publication of said bill in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa, on March 6, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Proof of publication for Senate File 2331 can be found on page 582 of the Senate Journal as provided for in Senate File 2250.

FRANK J. STORK, 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:

COMMISSION FOR THE BLIND

A copy of the annual report for the Commission for the Blind for the fiscal year July 1, 1978 to June 30, 1979.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2308	Ways and Means
H.F.	584	State Government

H.F. 2163 Education
H.F. 2482 Transportation
H.F. 2488 State Government

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Bruce Foudree be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

PATRICK J. DELUHERY

STUDY BILL RECEIVED

S.S.B. 2291 Cities

Relating to state mandates imposed on political subdivisions of the state.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard Hansen, Iowa City, Johnson County, Iowa, for appointment as a member of the Board of Architectural Examiners pursuant to Section 118.1, 1979 Code of Iowa, for a three-year term commencing July 1, 1978, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
ARTHUR A. SMALL, JR.
GARY L. BAUGHER
JOE BROWN
STEPHEN W. BISENIUS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jacqueline H. Day, Des Moines, Polk County, Iowa, for reappointment as a member of the Board of Parole pursuant to Chapter 904.2, 1979 Code of Iowa, for a five-year term commencing July 1, 1980, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. BILL HANSEN, Chairperson
GARY L. BAUGHER
CHARLES P. MILLER
ALVIN V. MILLER
IRVIN L. BERGMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jean A. Tester, Iowa City, Johnson County, Iowa, for appointment as a member of the Commission on Judicial Qualifications pursuant to Section 605.26, 1979 Code of Iowa, for a six-year term commencing January 1, 1980, and ending December 31, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARNE WALDSTEIN, Chairperson
BASS VAN GILST
ARTHUR A. SMALL, JR.
FORREST V. SCHWENGELS
RICHARD R. RAMSEY

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 12, 1980, 1:40 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hulse, A. Miller, E. Miller, Priebe (arrived 1:58 p.m.), Tieden, Van Gilst and Waldstein.

Members Absent: Hutchins, Ranking Member.

Final Action: SENATE FILE 2325, a bill for an act relating to the state entomologist.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Bergman, Hester, Hulse, A. Miller, E. Miller, Priebe, Tieden, Van Gilst and Waldstein. Nays, none. Absent or not voting, 1: Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2326, a bill for an act to repeal the requirement that assessors gather agricultural statistics from persons whose property is assessed.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Bergman, Hester, Hulse, A. Miller, E. Miller, Priebe, Tieden, Van Gilst and Waldstein. Nays, none. Absent or not voting, 1: Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned SSB 2276 and House File 2472 to subcommittees; discussed SSB 2243 and voted to draft a resolution in place of a Senate bill; motion to reconsider a previous vote on SSB 2261 failed to pass.

Adjourned: 2:35 p.m.

COMMERCE*

*A report of this meeting was also recorded on page 712 of the March 5, 1980, Senate Journal.

Convened: March 5, 1980, 2:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson (arrived 2:10 p.m.); Robinson, Ranking Member (arrived 2:15 p.m.); Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2322, a bill for an act providing for successors to the interest of a franchisee upon death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:50 p.m.

EDUCATION*

*A report of this meeting was also recorded on page 806 of the March 11, 1980, Senate Journal.

Convened: March 11, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson (arrived 1:50 p.m.); Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Small and Taylor.

Members Absent: Orr.

Final Action: HOUSE FILE 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5378.

Final Vote: Ayes, 6: Hansen, Gratias, Calhoon, Carney, DeKoster and Jensen. Nays, none. Absent or not voting, 4: Brown, Orr, Small and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:20 p.m.

HUMAN RESOURCES

Convened: March 12, 1980, 1:12 p.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Carney, Carr, Craft, Hulse and Orr.

Members Absent: Hansen, A. Miller (excused) and Slater (excused).

Final Action: SENATE FILE 2319, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse and Orr. Nays, none. Absent or not voting, 3: Hansen, A. Miller and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE CONCURRENT RESOLUTION 119, a resolution requesting the legislative council to create a study committee to review the prison industries advisory board's report to the general assembly.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse and Orr. Nays, none. Absent or not voting, 3: Hansen, A. Miller and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed proposed resolution directing the Iowa Merit Employment Commission to study job classifications, etc. for employees of correctional institutions; Dr. Donald Page, Chairperson and Arthur L. Propes, Member, Prison Industries Board, were present.

Adjourned: 1:32 p.m.

JUDICIARY*

*A report of this meeting was also recorded on pages 806-807 of the March 11, 1980, Senate Journal and pages 834-835 of the March 12, 1980, Senate Journal.

Convened: March 11, 1980, 12:00 noon.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Coleman, Gentleman, Hansen, Ramsey, Baugher, Scott and Deluhery (arrived 12:35 p.m.).

Members Absent: Briles, Murray and Slater (all excused).

Final Action: SENATE FILE 2318, a bill for an act relating to the Iowa Probate Code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: DeKoster, Kudart, Rush, Coleman, Gentleman, Baugher, Scott and Ramsey. Nays, none. Absent or not voting, 5: Deluhery, Hansen, Briles, Murray and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2327, a bill for an act to provide or increase the penalty for failure to file or pay the state income, sales and use, or inheritance and estate taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: DeKoster, Kudart, Rush, Hansen, Gentleman, Ramsey and Baugher. Nays, 2: Coleman and Scott. Absent or not voting 4: Briles, Murray, Slater and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:10 p.m.

JUDICIARY*

*A report of this meeting was also recorded on page 835 of the March 12, 1980, Senate Journal.

Convened: March 12, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray.

Members Absent: Hansen and Slater (excused).

Final Action: SENATE FILE 2314, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting, 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2315, a bill for an act relating to presentence investigation reports.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting, 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2316, a bill for an act relating to the disposition of property by counties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting, 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2317, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, 1: DeKoster. Absent or not voting, 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2320, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting, 2: Slater and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2321, a bill for an act relating to the offense of assisting a prisoner to escape.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting, 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2328, a bill for an act requiring that upon reconsideration of a prisoner's sentence a certified copy of the court's order be sent to the institution to which the prisoner was confined.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2329, a bill for an act making technical amendments to the rules on hospitalization of the mentally ill.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2331, a bill for an act to legalize the sale of certain property in Lee County.

Recommendation: APPROVED COMMITEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:10 p.m.

STATE GOVERNMENT*

*A report of this meeting was recorded on pages 807-808 of the March 11, 1980, Senate Journal.

Convened: March 10, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson, Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: none.

Final Action: SENATE FILE 2324, a bill for an act relating to the requirement that an inspector carrying out an inspection of a health care facility pursuant to a complaint identify himself or herself upon arrival at the facility.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:40 p.m.

STATE GOVERNMENT

Convened: March 13, 1980, 8:21 a.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Drake, Gratias, C. Miller, E. Miller and Yenger.

Members Absent: Carr, Gallagher, Murray and Rodgers (excused).

Final Action: SENATE FILE 2323, a bill for an act relating to the practice of physical therapy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Nystrom, Schwengels, Slater, Bisenius, Brown, Drake, Gratias, C. Miller, E. Miller and Yenger. Nays, none. Absent or not voting, 4: Carr, Gallagher, Murray and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed Senate File 2086, SSB 2202 and legislation regarding IPERS.

Adjourned: 8:57 a.m.

TRANSPORTATION

Convened: March 12, 1980, 1:40 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson (arrived 2:00 p.m.); Scott, Ranking Member; Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small.

Members Absent: none.

Final Action: SENATE FILE 2330, a bill for an act to provide for the cataloging of railbeds which are abandoned in this state which need to be retained for future railroad routes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Drake, Scott, Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:00 p.m.

WAYS AND MEANS

Convened: March 13, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Hester, Holden, Hultman, Junkins, Rush, Scott and Van Gilst.

Members Absent: Rodgers, Ranking Member (excused); Baugher, Comito, Drake, Ramsey and Hutchins.

Final Action: SENATE FILE 2109, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Craft, Readinger, Hester, Holden, Hultman, Junkins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 6: Rodgers, Baugher, Comito, Drake, Ramsey and Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate File 2294 to subcommittee.

Adjourned: 1:48 p.m.

PRESENTATION OF VISITORS

Senator Readinger presented Warrawon Sritalanook from Thailand, exchange student attending Urbandale High School, Urbandale, Iowa, who is a participant in the American Field Service program.

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

Members of the Plainfield girls basketball team, Plainfield, Iowa. Senator Jensen.

Ten students from Assumption School, Granger, Iowa, accompanied by Kathy Campbell, Jackie Schram and Jeri Biondi. Senator Rodgers.

AMENDMENTS FILED

S—5363	S. F.	2192	Elizabeth R. Miller
S—5364	S. F.	2192	Ray Taylor
S—5366	S. F.	2192	John W. Jensen
S—5367	S. F.	2192	Arthur L. Gratias Ray Taylor John W. Jensen

			C. Joseph Coleman
			Norman G. Rodgers
S—5368	S. F.	2282	Irvin L. Bergman
			Edgar H. Holden
S—5369	S. F.	2192	Ray Taylor
S—5370	H.F.	2443	Forrest V. Schwengels
S—5371	S. F.	2192	Clarence Carney
S—5372	S. F.	2192	C. Joseph Coleman
S—5373	S. F.	2192	John W. Jensen
			Arne Waldstein
S—5374	S. F.	2270	Joe Brown
S—5375	S. F.	2296	Richard F. Drake
			Alvin V. Miller
S—5376	S. F.	2192	Bob Rush
			Forrest V. Schwengels
S—5377	S. F.	2192	Arne Waldstein
			Arthur L. Gratias
			Berl E. Priebe
			Norman G. Rodgers
			Dale L. Tieden
S—5378	H.F.	2475	Education Committee
S—5379	S. F.	2192	Arthur L. Gratias
			C. Joseph Coleman
			Berl E. Priebe
			Ray Taylor
			John W. Jensen
			Norman G. Rodgers
S—5380	S. F.	2192	Edgar H. Holden
			Cloyd E. Robinson
S—5381	S. F.	2192	Clarence Carney
			Irvin L. Bergman
			John W. Jensen
			C. W. Hutchins
			James Calhoon
			William D. Palmer
			Norman G. Rodgers
			Arne Waldstein
			Berl E. Priebe
			Forrest V. Schwengels
			Calvin O. Hultman
			Arthur L. Gratias

S—5382	S. C.R.	108	Stephen W. Bisenius Ray Taylor
S—5383	S. F.	2102	John S. Murray Lucas J. DeKoster

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:28 p.m., until 9:00 a.m., Friday, March 14, 1980.

JOURNAL OF THE SENATE

SIXTY-FIRST CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 14, 1980

The Senate met in regular session at 9:13 a.m., President Branstad presiding.

The prayer offering was presented by the "Celebration" mix quartet from Des Moines, Iowa, who sang "Quiet Place." Members of the group were Joyce Lewis, soprano; Mary Jane Tesdall, alto; Paul Stageberg, tenor; and Bill Pratt, bass.

The Journal of Thursday, March 13, 1980, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bisenius and Bergman for the day on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2332, by Committee on Commerce, a bill for an act relating to the procedures and permits required for the construction, operation and maintenance of a pipeline or underground gas storage.

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

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 108
By: Yenger

Whereas, the Senate has expressed concern that the moneys which are wagered on popular sporting events such as basketball, baseball, football, and both horse and dog races, are considerable; and

Whereas, the Iowa division of criminal investigation has estimated that approximately four to five million dollars are illegally wagered in Iowa per month; and

Whereas, research of gambling law enforcement practices by state and local law enforcement agencies indicate that

most local police departments cannot effectively deal with large gambling operations, and that enforcement efforts are often directed against low-level gambling violators while high-level operators remain untouched; and

Whereas, lack of resources, inadequate legal tools, noncooperation by the courts, interjurisdictional problems and corruption are the principal roadblocks to effective gambling law enforcement; and

Whereas, gambling activity, even though illegal, may be the largest untaxed business occurring in Iowa; *Now Therefore*,

Be It Resolved by the Senate, That the Iowa Senate requests that the legislative council establish an interim study committee, consisting of members of both houses representing both political parties for the purpose of studying the implementation of effective laws dealing with illegal gambling activities; and

Be It Further Resolved, That the study committee make periodic reports to the legislative council and a final report to the general assembly meeting in the year 1981,

Page 2

accompanied with bill drafts designed to implement any recommendations of the study committee.

Read first time and referred to the committee on **Rules and Administration.**

POINT OF ORDER

Senator Rush rose on a point of order to question if Senate Resolution 108 had an explanation attached.

The Chair ruled it did not have an explanation attached like those attached to a bill, but that such an explanation is not necessary for a concurrent or simple resolution under Senate Rule 29 for the following reasons: (1) precedent in the Senate that it is not necessary and (2) the explanation of a simple or a concurrent resolution is set forth normally in considerable detail in the Whereas clauses that precede the resolution clauses, and sometimes even in the resolution clauses themselves. A further separate explanation would be repetitive and therefore unnecessary.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

Senator Hultman asked and received unanimous consent to take

up out of order House File 79.

House File 79

On motion of Senator Rodgers, House File 79, a bill for an act to allow members of the office of citizens' aide to become notary public, with report of committee recommending passage, was taken up for consideration.

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. 79) the vote was:

Ayes, 43:

Baugher	Briles	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Rodgers	Rush
Schwengels	Scott	Slater	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Bergman	Bisenius	Drake	Readinger
Robinson	Small	Taylor	

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

Senator Hultman asked and received unanimous consent to take up out of order House File 2470.

House File 2470

On motion of Senator Rodgers, House File 2470, a bill for an act updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the Act retroactive, with report of committee recommending passage, was taken up for consideration.

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. 2470) the vote was:

Ayes, 43:

Baugher	Briles	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Bergman	Bisenius	Drake	Gallagher
Readinger	Robinson	Small	

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 Drake for the day on request of Senator Hultman.

UNFINISHED BUSINESS
(Deferred February 13, 1980)

Senate File 458

The Senate resumed consideration of Senate File 458, a bill for an act relating to the teaching of the origin of humankind and the origin of the earth, and amendment S—5039 as amended by the committee on Education to strike everything after the enacting clause of the bill, deferred on February 13, 1980.

Senator Slater offered amendment S—5066 filed by him on February 6, 1980, to amendment S—5039 as amended and moved its adoption.

Amendment S—5066 was adopted by a voice vote.

Senator Taylor moved the adoption of amendment S—5039 as amended.

A record roll call was requested.

On the question "Shall amendment S—5039 as amended be adopted?" (S.F. 458) the vote was:

Ayes, 28:

Baugher	Briles	Brown	Calhoon
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Priebe
Ramsey	Small	Taylor	Van Gilst

Nays, 17:

Carr	Gallagher	Gentleman	Hutchins
Junkins	Kinley	Murray	Orr
Palmer	Readinger	Rodgers	Rush
Scott	Slater	Tieden	Waldstein
Yenger			

Absent or not voting, 5:

Bergman	Bisenius	Drake	Robinson
Schwengels			

Amendment S—5039 as amended was adopted.

With the adoption of amendment S—5039 as amended, the Chair ruled the following amendments out of order:

S—3314 filed by Senator Jensen on March 28, 1979, to page 1 of the bill.

S—3455 filed by Senator Willits on April 10, 1979, to page 1 of the bill.

S—3466 filed by Senators Rodgers, et al., on April 10, 1979, to page 1 of the bill.

S—3469 filed by Senators Slater and Willits on April 10, 1979, to page 1 of the bill.

S—3471 filed by Senator Jensen on April 10, 1979, to page 1 of the bill.

S—5065 filed by Senator Slater on February 5, 1980, to amendment S—3469.

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. 458) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Baugher	Briles	Brown	Calhoon
Comito	Craft	Goodwin	Gratias
Hansen	Hester	Holden	Hultman
Jensen	Kinley	Kudart	Miller, E.R.
Nystrom	Palmer	Priebe	Ramsey
Schwengels	Van Gilst		

Nays, 22:

Carney	Carr	Coleman	DeKoster
Deluhery	Gallagher	Gentleman	Hulse
Hutchins	Junkins	Miller, C.P.	Orr
Readinger	Rodgers	Rush	Scott
Slater	Small	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 6:

Bergman	Bisenius	Drake	Miller, A.V.
Murray	Robinson		

The bill not having received 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 458 failed

to pass the Senate on March 14, 1980.

RAY TAYLOR

BILL REFERRED TO COMMITTEE

Senator Junkins raised the point of order that Senate Concurrent Resolution 108 be referred from the calendar to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **Senate Concurrent Resolution 108** was referred to the committee on **Appropriations** under Senate Rule 37.

INTRODUCTION OF BILLS

Senate File 2333, by Committee on Transportation, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

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

Senate File 2334, by Committee on Energy, a bill for an act relating to the applicability of the state building code provisions establishing thermal efficiency energy conservation standards and lighting efficiency standards.

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

Senate File 2335, by Committee on Energy, a bill for an act providing that cities may authorize the use of golf carts or similar vehicles on city streets.

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

Senate File 2336, by Committee on Energy, a bill for an act providing an income tax credit for expenditures incurred in acquiring passive or active solar energy systems and making the Act retroactive.

Read first time and referred to the committee on **Ways and Means** under Senate Rule 37.

Senate File 2337, by Committee on Commerce, a bill for an act relating to the financial responsibility requirements for and liability insurance policies relating to the operation and

registration of motor vehicles in this state, and providing a penalty.

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

Senate File 2338, by Committee on Agriculture, a bill for an act establishing a loan program for farmers jeopardized by the bankruptcy of a grain elevator, and making an appropriation.

Read first time and referred to the committee on **Appropriations** under Senate Rule 37.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 121
By: Committee on Judiciary

Whereas, the revised juvenile justice law became effective July 1, 1979; and

Whereas, various concerns have been expressed regarding its provisions and enforcement; and

Whereas, there is need to consult with persons in the juvenile justice field and members of the public as to the need for any changes to the juvenile justice law; and

Whereas, there is insufficient time during this legislative session to gather needed information and study it thoroughly; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the Legislative Council is urged to create an interim joint subcommittee composed of members representing both political parties of the Judiciary Committees of both Houses of the General Assembly to study the need for any changes to the juvenile justice law and to report its findings with appropriate legislation to the Judiciary Committees, the Legislative Council and to the General Assembly.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2109

Ways and Means
Scott, Chairperson
Hester
Comito

SENATE FILE 2255

Transportation
Nystrom, Chairperson
Scott
Holden

SENATE FILE 2266

Labor and Industrial Relations
Carney, Chairperson
Jensen
Orr

SENATE FILE 2295

Energy
Ramsey, Chairperson
Bisenius
Rodgers

SENATE FILE 2300

Appropriations
Appropriations Subcommittee on
Natural Resources

HOUSE FILE 2180

County Government
Briles, Chairperson
Waldstein
C. Miller

HOUSE FILE 2443

State Government
Schwengels, Chairperson
Carr
Rodgers

HOUSE FILE 2453

Transportation
Jensen, Chairperson
Drake
Coleman

HOUSE FILE 2474

Agriculture
Tieden, Chairperson
Waldstein
A. Miller

HOUSE FILE 2490

Appropriations
Appropriations Subcommittee on
Social Services

HOUSE FILE 2491

Commerce
Gentleman, Chairperson
Comito
Robinson

SSB 2258

State Government
Drake, Chairperson
Schwengels
Brown

SSB 2259

State Government
Yenger, Chairperson
Gratias
C. Miller

SSB 2262

Transportation
Drake, Chairperson
Jensen
Robinson

SSB 2273

County Government

SSB 2275

Appropriations

C. Miller, Chairperson
Hester
Kudart

Appropriations Subcommittee on State Government

SSB 2276

Agriculture
Hulse, Chairperson
Hester
Hutchins

SSB 2277

Judiciary
Ramsey, Chairperson
Rush
Coleman

SSB 2278

Judiciary
Murray, Chairperson
Gentleman
Hansen

SSB 2279

Judiciary
Deluhery, Chairperson
Murray
Hansen

SSB 2283

Judiciary
Rush, Chairperson
Murray
Coleman

SSB 2284

Judiciary
Ramsey, Chairperson
Briles
Coleman

SSB 2285

Appropriations
Murray, Chairperson
Schwengels
Palmer

SSB 2286

Commerce
Craft, Chairperson
Bergman
Rush

SSB 2288

Commerce
Bergman, Chairperson
Goodwin
Priebe

SSB 2290

Energy
Rodgers, Chairperson
Ramsey
Bisenius

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 108, the following technical correction was made:

1. Page 1, lines 7, 8, and 9 of S—5323 to Senate File 108, the words "to be used for the purchase and improvement of sites or for major building repairs" were underlined.

FRANK J. STORK, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 13, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 468—Relating to the forfeiture of installment real estate contracts.

S.F. 2003—Providing that a person sentenced for a new offense while committed to the custody of the director of the Division of Adult Corrections shall serve the new sentence in the same facility in which the person is already confined.

S.F. 2121—Relating to the powers of savings and loan associations.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S.C.R.	120	Appropriations
H.F.	690	State Government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mary L. Mills, Muscatine, Muscatine County, Iowa, for appointment as a member of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers pursuant to Section 154A.2, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1978, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

EDGAR H. HOLDEN, Chairperson
RICHARD F. DRAKE
GEORGE R. KINLEY
JACK W. HESTER
ALVIN V. MILLER

INTRODUCTION OF BILLS

Senate File 2339, by Committee on Judiciary, a bill for an act relating to the discipline and removal of judicial magistrates.

Read first time under **Rule 28 and placed on calendar.**

Senate File 2340, by Committee on Judiciary, a bill for an act amending section six hundred two point eighteen (602.18), subsection eleven (11), unnumbered paragraph two (2) of the Code to increase the maximum permissible number of district judges.

Read first time under **Rule 28 and placed on calendar.**

Senate File 2341, by Committee on Judiciary, a bill for an act amending the uniform commercial code with respect to an internal cross-reference, perfection of security interests in leased property, certain notices and the effectiveness of certain filings.

Read first time under **Rule 28 and placed on calendar.**

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 13, 1980, 1:07 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, E. Miller, Tieden, A. Miller, Priebe, Van Gilst and Waldstein.

Members Absent: none.

Final Action: SENATE FILE 2338, a bill for an act establishing a loan program for farmers jeopardized by the bankruptcy of a grain elevator, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Bergman, Hutchins, Hulse, E. Miller, A. Miller, Priebe and Van Gilst. Nays, 3: Hester, Tieden and Waldstein.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:30 p.m.

COMMERCE

Convened: March 13, 1980, 3:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson (arrived 3:12 p.m.); Robinson, Ranking Member (arrived 3:10 p.m.); Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2332, a bill for an act relating to the procedures and permits required for the construction, operation and maintenance of a pipeline or underground gas storage.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2337, a bill for an act relating to the financial responsibility requirements for and liability insurance policies relating to the operation and registration of motor vehicles in this state, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Goodwin, Priebe and Rush. Nays, 1: Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Approved SSBs 2198, 2266, 2267 and 2288 for redrafting as committee bills.

Adjourned: 4:00 p.m.

COMMERCE

Convened: March 14, 1980, 8:55 a.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Craft, Deluhery (arrived 8:58 a.m.), Gentleman (arrived 9:00 a.m.), Goodwin, Priebe and Rush.

Members Absent: Robinson, Ranking Member (excused) and Bergman (excused).

Other Business: Approved SSB 2260 for redrafting as a committee bill.

Adjourned: 9:10 a.m.

EDUCATION

Convened: March 13, 1980, 1:45 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Orr and Taylor.

Members Absent: Jensen and Small.

Final Action: SENATE CONCURRENT RESOLUTION 105, a resolution to request the Department of Public Instruction to establish a Task Force to study the future direction of Education in Iowa.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5384.

Final Vote: Ayes, 8: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Orr and Taylor. Nays, none. Absent or not voting, 2: Jensen and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 2:20 p.m.

ENERGY

Convened: March 13, 1980, 4:03 p.m.

Members Present: Ramsey, Chairperson; Gallagher, Ranking Member; Brown, Deluhery, Readinger, Rodgers and Waldstein.

Members Absent: Bisenius, Vice Chairperson and Briles.

Final Action: SENATE FILE 2334, a bill for an act relating to the applicability of the state building code provisions establishing thermal efficiency energy conservation standards and lighting efficiency standards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Ramsey, Gallagher, Brown, Deluhery, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 2: Bisenius and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2335, a bill for an act providing that cities may authorize the use of golf carts or similar vehicles on city streets.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Ramsey, Gallagher, Brown, Deluhery, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 2: Bisenius and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2336, a bill for an act providing an income tax credit for expenditures incurred in acquiring passive or active solar energy systems and making the Act retroactive.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Ramsey, Gallagher, Brown, Deluhery, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 2: Bisenius and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:12 p.m.

JUDICIARY*

*A report of this meeting was also recorded on page 834 of the March 12, 1980, Senate Journal and pages 861-864 of the March 13, 1980, Senate Journal.

Convened: March 12, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray.

Members Absent: Hansen and Slater (excused).

Final Action: SENATE CONCURRENT RESOLUTION 121, a resolution creating a joint study committee to study the juvenile justice law.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Coleman, Gentleman, Ramsey, Scott, Deluhery, Briles and Murray. Nays, none. Absent or not voting, 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:10 p.m.

JUDICIARY

Convened: March 14, 1980, 11:35 a.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Ramsey, Coleman, Slater, Scott, Hansen (arrived 11:50 a.m.) and Deluhery (arrived 11:50 a.m.).

Members Absent: Murray.

Final Action: SENATE FILE 2339, a bill for an act relating to the discipline and removal of judicial magistrates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Ramsey, Coleman, Slater and Scott. Nays, none. Absent or not voting, 3: Murray, Deluhery and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2340, a bill for an act amending section 602.18, subsection 11, unnumbered paragraph two (2) of the Code to increase the maximum permissible number of district judges.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Ramsey, Coleman, Slater and Scott. Nays, none. Absent or not voting, 3: Murray, Deluhery and Hansen.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2341, a bill for an act amending the uniform commercial code with respect to an internal cross-reference, perfection of security interests in leased property, certain notices and effectiveness of certain filings.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Briles, Coleman, Deluhery, Ramsey, Scott, Gentleman, Hansen and Slater. Nays, none. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2429, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant.

Recommendation: DO PASS.

Final Vote: Ayes, 10: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Ramsey, Coleman, Slater and Scott. Nays, none. Absent or not voting, 3: Murray, Hansen and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:10 p.m.

TRANSPORTATION*

*A report of this meeting was also recorded on page 865 of the March 13, 1980, Senate Journal.

Convened: March 12, 1980, 1:40 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson (arrived 2:00 p.m.); Scott, Ranking Member; Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small.

Members Absent: none.

Final Action: SENATE FILE 2333, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, Comito, Goodwin, Nystrom, Coleman and Small. Nays, 1: Robinson. Voting present, 2: Scott and Holden. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:00 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed Cindy Hupp, a student from Audubon High School and the 1980 Cover Girl for the Iowa High School Girls State Basketball Tournament Program, the guest of Senator Hutchins.

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

Twenty-one students, members of the Boy Scouts, Troop 17 from Webster City, Iowa, accompanied by Jack Spratt and George Clum. Senator Nystrom.

The following visitors were present in the Senate gallery:

Thirty-eight students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Lynn Disney and William Mueller. Senators Hulse and Bisenius.

AMENDMENTS FILED

S—5384 S.C.R. 105 Education Committee

S—5385	S. F.	2320	Lucas J. DeKoster
S—5386	S. F.	2327	Lucas J. DeKoster
S—5387	S. F.	2189	Edgar H. Holden
			Bob Rush
S—5388	S. F.	2277	John S. Murray
			Tom Slater
			Julia B. Gentleman
			Sue Yenger
S—5389	S. F.	2277	John S. Murray
			David M. Readinger
			Bob Rush
			Tom Slater
			Sue Yenger

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:35 a.m., until 10:00 a.m., Monday, March 17, 1980.

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 17, 1980

The Senate met in regular session at 10:07 a.m., President Branstad presiding.

Prayer was offered by the Reverend M.L. Jacobson, pastor of the Nazareth Lutheran Church, Cedar Falls, Iowa.

The Journal of Friday, March 14, 1980, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Carr and Miller of Cerro Gordo for the day on request of Senator Junkins; Senator Slater for the morning session on request of Senator Junkins.

INTRODUCTION OF BILLS

Senate File 2342, by Committee on Energy, a bill for an act to prohibit zoning ordinances or rules which prevent the construction or use of buildings which utilize solar energy systems.

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

Senate File 2343, by Committee on Energy, a bill for an act exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code.

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

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 340.

Senate File 340

On motion of Senator Taylor, Senate File 340, a bill for an act to specify in the Iowa Code, the date the armed forces of the United

States were directed by formal order of the government of the United States to cease hostilities in the Vietnam Conflict, with report of committee recommending passage, was taken up for consideration.

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. 340) the vote was:

Ayes, 39:

Baugher	Bergman	Brown	Calhoon
Carney	Coleman	Comito	Craft
DeKoster	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Rush	Schwengels
Scott	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 11:

Bisenius	Briles	Carr	Deluhery
Drake	Miller, A.V.	Ramsey	Readinger
Robinson	Rodgers	Slater	

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

Senate File 386

On motion of Senator Orr, Senate File 386, a bill for an act authorizing certain cities to contract with elected city officers, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Orr offered amendment S—5247 filed by the committee on Cities on March 3, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5247 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 386) the vote was:

Ayes, 38:

Baugher	Bergman	Brown	Calhoon
Carney	Coleman	Craft	DeKoster
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Rush	Schwengels	Scott
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 12:

Bisenius	Briles	Carr	Comito
Deluhery	Drake	Miller, A.V.	Ramsey
Readinger	Robinson	Rodgers	Slater

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

Senate File 2279

On motion of Senator Kudart, Senate File 2279, a bill for an act relating to the dates for limitations of actions on title to real property, was taken up for consideration.

Senator Kudart offered amendment S—5265 filed by him on March 5, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5265 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2279) the vote was:

Ayes, 40:

Baugher	Bergman	Brown	Calhoon
Carney	Coleman	Comito	Craft
DeKoster	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins

Jensen	Junkins	Kinley	Kudart
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Rush
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 10:

Bisenius	Briles	Carr	Deluhery
Miller, A.V.	Miller, E.R.	Readinger	Robinson
Rodgers	Slater		

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

Senate File 2298

On motion of Senator Van Gilst, Senate File 2298, a bill for an act relating to the taxable status of property, 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. 2298) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Scott	Small	Taylor	Tieden
Van Gilst	Yenger		

Nays, none.

Absent or not voting, 8:

Briles	Carr	Deluhery	Miller, A.V.
Readinger	Robinson	Slater	Waldstein

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

Senate File 2168

On motion of Senator Holden, Senate File 2168, a bill for an act relating to the duties of the county compensation board, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2168) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Scott	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Briles	Carr	Deluhery	Miller, A.V.
Readinger	Robinson	Slater	

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

Senate File 2299

On motion of Senator Holden, Senate File 2299, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2299) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 1:

Craft

Absent or not voting, 5:

Carr	Deluhery	Miller, A.V.	Robinson
Slater			

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2267.

Senate File 2267

On motion of Senator Murray, Senate File 2267, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation, was taken up for consideration.

Senator Murray offered amendment S—5390 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5390 was adopted by a voice vote.

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. 2267) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Carr	Deluhery	Miller, A.V.	Robinson

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

Senate File 57

On motion of Senator Rodgers, Senate File 57, a bill for an act excluding persons engaged in the management of real estate from the necessity of acquiring a real estate license, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that action on **Senate File 57** be **deferred.**

Senate File 2050

On motion of Senator Scott, Senate File 2050, a bill for an act relating to the definition of public utility to exclude persons who sell energy generated from nonfossil fuel sources to neighboring properties but not the general public, with report of committee recommending passage, was taken up for consideration.

Senator Scott withdrew amendment S—5391 filed by him from the floor to page 1 of the bill.

Senator Hultman asked and received unanimous consent that action on **Senate File 2050** be temporarily **deferred.**

Senate File 2082

On motion of Senator Miller of Marshall, Senate File 2082, a bill for an act relating to the control of rabies by allowing for an open season on skunk and a vaccination program for cats and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller of Marshall offered amendment S—5246 filed by the committee on Natural Resources on March 1, 1980, to page 1 of the bill.

Senator Hultman asked and received unanimous consent that action on **Senate File 2082** and amendment S—5246 be **deferred.**

BUSINESS PENDING

Senate File 2050

The Senate resumed consideration of Senate File 2050, previously deferred.

Senator Scott offered amendment S—5394 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5394 was adopted by a voice vote.

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. 2050) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Voting present, 1:

Carney

Absent or not voting, 4:

Carr	Deluhery	Miller, A.V.	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 Hultman asked and received unanimous consent to take up out of order Senate File 2278.

Senate File 2278

On motion of Senator Kudart, Senate File 2278, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years, was taken up for consideration.

Senator Junkins raised the point of order that Senate File 2278 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point not well taken.

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

On the question "Shall the bill pass?" (S.F. 2278) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Scott	Slater	Small
Taylor	Waldstein	Yenger	

Nays, 7:

Craft	Holden	Hulse	Miller, C.P.
Rodgers	Tieden	Van Gilst	

Absent or not voting, 4:

Carr	Deluhery	Miller, A.V.	Robinson

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

Senate File 2280

On motion of Senator Small, Senate File 2280, a bill for an act granting the state the power of eminent domain to acquire railroad right-of-way, was taken up for consideration.

Senator Jensen offered amendment S—5347 filed by Senators Robinson and Jensen on March 11, 1980, 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—5347 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2280) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Coleman	Comito
DeKoster	Drake	Gallagher	Goodwin
Gratias	Hansen	Hester	Holden
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Waldstein	Yenger

Nays, 4:

Craft	Hulse	Tieden	Van Gilst

Absent or not voting, 6:

Calhoon	Carr	Deluhery	Gentleman
Miller, A.V.	Robinson		

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 2344, by Committee on Commerce, a bill for an act relating to the rate of interest which may be charged on accounts receivable, and providing penalties.

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

Senate File 2345, by Committee on Commerce, a bill for an act amending chapters five hundred forty-two (542) and five hundred forty-three (543) of the Code, relating to the marketing of certain agricultural products, and providing penalties.

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

Senate File 2346, by Committee on Commerce, a bill for an act relating to installation of smoke detectors in apartment buildings with more than four units, hotels, motels and rooming houses and to inspection by fire or casualty insurance companies initially, by insureds annually, and by tenants or roomers during the year.

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

Senate File 2347, by Committee on Transportation, a bill for an act relating to levying an excise tax on certain motor fuels and providing for the distribution of the excise tax revenues.

Read first time and referred to the committee on **Ways and Means** under Senate Rule 37.

RECESS

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

AFTERNOON SESSION

The Senate reconvened at 1:38 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman 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 March 13, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2492, a bill for an act relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit.

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

CONSIDERATION OF BILLS

Senate File 2281

On motion of Senator Coleman, Senate File 2281, a bill for an act providing for temporary allocation of farm-to-market road use funds, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2281) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse

Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Carr	Gallagher	Robinson

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

Senate File 2282

On motion of Senator Holden, Senate File 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, was taken up for consideration.

Senator Holden offered amendment S—5288 filed by him on March 6, 1980, to page 6 of the bill and moved its adoption.

Amendment S—5288 was adopted by a voice vote.

Senator Holden offered amendment S—5263 filed by him on March 5, 1980, to page 15 of the bill and moved its adoption.

Amendment S—5263 was adopted by a voice vote.

Senator Bergman offered amendment S—5368 filed by Senators Bergman and Holden on March 13, 1980, to page 32 of the bill and moved its adoption.

Amendment S—5368 was adopted by a voice vote.

Senator Drake offered amendment S—5287 filed by Senators Drake and Holden on March 6, 1980, to page 37 of the bill.

Senator Junkins raised the point of order that amendment S—5287 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5287 out of order.

Senator Junkins raised the point of order that with the adoption of amendment S—5368, Senate File 2282 should be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2282** was referred to the committee on **Ways and Means** under Senate Rule 37.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2043

Senator Kinley withdrew the motion to reconsider Senate File 2043, a bill for an act relating to the supervision of construction and maintenance work on secondary roads, filed by him on February 20, 1980, and found on page 516 of the Senate Journal.

Senator Hansen withdrew the motion to reconsider Senate File 2043 filed by him on February 20, 1980, and found on page 524 of the Senate Journal.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 132.

Senate File 132

On motion of Senator Hansen, Senate File 132, a bill for an act to require the department of social services to make certified psychologists eligible to receive payment for services rendered to recipients of medical assistance, with report of committee recommending passage, was taken up for consideration.

Senator Taylor offered amendment S—5392 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5392 was adopted by a voice vote.

Senator Rush asked and received unanimous consent that action on **Senate File 132** be **deferred**.

Senate File 2071

On motion of Senator Waldstein, Senate File 2071, a bill for an act to provide that declarations of value shall be public information, with report of committee recommending passage, was taken up for consideration.

Senator Rodgers offered amendment S—5352 filed by Senators Rodgers, et al., on March 12, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5352 was adopted by a voice vote.

Senator Ramsey asked and received unanimous consent that action on **Senate File 2071** be **deferred.**

Senate File 2085

On motion of Senator Bisenius, Senate File 2085, a bill for an act providing for the township trustees to act as an advisory committee to the board of supervisors and the general relief director with respect to administration in their township of chapter two hundred fifty-two (252) of the Code, with report of committee recommending passage, was taken up for consideration.

Senator Bisenius asked and received unanimous consent that action on **Senate File 2085** be **deferred.**

Senate File 2204

On motion of Senator Miller of Des Moines, Senate File 2204, a bill for an act relating to the bonding of township clerks, with report of committee recommending passage, was taken up for consideration.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2204) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Yenger		

Nays, 5:

Craft	Hulse	Ramsey	Tieden
Waldstein			

Absent or not voting, 3:

Carr	Holden	Orr

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

Senate File 2285

On motion of Senator Rodgers, Senate File 2285, a bill for an act to repeal the state residency requirement for employees of the department of social services, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2285) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Coleman	Gallagher

Absent or not voting, 4:

Carr	Hulse	Orr	Robinson

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

Senate File 404

On motion of Senator Bisenius, Senate File 404, a bill for an act providing that the court may sentence a defendant who is convicted of a crime other than a forcible felony to perform unpaid community service, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bisenius offered amendment S—5270 filed by the committee on Judiciary on March 5, 1980, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5270 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 404) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Carr	Orr	Robinson

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

Senate File 2025

On motion of Senator Holden, Senate File 2025, a bill for an act relating to the injury to animals chapter of the criminal code and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Deluhery offered amendment S—5272 filed by the committee on Judiciary on March 5, 1980, to pages 1 and 2 of the bill and called for a division: lines 2 through 4 as division S—5272A; lines 5 through 10 as division S—5272B.

Senator Deluhery moved the adoption of division S—5272A, which motion prevailed by a voice vote.

Senator Holden offered amendment S—5313 filed by him on March 7, 1980, to division S—5272B and called for a division: lines 3 through 6 as division S—5313A; lines 7 through 14 as division S—5313B.

Senator Holden moved the adoption of division S—5313A to division S—5272B.

Division S—5313A was adopted by a voice vote.

Senator Holden asked and received unanimous consent that action on **Senate File 2025**, division S—5272B and division S—5313B to division S—5272B be **deferred.**

MOTION TO RECONSIDER ADOPTED

Senate File 2285

Senator Junkins filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2285 passed the Senate on March 17, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2285) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen

Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Scott
Slater	Small	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 1:

Tieden

Absent or not voting, 3:

Carr	Orr	Rush

The motion prevailed.

Senator Junkins moved to reconsider the vote by which Senate File 2285 went to its last reading, which motion prevailed by a voice vote.

Senate File 2285

On motion of Senator Rodgers, Senate File 2285, a bill for an act to repeal the state residency requirement for employees of the department of social services, was taken up for reconsideration.

Senator Rodgers offered amendment S—5399 filed by Senators Rodgers and Junkins from the floor to page 1 of the bill and moved its adoption.

Amendment S—5399 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2285) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small

Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 2:

Coleman	Gallagher

Absent or not voting, 3:

Carr	Murray	Orr

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

UNFINISHED BUSINESS
(Deferred February 13, 1980)

Senate File 360

The Senate resumed consideration of Senate File 360, a bill for an act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeanor; providing that the accommodation offense applies only to one ounce or less of marijuana; and removing the prohibition against deferred judgments, deferred sentences and suspended sentences for certain controlled substance offenses, and amendment S—3265 by Senator Brown to page 1 of the bill, deferred on February 13, 1980.

Senator Schwengels withdrew the motion to reconsider the vote by which amendment S—5054 by Senator Holden to page 1 of the bill failed to be adopted by the Senate on February 11, 1980, filed by him on February 12, 1980, and found on page 413 of the Senate Journal.

Senator Schwengels withdrew the motion to reconsider the vote by which amendment S—3228 by Senators Hutchins, et al., to page 1 of the bill was adopted by the Senate on February 11, 1980, filed by him on February 13, 1980, and found on page 440 of the Senate Journal.

Senator Goodwin called up the motion to reconsider the vote by which amendment S—5014 by Senator Jensen to page 2 and the title page of the bill failed to be adopted by the Senate on February 13, 1980, filed by him on February 14, 1980, found on page 461 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. 360) the vote was:

Ayes, 16:

Baugher	Bergman	Carney	Comito
Drake	Goodwin	Gratias	Hansen
Hester	Holden	Hultman	Jensen
Junkins	Miller, E.R.	Nystrom	Van Gilst

Nays, 32:

Bisenius	Briles	Brown	Calhoon
Coleman	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Hulse	Hutchins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 2:

Carr	Murray

The motion lost.

Senator Rush offered amendment S—3154 filed by Senator Willits on March 7, 1979, to page 1 of the bill and moved its adoption.

Amendment S—3154 was adopted by a voice vote.

Senator Brown withdrew amendment S—3265 to page 1 of the bill, deferred on February 13, 1980.

Senator Brown offered amendment S—5114 filed by him on February 13, 1980, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5114 be adopted?" (S.F. 360) the vote was:

Ayes, 19:

Brown	Calhoon	Craft	Deluhery
Gallagher	Gentleman	Hutchins	Kinley
Miller, C.P.	Murray	Orr	Palmer
Readinger	Robinson	Rush	Slater

Readinger	Robinson	Rush	Slater
Small	Waldstein	Yenger	

Nays, 30:

Baugher	Bergman	Bisenius	Briles
Carney	Coleman	Comito	DeKoster
Drake	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Junkins	Kudart	Miller, A.V.
Miller, E.R.	Nystrom	Priebe	Ramsey
Rodgers	Schwengels	Scott	Taylor
Tieden	Van Gilst		

Absent or not voting, 1:

Carr

Amendment S—5114 lost.

Senator Ramsey offered amendment S—5405 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5405 was adopted by a voice vote.

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. 360) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Goodwin	Gratias	Hansen	Hutchins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 11:

Calhoon	Comito	Gentleman	Hester
Holden	Hulse	Hultman	Jensen
Junkins	Nystrom	Rodgers	

Absent or not voting, 1:

Carr

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

BUSINESS PENDING

Senate File 2025

The Senate resumed consideration of Senate File 2025, division S—5272B and division S—5313B to division S—5272B, previously deferred.

Senator Taylor offered amendment S—5403 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5403 was adopted by a voice vote.

Senator Yenger offered amendment S—5404 filed by her from the floor to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 47, nays none.

Amendment S—5404 was adopted.

Senator Holden moved the adoption of division S—5313B to division S—5272B, previously deferred.

A record roll call was requested.

On the question "Shall division S—5313B to division S—5272B be adopted?" (S.F. 2025) the vote was:

Ayes, 16:

Baugher	Bergman	Bisenius	Brown
Deluhery	Holden	Hulse	Hutchins
Kudart	Orr	Readinger	Robinson
Rush	Scott	Taylor	Yenger

Nays, 30:

Briles	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hultman	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Palmer	Priebe	Ramsey
Rodgers	Slater	Small	Tieden
Van Gilst	Waldstein		

Absent or not voting, 4:

Carr	Hansen	Murray	Schwengels

Division S—5313B lost.

Senator Holden called for a further division of amendment S—5272: lines 5 through 7 and lines 9 and 10 as division S—5272B; line 8 as division S—5272C.

Senator Holden asked and received unanimous consent that **Senate File 2025** and divisions S—5272B and S—5272C be **deferred.**

BILL REFERRED TO COMMITTEE

Senator Murray raised the point of order that Senate File 132 be referred from the calendar to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 132** was referred from the calendar to the committee on **Appropriations** under Senate Rule 37.

INTRODUCTION OF BILLS

Senate File 2348, by Committee on Commerce, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

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

Senate File 2349, by Committee on State Government, a bill for an act establishing the jurisdiction, duties, practices and procedures of the state board of mortuary examiners for purposes of enforcement by the state board of mortuary examiners of chapter five hundred twenty-three A (523A) of the Code, relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing penalties.

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

Senate File 2350, by Committee on State Government, a bill for an act relating to retainage withheld from payments to contractors under contracts for public improvements.

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

Senate File 2351, by Committee on State Government, a bill for an act relating to the state fair board convention.

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

Senate File 2352, by Committee on State Government, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union".

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

Senate File 2353, by Committee on State Government, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

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

Senate File 2354, by Committee on State Government, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

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

Senate File 2355, by Committee on State Government, a bill for an act to allow the state educational radio and television facility board and certain nonprofit foundations to accept and administer trusts and act as trustees.

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

Senate File 2356, by Committee on State Government, a bill for an act to protect state employees from personnel actions as reprisals for disclosing waste, mismangement, or violations of law and subjecting violators to a penalty.

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

APPENDIX

PETITIONS

The following petitions favoring indexing of state inheritance tax rates and increasing exemptions were presented and placed on file by:

Senator Gratias from one hundred forty-six residents of Howard and Chickasaw Counties.

Senator Jensen from eighty-six residents of Butler County.

Senator Craft from ninety-one residents of Bremer, Black Hawk and Butler Counties.

Senator Bisenius from one hundred eighteen residents of Jackson County.

Senator Miller of Cerro Gordo from seventy-nine residents of Cerro Gordo County.

Senator Taylor from one hundred sixty-eight residents of Hancock County.

Senator Jensen from forty residents of Tama County.

The following petitions were presented and placed on file by:

Senator Hansen from one hundred twenty-three residents of Black Hawk County favoring Senate confirmation of Mary E. Robinson as a member of the Iowa Board of Public Instruction.

Senator Miller of Des Moines from twenty-seven residents of Des Moines County favoring legislation increasing the closed end credit rate.

Senator Bergman from sixteen residents of Dickinson County favoring Senate File 343 with the exception of the section allowing pornography in libraries.

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Andrew Varley be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BOB RUSH

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 477, the following technical corrections were made:

1. Page 1, line 39 of the House amendment S—5322 to Senate File 477, the "." was underlined.

2. Page 3, line 3 of the House amendment S—5322, the word "it" was changed to "its".

FRANK J. STORK, Secretary of the Senate

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 17th day of March, 1980:

Senate Files 2098 and 2126.

FRANK J. STORK, Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 2292 Natural Resources

Relating to the use of steel shot in shotguns.

S.S.B. 2293 Appropriations

Appropriating funds to the warehouse division of the Iowa state commerce commission for the purpose of providing additional staff, equipment, and programs.

S.S.B. 2294 Appropriations

Amending the Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 8, relating to the administration and financing of current programs under the jurisdiction of the department of social services.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 14, 1980, when the final vote was taken on Senate File 458.

Had I been present, I would have voted "nay" on this bill.

JOHN S. MURRAY

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald W. Brown, Ames, Story County, Iowa, for reappointment as a member of the Board of Accountancy pursuant to Section 116.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH R. MILLER, Chairperson
JOHN S. MURRAY
CLOYD E. ROBINSON
NORMAN G. RODGERS
SUE YENGER

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 pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEPHEN W. BISENIUS, Chairperson
A. R. KUDART
JAMES E. BRILES
JOE BROWN
JAMES CALHOON

REPORTS OF COMMITTEE MEETINGS

COMMERCE*

*A report of this meeting was also recorded on pages 880-881 of the March 14, 1980, Senate Journal.

Convened: March 13, 1980, 3:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson (arrived 3:12 p.m.); Robinson, Ranking Member (arrived 3:10 p.m.); Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2344, a bill for an act relating to the rate of interest which may be charged on accounts receivable, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2345, a bill for an act amending chapters five hundred forty-two (542) and five hundred forty-three (543) of the Code, relating to the marketing of certain agricultural products, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Goodwin, Priebe and Rush. Nays, 1: Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

COMMERCE*

*A report of this meeting was also recorded on page 881 of the March 14, 1980, Senate Journal.

Convened: March 14, 1980, 8:55 a.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Craft, Deluhery (arrived 8:58 a.m.), Gentleman (arrived 9:00 a.m.), Goodwin, Priebe and Rush.

Members Absent: Robinson, Ranking Member (excused) and Bergman (excused).

Final Action: SENATE FILE 2346, a bill for an act relating to installation of smoke detectors in apartment buildings with more than four units, hotels, motels and rooming houses and to inspection by fire or casualty insurance companies initially, by insureds annually, and by tenants or roomers during the year.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Holden, Comito, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none. Absent or not voting, 2: Robinson and Bergman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:10 a.m.

ENERGY*

*A report of this meeting was also recorded on pages 882-883 of the March 14, 1980, Senate Journal.

Convened: March 13, 1980, 4:03 p.m.

Members Present: Ramsey, Chairperson; Gallagher, Ranking Member; Brown, Deluhery, Readinger, Rodgers and Waldstein.

Members Absent: Bisenius, Vice Chairperson and Briles.

Final Action: SENATE FILE 2342, a bill for an act to prohibit zoning ordinances or rules which prevent the construction or use of buildings which utilize solar energy systems.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Ramsey, Gallagher, Brown, Deluhery, Rodgers and Waldstein. Nays, 1: Readinger. Absent or not voting, 2: Bisenius and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2343, a bill for an act exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Ramsey, Gallagher, Brown, Deluhery, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 2: Bisenius and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:12 p.m.

TRANSPORTATION*

*A report of this meeting was also recorded on page 865 of the March 13, 1980, Senate Journal and page 885 of the March 14, 1980, Senate Journal.

Convened: March 12, 1980, 1:40 p.m.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson (arrived 2:00 p.m.); Scott, Ranking Member; Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small.

Members Absent: none.

Final Action: SENATE FILE 2347, a bill for an act relating to levying an excise tax on certain motor fuels and providing for the distribution of the excise tax revenues.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Drake, Jensen, Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small. Nays, none. Voting present, 1: Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:00 p.m.

REPORT OF COMMITTEE

COUNTY GOVERNMENT

Final Action: HOUSE FILE 2180, a bill for an act to allow certain corporations to contract for additional law enforcement services.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Briles, Waldstein, Hutchins, Baugher, Brown, Hester, Kudart, C. Miller, Nystrom, Slater and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2279, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Briles, Waldstein, Hutchins, Baugher, Brown, Hester, Kudart, C. Miller, Nystrom, Slater and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

PRESENTATION OF VISITORS

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

Eighteen Southeast Asian students from Callanan Jr. High School, Des Moines, Iowa, accompanied by Mrs. Sorea. Senator Gentleman.

One hundred twenty-five students from Woodside Middle School, Des Moines, Iowa, accompanied by Mrs. Pittman. Senator Baugher.

Thirty-six students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by William Mueller. Senator Hulse.

Eight students, members of the Cub Scouts from Norwalk, Iowa, accompanied by Pat Jones and Janice Heath. Senator Rodgers.

AMENDMENTS FILED

S—5390	S. F.	2267	John S. Murray
S—5391	S. F.	2050	John Scott
S—5392	S. F.	132	Ray Taylor
S—5393	S. F.	2110	Berl E. Priebe William D. Palmer Dale L. Tieden George R. Kinley W. R. Bill Hansen C. Joseph Coleman Norman G. Rodgers
S—5394	S. F.	2050	John Scott
S—5395	S. F.	2282	Edgar H. Holden
S—5396	S. F.	2277	Joann Orr Julia B. Gentleman
S—5397	S. F.	2282	Edgar H. Holden
S—5398	S. F.	2131	Bob Rush
S—5399	S. F.	2285	Norman G. Rodgers Lowell L. Junkins
S—5400	S. F.	2131	Bob Rush
S—5401	H.F.	2482	Richard F. Drake
S—5402	S. F.	57	C. Joseph Coleman Forrest V. Schwengels W. R. Bill Hansen Arne Waldstein James V. Gallagher Berl E. Priebe

S—5403	S. F.	2025	Ray Taylor
S—5404	S. F.	2025	Sue Yenger
S—5405	S. F.	360	Richard R. Ramsey
S—5406	S. F.	2313	Irvin L. Bergman Edgar H. Holden Richard Comito Julia B. Gentleman Berl E. Priebe Norman J. Goodwin Cloyd E. Robinson Patrick J. Deluhery
S—5408	S. F.	2346	Richard Comito
S—5409	S. F.	2346	Richard Comito
S—5410	S. F.	2346	Richard Comito

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:21 p.m., until 9:00 a.m., Tuesday, March 18, 1980.

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 18, 1980

The Senate met in regular session at 9:04 a.m., President Branstad presiding.

Prayer was offered by the Reverend John C. Fry, pastor of the Central Reformed Church, Oskaloosa, Iowa.

The Journal of Monday, March 17, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R.L. Bendixen, Denison, 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 March 14, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2493, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2493, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee.

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

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take

up out of order Senate File 2157.

Senate File 2157

On motion of Senator Taylor, Senate File 2157, a bill for an act to allow children to receive equivalent instruction in lieu of attendance at a school, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Taylor offered amendment S—5260 filed by the committee on Education on March 5, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5260 was adopted by a voice vote.

Senator Slater raised the point of order that Senate File 2157 be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point not well taken.

Senator Orr offered amendment S—5418 filed by her from the floor to page 1 of the bill.

Senator Holden took the chair at 10:12 a.m.

Senator Orr moved the adoption of amendment S—5418.

A record roll call was requested.

On the question "Shall amendment S—5418 be adopted?" (S.F. 2157) the vote was:

Ayes, 9:

Brown	Calhoon	Coleman	Deluhery
Junkins	Miller, A.V.	Orr	Rush
Scott			

Nays, 36:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Schwengels	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 5:

Briles	Carr	Murray	Rodgers
Slater			

Amendment S—5418 lost.

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. 2157) the vote was:

Ayes, 15:

Bisenius	Craft	DeKoster	Gentleman
Goodwin	Holden	Hultman	Jensen
Miller, C.P.	Miller, E.R.	Ramsey	Schwengels
Scott	Small	Waldstein	

Nays, 32:

Baugher	Bergman	Brown	Calhoon
Carney	Coleman	Comito	Deluhery
Drake	Gallagher	Gratias	Hansen
Hester	Hulse	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Nystrom
Orr	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Slater
Taylor	Tieden	Van Gilst	Yenger

Absent or not voting, 3:

Briles	Carr	Murray

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 18, 1980, 9:15 a.m.

Members Present: Craft, Chairperson; Rodgers, Ranking Member; Baugher, Hester, Holden, Hultman, Ramsey, Hutchins and Junkins.

Members Absent: Readinger, Vice Chairperson; Comito, Drake, Rush, Scott and Van Gilst.

Final Action: SENATE FILE 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5415.

Final Vote: Ayes, 9: Craft, Rodgers, Baugher, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins. Nays, none. Absent or not voting, 6: Readinger, Comito, Drake, Rush, Scott and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate File 2347 to subcommittee.

Adjourned: 9:20 a.m.

BILL REFERRED TO COMMITTEE

Senator Rush raised the point of order that Senate File 2282 be referred to the committee on State Government under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2282** was referred to the committee on **State Government** under Senate Rule 37.

QUORUM CALL

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

Roll call revealed a quorum present.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2161.

Senate File 2161

On motion of Senator Hutchins, Senate File 2161, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that action on **Senate File 2161** be **deferred.**

Senate File 2293

On motion of Senator Robinson, Senate File 2293, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings, was taken up for consideration.

Senator Priebe asked and received unanimous consent that action on **Senate File 2293** be **deferred**.

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

AFTERNOON SESSION

The Senate resumed session at 1:34 p.m., Senator Ramsey presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

INTRODUCTION OF BILLS

Senate File 2357, by Committee on Natural Resources, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment or continuation of certain public bodies within counties and conservancy districts, providing for the establishment of watershed funding districts, and authorizing the levying of a tax by watershed funding districts.

Read first time and referred to the committee on **Ways and Means** under Senate Rule 37.

Senate File 2358, by Committee on Natural Resources, a bill for an act relating to hunter safety education and subjecting violators to a penalty.

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

Senate File 2359, by Committee on Natural Resources, a bill for an act revising the Iowa coal mining law and providing penalties.

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

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

The Senate resumed session, Senator Nystrom presiding.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2314.

Senate File 2314

On motion of Senator Orr, Senate File 2314, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2314) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden		

Nays, none.

Absent or not voting, 8:

Comito	Gallagher	Hansen	Kudart
Robinson	Van Gilst	Waldstein	Yenger

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

Senate File 2317

On motion of Senator Rush, Senate File 2317, a bill for an act to

legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2317) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Orr
Palmer	Ramsey	Readinger	Rodgers
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Yenger

Nays, 1:

Priebe

Absent or not voting, 9:

Gallagher	Hansen	Holden	Kudart
Murray	Nystrom	Robinson	Rush
Waldstein			

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

Senate File 2331

On motion of Senator Deluhery, Senate File 2331, a bill for an act to legalize the sale of certain property in Lee county, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2331) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr

Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Yenger	

Nays, 2:

Priebe	Ramsey

Absent or not voting, 5:

Hansen	Kudart	Murray	Robinson
Waldstein			

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 2250** be withdrawn from further consideration of the Senate.

STEERING COMMITTEE AUTHORIZED

Senator Hultman asked and received unanimous consent that in accordance with Senate Rule 7, a steering committee be appointed to prepare a steering committee calendar from the bills and resolutions on the regular calendar.

STEERING COMMITTEE APPOINTED

President Branstad announced the appointment of the following Senators to the steering committee:

Senator Hultman, Chairperson
Senator Holden
Senator Kudart
Senator Junkins
Senator Rush

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

The Senate resumed session, President Branstad presiding.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: March 18, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Gallagher.

Final Action: SENATE FILE 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:40 p.m.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for immediate consideration Senate File 2282.

Senate File 2282

On motion of Senator Holden, Senate File 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, with report of committee on Ways and Means recommending amendment and passage and report of committee on State Government recommending passage, was taken up for consideration.

Senator Rush offered amendment S—5422 filed by him from the floor to pages 4 through 8 of the bill.

Senator Rush offered amendment S—5427 filed by him from the floor to amendment S—5422 and moved its adoption.

A non record roll call was requested.

The ayes were 46, nays 2.

Amendment S—5427 was adopted.

Senator Rush moved the adoption of amendment S—5422 as amended and requested a record roll call.

On the question "Shall amendment S—5422 as amended be adopted?" (S.F. 2282) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bisenius	Brown	Calhoon	Carr
Coleman	DeKoster	Deluhery	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Robinson
Rodgers	Rush	Scott	Slater
Small	Taylor	Van Gilst	Waldstein
Yenger			

Nays, 24:

Baugher	Bergman	Briles	Carney
Comito	Craft	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Readinger	Schwengels	Tieden

Absent or not voting, 1:

Ramsey

Amendment S—5422 as amended was adopted.

Senator Holden offered amendment S—5397 filed by him on March 17, 1980, to page 46 of the bill and moved its adoption.

Amendment S—5397 was adopted by a voice vote.

Senator Holden offered amendment S—5395 filed by him on March 17, 1980, to page 46 of the bill and moved its adoption.

Amendment S—5395 was adopted by a voice vote.

Senator Craft offered amendment S—5415 filed by the committee on Ways and Means from the floor to the title page of the bill and moved its adoption.

Amendment S—5415 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2282) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 1:

Gallagher

Absent or not voting, 1:

Ramsey

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

BUSINESS PENDING

Senate File 2293

The Senate resumed consideration of Senate File 2293, a bill for an act authorizing the use of railroad assistance funds for the

restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings, previously deferred.

Senator Priebe offered amendment S—5424 filed by Senators Priebe, et al., from the floor to page 1 of the bill and moved its adoption.

Amendment S—5424 was adopted by a voice vote.

Senator Taylor offered amendment S—5425 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5425 lost by a voice vote.

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. 2293) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 33:

Baugher	Bisenius	Calhoon	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Drake	Hansen
Hester	Hultman	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Waldstein
Yenger			

Nays, 15:

Bergman	Briles	Brown	Gallagher
Gentleman	Goodwin	Gratias	Holden
Hulse	Kudart	Palmer	Readinger
Taylor	Tieden	Van Gilst	

Absent or not voting, 2:

Ramsey	Schwengels

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

Senate File 2161

The Senate resumed consideration of Senate File 2161, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences, previously deferred.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2161** be **deferred.**

CONSIDERATION OF BILLS

Senate File 2199

On motion of Senator Slater, Senate File 2199, a bill for an act relating to impersonation of an officer's uniform, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Slater offered amendment S—5271 filed by the committee on Judiciary on March 5, 1980, to the title page of the bill and moved its adoption.

Amendment S—5271 was adopted by a voice vote.

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. 2199) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Voting present, 1:

Taylor

Absent or not voting, 2:

Ramsey Schwengels

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

Senate File 2287

On motion of Senator Nystrom, Senate File 2287, a bill for an act relating to the payment of expenses of the Iowa national guard, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2287) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Readinger	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 1:

Brown

Absent or not voting, 4:

Briles	Ramsey	Robinson	Schwengels

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

BILL REREFERRED TO COMMITTEE

Senator Nystrom asked and received unanimous consent that **Senate File 2288** be rereferred from the calendar to the committee on **State Government.**

BILLS ON STEERING CALENDAR

Senator Hultman asked and received unanimous consent that **Senate Files 2110, 2232** and **2306** be placed on the steering calendar.

CONSIDERATION OF BILLS
(Steering Calendar)

Senate File 2232

On motion of Senator Taylor, Senate File 2232, a bill for an act to provide for a closed session for governmental bodies to develop criteria for and discuss strategy in matters relating to certain teachers' and administrators' contracts, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Taylor offered amendment S—5312 filed by the committee on Education on March 7, 1980, to page 1 and the title page of the bill.

Senator Taylor offered amendment S—5426 filed by him from the floor to amendment S—5312.

Senator Palmer raised the point of order that amendment S—5426 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5426 out of order.

Senator Taylor moved the adoption of amendment S—5312.

A non record roll call was requested.

The ayes were 44, nays 1.

Amendment S—5312 was adopted.

Senator Taylor asked and received unanimous consent that action on **Senate File 2232** be **deferred.**

Senate File 2110

On motion of Senator Waldstein, Senate File 2110, a bill for an act to require state depository financial institutions to given written

disclosure of all transactions on mortgage-loan escrow accounts, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Waldstein offered amendment S—5354 filed by the committee on Commerce on March 12, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5354 was adopted by a voice vote.

Senator Priebe offered amendment S—5393 filed by Senators Priebe, et al., on March 17, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5393 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2110) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Nystrom	Schwengels

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

Senate File 2306

On motion of Senator Coleman, Senate File 2306, a bill for an act providing that magistrates, judges of the district court, judges of

the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2306) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 1:

Gallagher

Absent or not voting, 4:

Briles	Kinley	Nystrom	Schwengels

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 360

Senator Robinson withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 360 passed the Senate on March 17, 1980.

INTRODUCTION OF BILL

Senate File 2360, by Committee on Appropriations, a bill for an

act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), relating to the administration and financing of current programs under the jurisdiction of the department of social services.

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 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2513, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2513, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

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

APPENDIX

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 18th day of March, 1980.

Senate File 278.

FRANK J. STORK, Secretary of the Senate

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

H.F. 2492 Commerce

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5404 to Senate File 2025 was adopted by the Senate on March 17, 1980.

SUE YENGER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5403 to Senate File 2025 was adopted by the Senate on March 17, 1980.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2157 failed to pass the Senate on March 18, 1980.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2293 passed the Senate on March 18, 1980.

CLOYD E. ROBINSON

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 Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARTHUR L. GRATIAS, Chairperson
TOM SLATER
NORMAN J. GOODWIN
JACK W. HESTER
JAMES V. GALLAGHER

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.

Flatt, Joseph B., Sun City, Arizona

Ray Taylor, Chairperson
Gary L. Baugher
C. Joseph Coleman

MERLIN D. HULSE, Chairperson
JAMES CALHOON
ROLF V. CRAFT
ALVIN V. MILLER

PETITIONS

The following petitions were presented and placed on file by:

Senator Schwengels from fifteen residents of Washington County opposing legislation to legalize pari-mutuel betting in Iowa.

Senator Schwengels from seventeen residents of Jefferson County opposing legislation to legalize pari-mutuel betting in Iowa.

Senator Taylor from one hundred four residents of Franklin County favoring legislation allowing certain schools districts to raise an additional school district operation amount following approval at an election.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

S.F. 2198
S.F. 2232
S.F. 2110
S.F. 2306
S.F. 2109
S.F. 2320
S.F. 2327
S.F. 2330
S.F. 2334
S.F. 2337
S.F. 2343
S.F. 2346
S.F. 2348
S.F. 2354
S.F. 2345

CALVIN O. HULTMAN, Chairperson

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 17, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 708—To permit the issuance of shares of a professional corporation to persons who are licensed in other states to practice the profession which the corporation is licensed to practice in Iowa.

H.F. 2476—Relating to the state and county funding of a county fair by providing for a referendum.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 18, 1980, 11:30 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, DeKoster, Hultman, Junkins, Nystrom, Schwengels, Scott, Small, Tieden, Van Gilst, Carr (arrived 11:50 a.m.) and Readinger (arrived 11:45 a.m.).

Members Absent: none.

Final Action: SENATE FILE 2192, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5429.

Final Vote: Ayes, 8: Murray, Bisenius, DeKoster, Hultman, Nystrom, Readinger, Schwengels and Small. Nays, 3: Taylor, Tieden and Van Gilst. Absent or not voting, 4: Palmer, Carr, Junkins and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2360, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), relating to the administration financing of current programs under the jurisdiction of the department of social services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Readinger, Nystrom, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2464, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 12:40 p.m.

COMMERCE*

*A report of this meeting was also recorded on page 880 of the March 14, 1980, Senate Journal and pages 914-915 of the March 17, 1980, Senate Journal.

Convened: March 13, 1980, 3:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson (arrived 3:12 p.m.); Robinson, Ranking Member (arrived 3:10 p.m.); Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2348, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: March 12, 1980, 3:10 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Calhoon, Gallagher (arrived 3:15 p.m.), Gratias, Rodgers, Schwengels and Tieden.

Members Absent: none.

Final Action: SENATE FILE 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment or continuation of certain public bodies within counties and conservancy districts, providing for the establishment of watershed funding districts, and authorizing the levying of a tax by watershed funding districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: E. Miller, Goodwin, Priebe, Gallagher, Gratias, Rodgers and Schwengels. Nays, 2: Tieden and Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2358, a bill for an act relating to hunter safety education and subjecting violators to a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: E. Miller, Goodwin, Priebe, Calhoon, Gallagher, Gratias, Rodgers, Schwengels and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2359, a bill for an act revising the Iowa coal mining law and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: E. Miller, Goodwin, Calhoon, Gallagher, Schwengels and Tieden. Nays, 2: Gratias and Rodgers. Absent or not voting, 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:05 p.m.

STATE GOVERNMENT*

*A report of this meeting was also recorded on pages 807-808 of the March 11, 1980, Senate Journal and page 864 of the March 13, 1980, Senate Journal.

Convened: March 10, 1980, 1:35 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: none.

Final Action: SENATE FILE 2354, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Schwengels, Slater, Bisenius, Brown, Carr, Drake, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, 3: Nystrom, Gallagher and Gratias.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:40 p.m.

STATE GOVERNMENT*

*A report of this meeting was also recorded on pages 864-865 of the March 13, 1980, Senate Journal.

Convened: March 13, 1980, 8:21 a.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Drake, Gratias, C. Miller, E. Miller and Yenger.

Members Absent: Carr, Gallagher, Murray and Rodgers (excused).

Final Action: SENATE FILE 2353, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Nystrom, Schwengels, Slater, Bisenius, Brown, Gratias, C. Miller, E. Miller and Yenger. Nays, 1: Drake. Absent or not voting, 4: Carr, Gallagher, Murray and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:57 a.m.

STATE GOVERNMENT

Convened: March 13, 1980, 3:05 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Drake.

Final Action: SENATE FILE 2349, a bill for an act establishing the jurisdiction, duties, practices and procedures of the state board of mortuary examiners for purposes of enforcement by the state board of mortuary examiners of chapter five hundred twenty-three A (523A) of the Code, relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Slater, Bisenius, Carr, Gallagher, Gratias, E. Miller, Murray, Rodgers and Yenger. Nays, 2: Brown and C. Miller. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2350, a bill for an act relating to retainage withheld from payments to contractors under contracts for public improvements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Nystrom, Schwengels, Bisenius, Gratias, E. Miller, Murray, Rodgers and Yenger. Nays, 2: Slater and Carr. Absent or not voting, 4: Brown, Gallagher, C. Miller and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2352, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union".

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:05 p.m.

STATE GOVERNMENT

Convened: March 14, 1980, 8:31 a.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Brown, Carr, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Bisenius, Gallagher and Drake.

Final Action: SENATE FILE 2351, a bill for an act relating to the state fair board convention.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Slater, Brown, Carr, Gratias, E. Miller, C. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Bisenius, Drake and Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2355, a bill for an act allowing the state educational radio and television facility board and certain nonprofit foundations to accept and administer trusts and act as trustees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Slater, Brown, Carr, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 3: Bisenius, Drake and Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2356, a bill for an act to protect state employees from personnel actions as reprisals for disclosing waste, mismanagement or violations of law and subjecting violators to a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Nystrom, Schwengels, Slater, Carr, Gratias, C. Miller, Murray and Yenger. Nays, 3: Brown, E. Miller and Rodgers. Absent or not voting, 3: Bisenius, Gallagher and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:01 a.m.

PRESENTATION OF VISITORS

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

Sixty students from Greenwood Elementary School, Des Moines, Iowa, accompanied by Mrs. Carlson. Senator Gentleman.

Twenty-five students from Radcliffe High School, Radcliffe, Iowa, accompanied by Bill Wright. Senator Miller of Marshall.

Twenty-eight students from Missouri Valley School, Missouri Valley, Iowa, accompanied by Joe Catheart. Senator Hester.

Thirty-three students from Highland Community School, Riverside, Iowa, accompanied by Chris Samuelson. Senator Schwengels.

AMENDMENTS FILED

S—5411	S. F.	2277	Bob Rush
S—5412	S. F.	2277	Bob Rush

S—5413	S. F.	2277	Ray Taylor
S—5414	S. F.	2071	Richard R. Ramsey
S—5415	S. F.	2282	Ways and Means Committee
S—5416	S. F.	2320	Lucas J. DeKoster
S—5417	S. F.	2071	Arne Waldstein
S—5418	S. F.	2157	Joann Orr
S—5419	S. F.	2071	Rolf V. Craft
S—5420	S. F.	2277	Tom Slater
S—5421	S. F.	2277	Sue Yenger Julia B. Gentleman
S—5422	S. F.	2282	Bob Rush
S—5423	S. F.	2320	Richard F. Drake
S—5424	S. F.	2293	Berl E. Priebe C. Joseph Coleman Arne Waldstein Richard F. Drake
S—5425	S. F.	2293	Ray Taylor
S—5426	S. F.	2232	Ray Taylor
S—5427	S. F.	2282	Bob Rush
S—5428	S. F.	2322	Lucas J. DeKoster
S—5429	S. F.	2192	Appropriations Committee
S—5430	S. F.	2346	Richard Comito
S—5431	S. F.	2292	Arne Waldstein Elizabeth R. Miller James V. Gallagher Norman G. Rodgers Rolf V. Craft Robert M. Carr Gary L. Baugher Sue Yenger

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:12 p.m., until 9:00 a.m., Wednesday, March 19, 1980.

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 19, 1980

The Senate met in regular session at 9:04 a.m., President Branstad presiding.

Prayer was offered by the Reverend Norm Roddick, pastor of the New Creation United Presbyterian Church, Altoona, Iowa.

The Journal of Tuesday, March 18, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C.E. Douglas, Belle Plaine, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slater for the day on request of Senator Junkins.

INTRODUCTION OF BILL

Senate File 2361, by Committee on Transportation, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

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

BILL REFERRED TO COMMITTEE

Senator Hultman raised the point of order that Senate File 2361 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2361** was referred to the committee on **Ways and Means** under Senate Rule 37.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2296

On motion of Senator Drake, Senate File 2296, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Ramsey raised the point of order that Senate File 2296 should have a fiscal note attached under Joint Rule 16.

The Chair stated that he would not rule a bill required a fiscal note, but that any Senator could individually request a fiscal note on a bill.

Senator Ramsey offered amendment S—5432 filed by Senators Ramsey, Hulse and Hester from the floor to pages 1 and 2 and the title page of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5432 be adopted?" (S.F. 2296) the vote was:

Ayes, 12:

Briles	DeKoster	Gallagher	Hester
Hulse	Junkins	Miller, A.V.	Orr

Ramsey	Scott	Small	Van Gilst

Nays, 36:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Craft	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hansen	Holden
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 2:

Comito	Slater

Amendment S—5432 lost.

Senator Ramsey offered amendment S—5438 filed by him from the floor to strike everything after the enacting clause, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5438 be adopted?" (S.F. 2296) the vote was:

Ayes, 12:

Brown	Calhoon	DeKoster	Gallagher
Hester	Hulse	Junkins	Miller, C.P.
Palmer	Ramsey	Rush	Small

Nays, 37:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hansen	Holden
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Readinger
Robinson	Rodgers	Schwengels	Scott
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 1:

Slater

Amendment S—5438 lost.

Senator Palmer offered amendment S—5436 filed by Senators Palmer, et al., from the floor to pages 1 through 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5436 be adopted?" (S.F. 2296) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Brown	Calhoon	Carr	DeKoster
Deluhery	Gallagher	Gentleman	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Scott
Small			

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Carney	Coleman	Comito	Craft
Drake	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Robinson	Schwengels	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 1:

Slater

Amendment S—5436 lost.

Senator Ramsey offered amendment S—5439 filed by Senators Ramsey, et al., to pages 1 through 3 of the bill.

Senator Ramsey offered amendment S—5440 filed by him from the floor to amendment S—5439 and moved its adoption.

Amendment S—5440 was adopted by a voice vote.

Senator Ramsey moved the adoption of amendment S—5439 as amended and requested a record roll call.

On the question "Shall amendment S—5439 as amended be adopted?" (S.F. 2296) the vote was:

Ayes, 19:

Brown	Calhoon	Coleman	DeKoster
Deluhery	Gallagher	Hester	Hulse
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Orr	Priebe	Ramsey	Rodgers
Rush	Scott	Small	

Nays, 29:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Comito	Craft
Drake	Gentleman	Goodwin	Gratias
Hansen	Holden	Hultman	Jensen
Kinley	Kudart	Miller, E.R.	Murray
Nystrom	Readinger	Robinson	Schwengels
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 2:

Palmer	Slater

Amendment S—5439 as amended lost.

Senator Drake offered amendment S—5375 filed by Senators Drake and Miller of Cerro Gordo on March 13, 1980, to pages 2 and 4 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 43, nays 3.

Amendment S—5375 was adopted.

Senator Ramsey offered amendment S—5442 filed by Senators Ramsey, Hulse and Miller of Cerro Gordo from the floor to page 3 of the bill.

Senator Brown called for a division of amendment S—5442: lines 2 and 3 and lines 6 and 7 as division S—5442A; lines 4 and 5 and lines 8 and 9 as division S—5442B.

Senator Ramsey moved the adoption of division S—5442A and requested a record roll call.

On the question "Shall division S—5442A be adopted?" (S.F. 2296) the vote was:

Ayes, 13:

Calhoon	Coleman	Gallagher	Hester
Hulse	Hutchins	Junkins	Miller, A.V.
Miller, C.P.	Orr	Priebe	Ramsey
Scott			

Nays, 35:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Holden	Hultman	Jensen	Kinley
Kudart	Miller, E.R.	Murray	Nystrom
Readinger	Robinson	Rodgers	Rush
Schwengels	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Absent or not voting, 2:

Palmer	Slater

Division S—5442A lost.

Senator Ramsey moved the adoption of division S—5442B, which motion prevailed by a voice vote.

Senator Ramsey offered amendment S—5443 filed by Senators Ramsey, et al., from the floor to pages 2 and 3 and the title page of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5443 be adopted?" (S.F. 2296) the vote was:

Ayes, 17:

Bisenius	Brown	Calhoon	Carr
DeKoster	Deluhery	Gallagher	Hester
Hulse	Junkins	Miller, A.V.	Miller, C.P.
Orr	Priebe	Ramsey	Scott
Small			

Nays, 29:

Baugher	Bergman	Carney	Coleman
Comito	Craft	Drake	Gentleman

Goodwin	Gratias	Hansen	Holden
Hultman	Jensen	Kinley	Kudart
Miller, E.R.	Murray	Nystrom	Readinger
Robinson	Rodgers	Rush	Schwengels
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 4:

Briles	Hutchins	Palmer	Slater

Amendment S—5443 lost.

Senator Scott offered amendment S—5324 filed by Senators Scott and Drake on March 10, 1980, to page 3 and the title page of the bill and called for a division: lines 2 and 3 as division S—5324A; lines 4 and 5 as division S—5324B.

Senator Scott asked and received unanimous consent to withdraw division S—5324A.

Senator Scott moved the adoption of division S—5324B, which motion prevailed by a voice vote.

Senator Priebe offered amendment S—5444 filed by Senators Priebe, et al., from the floor to page 4 of the bill.

Senator Junkins asked unanimous consent that action on amendment S—5444 be temporarily deferred.

Senator Priebe raised the point of order that Senate File 2296 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2296** was referred to the committee on **Ways and Means** under Senate Rule 37.

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, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2472, a bill for an act relating to the definitions of and standards for milk and milk products.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2472, a bill for an act relating to the definitions of and standards for milk and milk products.

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

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 109
By: Baugher

Whereas, the Ankeny Hawkettes won the Girls' State Basketball tournament by defeating a fine Norwalk Warriorettes basketball team; and

Whereas, the Ankeny Hawkettes displayed outstanding effort and perseverance in all tournament games coming from behind in some instances to win exciting basketball games; and

Whereas, all members of the Ankeny Hawkettes and their coach, Dick Rasmussen, deserve recognition for a very successful basketball team; *Now Therefore*,

Be It Resolved by the Senate, That the Ankeny Hawkettes are recognized and congratulated by the Iowa Senate for compiling an outstanding record, competing at the most exciting level of competition, and becoming the Girls' State Basketball Champion.

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

RECESS

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

AFTERNOON SESSION

The Senate reconvened at 1:44 p.m., President Branstad presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 19, 1980, 11:45 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst.

Members Absent: none.

Final Action: SENATE FILE 2296, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Holden, Hultman, Hutchins, Rush, Scott and Van Gilst. Nays, 2: Ramsey and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees.

Adjourned: 11:55 a.m.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for immediate consideration Senate File 2296.

Senate File 2296

On motion of Senator Drake, Senate File 2296, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation, and amendment S—5444 by Senators Priebe, et

al., to page 4 of the bill, offered and pending on March 19, 1980, with report of committee on Ways and Means recommending passage, was taken up for further consideration.

Senator Priebe moved the adoption of amendment S—5444 to page 4 of the bill, offered and pending, and requested a record roll call.

On the question "Shall amendment S—5444 be adopted?" (S.F. 2296) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Brown	Calhoon	Coleman	Deluhery
Hulse	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Orr
Palmer	Priebe	Ramsey	Rodgers
Rush	Scott	Taylor	

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Comito	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hultman
Jensen	Kudart	Murray	Nystrom
Readinger	Schwengels	Small	Tieden
Van Gilst	Waldstein	Yenger	

Absent or not voting, 4:

Craft	Gallagher	Robinson	Slater

Amendment S—5444 lost.

Senator Coleman filed the following motion to reconsider, moved its adoption and requested a record roll call:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5436 to Senate File 2296 failed to be adopted by the Senate on March 19, 1980.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2296) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Brown	Calhoon	Carr	Coleman
DeKoster	Deluhery	Gallagher	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Scott	Small	Van Gilst	

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 1:

Slater

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?" (S.F. 2296) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 34:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Orr
Priebe	Readinger	Robinson	Schwengels
Scott	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 14:

Brown	Calhoon	DeKoster	Gallagher
Hester	Hutchins	Junkins	Kinley

Miller, A.V.	Miller, C.P.	Palmer	Ramsey
Rodgers	Rush		

Absent or not voting, 2:

Slater	Taylor

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
(Steering Calendar)

Senate File 2198

On motion of Senator Hansen, Senate File 2198, a bill for an act relating to transportation of public and nonpublic school children, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hansen offered amendment S—5305 filed by the committee on Education on March 7, 1980, to pages 1 through 3 of the bill and moved its adoption.

Amendment S—5305 was adopted by a voice vote.

Senator Murray raised the point of order that Senate File 2198 be referred to the committee on Appropriations under Senate Rule 37.

Senator Murray withdrew his point of order.

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. 2198) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush

Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 4:

Gentleman	Kudart	Murray	Orr

Absent or not voting, 2:

Gratias	Slater

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

Senate File 2109

On motion of Senator Orr, Senate File 2109, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes, with report of committee on Ways and Means recommending passage and amendment S—5238 by the committee on Education offered and pending on March 5, 1980, was taken up for further consideration.

Senator Orr moved the adoption of amendment S—5238 to strike everything after the enacting clause of the bill, pending on March 5, 1980.

Amendment S—5238 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2109) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Yenger	

Nays, 1:

Coleman

Absent or not voting, 2:

Slater Waldstein

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

Senate File 2320

On motion of Senator Scott, Senate File 2320, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, was taken up for consideration.

Senator DeKoster offered amendment S—5416 filed by him on March 18, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5416 was adopted by a voice vote.

Senator DeKoster offered amendment S—5385 filed by him on March 14, 1980, to pages 2 and 17 of the bill and moved its adoption.

Amendment S—5385 was adopted by a voice vote.

Senator Ramsey offered amendment S—5434 filed by him from the floor to page 9 of the bill.

Senator Rush raised the point of order that amendment S—5434 was not germane to the bill.

The Chair stated he would take the point of order under advisement and rule at a later time.

Senator Drake offered amendment S—5423 filed by him on March 18, 1980, to page 13 of the bill and moved its adoption.

Amendment S—5423 was adopted by a voice vote.

Senator Hansen offered amendment S—5453 filed by him from the floor to page 1 of the bill.

Senator Schwengels offered amendment S—5454 filed by him from the floor to amendment S—5453.

Senator Small raised the point of order that amendment S—5453 was not germane to the bill.

Senator Schwengels withdrew amendment S—5454.

The Chair ruled the point of order by Senator Small well taken and amendment S—5453 out of order.

Senator DeKoster offered amendment S—5446 filed by him from the floor to page 26 of the bill and moved its adoption.

Amendment S—5446 was adopted by a voice vote.

Senator Rush offered amendment S—5447 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5447 was adopted by a voice vote.

Senator DeKoster offered amendment S—5455 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5455 was adopted by a voice vote.

The Chair ruled the point of order previously raised by Senator Rush on the germaneness of amendment S—5434 well taken and amendment S—5434 to page 9 of the bill, out of order.

Senator Junkins asked and received unanimous consent that action on **Senate File 2320** be **deferred.**

Senate File 2327

On motion of Senator Rush, Senate File 2327, a bill for an act to provide or increase the penalty for failure to file or pay the state income, sales and use, or inheritance and estate taxes, was taken up for consideration.

Senator DeKoster offered amendment S—5386 filed by him on March 14, 1980, to the title page of the bill and moved its adoption.

Amendment S—5386 was adopted by a voice vote.

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. 2327) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Small	Taylor
Tieden	Yenger		

Nays, none.

Absent or not voting, 4:

Gallagher	Slater	Van Gilst	Waldstein

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

Senate File 2330

On motion of Senator Small, Senate File 2330, a bill for an act to provide for the cataloging of railbeds which are abandoned in this state which need to be retained for future railroad routes, was taken up for consideration.

Senator Priebe offered amendment S—5457 filed by him from the floor to page 1 of the bill.

Senator Hultman raised the point of order that amendment S—5457 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5457 out of order.

Senator Tieden asked and received unanimous consent that action on **Senate File 2330** be **deferred.**

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

The Senate resumed session, President Branstad 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 19, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code.

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

INTRODUCTION OF BILLS

Senate File 2362, by Committee on State Government, a bill for an act relating to the purchase of recycled paper by the department of general services.

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

Senate File 2363, by Committee on State Government, a bill for an act relating to licensure of speech pathologists and audiologists.

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

Senate File 2364, by Committee on State Government, a bill for an act relating to laying off state employees when the services formerly rendered by those employees are subsequently obtained by contract from nonstate employees, prohibiting that practice and declaring it to be contrary to public policy, providing that certain employees who have been so laid off shall be offered the opportunity to return to their former jobs, and revising the manner of selecting members of the council on social services in order to further the policy declared by this Act.

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

Senate File 2365, by Committee on Commerce, a bill for an act relating to the maximum finance charge permitted under sections five hundred thirty-seven point two thousand two hundred one (537.2201), five hundred thirty-seven point two thousand two hundred two (537.2202), five hundred thirty-seven point two thousand four hundred one (537.2401) and five hundred thirty-seven point two thousand four hundred two (537.2402) of the Code, and amending those sections to establish the maximum finance charge in all consumer credit transactions at eighteen percent, annual percentage rate.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 122
By: Drake, Hutchins, Junkins and Hultman

Whereas, the basic economy of the state of Iowa is dependent upon railroad transportation; and

Whereas, it is critical that rail shipments both inbound and outbound not be interrupted for even a short period of time; and

Whereas, a partial disruption or reduction of rail service will result in severe economic hardship to many individuals and corporations in Iowa; and

Whereas, the economy of the nation will be adversely affected by the reduced ability of Iowa to continue contributing to the reduction of the deficit level in balance of payments; and

Whereas, the directed service carrier (Kansas City Terminal Railway) is presently maximizing rail service in Iowa and has done a commendable job serving the "Heartland Core" as well as providing the flexibility required beyond Iowa's borders; and

Whereas, the initiation of temporary service by another carrier will result in diminution of service and further complicate operational problems unnecessarily; and

Whereas, labor protection agreements have been signed covering employees of bankrupt carriers hired by a successor carrier, and legislation, already passed by the Senate, is being progressed in the United States Congress to protect employees of bankrupt carriers not hired by a successor carrier; and

Whereas, this legislation will encourage potential successor carriers to finalize offers to buy Rock Island

trackage; *Now Therefore,*

Page 2

Be It Resolved by the Senate, the House Concurring, That the Iowa General Assembly urges the United States Congress to legislate an extension of directed service operations to be continued by the current operator (Kansas City Terminal Railway), for a period of at least forty-five days beyond the expiration of the presently authorized period, which expires on March 23, 1980, and to provide the necessary funding therefor, in order to maintain the present level and frequency of service keeping the "Heartland Core" in Iowa and the extensions beyond Iowa to Minneapolis, St. Paul, Chicago, and Kansas City, intact; and

Be It Further Resolved, That the Iowa General Assembly urges that the completed legislation be effected without delay to prevent the service reduction and economic harm which will result if directed service operations are not continued; and

Be It Further Resolved, That the secretary of the state of Iowa is directed to send copies of this resolution to the speaker and the clerk of the United States house of representatives, the president and the secretary of the United States senate, and each member of the Iowa congressional delegation.

Read first time and referred to the committee on **Rules and Administration.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2493	Energy
H.F.	2513	Commerce

STUDY BILL RECEIVED

S.S.B. 2295 Appropriations

Appropriating funds to designated agencies to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 18, 1980.

Had I been present, I would have voted "aye" on Senate Files 2314, 2317 and 2331.

W. R. BILL HANSEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mary Powers Tokheim, Lytton, Sac County, Iowa, for appointment as a member of the State Board of Medical Examiners pursuant to Section 147.14, 1979 Code of Iowa, 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.

ARNE WALDSTEIN, Chairperson
SUE YENGER
BOB RUSH
JOHN SCOTT
RICHARD R. RAMSEY

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2293

passed the Senate on March 18, 1980.

JOHN N. NYSTROM

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2296 passed the Senate on March 19, 1980.

BERL E. PRIEBE

REPORTS OF COMMITTEE MEETINGS

COMMERCE*

*A report of this meeting was also recorded on pages 880-881 of the March 14, 1980, Senate Journal, pages 914-915 of the March 17, 1980, Senate Journal and pages 941-942 of the March 18, 1980, Senate Journal.

Convened: March 13, 1980, 3:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson (arrived 3:12 p.m.); Robinson, Ranking Member (arrived 3:10 p.m.); Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Final Action: SENATE FILE 2365, a bill for an act relating to the maximum finance charge permitted under sections five hundred thirty-seven point two thousand two hundred one (537.2201), five hundred thirty-seven point two thousand two hundred two (537.2202), five hundred thirty-seven point two thousand four hundred one (537.2401) and five hundred thirty-seven point two thousand four hundred two (537.2402) of the Code, and amending those sections to establish the maximum finance charge in all consumer credit transactions at eighteen percent, annual percentage rate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Holden, Comito, Robinson, Bergman, Craft, Deluhery, Gentleman and Goodwin. Nays, 2: Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

STATE GOVERNMENT*

*A report of this meeting was also recorded on pages 944-945 of the March 18, 1980, Senate Journal.

Convened: March 13, 1980, 3:05 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Drake.

Final Action: SENATE FILE 2362, a bill for an act relating to the purchase of recycled paper products.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Nystrom, Schwengels, Slater, Bisenius, Carr, Gallagher, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 4: Drake, Gratias, Murray and Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2364, a bill for an act relating to laying off state employees when the services formerly rendered by those employees are subsequently obtained by contract from nonstate employees, prohibiting that practice and declaring it to be contrary to public policy, providing that certain employees who have been so laid off shall be offered the opportunity to return to their former jobs, and revising the manner of selecting members of the council on social services in order to further the policy declared by the Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Slater, Bisenius, Brown, Gallagher, C. Miller, E. Miller, Rodgers and Yenger. Nays, 3: Nystrom, Schwengels and Murray. Absent or not voting, 3: Carr, Gratias and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:05 p.m.

STATE GOVERNMENT*

*A report of this meeting was also recorded on pages 945-946 of the March 18, 1980, Senate Journal.

Convened: March 14, 1980, 8:31 a.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Brown, Carr, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: Bisenius, Gallagher and Drake.

Final Action: SENATE FILE 2363, a bill for an act relating to designation and licensure of speech pathologists and audiologists, and incorporating a penalty for false representation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Schwengels, Slater, Brown, Carr, Gratias, C. Miller, E. Miller, Murray, Rodgers, Yenger. Nays, none. Absent or not voting, 3: Bisenius, Drake and Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:01 a.m.

TRANSPORTATION

Convened: March 13, 1980, 12:00 noon.

Members Present: Drake, Chairperson; Jensen, Vice Chairperson; Scott, Ranking Member; Comito, Goodwin, Holden, Robinson and Small.

Members Absent: Nystrom and Coleman.

Final Action: SENATE FILE 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Jensen, Scott, Comito, Holden, Goodwin, Robinson and Small. Nays, none. Absent or not voting, 2: Nystrom and Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:40 p.m.

PRESENTATION OF VISITORS

The following visitors were present in the Senate chamber:

Eleven government students from New Sharon High School, New Sharon, Iowa, the guests of Senator Van Gilst.

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

Ninety-six students from Parkview Elementary School, Ankeny, Iowa, accompanied by Margaret Law, Julie Shelquist, Ines Logli and Bill Devitt. Senator Baugher.

Forty students from Grandview Park Baptist School, Des Moines, Iowa, accompanied by Linda Wessels. Senator Palmer.

AMENDMENTS FILED

S—5432	S. F.	2296	Richard R. Ramsey Merlin D. Hulse Jack W. Hester
S—5433	S. F.	2334	Ray Taylor
S—5434	S. F.	2320	Richard R. Ramsey
S—5435	S. F.	2232	Ray Taylor
S—5436	S. F.	2296	William D. Palmer Berl E. Priebe Alvin V. Miller Lowell L. Junkins George R. Kinley James V. Gallagher
S—5437	S. F.	2337	Lucas J. DeKoster
S—5438	S. F.	2296	Richard R. Ramsey
S—5439	S. F.	2296	Richard R. Ramsey Alvin V. Miller Merlin D. Hulse Jack W. Hester
S—5440	S. F.	2296	Richard R. Ramsey
S—5441	S. F.	2232	Arthur L. Gratias
S—5442	S. F.	2296	Richard R. Ramsey Merlin D. Hulse Alvin V. Miller

S—5443	S. F.	2296	Richard R. Ramsey Alvin V. Miller James V. Gallagher Lowell L. Junkins William D. Palmer
S—5444	S. F.	2296	Berl E. Priebe Lowell L. Junkins George R. Kinley Alvin V. Miller James V. Gallagher
S—5445	S. F.	2346	Richard Comito C. W. Hutchins
S—5446	S. F.	2320	Lucas J. DeKoster
S—5447	S. F.	2320	Bob Rush
S—5448	S. F.	2337	Bob Rush Edgar H. Holden
S—5449	S. F.	2251	Julia B. Gentleman
S—5450	S. F.	2353	John N. Nystrom
S—5451	S. F.	2310	A. R. Kudart
S—5452	S. F.	2346	Richard Comito C. W. Hutchins
S—5453	S. F.	2320	W. R. Bill Hansen
S—5454	S. F.	2320	Forrest V. Schwengels
S—5455	S. F.	2320	Lucas J. DeKoster
S—5456	S. F.	2192	Charles P. Miller
S—5457	S. F.	2330	Berl E. Priebe
S—5458	S. F.	2354	Gary L. Baugher
S—5459	S. F.	2192	W. R. Bill Hansen Cloyd E. Robinson John W. Jensen Merlin D. Hulse Edgar H. Holden Stephen W. Bisenius Clarence Carney Ray Taylor Forrest V. Schwengels Dale L. Tieden Arthur L. Gratias Jack W. Hester Richard Comito Gary L. Baugher

S—5460 S. F. 2330 Dale L. Tieden
Berl E. Priebe

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Thursday, March 20, 1980.

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 20, 1980

The Senate met in regular session at 9:06 a.m., President Branstad presiding.

Prayer was offered by the Reverend Dennis Juhl of Walhert High School, Dubuque, Iowa.

The Journal of Wednesday, March 19, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roger Boulden, Lenox, 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 March 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2305, a bill for an act to allow county conservation boards to exchange property.

ALSO: That the House has on March 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2496, a bill for an act providing an exemption of individuals who make baked goods or confectionary items from licensing and inspection when receipts are less than two thousand dollars in one year.

ALSO: That the House has on March 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2516, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children.

ALSO: That the House has on March 17, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2520, a bill for an act amending the Acts of the Sixty-eighth General

Assembly, 1979 Session, chapters two (2) and three (3), relating to appropriations to various executive, legislative and judicial departments and agencies.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2305, a bill for an act to allow county conservation boards to exchange property.

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

House File 2496, a bill for an act providing an exemption of individuals who make baked goods or confectionary items from licensing and inspection when receipts are less than two thousand dollars in one year.

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

House File 2516, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children.

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

House File 2520, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters two (2) and three (3), relating to appropriations to various executive, legislative and judicial departments and agencies for the fiscal year beginning July 1, 1980 and providing an additional appropriation.

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

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2343.

Senate File 2343

On motion of Senator Ramsey, Senate File 2343, a bill for an act exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2343) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Coleman	Craft
DeKoster	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Priebe	Ramsey	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 10:

Calhoon	Carr	Comito	Deluhery
Drake	Palmer	Readinger	Robinson
Scott	Small		

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

Senate File 2345

On motion of Senator Bergman, Senate File 2345, a bill for an act amending chapters five hundred forty-two (542) and five hundred forty-three (543) of the Code, relating to the marketing of certain agricultural products, and providing penalties, was taken up for consideration.

Senator Gentleman offered amendment S—5462 filed by Senators Gentleman and Deluhery from the floor to pages 3 and 6 of the bill.

Senator DeKoster called for a division of amendment S—5462: lines 2 through 39 as division S—5462A; lines 40 through 48 as division S—5462B.

Senator Gentleman asked and received unanimous consent that action on **Senate File 2345** and divisions S—5462A and S—5462B be **deferred.**

Senate File 2346

On motion of Senator Comito, Senate File 2346, a bill for an act relating to installation of smoke detectors in apartment buildings with more than four units, hotels, motels and rooming houses and to inspection by fire or casualty insurance companies initially, by insureds annually, and by tenants or roomers during the year, was taken up for consideration.

Senator Comito asked and received unanimous consent that action on amendments S—5408, S—5409 and S—5445 be deferred for immediate consideration of amendment S—5452.

Senator Comito offered amendment S—5452 filed by Senators Comito and Hutchins on March 19, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5452 was adopted by a voice vote.

With the adoption of amendment S—5452, the Chair ruled the following amendments out of order:

S—5408 filed by Senator Comito on March 17, 1980, to page 1 of the bill, previously deferred.

S—5409 filed by Senator Comito on March 17, 1980, to page 1 of the bill, previously deferred.

S—5410 filed by Senator Comito on March 17, 1980, to page 2 of the bill.

S—5445 filed by Senators Comito and Hutchins on March 19, 1980, to pages 1 and 2 of the bill, previously deferred.

Senator Comito withdrew amendment S—5430 filed by him on March 18, 1980, to the title page of the bill.

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

On the question "Shall the bill pass?" (S.F. 2346) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman

Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Briles	Readinger

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

Senate File 2354

On motion of Senator Drake, Senate File 2354, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities, was taken up for consideration.

Senator Baugher withdrew amendment S—5458 filed by him on March 18, 1980, to page 1 of the bill.

Senator Baugher offered amendment S—5463 filed by him from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5463 be adopted?" (S.F. 2354) the vote was:

Ayes, 16:

Baugher	Bisenius	Calhoon	Craft
Gentleman	Goodwin	Holden	Hulse
Kudart	Miller, E.R.	Nystrom	Ramsey
Readinger	Robinson	Schwengels	Yenger

Nays, 30:

Bergman	Brown	Carr	Coleman
Comito	DeKoster	Deluhery	Drake

Gallagher	Hester	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Orr	Palmer
Priebe	Rodgers	Rush	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein		

Absent or not voting, 4:

Briles	Carney	Gratias	Hansen

Amendment S—5463 lost.

Senator Bisenius offered amendment S—5468 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5468 was adopted by a voice vote.

Senator Bisenius offered amendment S—5467 filed by him from the floor to page 4 and the title page of the bill.

Senator Drake raised the point of order that amendment S—5467 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5467 out of order.

Senator Gentleman offered amendment S—5469 filed by Senators Gentleman and Holden from the floor to page 4 of the bill.

Senator Drake raised the point of order that amendment S—5469 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5469 out of order.

Senator Readinger offered amendment S—5471 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5471 be adopted?" (S.F. 2354) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 16:

Baugher	Calhoon	Comito	Craft
Gentleman	Goodwin	Holden	Hulse
Kinley	Kudart	Miller, E.R.	Ramsey
Readinger	Robinson	Tieden	Yenger

Nays, 28:

Bergman	Bisenius	Brown	Carr
Coleman	DeKoster	Deluhery	Drake
Gallagher	Hansen	Hester	Hutchins
Jensen	Junkins	Miller, A.V.	Miller, C.P.
Murray	Orr	Palmer	Priebe
Rodgers	Rush	Schwengels	Scott
Small	Taylor	Van Gilst	Waldstein

Absent or not voting, 6:

Briles	Carney	Gratias	Hultman
Nystrom	Slater		

Amendment S—5471 lost.

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

On the question "Shall the bill pass?" (S.F. 2354) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Bergman	Bisenius	Brown	Carr
Coleman	DeKoster	Deluhery	Drake
Gallagher	Hansen	Hester	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Orr	Palmer
Priebe	Readinger	Rodgers	Rush
Scott	Small	Taylor	Waldstein
Yenger			

Nays, 17:

Baugher	Calhoon	Comito	Craft
Gentleman	Goodwin	Gratias	Holden
Hulse	Hultman	Kudart	Miller, E.R.
Ramsey	Robinson	Schwengels	Tieden
Van Gilst			

Voting present, 1:

Carney

Absent or not voting, 3:

Briles Nystrom Slater

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 2354 passed the Senate on March 20, 1980.

IRVIN L. BERGMAN

CONSIDERATION OF BILL
(Steering Calendar)

Senate File 2337

On motion of Senator Rush, Senate File 2337, a bill for an act relating to the financial responsibility requirements for and liability insurance policies relating to the operation and registration of motor vehicles in this state, and providing a penalty, was taken up for consideration.

Senator Rush offered amendment S—5448 filed by Senators Rush and Holden on March 19, 1980, to pages 1 through 5 and pages 9, 10 and 12 of the bill.

(Senate File 2337 and amendment S—5448 pending).

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 20, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 119, a resolution urging the United States Congress to legislate an extension of directed service operations to be continued by the Kansas City Terminal Railway for a period of at least forty-five days beyond expiration date.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 119
By: Egenes, Davitt, Pellett, Lageschulte, Anderson of Audubon and Howell

Whereas, the basic economy of the state of Iowa is dependent upon railroad transportation; and

Whereas, it is critical that rail shipments both inbound and outbound not be interrupted for even a short period of time; and

Whereas, a partial disruption or reduction of rail service will result in severe economic hardship to many individuals and corporations in Iowa; and

Whereas, the economy of the nation will be adversely affected by the reduced ability of Iowa to continue contributing to the reduction of the deficit level in balance of payments; and

Whereas, the directed service carrier (Kansas City Terminal Railway) is presently maximizing rail service in Iowa and has done a commendable job serving the "Heartland Core" as well as providing the flexibility required beyond Iowa's borders; and

Whereas, the initiation of temporary service by another carrier will result in diminution of service and further complicate operational problems unnecessarily; and

Whereas, labor protection agreements have been signed covering employees of bankrupt carriers hired by a successor carrier, and legislation, already passed by the Senate, is being progressed in the United States Congress to protect employees of bankrupt carriers not hired by a successor carrier; and

Whereas, this legislation will encourage potential successor carriers to finalize offers to buy Rock Island trackage; *Now Therefore*,

Page 2

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa general assembly urges the United States Congress to legislate an extension of directed service operations to be continued by the current operator (Kansas City Terminal Railway), for a period of at least forty-five days beyond the expiration of the presently authorized period, which expires on March 23, 1980, and to provide the necessary funding therefore, in order to maintain the present level and frequency of service keeping the "Heartland Core" in

Iowa and the extensions beyond Iowa to Minneapolis, St. Paul, Chicago, and Kansas City, intact; and

Be It Further Resolved, That the Iowa general assembly urges that the completed legislation be effected without delay to prevent the service reduction and economic harm which will result if directed service operations are not continued; and

Be It Further Resolved, That the secretary of state of Iowa is directed to send copies of this resolution to the speaker and the clerk of the United States house of representatives, the president and the secretary of the United States senate, and each member of the Iowa congressional delegation.

Read first time and referred to the committee on **Rules and Administration.**

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: HOUSE CONCURRENT RESOLUTION 119, a resolution urging the United States Congress to legislate an extension of directed service operations by the current operator of the Kansas City Terminal Railway for a period of at least forty-five days beyond the expiration date.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Hansen, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 119.

House Concurrent Resolution 119

On motion of Senator Hultman, House Concurrent Resolution 119, a resolution urging the United States Congress to legislate an extension of directed service operations to be continued by the Kansas City Terminal Railway for a period of at least forty-five days beyond the expiration date, filed March 20, 1980, found on pages 982 and 983 of the Senate Journal, with report of committee recommending passage, was taken up for immediate consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 119, which motion prevailed by a voice vote.

BILLS REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate Concurrent Resolutions 105, 119** and **121** be referred from the calendar to the committee on **Rules and Administration.**

Senator Hultman asked and received unanimous consent that **Senate File 2340** be referred from the calendar to the committee on **Appropriations** under Senate Rule 37.

BILL REREFERRED TO COMMITTEE

Senator Ramsey asked and received unanimous consent that **Senate File 2334** be rereferred from the steering calendar to the committee on **Energy.**

WITHDRAWN

Senator Hultman asked and received unanimous consent that **Senate File 2248** 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 19, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2537, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalties.

ALSO: That the House has on March 12, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 731, a bill for an act amending section five hundred thirty-seven point five thousand one hundred ten (537.5110) of the Code to authorize a creditor to commence attachment proceedings prior to giving a notice of right to cure.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 731, a bill for an act amending section five hundred thirty-seven point five thousand one hundred ten (537.5110) of the Code by amending subsection two (2) of that section to authorize a creditor to commence attachment proceedings prior to giving a notice of right to cure.

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

House File 2537, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalties.

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

RECESS

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

AFTERNOON SESSION

The Senate reconvened at 1:38 p.m., Senator Schwengels presiding.

QUORUM CALL

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

Roll call revealed a quorum present.

Senator Nystrom took the chair at 1:43 p.m.

President Branstad took the chair at 1:45 p.m.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hutchins for the remainder of the week on request of Senator Junkins and Senator Drake for the remainder of the week on request of Senator Hultman.

BUSINESS PENDING

Senate File 2337

The Senate resumed consideration of Senate File 2337, a bill for

an act relating to the financial responsibility requirements for and liability insurance policies relating to the operation and registration of motor vehicles in this state, and providing a penalty, and amendment S—5448 by Senators Rush and Holden, offered and pending.

Senator Rush moved the adoption of amendment S—5448.

A record roll call was requested.

On the question "Shall amendment S—5448 be adopted?" (S.F. 2337) the vote was:

Ayes, 38:

Bergman	Bisenius	Brown	Calhoon
Carney	Coleman	Craft	DeKoster
Deluhery	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Waldstein	Yenger		

Nays, 6:

Baugher	Briles	Miller, E.R.	Orr
Tieden	Van Gilst		

Absent or not voting, 6:

Carr	Comito	Drake	Hutchins
Kinley	Palmer		

Amendment S—5448 was adopted.

The Chair ruled amendment S—5437 filed by Senator DeKoster on March 19, 1980, to pages 1 through 5 and pages 9 through 12 of the bill, out of order.

Senator Rush offered amendment S—5478 filed by him from the floor to the title page of the bill and moved its adoption.

Amendment S—5478 was adopted by a voice vote.

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. 2337) the vote was:

Ayes, 37:

Bergman	Bisenius	Brown	Calhoon
Carney	Comito	Craft	DeKoster
Deluhery	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Kudart
Nystrom	Orr	Palmer	Priebe
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 6:

Baugher	Carr	Coleman	Miller, C.P.
Miller, E.R.	Ramsey		

Voting Present, 2:

Hansen	Miller, A.V.

Absent or not voting, 5:

Briles	Drake	Hutchins	Kinley
Murray			

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

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

S.F. 2292
S.F. 2230
S.F. 2316
S.F. 2326
S.F. 2332
S.F. 2349
S.F. 2356
S.F. 2313

CALVIN O. HULTMAN, Chairperson

BUSINESS PENDING

Senate File 2345

The Senate resumed consideration of Senate File 2345, a bill for an act amending chapters five hundred forty-two (542) and five hundred forty-three (543) of the Code, relating to the marketing of certain agricultural products, and providing penalties, and divisions S—5462A and S—5462B by Senators Gentleman and Deluhery, previously deferred.

Senator Waldstein withdrew amendment S—5470 filed by him from the floor to pages 1 and 2 of the bill.

Senator Waldstein offered amendment S—5479 filed by him from the floor to pages 1, 2 and 5 of the bill and moved its adoption.

Amendment S—5479 was adopted by a voice vote.

Senator Gentleman asked and received unanimous consent to withdraw divisions S—5462A and S—5462B to pages 3 and 6 of the bill, previously deferred.

Senator Gentleman offered amendment S—5474 filed by Senators Gentleman, Deluhery and DeKoster from the floor to pages 3 and 6 of the bill.

Senator Bergman offered amendment S—5477 filed by him from the floor to amendment S—5474.

Senator DeKoster asked and received unanimous consent that action on **Senate File 2345**, amendment S—5474 and amendment S—5477 to amendment S—5474 be **deferred.**

CONSIDERATION OF BILL
(Steering Calendar)

Senate File 2292

On motion of Senator Holden, Senate File 2292, a bill for an act amending the Iowa banking law in relation to the powers of banks with respect to the compensation of directors, permissible deposit accounts and related charges, places of doing business, permissible investments, loan charges and leasing powers, was taken up for consideration.

Senator Deluhery offered amendment S—5316 filed by him on March 7, 1980, to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5316 be adopted?" (S.F. 2292) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Calhoon	Carr	Deluhery
Gallagher	Gentleman	Gratias	Junkins
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rush	Scott
Slater	Small	Tieden	Van Gilst

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Carney	Coleman	Comito	DeKoster
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Rodgers	Schwengels	Taylor
Waldstein	Yenger		

Absent or not voting, 4:

Craft	Drake	Hutchins	Kinley

Amendment S—5316 lost.

Senator Waldstein offered amendment S—5431 filed by Senators Waldstein, et al., on March 18, 1980, to pages 2 and 3 of the bill.

Senator Coleman raised the point of order that amendment S—5431 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5431 out of order.

Senator Holden offered amendment S—5335 filed by him on March 11, 1980, to pages 4 and 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 41, nays 4.

Amendment S—5335 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2292) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

Carr	Gallagher

Absent or not voting, 2:

Drake	Hutchins

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2192

On motion of Senator Hansen, Senate File 2192, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy, with report of committee on Appropriations recommending amendment and passage, amendment S—5366 by Senator Jensen and divisions S—5364B and S—5364C by Senator Taylor, pending on March 13, 1980, was taken up for further consideration.

Senator Hansen filed the following motion to reconsider:

MR. PRESIDENT: I move to reconsider the vote by which division S—5364A to Senate File 2192 was adopted by the Senate on March 13, 1980.

Senator Nystrom took the chair at 4:02 p.m.

Senator Hansen moved the adoption of the motion to reconsider.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2192) the vote was:

Ayes, 16:

Bisenius	Briles	Carney	Comito
Craft	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Nystrom	Schwengels	Scott	Van Gilst

Nays, 29:

Baugher	Bergman	Brown	Calhoon
Carr	Coleman	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Slater	Small	Waldstein
Yenger			

Absent or not voting, 5:

Drake	Hutchins	Junkins	Taylor
Tieden			

The motion lost.

Senator Hansen asked and received unanimous consent to withdraw amendment S—5459 filed by Senators Hansen, et al., on March 19, 1980, to strike everything after the enacting clause of the bill.

Senator Readinger offered amendment S—5429 filed by the committee on Appropriations on March 18, 1980, to page 17 of the bill and moved its adoption.

Amendment S—5429 was adopted by a voice vote.

Senator Miller of Des Moines offered amendment S—5456 filed by him on March 19, 1980, to pages 1 and 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5456 be adopted?" (S.F. 2192) the vote was:

Ayes, 14:

Brown	Coleman	Comito	Gratias
Holden	Kinley	Miller, C.P.	Priebe
Ramsey	Robinson	Rush	Schwengels
Slater	Small		

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Craft
DeKoster	Deluhery	Gallagher	Gentleman
Goodwin	Hester	Hulse	Jensen
Kudart	Miller, E.R.	Murray	Nystrom
Orr	Readinger	Rodgers	Scott
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 8:

Drake	Hansen	Hultman	Hutchins
Junkins	Miller, A.V.	Palmer	Taylor

Amendment S—5456 lost.

Senator Miller of Marshall offered amendment S—5113 filed by her on February 13, 1980, to pages 6 and 17 of the bill and moved its adoption.

Amendment S—5113 was adopted by a voice vote.

Senator Waldstein offered amendment S—5377 filed by him on March 13, 1980, to page 6 of the bill.

Senator Holden asked and received unanimous consent that action on **Senate File 2192** and amendment S—5377 be **deferred.**

BUSINESS PENDING

Senate File 2345

The Senate resumed consideration of Senate File 2345, amendment S—5474 and amendment S—5477 to amendment S—5474, previously deferred.

Senator Gentleman asked and received unanimous consent to withdraw amendment S—5474 to pages 3 and 6 of the bill, previously deferred.

The Chair ruled amendment S—5477 by Senator Bergman to amendment S—5474, previously deferred, out of order.

Senator Gentleman offered amendment S—5484 filed by Senators Gentleman, Deluhery and DeKoster from the floor to pages 3 and 6 of the bill and moved its adoption.

Amendment S—5484 was adopted by a voice vote.

Senator Deluhery offered amendment S—5466 filed by Senators Deluhery, Gentleman and Schwengels from the floor to page 6 of the bill and moved its adoption.

Amendment S—5466 was adopted by a voice vote.

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. 2345) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rush	Schwengels
Small	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Briles	Drake	Hutchins	Miller, E.R.
Robinson	Rodgers	Scott	Slater
Taylor			

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

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2282, the following technical corrections were made:

1. Page 4, line 3, "sixteen (16)" was changed to "fifteen (15)".

2. Page 44, lines 26 and 27, "sixteen (16)" was changed to "fifteen (15)".

3. Page 44, line 29, "sixteen (16)" was changed to "fifteen (15)".

4. Page 44, line 35, the words "and section fifteen (15) of this Act" were stricken.

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. R.	109	Rules and Administration
H.F.	2472	Agriculture
H.F.	2486	Agriculture

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2354 passed the Senate on March 20, 1980.

DAVID M. READINGER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5455 to Senate File 2320 was adopted by the Senate on March 19, 1980.

BOB RUSH

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 20, 1980, 8:30 a.m.

Members Present: DeKoster, Chairperson; Bergman, Baugher, Carr and Craft.

Members Absent: Slater, Ranking Member.

Other Business: SENATE FILE 132, a bill for an act to require the department of social services to make certified psychologists eligible to receive payment for services rendered to recipients of medical assistance, FAILED RECOMMENDATION TO FULL APPROPRIATIONS COMMITTEE. **Final Vote:** Ayes, 2: Craft and Carr. Nays, 3: DeKoster, Bergman and Baugher. Absent or not voting, 1: Slater; recommended House File 2490 to full Appropriations Committee.

Adjourned: 9:00 a.m.

COMMERCE

Convened: March 19, 1980, 5:15 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Robinson, Ranking Member; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: none.

Other Business: Assigned House Files 2492 and 2513 to subcommittees; discussed House File 2492—no final action taken.

Adjourned: 5:55 p.m.

WAYS AND MEANS

Convened: March 20, 1980, 12:10 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Holden, Ramsey, Junkins and Rush.

Members Absent: Drake, Hester, Hultman, Hutchins, Scott and Van Gilst.

Final Action: SENATE FILE 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment or conservancy districts, providing for the establishment of watershed funding districts, and authorizing the levying of a tax by watershed funding districts.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Craft, Readinger, Rodgers, Baugher, Comito, Holden, Ramsey, Junkins and Rush. Nays, none. Absent or not voting, 6: Drake, Hester, Hultman, Hutchins, Scott and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed SSB 2193—no final action taken.

Adjourned: 12:30 p.m.

PRESENTATION OF VISITORS

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

Seventy-five students from Southeast Elementary School, Ankeny, Iowa, accompanied by Mrs. Radcliff, Mrs. Plantz and Mr. Bell. Senator Baugher.

Twenty-two students from Sibley and Ocheyeden Christian Schools, accompanied by Veryl Kooi and Tim Eckhoff. Senator Bergman.

Thirty-three students from Glidden-Ralston Community School, Glidden, Iowa, accompanied by Gaylan Frantz. Senator Hutchins.

Members of the Assumption High Knights boys basketball team, Davenport, Iowa, accompanied by Glenn McPherson, Dan Demmer, Donald Miller and Father Michael Phillips. Senator Deluhery.

Seven students from Burlington High School, Burlington, Iowa, accompanied by Margaret Orr. Senator Miller of Des Moines.

Thirty students from Decorah Community Schools, Decorah, Iowa, accompanied by Bob Topping. Senator Craft.

AMENDMENTS FILED

S—5461	S. F.	2230	Ray Taylor
S—5462	S. F.	2345	Julia B. Gentleman Patrick J. Deluhery
S—5463	S. F.	2354	Gary L. Baugher
S—5464	S. F.	2332	Rolf V. Craft
S—5465	S. F.	2334	Julia B. Gentleman Ray Taylor Arthur L. Gratias
S—5466	S. F.	2345	Patrick J. Deluhery Julia B. Gentleman Forrest V. Schwengels

S—5467	S. F.	2354	Stephen W. Bisenius
S—5468	S. F.	2354	Stephen W. Bisenius
S—5469	S. F.	2354	Julia B. Gentleman
			Edgar H. Holden
S—5470	S. F.	2345	Arne Waldstein
S—5471	S. F.	2354	David M. Readinger
S—5472	S. F.	2361	John W. Jensen
			Richard F. Drake
			Cloyd E. Robinson
			Richard Comito
S—5473	S. F.	2352	John S. Murray
S—5474	S. F.	2345	Julia B. Gentleman
			Patrick J. Deluhery
			Lucas J. DeKoster
S—5475	S. J. R.	2001	Joe Brown
S—5476	S. F.	2192	Calvin O. Hultman
S—5477	S. F.	2345	Irvin L. Bergman
S—5478	S. F.	2337	Bob Rush
S—5479	S. F.	2345	Arne Waldstein
S—5480	S. F.	2131	W. R. Bill Hansen
			Ray Taylor
S—5481	S. J. R.	2001	Tom Slater
S—5482	S. F.	2192	William D. Palmer
S—5483	S. F.	2349	Forrest V. Schwengels
S—5484	S. F.	2345	Julia B. Gentleman
			Patrick J. Deluhery
			Lucas J. DeKoster
S—5485	S. F.	2192	Berl E. Priebe
			John Scott
			Dale L. Tieden
			Forrest V. Schwengels
			Ray Taylor
			Norman G. Rodgers
			Arthur L. Gratias
			Norman J. Goodwin
			Elizabeth R. Miller
			Bass Van Gilst
			John N. Nystrom
			Irvin L. Bergman
			Cloyd E. Robinson
			Gary L. Baugher
			Charles P. Miller

S—5486	S. F.	2320	Bob Rush
S—5487	S. F.	2161	Richard R. Ramsey John Scott Berl E. Priebe

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:40 p.m., until 9:00 a.m., Friday, March 21, 1980.

JOURNAL OF THE SENATE

SIXTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 21, 1980

The Senate met in regular session at 9:04 a.m., President Branstad presiding.

Prayer was offered by the Honorable John W. Jensen, member of the Senate from Bremer County, Plainfield, Iowa.

The Journal of Thursday, March 20, 1980, was approved.

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 19, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2509, a bill for an act to allow certain school districts to raise an additional school district operation amount following approval at an election.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2509, a bill for an act to allow certain school districts to raise an additional school district operation amount following approval at an election.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bergman and Junkins for the day on request of Senator Hultman and Senator Orr for the day on request of Senator Rush.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

Senate File 2226

On motion of Senator Murray, Senate File 2226, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant, was taken up for consideration.

Senator Murray asked and received unanimous consent that action on **Senate File 2226** be **deferred.**

Senate File 2303

On motion of Senator Rush, Senate File 2303, a bill for an act to permit counties to use random computer selection of jurors, 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. 2303) the vote was:

Ayes, 34:

Baugher	Briles	Brown	Calhoon
Carney	Carr	Coleman	Craft
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Waldstein		

Nays, none.

Absent or not voting, 16:

Bergman	Bisenius	Comito	DeKoster
Deluhery	Drake	Gallagher	Hansen
Hutchins	Jensen	Junkins	Orr
Palmer	Robinson	Tieden	Yenger

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

CONSIDERATION OF RESOLUTION
(Noncontroversial Calendar)

Senate Concurrent Resolution 118

On motion of Senator Murray, Senate Concurrent Resolution 118, a resolution providing that the state juvenile probation offices be

evaluated, filed March 12, 1980, and found on page 820 of the Senate Journal, was taken up for consideration.

Senator Murray moved the adoption of Senate Concurrent Resolution 118, which motion prevailed by a voice vote.

Senator Craft took the chair at 9:20 a.m.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

Senate File 2310

On motion of Senator Rush, Senate File 2310, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court, was taken up for consideration.

Senator Kudart offered amendment S—5451 filed by him on March 19, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5451 was adopted by a voice vote.

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. 2310) the vote was:

Ayes, 40:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 10:

Bergman	Comito	Deluhery	Drake
Hutchins	Junkins	Orr	Palmer
Robinson	Scott		

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

Senate File 2315

On motion of Senator Gentleman, Senate File 2315, a bill for an act relating to presentence investigation reports, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2315) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Bergman	Drake	Hester	Hutchins
Junkins	Orr	Palmer	Robinson
Schwengels			

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

Senate File 2318

On motion of Senator Kudart, Senate File 2318, a bill for an act relating to the Iowa Probate Code, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2318) the vote was:

Ayes, 43:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Bergman	Drake	Hutchins	Junkins
Orr	Robinson	Tieden	

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

Senate File 2321

On motion of Senator Ramsey, Senate File 2321, a bill for an act relating to the offense of assisting a prisoner to escape, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2321) the vote was:

Ayes, 43:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Bergman	Drake	Hutchins	Junkins
Orr	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 2311

On motion of Senator Briles, Senate File 2311, a bill for an act relating to the age of fire fighters, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2311) the vote was:

Ayes, 43:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	

Nays, none.

Absent or not voting, 7:

Bergman	Drake	Hutchins	Junkins
Orr	Robinson	Yenger	

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

Senate File 2325

On motion of Senator Miller of Marshall, Senate File 2325, a bill for an act relating to the state entomologist, 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. 2325) the vote was:

Ayes, 43:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Bergman	Drake	Holden	Hutchins
Junkins	Orr	Robinson	

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

Senate File 2328

On motion of Senator DeKoster, Senate File 2328, a bill for an act requiring that upon reconsideration of a prisoner's sentence a certified copy of the court's order be sent to the institution to which the prisoner was confined, 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. 2328) the vote was:

Ayes, 42:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias

Hansen	Hester	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Yenger		

Nays, none.

Absent or not voting, 8:

Bergman	Drake	Holden	Hutchins
Junkins	Orr	Robinson	Waldstein

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

Senate File 2329

On motion of Senator Murray, Senate File 2329, a bill for an act making technical amendments to the rules on hospitalization of the mentally ill, 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. 2329) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Bergman	Drake	Goodwin	Hutchins
Junkins	Miller, E.R.	Orr	Priebe
Robinson			

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

Senate File 2333

On motion of Senator Goodwin, Senate File 2333, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty, was taken up for consideration.

Senator Goodwin offered amendment S—5488 filed by him from the floor to page 1 of the bill.

Senator Holden asked and received unanimous consent that action on **Senate File 2333** and amendment S—5488 be temporarily **deferred.**

Senate File 2339

On motion of Senator Coleman, Senate File 2339, a bill for an act relating to the discipline and removal of judicial magistrates, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2339) the vote was:

Ayes, 44:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Bergman	Drake	Hutchins	Junkins
Orr	Robinson		

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

BUSINESS PENDING

Senate File 2333

The Senate resumed consideration of Senate File 2333 and amendment S—5488, previously deferred.

Senator Goodwin asked and received unanimous consent that action on **Senate File 2333** and amendment S—5488 be **deferred.**

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

Senate File 2341

On motion of Senator Scott, Senate File 2341, a bill for an act amending the uniform commerical code with respect to an internal cross-reference, perfection of security interests in leased property, certain notices and the effectiveness of certain filings, with report of committee without recommendation, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2341) the vote was:

Ayes, 38:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hulse	Hultman	Jensen	Kinley
Kudart	Miller, A.V.	Miller, E.R.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 1:

Miller, C.P.

Absent or not voting, 11:

Bergman	Drake	Hansen	Hester
Holden	Hutchins	Junkins	Nystrom
Orr	Robinson	Tieden	

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

Senate File 2351

On motion of Senator Rodgers, Senate File 2351, a bill for an act relating to the state fair board convention, was taken up for consideration.

Senator Priebe offered amendment S—5495 filed by Senators Priebe, Rodgers and Hester from the floor to page 1 of the bill.

President Branstad took the chair at 10:19 a.m.

Senator Priebe moved the adoption of amendment S—5495.

Amendment S—5495 was adopted by a voice vote.

Senator Rodgers asked and received unanimous consent that action on **Senate File 2351** be temporarily **deferred**.

Senate File 2352

On motion of Senator Slater, Senate File 2352, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union", was taken up for consideration.

Senator Murray offered amendment S—5473 filed by him on March 20, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5473 was adopted by a voice vote.

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. 2352) the vote was:

Ayes, 42:

Baugher	Bisenius	Briles	Brown

Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Bergman	Comito	Drake	Hutchins
Junkins	Nystrom	Orr	Robinson

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

BUSINESS PENDING

Senate File 2351

The Senate resumed consideration of Senate File 2351, previously deferred.

Senator Rodgers offered amendment S—5496 filed by Senators Rodgers and Priebe from the floor to page 1 of the bill and moved its adoption.

Amendment S—5496 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2351) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Palmer

Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Van Gilst	Waldstein
Yenger			

Nays, 1:

Tieden

Absent or not voting, 8:

Bergman	Drake	Hutchins	Junkins
Murray	Nystrom	Orr	Robinson

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

UNFINISHED BUSINESS
(Deferred February 11, 1980)

Senate File 2026

The Senate resumed consideration of Senate File 2026, a bill for an act relating to deductible and coinsurance provisions of contracts with health maintenance organizations, deferred on February 11, 1980.

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

On the question "Shall the bill pass?" (S.F. 2026) the vote was:

Ayes, 40:

Baugher	Bisenius	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Waldstein	Yenger

Nays, none.

Absent or not voting, 10:

Bergman	Briles	Drake	Hutchins
Junkins	Kudart	Nystrom	Orr
Robinson	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
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2316.

Senate File 2316

On motion of Senator Hansen, Senate File 2316, a bill for an act relating to the disposition of property by counties, was taken up for consideration.

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. 2316) the vote was:

Ayes, 42:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Yenger		

Nays, none.

Absent or not voting, 8:

Bergman	Drake	Hutchins	Junkins
Nystrom	Orr	Robinson	Waldstein

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

Senate File 2326

On motion of Senator Hester, Senate File 2326, a bill for an act to repeal the requirement that assessors gather agricultural statistics from persons whose property is assessed, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2326) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Bergman	Comito	Drake	Hutchins
Junkins	Kudart	Nystrom	Orr
Robinson			

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 2310

Senator Small filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2310 passed the Senate on March 21, 1980.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2310) the vote was:

Ayes, 40:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Jensen	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Van Gilst	Waldstein	Yenger

Nays, 2:

Hultman	Tieden

Absent or not voting, 8:

Bergman	Drake	Hutchins	Junkins
Nystrom	Orr	Palmer	Robinson

The motion prevailed.

Senator Small moved to reconsider the vote by which Senate File 2310 went to its last reading, which motion prevailed by a voice vote.

Senate File 2310

On motion of Senator Small, Senate File 2310, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court, was taken up for reconsideration.

Senator Small filed the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5451 to Senate File 2310 was adopted by the Senate on March 21, 1980.

The motion prevailed by a voice vote and amendment S—5451 was taken up for reconsideration.

Senator Kudart withdrew amendment S—5451 to page 1 of the bill.

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. 2310) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Jensen
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 1:

Deluhery

Absent or not voting, 8:

Bergman	Drake	Hester	Hutchins
Junkins	Nystrom	Orr	Robinson

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

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2332.

Senate File 2332

On motion of Senator Craft, Senate File 2332, a bill for an act relating to the procedures and permits required for the construction, operation and maintenance of a pipeline or underground gas storage, was taken up for consideration.

Senator Craft offered amendment S—5464 filed by him on March 20, 1980, to page 2 of the bill.

Senator Rodgers called for a division of amendment S—5464: lines 2 through 6 as division S—5464A; lines 7 through 9 as division S—5464B.

Senator Waldstein called for a further division of amendment S—5464: lines 2 and 3 as division S—5464A; lines 7 through 9 as division S—5464B; lines 4 through 6 as division S—5464C.

Senator Craft moved the adoption of division S—5464A.

A record roll call was requested.

On the question "Shall division S—5464A be adopted?" (S.F. 2332) the vote was:

Ayes, 23:

Baugher	Bisenius	Briles	Calhoon
Carney	Comito	Craft	DeKoster
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Priebe	Ramsey	Readinger
Taylor	Tieden	Yenger	

Nays, 19:

Brown	Carr	Coleman	Deluhery
Gallagher	Gentleman	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Palmer
Rodgers	Rush	Schwengels	Scott
Slater	Van Gilst	Waldstein	

Absent or not voting, 8:

Bergman	Drake	Hutchins	Junkins
Nystrom	Orr	Robinson	Small

Division S—5464A was adopted.

Senator Kinley asked and received unanimous consent that action on **Senate File 2332** and divisions S—5464B and S—5464C be **deferred.**

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2343** be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS
(Deferred March 17, 1980)

Senate File 2025

The Senate resumed consideration of Senate File 2025, a bill for an act relating to the injury to animals chapter of the criminal code and providing a penalty, and divisions S—5272B and S—5272C by the committee on Judiciary, deferred on March 17, 1980.

Senator Taylor called up the motion to reconsider the vote by which amendment S—5403 to Senate File 2025 was adopted by the Senate on March 17, 1980, filed by him on March 18, 1980, found on page 938 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote.

Senator Taylor withdrew amendment S—5403 to page 2 of the bill.

Senator Yenger called up the motion to reconsider the vote by which amendment S—5404 to Senate File 2025 was adopted by the Senate on March 17, 1980, filed by her on March 18, 1980, found on page 938 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote.

Senator Yenger withdrew amendment S—5404 to page 2 of the bill.

Senator Deluhery moved the adoption of division S—5272B by the Committee on Judiciary, as amended, deferred on March 17, 1980.

Division S—5272B as amended was adopted by a voice vote.

Senator Deluhery moved the adoption of division S—5272C, deferred on March 17, 1980.

Division S—5272C was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that action on **Senate File 2025** be **deferred.**

INTRODUCTION OF BILL

Senate File 2366, by Committee on Appropriations, a bill for an act relating to agency moving expenses or telephone relocation expenses of state agencies for which no appropriation is made.

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2478, a bill for an act relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2479, a bill for an act relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2487, a bill for an act relating to the supplying of a house or quarters, utilities and provisions for executive heads of institutions under the department of social services.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2521, a bill for an act to increase the minimum cost of repairs to school buildings for which bid procedures are required.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2522, a bill for an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2533, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2478, a bill for an act relating to emergency repair,

restoration, or reconstruction of a primary highway or bridge.

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

House File 2479, a bill for an act relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

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

House File 2487, a bill for an act relating to the supplying of a house or quarters, utilities and provisions for executive heads of institutions under the department of social services.

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

House File 2521, a bill for an act to increase the minimum cost of repairs to school buildings for which bid procedures are required.

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

House File 2522, a bill for an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

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

House File 2533, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 132

Appropriations
Appropriations Subcommittee
on Social Services

SENATE FILE 2192

Appropriations
Readinger, Chairperson
Carr
Schwengels

SENATE FILE 2265

State Government
E. Miller, Chairperson
Slater
Yenger

SENATE FILE 2270

Appropriations
Bisenius, Chairperson
Hultman
Scott

SENATE FILE 2294

Ways and Means
Baugher, Chairperson
Rodgers
Holden

SENATE FILE 2302

Judiciary
Kudart, Chairperson
Briles
Deluhery

SENATE FILE 2308

Ways and Means
Craft, Chairperson
Scott
Drake
Rush
Hultman

SENATE FILE 2336

Ways and Means
Comito, Chairperson
Van Gilst
Baugher
Hutchins
Hester

SENATE FILE 2338

Appropriations
Appropriations Subcommittee
on Natural Resources

SENATE FILE 2347

Ways and Means
Drake, Chairperson
Hester
Hutchins

SENATE FILE 2357

Ways and Means
Holden, Chairperson
Rodgers
Hester

SENATE FILE 2361

Ways and Means
Drake, Chairperson
Hester
Scott

SENATE CONCURRENT RESOLUTION 108

Appropriations
Appropriations Subcommittee
on Natural Resources

SENATE CONCURRENT RESOLUTION 111

Rules and Administration
Hultman, Chairperson
Junkins
Hulse

SENATE CONCURRENT RESOLUTION 114

Rules and Administration
Hultman, Chairperson
Kinley
Hansen

SENATE RESOLUTION 107

Rules and Administration
Hultman, Chairperson
Ramsey
Kinley

HOUSE FILE 2116

Education
Jensen, Chairperson
Carney
Calhoon

HOUSE FILE 2239

Education
Gratias, Chairperson
Taylor
Brown

HOUSE FILE 2365

Judiciary
Ramsey, Chairperson
Scott
Slater

HOUSE FILE 2467

State Government
Schwengels, Chairperson
E. Miller
Rodgers

HOUSE FILE 2492

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

HOUSE FILE 2513

Commerce
Gentleman, Chairperson
Comito
Deluhery

SENATE CONCURRENT RESOLUTION 116

Rules and Administration
Hultman, Chairperson
Junkins
Hansen

SENATE RESOLUTION 108

Rules and Administration
Hultman, Chairperson
Junkins
Hulse

HOUSE FILE 2163

Education
DeKoster, Chairperson
Gratias
Small

HOUSE FILE 2299

Education
DeKoster, Chairperson
Jensen
Orr

HOUSE FILE 2429

Judiciary
Murray, Chairperson
Briles
Gentleman

HOUSE FILE 2481

Judiciary
Slater, Chairperson
Hansen
Coleman

HOUSE FILE 2500

Appropriations
Readinger, Chairperson
Tieden
Van Gilst

HOUSE CONCURRENT RESOLUTION 112

Rules and Administration
Hultman, Chairperson
Ramsey
Kinley

HOUSE CONCURRENT RESOLUTION 114

Rules and Administration
Hultman, Chairperson
Junkins
Hulse

SSB 2271

State Government
Drake, Chairperson
Brown
Schwengels

SSB 2289

State Government
Slater, Chairperson
Carr
Schwengels

SSB 2293

Appropriations
Appropriations Subcommittee on Regulatory and Finance

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 20, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 2098—To provide that the procedures and committees for the investigation and confirmation of appointees by the Senate be established by rule.

S.F. 2126—Abolishing the additional bonus and disability fund.

ALSO:

That on March 21, 1980, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 278—Relating to motor vehicle laws by providing four-year operators' and chauffeurs' licenses for licensees between the ages of eighteen and seventy.

H.F. 454—Relating to counter-signatures on insurance policies.

H.F. 747—Relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

H.F. 2240—Relating to the confidentiality of certain library records.

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Josephine Gittler be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

RICHARD R. RAMSEY

PROOF OF PUBLICATION

Published copy of House File 2522 and verified proof of publication of said bill in

The Fremont-Mills Beacon-Enterprise, a newspaper published in Fremont County, Iowa, on January 30, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2337 passed the Senate on March 20, 1980.

BOB RUSH

REPORT OF COMMITTEE MEETING

APPROPRIATIONS*

*A report of this meeting was also recorded on pages 940-941 of the March 18, 1980, Senate Journal.

Convened: March 18, 1980, 11:30 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, DeKoster, Hultman, Junkins, Nystrom, Schwengels, Scott, Small, Tieden, Van Gilst, Carr (arrived 11:50 a.m.) and Readinger (arrived 11:45 a.m.).

Members Absent: none.

Final Action: SENATE FILE 2366, a bill for an act relating to agency moving expenses or telephone relocation expenses of state agencies for which no appropriation is made.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, DeKoster, Hultman, Junkins, Nystrom, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none. Absent or not voting, 2: Carr and Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:40 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F. 2305 County Government

H.F.	2496	Agriculture
H.F.	2516	Judiciary
H.F.	2520	Appropriations
H.F.	2537	Commerce

PRESENTATION OF VISITORS

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

Sixteen students from Tama Intermediate School, Tama, Iowa, accompanied by Shirley Franklin. Senator Orr.

Thirty-five students from Maquoketa Jr. High School, Maquoketa, Iowa, accompanied by William Mueller. Senators Hulse and Bisenius.

AMENDMENTS FILED

S—5488	S. F.	2333	Norman J. Goodwin
S—5489	S. F.	2332	Edgar H. Holden
S—5490	S. F.	2192	Arne Waldstein John W. Jensen Dale L. Tieden Berl E. Priebe Arthur L. Gratias
S—5491	S. F.	2192	Elizabeth R. Miller
S—5492	S. F.	2230	Ray Taylor Richard R. Ramsey
S—5493	S. F.	2349	Elizabeth R. Miller Cloyd E. Robinson Tom Slater Charles P. Miller Arthur L. Gratias Dale L. Tieden Robert M. Carr John N. Nystrom
S—5494	S. F.	2192	Elizabeth R. Miller
S—5495	S. F.	2351	Berl E. Priebe Norman G. Rodgers Jack W. Hester
S—5496	S. F.	2351	Norman G. Rodgers Berl E. Priebe

S—5497	S. F.	2349	C. Joseph Coleman
S—5498	S. F.	2333	Edgar H. Holden
			Alvin V. Miller
S—5499	S. F.	2333	Richard Comito
S—5500	S. F.	2356	Bob Rush
			Stephen W. Bisenius

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:22 p.m., until 10:00 a.m., Monday, March 24, 1980.

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 24, 1980

The Senate met in regular session at 10:16 a.m., President Branstad presiding.

Prayer was offered by Monsignor A.W. Behrens, pastor of the Holy Name Church, Marcus, Iowa.

The Journal of Friday, March 21, 1980, was approved.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 14, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

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 Board of Architectural Examiners pursuant to Section 118.1, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Nancy McHugh, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the Board of Architectural Examiners pursuant to Section 118.1, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Ronald D. Brown, Muscatine, Muscatine County, Iowa, for reappointment as a member of the Board of Engineering Examiners pursuant to Section 114.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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 Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers pursuant to Section 154A.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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 Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers pursuant to Section 154A.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Marian R. Haaf, Waterloo, Black Hawk County, Iowa, for reappointment as a member of the Board of Watchmaking Examiners pursuant to Section 120.3, 1979

Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Afton E. (Bill) Minner, Marshalltown, Marshall County, Iowa, for appointment as a member of the City Finance Committee pursuant to Section 384.13, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Connie O. McWilliams, Logan, Harrison County, Iowa, for appointment as a member of the Commission on Judicial Qualifications pursuant to Section 605.26, 1979 Code of Iowa, for a six-year term commencing January 1, 1980, and ending December 31, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Lois Jeanne Miller, Carroll, Carroll County, Iowa, for reappointment as a member of the Credit Union Review Board pursuant to Section 533.53, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of James A. Althaus, Des Moines, Polk County, Iowa, for reappointment as a member of the Job Service Appeal Board pursuant to Section 96.6, 1979 Code of Iowa, for a six-year term commencing July 1, 1980, and ending June 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of JoAnn H. Erickson, Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Molly M. Scott, Spencer, Clay County, Iowa, for reappointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Paul L. Chapman, Clarence, Cedar County, Iowa, for reappointment as a member of the State Board of Mortuary Science Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Earl M. Overholser, Shenandoah, Page County, Iowa, for reappointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Thomas A. Wheatley, Newton, Jasper County, Iowa, for reappointment as a member of the State Board of Physical Therapy Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Marjorie S. Halstrom, Cherokee, Cherokee County, Iowa, for appointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for an unexpired portion of a term ending June 30, 1980, and a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Marvin Pekny, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of L. Darrell Wheeler, Knoxville, Marion County, Iowa, for appointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

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 February 26, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 435, a bill for an act relating to the establishment of historical preservation districts in cities.

ALSO: That the House has on March 20, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 275, a bill for an act relating to a penalty for taking deer in violation of law.

ALSO: That the House has on March 20, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2393, a bill for an act relating to the use of polygraph examinations as a condition of employment and providing a penalty.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2519, a bill for an act relating to the quorum requirements of the Iowa commission on the status of women.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2525, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2529, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

ALSO: That the House has on March 20, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2536, a bill for an act relating to housing in cities, by requiring cities to establish a housing code.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 275, a bill for an act relating to a penalty for taking deer in violation of law.

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

House File 2393, a bill for an act relating to the use of polygraph examinations as a condition of employment and providing a penalty.

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

House File 2519, a bill for an act relating to the quorum requirements of the Iowa commission on the status of women.

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

House File 2525, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property.

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

House File 2529, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

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

House File 2536, a bill for an act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties.

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

HOUSE AMENDMENT TO SENATE FILE 435

S—5501

Amend Senate File 435 as amended, passed and reprinted by the Senate as follows:

1. Page 2, line 9, by inserting after the word "sociology." the words "At least one resident of each

designated area of historial significance shall be appointed to the commission."

2. Page 2, line 9, by inserting after the word "sociology." the following: "Not more than one-third of the members of the commission of an area of historical significance may be members of a city zoning commission appointed pursuant to chapter four hundred fourteen (414) of the Code."

3. Page 2, by inserting after line 29 the following:

"5. If a petition signed by not less than ten percent of qualified electors residing in the area opposing the designation is presented to the city, the city must submit the question of designating the area to a referendum of the qualified electors residing in the proposed area. If the area was proposed by a petition signed by a majority of the qualified electors residing in the proposed area, the proposal shall not be subject to a referendum. Upon receipt of the petition, the governing body of the city shall notify the county commissioner of elections who shall fix a date not more than forty-five days from the receipt of the petition for the referendum. The county commissioner of elections shall specify the polling place within the proposed area that will best serve the convenience of the voters. If there is no building or facility within the proposed area suitable and available for use as a polling place, the county commissioner may specify a polling place outside the proposed area in substantially the manner prescribed by section forty-nine point ten (49.10), subsection three (3) of the Code. The county commissioner shall appoint from residents of the proposed district an election board of at least three members. The county commission of elections shall post notice of the referendum in a reasonable number of places within the proposed area a reasonable time before it is to take place. The notice shall state the purpose of the referendum, a description of the proposed area, the date of the referendum, the location of the polling place, and the hours when the polls will open and close. If a majority of those voting at the referendum votes against the designation of the area, the city shall not designate the area."

WITHDRAWN

Senator Orr asked and received unanimous consent that **Senate File 2258** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Holden, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:12 p.m., President pro tempore Hansen presiding.

QUORUM CALL

Senator Holden 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 March 24, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 500, a bill for an act relating to financial institutions, its imposition and rates and increasing the interest rates on special assessment bonds.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 500

S—5504

Amend Senate File 500, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, lines 15 and 16, by striking the words *"and any amount of franchise taxes paid or accrued under this division during the taxable year"*.

2. Page 1, line 26, by inserting after the word *"subdivisions"* the words *"and any amount of franchise taxes paid or accrued under this division during the taxable year"*.

3. Page 1, by inserting after line 32 the following: "If the net income of the financial institution is derived from its business carried on entirely within the state, the tax shall be imposed

on the entire net income, but if the business is carried on partly within and partly without the state, the portion of net income reasonably attributable to the business within the state shall be specifically allocated or equitably apportioned within and without the state under rules of the director."

4. Page 2, line 6, by striking the figure "1979" and inserting in lieu thereof the figure "1980".

5. Page 2, line 9, by striking the figure "1979" and inserting in lieu thereof the figure "1980".

6. Page 2, by striking lines 14 through 35 and inserting in lieu thereof the following:

"Sec. ____. *NEW SECTION.* TEMPORARY RATES.

1. Notwithstanding the interest rate or interest-rate limitation specified in a provision of the Code referred to in subsection two (2) of this section, the interest rate or interest-rate limitation in effect in a provision of the Code referred to in subsection two (2) of this section is a rate of interest which is equal to the sum of the rate actually specified in that provision plus three percentage points, except that if the bond issue voted at an election or approved by the governing body of a political subdivision is for an amount equal to five million dollars or more, then the provisions of this subsection and subsection two (2) of this section shall not be applicable and those bonds when sold under any of the sections enumerated in subsection two (2) of this section shall not be subject to any interest rate limitations.

2. Subsection one (1) of this section applies to the following sections of the Code: Section nineteen point eight (19.8), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section one (1); sections twenty-eight F point eight (28F.8), and section thirty-seven point six (37.6), Code 1979;

Page 2

section thirty-seven point twenty-eight (37.28), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section two (2); section seventy-four point two (74.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section three (3); section seventy-five point twelve (75.12), subsections one (1), two (2) and three (3), section one hundred eleven A point six (111A.6), unnumbered paragraph two (2), section one hundred

forty-five A point seventeen (145A.17), and section two hundred two point five (202.5), Code 1979; section two hundred two point six (202.6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section four (4); section two hundred eighty A point twenty-two (280A.22), unnumbered paragraph two (2), section two hundred ninety-six point one (296.1), section two hundred ninety-eight point twenty-two (298.22), unnumbered paragraph one (1), section three hundred two point twelve (302.12), section three hundred nine point forty-seven (309.47), subsection four (4) and section three hundred nine point seventy-three (309.73), unnumbered paragraph three (3), Code 1979; section three hundred eleven point sixteen (311.16), unnumbered paragraph two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section one (1); section three hundred eleven point seventeen (311.17), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section two (2); section three hundred eleven point twenty-eight (311.28), section three hundred thirty point seven (330.7), unnumbered paragraph five (5), section three hundred thirty point fourteen (330.14), section three hundred thirty point sixteen (330.16), unnumbered paragraph two (2), section three hundred thirty A point nine (330A.9), subsection one (1), section three hundred thirty-two point forty-four (332.44), subsection eight (8), unnumbered paragraph two (2), section three hundred forty-five point sixteen (345.16), section three hundred forty-six point three (346.3), unnumbered paragraph one (1), section three hundred forty-six point twenty-three (346.23), unnumbered paragraph two (2), section three hundred forty-six point twenty-six (346.26), subsection three (3), section three hundred forty-six point twenty-seven (346.27), subsection fourteen (14), section three hundred forty-six A point three (346A.3),

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unnumbered paragraph two (2), section three hundred forty-seven point five (347.5), section three hundred forty-seven point twenty-seven (347.27), unnumbered paragraphs one (1), and three (3), section three hundred forty-seven A point two (347A.2), section three hundred forty-seven A point seven (347A.7), unnumbered paragraph one (1), section three hundred fifty-seven

point twenty (357.20), section three hundred fifty-seven A point eleven (357A.11), subsection eight (8), section three hundred fifty-seven B point four (357B.4), section three hundred fifty-seven C point ten (357C.10), section three hundred fifty-eight point twenty-one (358.21), unnumbered paragraph four (4), section three hundred fifty-nine point forty-five (359.45), section three hundred eighty-four point fifty-seven (384.57), section three hundred eighty-four point sixty (384.60), subsections three (3) and five (5), section three hundred eighty-four point sixty-eight (384.68), subsection two (2), section three hundred eighty-four point eighty-three (384.83), subsection six (6), section three hundred eighty-six point twelve (386.12), subsection four (4), section three hundred ninety-four point one (394.1), unnumbered paragraph two (2), section four hundred three point nine (403.9), subsection three (3), and section four hundred three A point thirteen (403A.13), unnumbered paragraph one (1), Code 1979; section four hundred fifty-four point twenty (454.20), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section five (5); and section four hundred fifty-five point sixty-four (455.64), subsections one (1) and two (2), section four hundred fifty-five point seventy-seven (455.77), unnumbered paragraph one (1), section four hundred fifty-five point seventy-nine (455.79), section four hundred fifty-five point eighty-three (455.83), section four hundred fifty-five point one hundred seventy-five (455.175), section four hundred fifty-five point one hundred ninety-eight (455.198), section four hundred fifty-five point two hundred thirteen (455.213), section four hundred sixty-one point fourteen (461.14), and section four hundred sixty-three point ten (463.10), Code 1979.

3. Notwithstanding the interest-rate limitation specified in sections four hundred sixty point seven (460.7), four hundred sixty-seven A point thirty-three (467A.33), unnumbered paragraph one (1), and four hundred sixty-seven A point thirty-five (467A.35), subsections one (1) and two (2), Code 1979, the interest-rate limitation which is in effect under

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each one of those provisions is a rate of interest equal to the sum of the rate of interest actually specified plus four percentage points.

4. Bonds sold on or after the effective date of

this Act to finance an improvement for which a final assessment schedule was adopted prior to the effective date of this Act may bear a rate of interest not to exceed ten percent per annum, and section seventy-five point eleven (75.11) of the Code and any other similar statutory restriction does not apply to these bonds."

7. Page 3, by striking lines 1 through 35.

8. Page 4, by striking lines 1 through 4.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Holden asked and received unanimous consent to take up out of order House File 2410.

House File 2410

On motion of Senator Schwengels, House File 2410, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schwengels offered amendment S—5254 filed by the committee on State Government on March 4, 1980, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5254 was adopted by a voice vote.

Senator Schwengels offered amendment S—5289 filed by him on March 6, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5289 was adopted by a voice vote.

Senator Orr offered amendment S—5328 filed by her on March 11, 1980, to pages 1 and 2 of the bill.

Senator Orr offered amendment S—5509 filed by her from the floor to amendment S—5328.

Senator Schwengels raised the point of order that amendments S—5328 and S—5509 were not germane to the bill.

The Chair ruled the point well taken and amendment S—5328 and amendment S—5509 to amendment S—5328 out of order.

Senator Schwengels offered amendment S—5268 filed by him on March 5, 1980, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5268 was adopted by a voice vote.

Senator Hutchins offered amendment S—5317 filed by him on March 10, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5317 was adopted by a voice vote.

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. 2410) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Hulse
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 2:

Craft	Holden

Absent or not voting, 3:

Hultman	Miller, E.R.	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 2354

Senator Readinger withdrew the motion to reconsider Senate File 2354, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities, filed by him on March 20, 1980, and found on page 995 of the Senate Journal.

Senator Bergman withdrew the motion to reconsider Senate File 2354, filed by him on March 20, 1980, and found on page 981 of the Senate Journal.

BILLS ASSIGNED TO COMMITTEE

President pro tempore Hansen announced that **House Files 2478** and **2479** were assigned to the committee on **Transportation** and **House File 2536** was assigned to the committee on **Cities.**

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As members of the Board of Architectural Examiners:

W. David Frevert, West Des Moines, Polk County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Kudart, Chairperson
Senator A. Miller
Senator Readinger
Senator E. Miller
Senator Kinley

Nancy McHugh, Cedar Rapids, Linn County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Schwengels, Chairperson
Senator Scott
Senator Rush
Senator Drake
Senator Goodwin

As a member of the Board of Engineering Examiners:

Ronald D. Brown, Muscatine, Muscatine County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Craft, Chairperson
Senator Drake
Senator Orr
Senator Deluhery
Senator Gratias

As members of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers:

Charles E. Chamberlain, Jr., Clear Lake, Cerro Gordo County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Hultman, Chairperson
Senator Hutchins

Senator Gallagher
Senator Hansen
Senator Small

Clifford Welcher, Greenfield, Adair County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Jensen, Chairperson
Senator Junkins
Senator Briles
Senator C. Miller
Senator Gentleman

As a member of the Board of Watchmaking Examiners:

Marian R. Haaf, Waterloo, Black Hawk County, Iowa, for appointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Goodwin, Chairperson
Senator Hansen
Senator Gallagher
Senator Hulse
Senator Hutchins

As a member of the City Finance Committee:

Afton E. (Bill) Minner, Marshalltown, Marshall County, Iowa, for appointment to a four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Briles, Chairperson
Senator E. Miller
Senator Calhoon
Senator Carr
Senator Comito

As a member of the Commission on Judicial Qualifications:

Connie O. McWilliams, Logan, Harrison County, Iowa, for appointment to a six-year term commencing January 1, 1980, and ending December 31, 1985.

Senator Goodwin, Chairperson
Senator Hultman
Senator Hester
Senator Robinson
Senator Rodgers

As a member of the Credit Union Review Board:

Lois Jeanne Miller, Carroll, Carroll County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Tieden, Chairperson
Senator Slater
Senator Scott
Senator Taylor
Senator Yenger

As a member of the Job Service Appeal Board:

James A. Althaus, Des Moines, Polk County, Iowa, for reappointment to a six-year term commencing July 1, 1980, and ending June 30, 1986.

Senator Waldstein, Chairperson
Senator Kinley
Senator Van Gilst
Senator Bergman
Senator Bisenius

As a member of the Public Employment Relations Board:

John R. Loihl, Des Moines, Polk County, Iowa, for reappointment to a four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Bisenius, Chairperson
Senator Briles
Senator Gentleman
Senator Rush
Senator Priebe

As a member of the State Board of Mortuary Science Examiners:

Paul L. Chapman, Clarence, Cedar County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Taylor, Chairperson
Senator Hulse
Senator Holden
Senator Small
Senator Slater

As members of the State Board of Nursing Examiners:

Molly M. Scott, Spencer, Clay County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Kudart, Chairperson
Senator Bergman
Senator Priebe
Senator Rush
Senator Tieden

JoAnn H. Erickson, Sioux City, Woodbury County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator DeKoster, Chairperson
Senator Carney
Senator Calhoon
Senator Brown
Senator Comito

As a member of the State Board of Optometry Examiners:

Dr. Earl M. Overholser, Shenandoah, Page County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Jensen, Chairperson
Senator Coleman
Senator Hultman
Senator Craft
Senator Carr

As members of the State Board of Pharmacy Examiners:

Vennetta M. Fiedler, Spencer, Clay County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Nystrom, Chairperson
Senator Murray
Senator Bergman
Senator Deluhery
Senator Rodgers

Angelo J. Palmer, Des Moines, Polk County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Ramsey, Chairperson
Senator Kinley
Senator Robinson
Senator Waldstein
Senator Yenger

As a member of the State Board of Physical Therapy Examiners:

Thomas A. Wheatley, Newton, Jasper County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Hulse, Chairperson
Senator Brown
Senator Coleman
Senator Gratias
Senator Hansen

As a member of the State Board of Psychology Examiners:

Marjorie S. Halstrom, Cherokee, Cherokee County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1980, and a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Schwengels, Chairperson
Senator Van Gilst
Senator Waldstein
Senator Gallagher
Senator Baugher

As members of the State Board of Speech Pathology and Audiology Examiners:

Marvin Pekny, Council Bluffs, Pottawattamie County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Murray, Chairperson
Senator Slater
Senator Orr
Senator Hester
Senator Kudart

L. Darrell Wheeler, Knoxville, Marion County, Iowa, for appointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Ramsey, Chairperson
Senator Van Gilst
Senator Yenger
Senator Junkins
Senator Holden

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 20 and 21, 1980, when votes were taken.

Had I been present, I would have voted "aye" on Senate Files 2026, 2292, 2303, 2310, 2311, 2315, 2316, 2318, 2321, 2325, 2326, 2328, 2329, 2337, 2339, 2341, 2345, 2351 and 2352.

C. W. HUTCHINS

MR. PRESIDENT: Due to illness in the family, I had to be absent from the Senate chamber on March 21, 1980.

Had I been present, I would have voted "aye" on Senate Files 2026, 2303, 2310, 2311, 2315, 2316, 2318, 2321, 2325, 2326, 2328, 2329, 2339, 2341, 2351 and 2352.

LOWELL L. JUNKINS

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 21, 1980, when the vote was taken on Senate File 2303.

Had I been present, I would have voted "aye" on the bill.

W. R. BILL HANSEN

PETITIONS

The following petitions favoring indexing of state inheritance tax rates and increasing exemptions were presented and placed on file by:

Senator Coleman from fifty-one residents of Webster and Humboldt Counties.

Senator Readinger from five-hundred sixty-two residents of Polk County.

Senator Miller of Marshall from fifty-two residents of Marshall and Grundy Counties.

COMMUNICATIONS

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

IOWA DEPARTMENT OF ENVIRONMENTAL QUALITY

A copy of the Annual Report for the Department of Environmental Quality for the year ending June 30, 1979. Additional copies are available from the Department for Senators that request them.

COMMISSION ON AGING

A copy of the Annual Report for the Commission on the Aging for the 1979 fiscal year. Additional copies are available for Senators that request them.

STUDY BILL RECEIVED

S.S.B. 2296 Regulatory and Finance Appropriations Subcommittee

Appropriating funds to the office of secretary of state for the purpose of conducting a requirements analysis study for a corporate registration and uniform commercial code information system.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	731	Commerce
H.F.	2487	Human Resources
H.F.	2509	Education
H.F.	2521	State Government
H.F.	2522	Judiciary
H.F.	2533	Human Resources

PLACEMENTS ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the names of Jolly Ann Davidson and Mary E. Robinson be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

JOHN S. MURRAY

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 24, 1980, 11:00 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Junkins, Nystrom, Readinger, Schwengels, Scott, Small (arrived 11:10 a.m.) and Tieden.

Members Absent: Hultman and Van Gilst.

Final Action: HOUSE FILE 2490, a bill for an act relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Junkins, Nystrom, Readinger, Schwengels, Scott, Small and Tieden. Nays, none. Absent or not voting, 2: Hultman and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2520, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters two (2) and three (3), relating to appropriations to various executive, legislative and judicial departments and agencies for the fiscal year beginning July 1, 1980 and providing an additional appropriation.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5503.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Junkins, Nystrom, Readinger, Schwengels, Scott, Small and Tieden. Nays, none. Absent or not voting, 2: Hultman and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:05 p.m.

CITIES

Convened: March 24, 1980, 1:35 p.m.

Members Present: Readinger, Chairperson; Briles, Vice Chairperson; A. Miller, Ranking Member; Coleman, Hansen, Kudart, Palmer and Taylor.

Members Absent: Kinley.

Other Business: Assigned House files to subcommittees.

Adjourned: 1:45 p.m.

PRESENTATION OF VISITORS

Senator Tieden presented Tom Bramorski from Warsaw, Poland, a student at the University of Iowa.

The following visitors were present in the Senate gallery:

Thirty-five students from Maquoketa Jr. High School, Maquoketa, Iowa, accompanied by Lynn Disney. Senator Hulse.

AMENDMENTS FILED

S—5502	H.F.	733	Norman G. Rodgers
S—5503	H.F.	2520	Appropriations Committee
S—5505	S. F.	2332	Edgar H. Holden
S—5506	S. F.	2320	Lucas J. DeKoster

S—5507	S. F.	2313	Bob Rush
S—5508	H.F.	2482	Richard F. Drake
S—5509	H.F.	2410	Joann Orr
S—5510	S. F.	2333	Richard Comito
S—5511	S. F.	2361	John W. Jensen Richard F. Drake
S—5512	S. F.	2361	John W. Jensen Richard F. Drake
S—5513	S. F.	2025	Bass Van Gilst
S—5514	S. F.	2333	Norman J. Goodwin
S—5515	S. F.	2296	Berl E. Priebe

ADJOURNMENT

On motion of Senator Holden, the Senate adjourned at 4:50 p.m., until 9:00 a.m., Tuesday, March 25, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 25, 1980

The Senate met in regular session at 9:16 a.m., President Branstad presiding.

Prayer was offered by Doctor Donald McKnight, pastor of the Evangelical Methodist Church, Dublin, Maryland.

The Journal of Monday, March 24, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Wettech, Mount Pleasant, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator DeKoster 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 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2504, a bill for an act relating to the size of cities which may purchase from its officers or employees upon publicly invited and opened written competitive bids.

ALSO: That the House has on March 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2534, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property.

ALSO: That the House has on March 24, 1980, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 118, a resolution requesting that the Iowa merit employment commission be directed to complete a study of the current job classifications, salaries, and retirement benefits for correctional personnel.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2504, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

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

House File 2534, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property.

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

HOUSE CONCURRENT RESOLUTION 118
By: McKean, Daggett, Hansen of O'Brien, Jochum, Holt, Bruner, Lloyd-Jones, Clark of Cerro Gordo, Van Maanen, De Groot, Brandt, Halvorson of Webster, Shimanek, Spear and Cusack

Whereas, the security of the state correctional institutions is directly affected by the quality and experience of personnel serving the institutions; and

Whereas, current job classifications, salaries, and retirement benefits for correctional personnel, including correctional officers and other employees of correctional institutions, have not alleviated the problems of high personnel turnover and substantial training costs and the consequential security risks which exist when inexperienced and untrained personnel are responsible for the security of the correctional institutions; and

Whereas, it is essential that the Iowa merit employment commission in cooperation with the division of adult corrections of the department of social services address and study these critical issues immediately; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa merit employment commission be directed to complete a study of the current job classifications, salaries, and retirement benefits for correctional personnel and consider the establishment of separate classifications within the state merit system for employees of correction institutions and submit to the legislative council by December 1, 1980 a recommended

reclassification system and salary and benefit adjustment for correctional personnel.

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

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2230.

Senate File 2230

On motion of Senator Taylor, Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, with report of committee recommending passage, was taken up for consideration.

Senator Taylor withdrew amendment S—5461 filed by him on March 20, 1980, to page 1 of the bill.

Senator Taylor offered amendment S—5492 filed by Senators Taylor and Ramsey on March 21, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5492 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2230** be **deferred.**

Senate File 2349

On motion of Senator Schwengels, Senate File 2349, a bill for an act establishing the jurisdiction, duties, practices and procedures of the state board of mortuary examiners for purposes of enforcement by the state board of mortuary examiners of chapter five hundred twenty-three A (523A) of the Code, relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing penalties, was taken up for consideration.

Senator Schwengels offered amendment S—5483 filed by him on March 20, 1980, to pages 1 and 3 of the bill.

Senator Coleman offered amendment S—5497 filed by him on March 21, 1980, to amendment S—5483 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5497 to amendment S—5483 be adopted?" (S.F. 2349) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Baugher	Bisenius	Brown	Carr
Coleman	Comito	Craft	Gallagher
Gentleman	Goodwin	Hester	Hutchins
Miller, A.V.	Miller, C.P.	Miller, E.R.	Readinger
Rodgers	Rush	Slater	Tieden
Van Gilst			

Nays, 22:

Bergman	Briles	Carney	Deluhery
Drake	Gratias	Holden	Hulse
Hultman	Junkins	Kudart	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Schwengels	Scott	Taylor
Waldstein	Yenger		

Absent or not voting, 7:

Calhoon	DeKoster	Hansen	Jensen
Kinley	Robinson	Small	

Amendment S—5497 lost.

Senator Schwengels moved the adoption of amendment S—5483 and requested a non record roll call.

The ayes were 38, nays 4.

Amendment S—5483 was adopted.

Senator Miller of Marshall offered amendment S—5493 filed by Senators Miller of Marshall, et al., on March 21, 1980, to pages 3 and 4 of the bill.

Senator Schwengels raised the point of order that amendment S—5493 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5493 in order.

Senator Orr raised the point of order that amendment S—5493 was out of order because the same subject matter had previously been considered in amendment S—5497.

The Chair ruled the point not well taken and amendment S—5493 in order.

Senator Schwengels asked and received unanimous consent that action on **Senate File 2349** and amendment S—5493 be **deferred.**

BUSINESS PENDING

Senate File 2230

The Senate resumed consideration of Senate File 2230, previously deferred.

Senator Gallagher asked and received unanimous consent that action on **Senate File 2230** be **deferred.**

CONSIDERATION OF BILLS
(Steering Calendar)

Senate File 2356

On motion of Senator Bisenius, Senate File 2356, a bill for an act to protect state employees from personnel actions as reprisals for disclosing waste, mismanagement, or violations of law and subjecting violators to a penalty, was taken up for consideration.

Senator Rush offered amendment S—5500 filed by Senators Rush and Bisenius on March 21, 1980, to page 1 and the title page of the bill.

Senator Briles raised the point of order that amendment S—5500 was not germane to the bill.

Senator Briles withdrew the point of order.

Senator Rush moved the adoption of amendment S—5500, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2356) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

DeKoster	Jensen	Murray	Robinson
Taylor			

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

Senate File 2313

On motion of Senator Bergman, Senate File 2313, a bill for an act providing for the regulation of residential maintenance service companies by the commissioner of insurance, and providing a penalty, was taken up for consideration.

Senator Rush offered amendment S—5507 filed by him on March 24, 1980, to page 1 of the bill.

Senator Coleman moved that Senate File 2313 be rereferred to the committee on Commerce.

Senator Coleman withdrew his motion.

Senator Coleman asked unanimous consent that action on Senate File 2313 and amendment S—5507 be deferred.

Objection was raised by Senator Small.

Senator Coleman moved that action on Senate File 2313 and amendment S—5507 be deferred.

The motion prevailed by a voice vote and **Senate File 2313** and amendment S—5507 were **deferred.**

WITHDRAWN

Senator Bisenius asked and received unanimous consent that **Senate File 2086** be withdrawn from further consideration of the Senate.

Senator Gratias withdrew amendment **S—5441** filed by him on March 19, 1980, to page 1 and the title page of **Senate File 2232.**

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

S.F. 2161
S.F. 2232
S.F. 2333
S.F. 202
S.F. 2189
S.F. 2075
S.F. 2319
S.F. 2320
S.F. 2192

CALVIN O. HULTMAN, Chairperson

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 123
By: Hester, Carney, Calhoon, Waldstein, Slater, Hultman, Bergman, Scott, Hutchins and Briles

Whereas, efforts have been initiated in the legislatures of Nebraska, Missouri, and Kansas to establish a compact between those states and this state for the purpose of promoting barge traffic on the Missouri River; and

Whereas, the general assembly of this state desires to support the efforts to establish the compact; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the governor is requested to negotiate on behalf of the state of Iowa with the states of Nebraska,

Missouri, and Kansas, and present a compact with those states to the next general assembly in form substantially as follows:

ARTICLE I

The purposes of this compact are to provide for the most efficient use of the waters of the Missouri River, to increase the amount of barge traffic on the Missouri River which flows along or through the compact states, to take necessary steps to develop the Missouri River and its banks to handle more barge traffic than is presently handled, to encourage the use of barges on the Missouri River for transporting bulk goods, especially farm commodities, and to promote joint action between the compact parties to accomplish these purposes.

ARTICLE II

It is the responsibility of the four states to accomplish the purposes in article one (I) through the official in each state who is charged with the duty of administering the public waters and to collect

Page 2

and correlate through those officials the data necessary for the proper administration of the compact. Those officials may, by unanimous action, adopt rules and regulations to accomplish the purposes of this compact.

ARTICLE III

The states of Iowa, Missouri, Kansas, and Nebraska agree that within a reasonable time they shall fulfill the obligations of this compact and that each shall authorize the proper official or agency in its state to take the necessary steps to promote the use of barges and develop the Missouri River for greater amounts of barge traffic.

ARTICLE IV

This compact does not limit the powers granted in any other act to enter into interstate or other agreements relating to the Missouri River, alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions, or impair or affect any rights, powers or jurisdiction of the United States, or those acting by or under its authority, in, over, and to the waters of the Missouri River.

ARTICLE V

Unless this compact is entered into on or before July 1, 1981, the governor shall take no further action to secure the compact.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:11 p.m., President Branstad presiding.

UNFINISHED BUSINESS
(Deferred March 18, 1980)
(Steering Calendar)

Senate File 2161

The Senate resumed consideration of Senate File 2161, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences, deferred on March 18, 1980.

Senator Ramsey offered amendment S—5487 filed by Senators Ramsey, Scott and Priebe on March 20, 1980, to pages 3, 8 and 9 of the bill and moved its adoption.

Amendment S—5487 was adopted by a voice vote.

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. 2161) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	Craft	Drake	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Waldstein	Yenger

Nays, 2:

Coleman Gallagher

Absent or not voting, 8:

DeKoster	Deluhery	Gratias	Jensen
Murray	Robinson	Scott	Van Gilst

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

UNFINISHED BUSINESS
(Deferred March 18, 1980)
(Steering Calendar)

Senate File 2232

The Senate resumed consideration of Senate File 2232, a bill for an act to provide for a closed session for governmental bodies to develop criteria for and discuss strategy in matters relating to certain teachers' and administrators' contracts, deferred on March 18, 1980.

Senator Taylor filed the following motion to reconsider and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5312 to Senate File 2232 was adopted by the Senate on March 18, 1980.

The motion prevailed by a voice vote and amendment S—5312 was taken up for reconsideration.

Senator Taylor offered amendment S—5435 filed by him on March 19, 1980, to amendment S—5312 and moved its adoption.

Amendment S—5435 was adopted by a voice vote.

Senator Taylor moved the adoption of amendment S—5312 as amended, which motion prevailed by a voice vote.

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. 2232) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles

Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

DeKoster	Gratias	Jensen	Robinson
Rodgers	Van Gilst		

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

BILL REASSIGNED TO COMMITTEE

President Branstad announced that **House File 2486** was reassigned from the committee on **Agriculture** to the committee on **Commerce.**

UNFINISHED BUSINESS
(Deferred March 21, 1980)
(Steering Calendar)

Senate File 2333

The Senate resumed consideration of Senate File 2333, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty, and amendment S—5488 by Senator Goodwin, deferred on March 21, 1980.

Senator Goodwin offered amendment S—5514 filed by him on March 24, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5514 was adopted by a voice vote.

Senator Goodwin asked and received unanimous consent to withdraw amendment S—5488 filed by him on March 21, 1980, to page 1 of the bill, deferred on March 21, 1980.

With the withdrawal of amendment S—5488, amendment S—5499 filed by Senator Comito on March 21, 1980, to amendment S—5488 was ruled out of order.

Senator Comito offered amendment S—5510 filed by him on March 24, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5510 was adopted by a voice vote.

With the adoption of amendment S—5510, the Chair ruled amendment S—5517 filed by Senators Holden and Miller of Cerro Gordo from the floor, out of order.

Senator Holden offered amendment S—5498 filed by Senators Holden and Miller of Cerro Gordo on March 21, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5498 was adopted by a voice vote.

Senator Priebe offered amendment S—5516 filed by Senators Priebe, et al., from the floor to page 4 of the bill and moved its adoption.

Amendment S—5516 was adopted by a voice vote.

Senator Holden moved to reconsider the vote by which amendment S—5498 was previously adopted by the Senate on March 21, 1980.

The motion prevailed by a voice vote.

Senator Holden asked and received unanimous consent to withdraw amendment S—5498 to page 1 of the bill.

Senator Holden offered amendment S—5519 filed by Senators Holden and Miller of Cerro Gordo from the floor to page 5 of the bill and moved its adoption.

Amendment S—5519 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2333) the vote was:

Ayes, 41:

Bergman	Bisenius	Briles	Brown

Calhoon	Carney	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Hansen
Hester	Hulse	Hultman	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Yenger			

Nays, 4:

Holden	Hutchins	Ramsey	Waldstein

Absent or not voting, 5:

Baugher	DeKoster	Gratias	Jensen
Van Gilst			

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2333 passed the Senate on March 25, 1980.

ALVIN V. MILLER

CONSIDERATION OF BILLS
(Steering Calendar)

Senate File 202

On motion of Senator Hutchins, Senate File 202, a bill for an act authorizing merged areas to acquire and operate student residence halls, dormitories, and student centers including dining and parking facilities, and to finance the cost with revenue bonds, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Carney offered amendment S—5314 filed by the committee on Education on March 7, 1980, to strike everything after the enacting clause of the bill.

Senator Holden asked and received unanimous consent that action on **Senate File 202** and amendment S—5314 be **deferred.**

Senate File 2189

On motion of Senator Bergman, Senate File 2189, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Holden offered amendment S—5357 filed by him on March 12, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5357 was adopted by a voice vote.

Senator Holden offered amendment S—5387 filed by Senators Holden and Rush on March 14, 1980, to page 4 of the bill and moved its adoption.

Amendment S—5387 was adopted by a voice vote.

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. 2189) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Deluhery	Drake
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rush	Schwengels	Scott
Slater	Taylor	Tieden	Yenger

Nays, 6:

Craft	Gallagher	Gentleman	Rodgers
Small	Waldstein		

Absent or not voting, 4:

DeKoster	Gratias	Jensen	Van Gilst

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

BUSINESS PENDING

Senate File 202

The Senate resumed consideration of Senate File 202 and amendment S—5314 by the committee on Education, previously deferred.

Senator Holden offered amendment S—5525 filed by him from the floor to amendment S—5314.

Senator Hultman asked and received unanimous consent that action on **Senate File 202**, amendment S—5314 and amendment S—5525 to amendment S—5314 be **deferred.**

MOTION TO RECONSIDER WITHDRAWN

Senate File 2296

Senator Priebe withdrew the motion to reconsider Senate File 2296, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation, filed by him on March 19, 1980, and found on page 968 of the Senate Journal.

Amendment S—5515 filed by Senator Priebe on March 24, 1980, to page 3 of Senate File 2296 was out of order.

APPENDIX

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 25th day of March, 1980.

Senate Files 477 and 2241.

FRANK J. STORK, Secretary of the Senate

STUDY BILL RECEIVED

S.S.B. 2297 Appropriations

Review the plans for renovation of the Judicial chambers in the Capitol and the costs involved in that renovation.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	275	Natural Resources
H.F.	2393	Labor and Industrial Relations
H.F.	2519	State Government
H.F.	2525	Judiciary
H.F.	2529	State Government

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy McHugh, Cedar Rapids, Linn County, Iowa, for reappointment as a member of the Board of Architectural Examiners pursuant to Section 118.1, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
JOHN SCOTT
BOB RUSH

RICHARD F. DRAKE
NORMAN J. GOODWIN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kristine K. Grimm, Monroe, Jasper County, Iowa, for appointment as a member of the Transportation Regulation Board pursuant to Section 307.15, 1979 Code of Iowa, for a six-year term commencing June 30, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
JOE BROWN
IRVIN L. BERGMAN
CLARENCE CARNEY

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5492 to Senate File 2230 was adopted by the Senate on March 25, 1980.

RICHARD R. RAMSEY

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: March 25, 1980, 12:20 p.m.

Members Present: Bisenius, Chairperson; Orr, Ranking Member; Hester and C. Miller.

Members Absent: Comito.

Other Business: Heard presentations from the Secretary of State's office and Commerce Commission; amended and approved SSB 2293 and SSB 2296 as committee bills.

Adjourned: 1:10 p.m.

COMMERCE

Convened: March 24, 1980, 3:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush (arrived 3:10 p.m.).

Members Absent: Robinson, Ranking Member.

Other Business: Discussed House File 2492—no final action taken.

Adjourned: 4:05 p.m.

COMMERCE

Convened: March 25, 1980, 11:10 a.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: Robinson, Ranking Member.

Final Action: HOUSE FILE 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5524.

Final Vote: Ayes, 8: Holden, Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin and Priebe. Nays, 1: Rush. Absent or not voting, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned House File 731 to subcommittee.

Adjourned: 12:05 p.m.

COUNTY GOVERNMENT

Convened: March 25, 1980, 11:00 a.m.

Members Present: Briles, Chairperson; Waldstein, Vice Chairperson; Hutchins, Ranking Member; Hester, Kudart, C. Miller, Nystrom, Slater, Yenger, Baugher and Brown.

Members Absent: none.

Final Action: HOUSE FILE 2305, a bill for an act to allow county conservation boards to exchange property.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Briles, Waldstein, Hutchins, Hester, Kudart, C. Miller, Nystrom, Slater, Yenger, Baugher and Brown. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Announced reassignment of House Files 2305 and 2469 to subcommittees.

Adjourned: 11:20 a.m.

JUDICIARY

Convened: March 25, 1980, 3:00 p.m.

Members Present: Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Ramsey, Briles, Slater, Coleman, Gentleman, and Deluhery.

Members Absent: DeKoster, Chairperson (excused); Scott, Murray and Hansen.

Final Action: HOUSE FILE 2355, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in the counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, in connection with an election authorizing a lease-purchase agreement and the lease-purchase authorization.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Kudart, Rush, Baugher, Ramsey, Briles, Slater, Coleman, Gentleman, Murray and Deluhery. Nays, none. Absent or not voting, 3: DeKoster, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2357, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Kudart, Baugher, Rush, Ramsey, Briles, Slater, Coleman, Gentleman, Murray and Deluhery. Nays, none. Absent or not voting, 3: DeKoster, Scott and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2365, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Kudart, Rush, Ramsey, Briles, Slater, Coleman, Gentleman, Murray and Deluhery. Nays, 1: Baugher. Absent or not voting, 3: DeKoster, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2481, a bill for an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Kudart, Baugher, Rush, Ramsey, Briles, Slater, Coleman, Gentleman and Deluhery. Nays, none. Absent or not voting, 4: DeKoster, Murray, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

STATE GOVERNMENT

Convened: March 24, 1980, 1:40 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, Gallagher, C. Miller, E. Miller and Yenger.

Members Absent: Murray and Rodgers.

Other Business: Assigned House files to subcommittees.

Adjourned: 1:50 p.m.

WAYS AND MEANS

Convened: March 25, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Van Gilst, Rush (arrived 1:45 p.m.), Hultman (arrived 2:00 p.m.) and Junkins (arrived 2:00 p.m.).

Members Absent: Readinger, Vice Chairperson and Scott.

Other Business: SENATE FILE 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of

registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, FAILED RECOMMENDATION FOR PASSAGE. **Final vote:** Ayes, 7: Craft, Baugher, Comito, Drake, Hester, Holden and Ramsey. Nays, 4: Rodgers, Hutchins, Junkins and Van Gilst. Absent or not voting, 4: Readinger, Hultman, Rush and Scott.

Adjourned: 3:10 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Leonard C. Andersen, former member of the Senate and House of Representatives from Woodbury County, who was present in the Senate chamber.

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

One hundred fifty students from John Adams Jr. High School, Mason City, Iowa, accompanied by Carol Clayton. Senator Miller of Cerro Gordo.

Thirty-five students from Maquoketa Jr. High School, Maquoketa, Iowa, accompanied by William Mueller and Rick Batey. Senators Hulse and Bisenius.

Twenty-eight students from Clay Central High School, Royal, Iowa, accompanied by Luther Heller. Senator Waldstein.

The following visitors were present in the Senate gallery:

Forty-five students from Midland Community School, Wyoming, Iowa, accompanied by Gary Heiar. Senators Hulse and Bisenius.

AMENDMENTS FILED

S—5516	S. F.	2333	Berl E. Priebe Norman G. Rodgers Forrest V. Schwengels Alvin V. Miller

			Arthur L. Gratias
			Richard Comito
			Lowell L. Junkins
			Edgar H. Holden
			Dale L. Tieden
S—5517	S. F.	2333	Edgar H. Holden
			Alvin V. Miller
S—5518	S. F.	2025	Stephen W. Bisenius
S—5519	S. F.	2333	Edgar H. Holden
			Alvin V. Miller
S—5520	S. J. R.	2001	Alvin V. Miller
			C. W. Hutchins
			John Scott
S—5521	H.F.	2305	Arne Waldstein
			A. R. Kudart
			Charles P. Miller
S—5522	S. F.	2313	Irvin L. Bergman
S—5523	S. J. R.	2001	Arthur A. Small, Jr.
S—5524	H.F.	2492	Commerce
			Committee
S—5525	S. F.	202	Edgar H. Holden
S—5526	S. F.	202	Joe Brown

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:41 p.m., until 9:00 a.m., Wednesday, March 26, 1980.

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 26, 1980

The Senate met in regular session at 9:16 a.m., President Branstad presiding.

Prayer was offered by the Reverend Chester L. Guinn, pastor of the Urban Mission Council, United Methodist Church, Des Moines, Iowa.

The Journal of Tuesday, March 25, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Anthony Romano, Council Bluffs, Iowa.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 24, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of William D. Miller, Sun Prairie, Wisconsin, for appointment as Commissioner of Public Safety pursuant to Section 80.2, 1979 Code of Iowa, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 25, 1980

Dear Governor Branstad:

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

Sidney N. Davis, Garnavillo, Clayton County, Iowa, for reappointment as a member of the Iowa Rural Community Development Committee pursuant to Section 387.2, 1979 Code of Iowa, for a six-year term commencing July 1, 1980, and ending June 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

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 Iowa Rural Community Development Committee pursuant to Section 387.2, 1979 Code of Iowa, for a six-year term commencing July 1, 1980, and ending June 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Richard D. Singleton, Conesville, Muscatine County, Iowa, for reappointment as a member of the Iowa Rural Community Development Committee pursuant to Section 387.2, 1979 Code of Iowa, for a six-year term commencing July 1, 1980, and ending June 30, 1986.

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 March 25, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2200, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen of the Code on motor vehicle installment sale contracts.

ALSO: That the House has on March 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2546, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2546, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

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

CONSIDERATION OF BILL
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2319.

Senate File 2319

On motion of Senator Carr, Senate File 2319, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program, 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. 2319) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Voting present, 1:

Hansen

Absent or not voting, 3:

Briles Calhoon Jensen

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

UNFINISHED BUSINESS
(Deferred March 17, 1980)

Senate File 2071

The Senate resumed consideration of Senate File 2071, a bill for an act to provide that declarations of value shall be public information, deferred on March 17, 1980.

Senator Ramsey asked and received unanimous consent to withdraw amendment S—5414 filed by him on March 18, 1980, to strike everything after the enacting clause of the bill.

With the withdrawal of amendment S—5414, amendment S—5417 filed by Senator Waldstein on March 18, 1980, to amendment S—5414, was ruled out of order.

Senator Craft offered amendment S—5419 filed by him on March 18, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5419 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2071) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Brown
Carney	Coleman	Comito	Craft
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr

Priebe	Readinger	Robinson	Rodgers
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 6:

DeKoster	Hulse	Palmer	Ramsey
Rush	Scott		

Absent or not voting, 4:

Briles	Calhoon	Carr	Jensen

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

UNFINISHED BUSINESS
(Deferred March 25, 1980)

Senate File 2349

The Senate resumed consideration of Senate File 2349, a bill for an act establishing the jurisdiction, duties, practices and procedures of the state board of mortuary examiners for purposes of enforcement by the state board of mortuary examiners of chapter five hundred twenty-three A (523A) of the Code, relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing penalties, and amendment S—5493 filed by Senators Miller of Marshall, et al., deferred on March 25, 1980.

Senator Hultman asked and received unanimous consent that action on **Senate File 2349** and amendment S—5493 be **deferred.**

UNFINISHED BUSINESS
(Deferred March 19, 1980)
(Steering Calendar)

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, deferred on March 19, 1980.

Senator DeKoster offered amendment S—5506 filed by him on March 24, 1980, to page 11 of the bill and moved its adoption.

Amendment S—5506 was adopted by a voice vote.

Senator DeKoster offered amendment S—5528 filed by him from the floor to page 26 of the bill and moved its adoption.

Amendment S—5528 was adopted by a voice vote.

Senator Rush called up the motion to reconsider the vote by which amendment S—5455 to Senate File 2320 was adopted by the Senate on March 19, 1980, filed by him on March 20, 1980, found on page 995 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5455 by Senator DeKoster to page 2 of the bill, was taken up for reconsideration.

Senator Rush offered amendment S—5486 filed by him on March 20, 1980, to amendment S—5455 and moved its adoption.

Amendment S—5486 was adopted by a voice vote.

Senator DeKoster moved the adoption of amendment S—5455 as amended, which motion prevailed by a voice vote.

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. 2320) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Briles Jensen

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

UNFINISHED BUSINESS
(Deferred March 25, 1980)

Senate File 202

The Senate resumed consideration of Senate File 202, a bill for an act authorizing merged areas to acquire and operate student residence halls, dormitories, and student centers including dining and parking facilities, and to finance the cost with revenue bonds, amendment S—5314 by the committee on Education and amendment S—5525 by Senator Holden to amendment S—5314, deferred on March 25, 1980.

Senator Holden moved the adoption of amendment S—5525 to amendment S—5314.

A non record roll call was requested.

The ayes were 42, nays 6.

Amendment S—5525 was adopted.

Senator Brown offered amendment S—5526 filed by him on March 25, 1980, to amendment S—5314 and requested a record roll call.

On the question "Shall amendment S—5526 to amendment S—5314 be adopted?" (S.F. 202) the vote was:

Ayes, 9:

Baugher	Brown	Carr	Craft
Kudart	Rush	Scott	Small
Waldstein			

Nays, 37:

Bergman	Bisenius	Calhoon	Carney
Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Miller, A.V.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey

Readinger	Robinson	Rodgers	Schwengels
Slater	Taylor	Tieden	Van Gilst
Yenger			

Absent or not voting, 4:

Briles	Jensen	Miller, C.P.	Miller, E.R.

Amendment S—5526 lost.

Senator Carney moved the adoption of amendment S—5314 as amended, which motion prevailed by a voice vote.

Senator Ramsey raised the point of order that Senate File 202 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point not well taken.

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. 202) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Bergman	Brown	Calhoon	Carney
Coleman	DeKoster	Deluhery	Drake
Gratias	Hansen	Hester	Hultman
Hutchins	Junkins	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Rodgers	Slater	Taylor
Tieden	Van Gilst	Yenger	

Nays, 21:

Baugher	Bisenius	Carr	Comito
Craft	Gallagher	Gentleman	Goodwin
Holden	Hulse	Kinley	Kudart
Miller, C.P.	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Small
Waldstein			

Absent or not voting, 2:

Briles	Jensen

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 202 passed the Senate on March 26, 1980.

JOE BROWN

PLACEMENTS ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the names of Annette Pieper and Jack W. Peters be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

ROLF V. CRAFT

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Hultman called up the following Reports of Investigating Committees:

As a member of the Advisory Investment Board of the Iowa Public Employees' Retirement System, Dale DeKoster, filed January 28, 1980, and found on page 210 of the Senate Journal.

As a member of the Assessor Education Commission, Ann Spangler, filed January 28, 1980, and found on page 210 of the Senate Journal.

As a member of the State Board of Optometry Examiners, Larry D. DeCook, O.D., filed January 28, 1980, and found on page 210 of the Senate Journal.

As a member of the Council on Social Services, Joan M. Lipsky, filed January 29, 1980, and found on page 221 of the Senate Journal.

As a member of the State Mental Health Advisory Council, Kay Ellen Dull, filed January 29, 1980, and found on pages 221-222 of the Senate Journal.

As Director of the Iowa State Arts Council, Dr. Sam W. Grabarski, filed January 30, 1980, and found on page 238 of the Senate Journal.

As a member of the Water Quality Commission of the Department of Environmental Quality, Burt Harmes, filed January 30, 1980, and found on page 238 of the Senate Journal.

As a member of the County Finance Committee, Beverly Dickerson, filed January 31, 1980, and found on page 245 of the Senate Journal.

As a member of the Iowa Law Enforcement Academy Council, Lewis E. Glenn, filed January 31, 1980, and found on page 245 of the Senate Journal.

As a member of the Iowa Law Enforcement Academy Council, Gerald W. Shanahan, filed January 31, 1980, and found on page 245 of the Senate Journal.

As a member of the State Board of Speech Pathology and Audiology Examiners, Jacqueline F. Bryant, filed January 31, 1980, and found on page 246 of the Senate Journal.

As a member of the County Finance Committee, Curtis F. Mineart, filed February 1, 1980, and found on page 269 of the Senate Journal.

As a member of the Iowa Law Enforcement Academy Council, Rose Marie Edgerton, filed February 1, 1980, and found on page 269 of the Senate Journal.

As a member of the Iowa Law Enforcement Academy Council, Gregory H. Williams, filed February 1, 1980, and found on page 269 of the Senate Journal.

As a member of the Professional and Occupational Regulation Commission, Richard L. Pattenaude, Ph.D., filed February 1, 1980, and found on pages 269-270 of the Senate Journal.

As a member of the State Board of Chiropractic Examiners, Lloyd L. Cutler, D.C., filed February 1, 1980, and found on page 270 of the Senate Journal.

As a member of the State Soil Conservation Committee, Stanley Isaacson, filed February 1, 1980, and found on page 270 of the Senate Journal.

As Administrator of the Credit Union Department, Betty Lou Minor, filed February 4, 1980, and found on page 295 of the Senate Journal.

As a member of the County Finance Committee, Robert E. Lee, filed February 4, 1980, and found on page 295 of the Senate Journal.

As a member of the Iowa Law Enforcement Academy Council, Billie B. Wallace, filed February 4, 1980, and found on page 296 of the Senate Journal.

As a member of the Board of Parole, Virginia Harper, filed February 5, 1980, and found on page 311 of the Senate Journal.

As a member of the Professional and Occupational Regulation Commission, Diane M. Ruebling, filed February 5, 1980, and found on page 311 of the Senate Journal.

As a member of the Board of Landscape Architectural Examiners, Jack E. Leaman, filed February 6, 1980, and found on page 341 of the Senate Journal.

As Commissioner of Social Services, Michael V. Reagen, Ph.D., filed February 6, 1980, and found on page 341 of the Senate Journal.

As a member of the State Board of Psychology Examiners, Herbert S. Roth, filed February 6, 1980, and found on page 341 of the Senate Journal.

As a member of the State Board of Speech Pathology and Audiology Examiners, Niel Ver Hoef, filed February 6, 1980, and found on pages 341-342 of the Senate Journal.

As a member of the State Transportation Commission, C. Roger Fair, filed February 6, 1980, and found on page 342 of the Senate Journal.

As a member of the Board of Landscape Architectural Examiners, Thomas R. Dunbar, filed February 7, 1980, and found on page 370 of the Senate Journal.

As a member of the State Board of Mortuary Science Examiners, Eugene J. Siegert, filed February 7, 1980, and found on page 370 of the Senate Journal.

As a member of the State Board of Psychology Examiners, Norman Scott, Ph.D., filed February 7, 1980, and found on page 371 of the Senate Journal.

As a member of the State Board of Speech Pathology and Audiology Examiners, Julia A. Shirk, filed February 7, 1980, and found on page 371 of the Senate Journal.

As a member of the State Conservation Commission, Donald Knudsen, filed February 7, 1980, and found on page 371 of the Senate Journal.

As a member of the State Soil Conservation Committee, Clifford Stille, filed February 7, 1980, and found on page 372 of the Senate Journal.

As a member of the Council on Social Services, Madalene R. Townsend, filed February 11, 1980, and found on page 391 of the Senate Journal.

As a member of the Energy Policy Council, George M. Mills, filed February 11, 1980, and found on pages 391-392 of the Senate Journal.

As a member of the Job Service Advisory Council, Joseph Zagnoli, filed February 11, 1980, and found on page 392 of the Senate Journal.

As a member of the Iowa Law Enforcement Academy Council, Arnett D. Davis, Jr., filed February 11, 1980, and found on page 392 of the Senate Journal.

As a member of the State Conservation Commission, John D. Field, filed February 11, 1980, and found on page 392 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Elaine M. Hulseberg, filed February 12, 1980, and found on page 413 of the Senate Journal.

As a member of the State Board of Pharmacy Examiners, Margo Lorraine Underwood, filed February 12, 1980, and found on page 413 of the Senate Journal.

As a member of the Campaign Finance Disclosure Commission, Emmanuel S. Bikakis, filed February 13, 1980, and found on page 434 of the Senate Journal.

As a member of the Iowa Housing Finance Authority, Roy E. Berger, filed February 13, 1980, and found on page 434 of the Senate Journal.

As a member of the Health Facilities Council, Gage E. Parker, filed February 14, 1980, and found on page 457 of the Senate Journal.

As Executive Director of the Iowa Civil Rights Commission, Artis Reis, filed February 14, 1980, and found on page 458 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Phyllis J. Peters, filed February 14, 1980, and found on page 459 of the Senate Journal.

As a member of the State Board of Nursing Examiners, Molly M. Scott, filed February 14, 1980, and found on page 458 of the Senate Journal.

As a member of the State Board of Physical Therapy Examiners, Deborah L. Green, filed February 18, 1980, and found on page 484 of the Senate Journal.

As a member of the State Board of Physical Therapy Examiners, David A. Hoeper, filed February 18, 1980, and found on page 484 of the Senate Journal.

As a member of the State Board of Physical Therapy Examiners, Kristi Livingston, filed February 18, 1980, and found on page 484 of the Senate Journal.

As a member of the Iowa Crime Commission, Sandra J. Holien, filed February 19, 1980, and found on page 499 of the Senate Journal.

As a member of the State Health Facilities Council, Minnette Doderer, filed February 19, 1980, and found on page 499 of the Senate Journal.

As a member of the Iowa Housing Finance Authority, F. Glenn Erickson, filed February 20, 1980, and found on page 525 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Dr. Mary E. Heltsley, filed February 20, 1980, and found on page 525 of the Senate Journal.

As a member of the County Finance Committee, Joseph A. Johnston, filed February 21, 1980, and found on page 547 of the Senate Journal.

As a member of the Board of Watchmaking Examiners, Karlton Lane Kunath, filed February 15, 1980, and found on pages 568-569 of the Senate Journal.

As a member of the County Finance Committee, Thomas L. Maher, filed February 26, 1980, and found on page 583 of the Senate Journal.

As a member of the Iowa Law Enforcement Academy Council, Gary Hughes, filed February 26, 1980, and found on page 583 of the Senate Journal.

As a member of the Iowa State Civil Rights Commission, Alfredo G. Parrish, filed February 26, 1980, and found on pages 583-584 of the Senate Journal.

As a member of the Solid Waste Disposal Commission, Milton C. Engman, filed February 26, 1980, and found on page 584 of the Senate Journal.

As a member of the Iowa Board of Veterinary Medicine Examiners, Jim Meyer, filed February 27, 1980, and found on pages 606-607 of the Senate Journal.

As a member of the Iowa Commission for the Blind, Nolden Gentry, filed February 27, 1980, and found on page 607 of the Senate Journal.

As a member of the Job Service Advisory Council, Wyatt Yon, filed February 27, 1980, and found on page 607 of the Senate Journal.

As a member of the Professional and Occupational Regulation Commission, Sheila Sidles, filed February 27, 1980, and found on page 607 of the Senate Journal.

As a member of the Water Quality Commission of the Department of Environmental Qualtiy, E.R. (Mac) McCann, filed February 28, 1980, and found on pages 631-632 of the Senate Journal.

As a member of the State Board of Medical Examiners, Cyrus L. Beye, M.D., filed March 3, 1980, and found on page 656 of the Senate Journal.

As a member of the Professional and Occupational Regulation Commission, Rick Morain, filed March 4, 1980, and found on page 677 of the Senate Journal.

As a member of the Energy Policy Council, Delmer A. Nelson, filed March 5, 1980, and found on page 710 of the Senate Journal.

As a member of the City Finance Committee, Darrel Rensink, filed March 7, 1980, and found on page 758 of the Senate Journal.

As a member of the Board of Landscape Architectural Examiners, Dorothy B. Sheil, filed March 11, 1980, and found on page 803 of the Senate Journal.

As a member of the Board of Examiners for Nursing Home Administrators, Lois M. Sherman, filed March 12, 1980, and found on page 829 of the Senate Journal.

As a member of the Iowa Crime Commission, James E. Carrell, filed March 12, 1980, and found on page 829 of the Senate Journal.

As a member of the Iowa Crime Commission, Maynard Hayden, filed March 12, 1980, and found on pages 829-830 of the Senate Journal.

As a member of the Iowa Real Estate Commission, Julian C. Campbell, filed March 12, 1980, and found on page 830 of the Senate Journal.

As a member of the Board of Architectural Examiners, Richard Hansen, filed March 13, 1980, and found on page 857 of the Senate Journal.

As a member of the Board of Parole, Jacqueline H. Day, filed March 13, 1980, and found on page 857 of the Senate Journal.

As a member of the Commission on Judicial Qualifications, Jean A. Tester, filed March 13, 1980, and found on page 858 of the Senate Journal.

As a member of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers, Mary L. Mills, filed March 14, 1980, and found on page 879 of the Senate Journal.

As a member of the Board of Accountancy, Donald W. Brown, filed March 17, 1980, and found on page 914 of the Senate Journal.

As a member of the State Board of Barber Examiners, Richard E. Sisco, filed March 17, 1980, and found on page 914 of the Senate Journal.

As a member of the Board of Landscape Architectural Examiners, Milford A. Fjare, filed March 18, 1980, and found on page 939 of the Senate Journal.

As a member of the State Board of Medical Examiners, Mary Powers Tokheim, filed March 19, 1980, and found on page 967 of the Senate Journal.

Senator Hultman asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Hultman moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

Ayes, 48:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.

Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Briles Jensen

The Chair declared the appointments confirmed.

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:10 p.m., President Branstad 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 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2518, a bill for an act relating to the administration of the Iowa national guard.

ALSO: That the House has on March 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2550, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2518, a bill for an act relating to the administration of the Iowa national guard.

Read first time **passed on file.**

House File 2550, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

Read first time and referred to the committee on **Energy.**

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 110
By: Committee on Judiciary

Whereas, public concern has been expressed that the courts are too lenient with criminals; and

Whereas, the root of this opinion may be current statutes on sentencing; and

Whereas, the National Conference Commissioners on Uniform State Laws has recently approved the Uniform Law Commissioner's Model Sentencing and Corrections Act; *Now Therefore,*

Be It Resolved by the Senate, That the President of the Senate appoint an interim subcommittee composed of members of both political parties of the Senate Committee on Judiciary to study sentencing alternatives, including the Uniform Law Commissioner's Model Sentencing and Corrections Act, and to report its findings, including any suggested legislation, to the Senate Committee on Judiciary and to the Senate.

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

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate Files 2071, 2161** and **2232** be immediately messaged to the House, which request was complied with.

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: SENATE CONCURRENT RESOLUTION 111, a resolution establishing a task force to study the school census requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Junkins, Hulse, Hansen, Ramsey and Kinley. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

S.F. 2349
S.F. 2313
H.F. 2355
H.F. 2357
H.F. 2365
H.F. 2181
S.C.R. 115
S.F. 2350
S.C.R. 111
H.F. 2429
H.F. 2492

CALVIN O. HULTMAN, Chairperson

MOTION TO RECONSIDER WITHDRAWN

Senate File 202

Senator Brown withdrew the motion to reconsider Senate File 202, a bill for an act authorizing merged areas to acquire and operate student residence halls, dormitories, and student centers including dining and parking facilities, and to finance the cost with revenue bonds, filed by him on March 26, 1980, and found on page 1082 of the Senate Journal.

UNFINISHED BUSINESS
(Deferred March 21, 1980)
(Steering Calendar)

Senate File 2313

The Senate resumed consideration of Senate File 2313, a bill for an act providing for the regulation of residential maintenance service companies by the commissioner of insurance, and providing a penalty, and amendment S—5507 by Senator Rush, deferred on March 25, 1980.

Senator Rush moved the adoption of amendment S—5507 to page 1 and the title page of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 16.

Amendment S—5507 was adopted.

With the adoption of amendment S—5507, the Chair ruled the following amendments out of order:

S—5406 filed by Senators Priebe, et al., on March 17, 1980, to pages 4 and 5 of the bill.

S—5522 filed by Senator Bergman on March 25, 1980, to page 7 of the bill.

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. 2313) the vote was:

Ayes, 35:

Baugher	Bisenius	Brown	Calhoon
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Hansen	Holden	Hulse
Hultman	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Waldstein	Yenger	

Nays, 11:

Bergman	Coleman	Goodwin	Gratias
Hester	Kinley	Miller, E.R.	Orr
Small	Tieden	Van Gilst	

Absent or not voting, 4:

Briles	Hutchins	Jensen	Nystrom

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 2313 passed the Senate on March 26, 1980.

WILLIAM D. PALMER

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2355.

House File 2355

On motion of Senator Kudart, House File 2355, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in the counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, in connection with an election authorizing a lease-purchase agreement and the lease-purchase authorization, with report of committee recommending passage, was taken up for consideration.

Senator Kudart moved that the bill 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. 2355) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Yenger	

Nays, 1:

DeKoster

Absent or not voting, 6:

Hansen	Hutchins	Jensen	Nystrom
Scott	Waldstein		

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

House File 2357

On motion of Senator Kudart, House File 2357, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties, with report of committee recommending passage, was taken up for consideration.

Senator Kudart moved that the bill 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. 2357) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Junkins	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Murray	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Hansen	Hutchins	Jensen
Miller, A.V.	Nystrom		

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

House File 2365

On motion of Senator Ramsey, House File 2365, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2365) the vote was:

Ayes, 42:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

DeKoster	Priebe

Absent or not voting, 6:

Baugher	Hansen	Holden	Hutchins
Jensen	Nystrom		

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

House File 2181

On motion of Senator Scott, House File 2181, a bill for an act to legalize proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of certain properties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2181) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

DeKoster Priebe

Absent or not voting, 4:

Hansen Hutchins Jensen Nystrom

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

CONSIDERATION OF RESOLUTION
(Steering Calendar)

Senate Concurrent Resolution 115

On motion of Senator Drake, Senate Concurrent Resolution 115, a resolution urging the United States Congress to amend the Internal Revenue Code, Section 103, filed March 3, 1980, found on pages 650-651 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Drake asked and received unanimous consent that **House Concurrent Resolution 110** be **substituted** for **Senate Concurrent Resolution 115.**

House Concurrent Resolution 110

On motion of Senator Drake, House Concurrent Resolution 110, a resolution urging Congress to amend the Internal Revenue Code to provide for unlimited exemptions on obligations issued to finance railroad projects, filed March 7, 1980, and found on pages 741-742 of the Senate Journal, was taken up for consideration.

Senator Drake moved the adoption of House Concurrent Resolution 110, which motion prevailed by a voice vote.

WITHDRAWN

Senator Drake asked and received unanimous consent that **Senate Concurrent Resolution 115** be withdrawn from further consideration of the Senate.

CONSIDERATION OF RESOLUTION
(Steering Calendar)

Senate Concurrent Resolution 111

On motion of Senator Holden, Senate Concurrent Resolution 111, a resolution establishing a task force to study the school census requirements, filed February 26, 1980, found on pages 571-572 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Holden moved the adoption of Senate Concurrent Resolution 111, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Steering Calendar)

Senate File 2350

On motion of Senator Yenger, Senate File 2350, a bill for an act relating to retainage withheld from payments to contractors under contracts for public improvements, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2350) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 3:

Carr	Gallagher	Miller, C.P.

Absent or not voting, 3:

Hutchins	Jensen	Nystrom

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 2350 passed the Senate on March 26, 1980.

ARTHUR A. SMALL, JR.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2333

Senator Miller of Cerro Gordo withdrew the motion to reconsider Senate File 2333, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty, filed by him on March 25, 1980, and found on page 1064 of the Senate Journal.

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As Commissioner of Public Safety:

William D. Miller, Sun Prairie, Wisconsin, for appointment to a term to serve at the pleasure of the Governor.

Senator Tieden, Chairperson
Senator Taylor
Senator Scott
Senator Schwengels
Senator Rodgers

As members of the Iowa Rural Community Development Committee:

James E. Lindsay, Ida Grove, Ida County, Iowa, for reappointment to a six-year term commencing July 1, 1980, and ending June 30, 1986.

Senator Gratias, Chairperson
Senator Gentleman
Senator Palmer
Senator Scott
Senator Craft

Dr. Sidney N. Davis, Garnavillo, Clayton County, Iowa, for reappointment to a six-year term commencing July 1, 1980, and ending June 30, 1986.

Senator Jensen, Chairperson
Senator Junkins
Senator Tieden
Senator A. Miller
Senator DeKoster

Richard D. Singleton, Conesville, Muscatine County, Iowa, for reappointment to a six-year term commencing July 1, 1980, and ending June 30, 1986.

Senator Nystrom, Chairperson
Senator Drake
Senator Rush
Senator Robinson
Senator Murray

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 25, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 2275—To provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

H.F. 2470—Updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the act retroactive.

COMMUNICATION FROM THE SECRETARY OF THE STATE

March 25, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2311, was published in The Daily Reporter, Spencer, Iowa, on March 17, 1980, and in the Peterson Patriot, Peterson, Iowa, on March 13, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Kristine K. Grimm be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BOB RUSH

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 26, 1980, when the votes were taken on Senate Files 2071 and 2319.

Had I been present, I would have voted "aye" on these bills.

JAMES CALHOON

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jerry J. Perpich, Des Moines, Polk County, Iowa, for reappointment as a member of the Board of Accountancy pursuant to Section 116.3, 1979 Code of Iowa, begs leave to report it has made investigation and recommends the appointment be confirmed.

JACK W. HESTER, Chairperson
W. R. BILL HANSEN
GEORGE R. KINLEY
C. W. HUTCHINS
JAMES E. BRILES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of JoAnn H. Erickson, Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DE KOSTER, Chairperson
CLARENCE CARNEY
JAMES CALHOON
JOE BROWN
RICHARD COMITO

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 25, 1980, 3:00 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, A. Miller, E. Miller, Priebe, Tieden, Waldstein and Van Gilst (arrived 3:20 p.m.).

Members Absent: none.

Final Action: HOUSE FILE 2463, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5534.

Final Vote: Ayes, 10: Bergman, Hester, Hutchins, Hulse, A. Miller, E. Miller, Priebe, Tieden, Waldstein and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned House Files 2472 and 2496 to subcommittees; discussed House File 2486—no final action taken.

Adjourned: 3:30 p.m.

JUDICIARY*

*A report of this meeting was also recorded on pages 1070-1071 of the March 25, 1980, Senate Journal.

Convened: March 25, 1980, 3:00 p.m.

Members Present: Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Ramsey, Briles, Slater, Coleman, Gentleman, Deluhery and Murray.

Members Absent: DeKoster, Chairperson; Hansen and Scott.

Final Action: SENATE RESOLUTION 110, a resolution requesting a study of judicial sentencing.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kudart, Baugher, Rush, Ramsey, Briles, Slater, Coleman, Gentleman, Deluhery and Murray. Nays, none. Absent or not voting, 3: DeKoster, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 54, a bill for an act relating to district associate judges and judicial magistrates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5532.

Final Vote: Ayes, 9: Kudart, Baugher, Rush, Ramsey, Briles, Slater, Coleman, Gentleman and Deluhery. Nays, none. Absent or not voting, 4: DeKoster, Murray, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 685, a bill for an act making it a fraudulent practice to knowlingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible, granting the department of social services rule-making authority to implement this Act, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5533.

Final Vote: Ayes, 7: Kudart, Baugher, Ramsey, Briles, Gentleman, Murray and Deluhery. Nays, 3: Rush, Coleman and Slater. Absent or not voting, 3: DeKoster, Hansen and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: March 26, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Murray, Coleman, Deluhery, Slater and Scott.

Members Absent: Ramsey and Hansen.

Final Action: HOUSE FILE 94, a bill for an act permitting fees of attorneys appointed by the court to be determined by judicial officers other than part-time magistrates.

Recommendation: DO PASS.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Baugher, Briles, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 4: Gentleman, Murray, Hansen and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:30 p.m.

NATURAL RESOURCES

Convened: March 26, 1980, 3:05 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member (arrived 3:10 p.m.); Calhoon, Gratias and Tieden.

Members Absent: Gallagher, Rodgers and Schwengels.

Final Action: HOUSE FILE 275, a bill for an act relating to a penalty for taking deer in violation of law.

Recommendation: DO PASS.

Final Vote: Ayes, 6: E. Miller, Goodwin, Priebe, Calhoon, Gratias and Tieden. Nays, none. Absent or not voting, 3: Gallagher, Rodgers and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2042, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng.

Recommendation: DO PASS.

Final Vote: Ayes, 6: E. Miller, Goodwin, Priebe, Calhoon, Gratias and Tieden. Nays, none. Absent or not voting, 3: Gallagher, Rodgers and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned House Files 275 and 2260 to subcommittees.

Adjourned: 3:23 p.m.

TRANSPORTATION

Convened: March 26, 1980, 1:35 p.m.

Members Present: Drake, Chairperson; Scott, Ranking Member; Comito, Goodwin, Holden (arrived 1:45 p.m.), Nystrom (arrived 1:40 p.m.), Coleman, Robinson (arrived 1:40 p.m.) and Small.

Members Absent: Jensen, Vice Chairperson (excused).

Final Action: HOUSE FILE 2169, a bill for an act relating to contracts for bridge or road construction on secondary roads.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Drake, Scott, Comito, Goodwin, Coleman and Small. Nays, none. Absent or not voting, 4: Jensen, Holden, Nystrom and Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2478, a bill for an act relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Drake, Scott, Comito, Goodwin, Nystrom, Coleman, Robinson and Small. Nays, none. Absent or not voting, 2: Jensen and Holden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2479, a bill for an act relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Drake, Scott, Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2482, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Drake, Scott, Comito, Goodwin, Holden, Nystrom, Coleman, Robinson and Small. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:50 p.m.

PRESENTATION OF VISITORS

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

Thirty-eight students from Fort Dodge Senior High School, Fort Dodge, Iowa, accompanied by Ron Hagemann. Senator Coleman.

Nineteen students, members of the Des Moines and Henry Counties 4-H program, accompanied by Les Scholffeman. Senator Miller of Des Moines.

Six students from St. John's of Bancroft, Bancroft, Iowa, accompanied by Sister Nancy Frommelt and Gerald Haas. Senator Priebe.

AMENDMENTS FILED

S—5527 S.J.R. 2001 Robert M. Carr

S—5528	S. F.	2320	Lucas J. DeKoster
S—5529	S. F.	2025	Stephen W. Bisenius
S—5530	S. F.	2102	Lucas J. DeKoster
S—5531	S. F.	2360	Lucas J. DeKoster
S—5532	H.F.	54	Judiciary Committee
S—5533	H.F.	685	Judiciary Committee
S—5534	H.F.	2463	Agriculture Committee
S—5535	S. F.	2349	Patrick J. Deluhery
S—5536	S. F.	2349	Patrick J. Deluhery
S—5537	S. F.	2349	Stephen W. Bisenius Lowell L. Junkins Forrest V. Schwengels
S—5538	S. F.	2349	Forrest V. Schwengels
S—5539	S. F.	2349	Forrest V. Schwengels Stephen W. Bisenius Lowell L. Junkins
S—5540	S. F.	2337	Bob Rush

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:21 p.m., until 9:00 a.m., Thursday, March 27, 1980.

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 27, 1980

The Senate met in regular session at 9:11 a.m., President Branstad presiding.

Prayer was offered by Bishop Lance Webb, pastor of the United Methodist Church, Des Moines, Iowa.

The Journal of Wednesday, March 26, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy Turner, Armstrong, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gentleman, Schwengels, Bergman and Priebe 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 25, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2060, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

ALSO: That the House has on March 25, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2301, a bill for an act relating to gubernatorial appointments which are subject to confirmation by the senate.

ALSO: That the House has on March 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2540, a bill for an act lating to the membership of the board of certification of waterworks and waste waterworks operators.

ALSO: That the House has on March 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2561, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners and amending statutes.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2540, a bill for an act relating to the membership of the board of certification of waterworks and waste waterworks operators.

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

House File 2561, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources.

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

HOUSE AMENDMENT TO SENATE FILE 2060

S—5541

Amend Senate File 2060 as follows:

1. Page 1, line 11, by inserting after the word *"city"* the words *"or county"*.

2. Page 1, line 12, by inserting after the word *"city"* the words *"or county"*.

3. Page 1, line 16, by inserting after the word *"city"* the words *"or county"*.

4. Page 1, by inserting after line 16, the following: *"Food and beverages may be served at the events or locations without affecting the exemptions, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county."*

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 25, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Ronald C. Reichert, Hiawatha, Linn County, Iowa, for appointment as a member of the Board of Watchmaking Examiners pursuant to Section 120.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Nancy Flood, Seymour, Wayne County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for an unexpired portion of a term ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Eugene E. Houk, Jefferson, Greene County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Lewis A. James, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. A.G. Kegler, Independence, Buchanan County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Robert R. Morris, Storm Lake, Buena Vista County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Norman Scott, Ph.D., Ames, Story County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 202** be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILL
(Steering Calendar)

Senator Ramsey asked and received unanimous consent to take up out of order House File 2429.

House File 2429

On motion of Senator Murray, House File 2429, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant, with report of committee recommending passage, 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?" (H.F. 2429) the vote was:

Ayes, 42:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Rush	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 1:

Small

Absent or not voting, 7:

Bergman	Gentleman	Jensen	Priebe
Robinson	Rodgers	Schwengels	

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

WITHDRAWN

Senator Murray asked and received unanimous consent that **Senate File 2226** be withdrawn from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 500

Senator Drake called up for consideration Senate File 500, a bill for an act relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, providing a corresponding adjustment in interest rates for government bonds and making certain provisions of the Act retroactive, amended by the House, and moved that the Senate concur in House amendment S—5504 filed March 24, 1980, and found on pages 1036-1040 of the Senate Journal.

The motion prevailed by a voice vote 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. 500) the vote was:

Ayes, 44:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Ramsey
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Bergman	Coleman	Gentleman	Jensen
Priebe	Schwengels		

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

IMMEDIATELY MESSAGED

Senator Drake asked and received unanimous consent that the message on **Senate File 500** be immediately messaged to the House, and send the bill to the Governor, which request was complied with.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2293

Senator Robinson withdrew the motion to reconsider Senate File 2293, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings, filed by him on March 18, 1980, and found on page 938 of the Senate Journal.

Senator Nystrom withdrew the motion to reconsider Senate File 2293 filed by him on March 19, 1980, and found on pages 967-968 of the Senate Journal.

HOUSE AMENDMENTS CONSIDERED

Senate File 2122

Senator Miller of Des Moines called up for consideration Senate File 2122, a bill for an act relating to the compensation of deputy sheriffs, amended by the House, and moved that the Senate concur in House amendment S—5365 filed March 13, 1980, and found on pages 839-840 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Miller of Des Moines 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. 2122) the vote was:

Ayes, 45:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bergman	Gentleman	Jensen	Priebe
Schwengels			

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

Senate File 2102

Senator DeKoster called up for consideration Senate File 2102, a bill for an act relating to the hospitalization of mentally ill persons, amended by the House by House amendment S—5345 filed March 11, 1980, and found on pages 800-802 of the Senate Journal.

Senator Murray offered amendment S—5383 filed by Senators Murray and DeKoster on March 13, 1980, to House amendment S—5345 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5383 to House amendment S—5345 be adopted?" (S.F. 2102) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Baugher	Bisenius	Briles	Carney

Comito	Craft	DeKoster	Drake
Gallagher	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Kudart
Murray	Nystrom	Orr	Ramsey
Readinger	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 17:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Robinson
Rodgers	Rush	Scott	Slater
Small			

Absent or not voting, 7:

Bergman	Gentleman	Hester	Jensen
Miller, E.R.	Priebe	Schwengels	

Amendment S—5383 was adopted.

Senator DeKoster offered amendment S—5530 filed by him on March 26, 1980, to House amendment S—5345 and moved its adoption.

Amendment S—5530 was adopted by a voice vote.

Senator DeKoster moved that the Senate concur in House amendment S—5345 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator DeKoster moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2102) the vote was:

Ayes, 44:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse

Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Ramsey
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Bergman	Gentleman	Jensen	Miller, E.R.
Priebe	Schwengels		

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

Senate File 435

Senator Kudart called up for consideration Senate File 435, a bill for an act relating to the establishment of historical preservation districts in cities, amended by the House, and moved that the Senate concur in House amendment S—5501 filed March 24, 1980, and found on pages 1034-1035 of the Senate Journal.

A non record roll call was requested.

The ayes were none, nays 42.

The motion lost and the Senate **refused to concur** in the House amendment.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 26, 1980, 11:40 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins, Rush and Van Gilst.

Members Absent: Scott.

Final Action: SENATE FILE 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former

prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5543.

Final Vote: Ayes, 12: Craft, Readinger, Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins and Rush. Nays, 1: Rodgers. Absent or not voting, 2: Scott and Van Gilst.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:10 p.m.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

S.F. 2361
H.F. 2245
H.F. 2453
H.F. 2458
H.F. 2461
H.F. 700
H.F. 2279
H.F. 357
H.F. 2475
S.F. 2335
H.F. 2180
S.F. 2357
H.F. 2305
H.F. 2481

CALVIN O. HULTMAN, Chairperson

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2245.

House File 2245

On motion of Senator Yenger, House File 2245, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Yenger offered amendment S—5252 filed by the committee on Human Resources on March 4, 1980, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5252 was adopted by a voice vote.

Senator Yenger moved that the bill 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. 2245) the vote was:

Ayes, 42:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Ramsey
Readinger	Rodgers	Rush	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Bergman	Gentleman	Hultman	Jensen
Priebe	Robinson	Schwengels	Small

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

House File 2453

On motion of Senator Drake, House File 2453, a bill for an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle, with report of committee recommending passage, 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?" (H.F. 2453) the vote was:

Ayes, 45:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bergman	Gentleman	Jensen	Priebe
Schwengels			

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

House File 2458

On motion of Senator DeKoster, House File 2458, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax, with report of committee recommending amendment and passage, was taken up for consideration.

Senator DeKoster offered amendment S—5257 filed by the committee on Education on March 5, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5257 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2458) the vote was:

Ayes, 45:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Robinson	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bergman	Gentleman	Jensen	Priebe
Schwengels			

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

MOTION TO RECONSIDER CONSIDERED

Senator Rush called up the motion to reconsider Senate File 2337 filed by him on March 20, 1980, found on page 1024 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2337) the vote was:

Ayes, 43:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Ramsey
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 1:

Tieden

Absent or not voting, 6:

Bergman	Gentleman	Jensen	Murray
Priebe	Schwengels		

The motion prevailed.

Senator Rush moved to reconsider the vote by which Senate File 2337 went to its last reading, which motion prevailed.

Senate File 2337

On motion of Senator Rush, Senate File 2337, a bill for an act relating to the financial responsibility requirements for and liability insurance policies relating to the operation and registration of motor vehicles in this state, and providing penalty, was taken up for reconsideration.

Senator Rush moved to reconsider the vote by which amendment S—5448 was adopted by the Senate on March 20, 1980.

The motion prevailed by a voice vote and amendment S—5448 by Senators Rush and Holden was taken up for reconsideration.

Senator Rush offered amendment S—5540 filed by him on March 26, 1980, to amendment S—5448 and moved its adoption.

Amendment S—5540 was adopted by a voice vote.

Senator Rush moved the adoption of amendment S—5448 as amended, which motion prevailed by a voice vote.

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. 2337) the vote was:

Ayes, 39:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Goodwin	Gratias	Hansen

Hester	Holden	Hulse	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Nystrom	Orr
Palmer	Readinger	Rodgers	Rush
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	

Nays, 3:

Carr	Miller, E.R.	Ramsey

Absent or not voting, 8:

Bergman	Gentleman	Jensen	Murray
Priebe	Robinson	Schwengels	Yenger

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 460, a bill for an act relating to workers' compensation insurance proceedings and rates.

ALSO: That the House has on March 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2557, a bill for an act relating to the payment of costs in certain civil actions to which the state is a party.

ALSO: That the House has on March 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2562, a bill for an act relating to the dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2557, a bill for an act relating to the payment of costs in certain civil actions to which the state is a party.

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

House File 2562, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

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

HOUSE AMENDMENT TO SENATE FILE 460

S—5542

Amend Senate File 460 as follows:

1. Page 1, by striking lines 4 through 29 and inserting in lieu thereof the following:

"NEW SUBSECTION. Notwithstanding any other provision of the Code, the commissioner of insurance shall provide for a hearing in a proceeding involving a workers' compensation insurance rate filing by a licensed rating organization in accordance with the provisions of this subsection and rules promulgated by the commissioner of insurance pursuant to chapter seventeen A (17A) of the Code. Except as otherwise provided herein, the provisions of this subsection shall not be subject to the requirements of chapter seventeen A (17A) of the Code. The procedures for such hearing shall be as follows:

a. The commissioner shall provide notice of the filing of the proposed rates at least thirty days before the effective date of the proposed rates by publishing a notice in the Iowa administrative bulletin.

b. A public hearing shall be held on the proposed rates by the commissioner of insurance if within fifteen days of the date of publication a workers' compensation policyholder or an established organization with one or more workers' compensation policyholders among its members files a written demand with the commissioner of insurance for a hearing on the proposed rates.

c. The commissioner of insurance shall hold the hearing within twenty days after receipt of the written demand for a hearing and shall give not less than ten days written notice of the time and place of the hearing to the person or association filing the demand, to the rating organization, and to any other person requesting such notice.

d. At any such hearing, the rating organization shall bear the burden of proof to support the proposed

rates by a preponderance of the evidence. The person or association requesting the hearing, and any other person admitted as a party to the proceeding, shall be given the opportunity to respond and introduce evidence and arguments on all the issues involved.

e. Within fifteen days after the start of the hearing, the commissioner of insurance will approve or disapprove the proposed rates and specify the reasons therefor. The commissioner of insurance may suspend or postpone the effective date of the proposed rates pending the hearing and written decision thereon.

f. Judicial review of the decision of the commissioner of insurance on such rates may be sought

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in accordance with the provisions of chapter seventeen A (17A) of the Code."

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:05 p.m., Senator Ramsey 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 27, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2495, a bill for an act relating to strip searches subsequent to arrest.

ALSO: That the House has on March 27, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2570, a bill for an act relating to the method of transmission of funds to be deposited in the county mental health and institutions fund.

ALSO: That the House has on March 27, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2573, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2495, a bill for an act relating to strip searches subsequent to arrest.

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

House File 2570, a bill for an act relating to the method of transmission of funds to be deposited in the county mental health institutions fund.

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

House File 2573, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

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

QUORUM CALL

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

Roll call revealed a quorum present.

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Holden asked and received unanimous consent to take up out of order House File 2461.

House File 2461

On motion of Senator Hester, House File 2461, a bill for an act relating to tort liability of regional boards of library trustees, soil conservation districts and their officers, employees, and agents, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hester offered amendment S—5273 filed by the committee on Agriculture on March 5, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5273 was adopted by a voice vote.

Senator Hester moved that the bill 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. 2461) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Orr
Palmer	Ramsey	Readinger	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Bergman	Calhoon	Gentleman	Hansen
Hultman	Nystrom	Priebe	Robinson
Schwengels			

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

House File 700

On motion of Senator Gratias, House File 700, a bill for an act relating to the use of a license for the taking of fish and animals and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gratias offered amendment S—5319 filed by the committee on Natural Resources on March 10, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5319 was adopted by a voice vote.

Senator Gratias offered amendment S—5318 filed by the committee on Natural Resources on March 10, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5318 was adopted by a voice vote.

Senator Gratias moved that the bill 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. 700) the vote was:

Ayes, 43:

Baugher	Bisenius	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Robinson	Rodgers	Rush	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, *none.*

Absent or not voting, 7:

Bergman	Calhoon	Comito	Gentleman
Hultman	Priebe	Schwengels	

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

House File 2279

On motion of Senator Brown, House File 2279, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts, with report of committee recommending passage, was taken up for consideration.

Senator Brown moved that the bill 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. 2279) the vote was:

Ayes, 43:

Baugher	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Goodwin	Gratias	Hansen
Hester	Holden	Hutchins	Jensen

Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Robinson	Rodgers	Rush	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Bergman	Calhoon	Gentleman	Hulse
Hultman	Priebe	Schwengels	

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

WITHDRAWN

Senator Briles asked and received unanimous consent that **Senate File 2304** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS
(Steering Calendar)

House File 357

On motion of Senator Carr, House File 357, a bill for an act relating to the acceptance of checks by vendors of state liquor stores, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Carr offered amendment S—5342 filed by the committee on State Government on March 11, 1980, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5342 was adopted by a voice vote.

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. 357) the vote was:

Ayes, 42:

Baugher	Bisenius	Briles	Brown

Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Goodwin	Gratias	Hansen	Holden
Hulse	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Ramsey	Readinger	Robinson
Rodgers	Rush	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Bergman	Calhoon	Comito	Gentleman
Hester	Hultman	Priebe	Schwengels

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

House File 2475

On motion of Senator Carney, House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Carney offered amendment S—5378 filed by the committee on Education on March 13, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5378 was adopted by a voice vote.

Senator Carr offered amendment S—5554 filed by him from the floor to page 1 of the bill, moved its adoption and requested a non record roll call.

The ayes were 24, nays 19.

Amendment S—5554 was adopted.

Senator Carney moved that the bill 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. 2475) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 36:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Goodwin	Hansen	Holden	Hulse
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Ramsey	Readinger
Robinson	Rush	Scott	Small
Taylor	Tieden	Van Gilst	Yenger

Nays, 6:

Gallagher	Gratias	Hester	Kudart
Rodgers	Waldstein		

Absent or not voting, 8:

Bergman	Comito	Gentleman	Hultman
Nystrom	Priebe	Schwengels	Slater

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 2475 passed the Senate on March 27, 1980.

JOE BROWN

MOTION TO RECONSIDER WITHDRAWN

Senate File 2350

Senator Small withdrew the motion to reconsider Senate File 2350, a bill for an act relating to retainage withheld from payments to contractors under contracts for public improvements, filed by him on March 26, 1980, and found on page 1099 of the Senate Journal.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 124
By: Committee on Commerce

Whereas, proposals submitted during the 1980 Session in the form of bill drafts and amendments thereto, in-

dicate an interest in and a possible need for legislation which regulates the termination of various types of franchise agreements; and

Whereas, enactment of any such legislation ought to be preceded by an in-depth investigation into the types of franchises which are commonly used in commerce, and the ramifications of enacting such legislation; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create a study committee consisting of members of the Senate and the House of Representatives to undertake a study during the 1980-81 legislative interim of legislation relating to franchise agreements; and

Be It Further Resolved, That the study committee report to the legislative council and to the general assembly convening in 1981 the results of its study, including any recommendations for legislation.

Read first time and referred to the committee on **Rules and Administration.**

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As a member of the Board of Watchmaking Examiners:

Ronald C. Reichert, Hiawatha, Linn County, Iowa, for appointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Hester, Chairperson
Senator Hansen
Senator Rush
Senator Hulse
Senator C. Miller

As members of the State Board of Dental Examiners:

Dr. Eugene E. Houk, Jefferson, Greene County, Iowa, for appointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Carney, Chairperson
Senator Hutchins
Senator Calhoon
Senator Comito
Senator Bisenius

Dr. A. G. Kegler, Independence, Buchanan County, Iowa, for appointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Briles, Chairperson
Senator Gallagher
Senator Carr
Senator Craft
Senator DeKoster

Nancy Flood, Seymour, Wayne County, Iowa, for appointment to an unexpired term ending June 30, 1980.

Senator Drake, Chairperson
Senator Deluhery
Senator Ramsey
Senator Coleman
Senator Baugher

Dr. Lewis A. James, Des Moines, Polk County, Iowa, for reappointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Goodwin, Chairperson
Senator Gentleman
Senator Waldstein
Senator Orr
Senator Priebe

As a member of the State Board of Podiatry Examiners:

Dr. Robert R. Morris, Storm Lake, Buena Vista County, Iowa, for appointment to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Kudart, Chairperson
Senator Waldstein
Senator Yenger
Senator Van Gilst
Senator C. Miller

As a member of the State Board of Psychology Examiners:

Norman Scott, Ph.D., Ames, Story County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator E. Miller, Chairperson
Senator Murray
Senator A. Miller
Senator Gratias
Senator Deluhery

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 25, 1980.

Had I been present, I would have voted "aye" on amendment S—5483 and "nay" on amendment S—5497 to Senate File 2349.

W. R. BILL HANSEN

MR. PRESIDENT: On March 26, 1980, I voted "aye" on Senate File 202 in order to be on the prevailing side so I could file a motion to reconsider.

I oppose the passage of Senate File 202.

JOE BROWN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 26, 1980.

Had I been present, I would have voted "aye" on House Files 2181, 2355, 2357 and 2365.

W. R. BILL HANSEN

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendment S—5501 to Senate File 435 on March 27, 1980.

ROBERT M. CARR

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2337, the following technical correction was made:

1. Page 1, lines 23 and 24 of the amendment S—5440 to Senate amendment S—5448, "sixteen (16) and seventeen (17)" were changed to "six (6) and seven (7)".

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2518	State Government
H.F.	2546	Agriculture

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Daniel W. Clifford, Des Moines, Polk County, Iowa, for reappointment as a member of the City Finance Committee pursuant to Section 384.13, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN J. GOODWIN, Chairperson
JULIA B. GENTLEMAN
ARTHUR L. GRATIAS
C. JOSEPH COLEMAN
JAMES CALHOON

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lois Jeanne Miller, Carroll, Carroll County, Iowa, for

reappointment as a member of the Credit Union Review Board pursuant to Section 533.53, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
TOM SLATER
JOHN SCOTT
RAY TAYLOR
SUE YENGER

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 27, 1980, 3:15 p.m.

Members Present: Holden, Chairperson; Comito Vice Chairperson; Robinson, Ranking Member; Craft, Deluhery, Goodwin and Rush (arrived 3:35 p.m.).

Members Absent: Bergman (excused), Gentleman (excused) and Priebe (excused).

Final Action: SENATE CONCURRENT RESOLUTION 124, a resolution providing for an interim study committee to study legislation relating to franchise agreements.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 7: Holden, Comito, Robinson, Craft, Deluhery, Goodwin and Rush. Nays, none. Absent or not voting, 3: Bergman, Gentleman and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Holden, Comito, Robinson, Craft, Deluhery and Goodwin. Nays, none. Absent or not voting, 4: Bergman, Gentleman, Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2491, a bill for an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81a et seq.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Holden, Comito, Robinson, Craft, Deluhery and Goodwin. Nays, none. Absent or not voting, 4: Bergman, Gentleman, Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2513, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5556.

Final Vote: Ayes, 7: Holden, Comito, Robinson, Craft, Deluhery, Goodwin and Rush. Nays, none. Absent or not voting, 3: Bergman, Gentleman and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2537, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Holden, Comito, Robinson, Craft, Deluhery and Goodwin. Nays, none. Absent or not voting, 4: Bergman, Gentleman, Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:40 p.m.

EDUCATION

Convened: March 27, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Orr, Small and Taylor.

Members Absent: Jensen (excused).

Final Action: HOUSE FILE 2116, a bill for an act to include classes offered by area schools as eligible for supplementary weighting

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2163, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2299, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned bills to subcommittees; discussed House Files 695 and 2138.

Adjourned: 2:35 p.m.

ENERGY

Convened: March 26, 1980, 12:38 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson (arrived 1:10 p.m.); Gallagher, Ranking Member; Brown, Readinger, Rodgers and Waldstein (arrived 12:45 p.m.).

Members Absent: Briles and Deluhery.

Other Business: Discussed House File 736, relating to purchase of fuel from other than franchisor; assigned bills to subcommittees.

Adjourned: 1:35 p.m.

HUMAN RESOURCES

Convened: March 26, 1980, 1:35 p.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Bergman, Carney, Carr, Craft, Hulse, A. Miller (arrived 2:15 p.m.), Orr and Slater.

Members Absent: Hansen.

Final Action: HOUSE FILE 402, a bill for an act relating to attorney notices of subrogation to the department of social services under the medical assistance program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse, A. Miller, Orr and Slater. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 701, a bill for an act to establish a state department of mental health, prescribe its powers and duties, transfer to it certain responsibilities presently imposed by law on the division of mental health of the department of social services and on the Iowa mental health authority, provide a description of those responsibilities of the department of social services which are now assigned to the division of mental health and which are to be left within the jurisdiction of the department of social services, and make amendments in conformity with these changes to various sections of the Code as necessary.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5545.

Final Vote: Ayes, 11: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse, A. Miller, Orr and Slater. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2533, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5544.

Final Vote: Ayes, 11: Gentleman, Yenger, C. Miller, Bergman, Carney, Carr, Craft, Hulse, A. Miller, Orr and Slater. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed House Concurrent Resolution 118.

Adjourned: 2:35 p.m.

PRESENTATION OF VISITORS

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

Thirty-one students from Carroll High School, Carroll, Iowa, accompanied by Sandy Hood. Senator Hutchins.

Fifty students from Hempstead High School, Dubuque, Iowa, accompanied by Duane Nilles. Senators Carr and Bisenius.

Thirty-nine students from Marshalltown High School, Marshalltown, Iowa, accompanied by Mr. and Mrs. Francis Burnham. Senator Miller of Marshall.

AMENDMENTS FILED

S—5543	S. F.	2361	Ways and Means Committee
S—5544	H.F.	2533	Human Resources Committee
S—5545	H.F.	701	Human Resources Committee
S—5546	S. F.	2322	Cloyd E. Robinson
S—5547	S. F.	2361	Richard F. Drake
S—5548	H.F.	2520	John S. Murray
S—5549	S. F.	2361	Cloyd E. Robinson
S—5550	S. F.	2361	Richard F. Drake John W. Jensen
S—5551	H.F.	2305	Dale L. Tieden Arthur A. Small, Jr.
S—5552	S. F.	2361	Edgar H. Holden
S—5553	H.F.	2492	Rolf V. Craft
S—5554	H.F.	2475	Robert M. Carr
S—5555	S. F.	2230	Ray Taylor

			Arthur A. Small, Jr. Richard R. Ramsey
S—5556	H.F.	2513	Commerce Committee
S—5557	S. F.	2361	Bass Van Gilst C. W. Hutchins
S—5558	H.F.	2492	Edgar H. Holden
S—5559	S. F.	2361	Clarence Carney

ADJOURNMENT

On motion of Senator Holden, the Senate adjourned at 5:32 p.m., until 9:00 a.m., Friday, March 28, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

SEVENTY-FIFTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 28, 1980

The Senate met in regular session at 9:21 a.m., President Branstad presiding.

Prayer was offered by the Reverend Carroll Johnson, pastor of the Exira Christian Church, Exira, Iowa.

The Journal of Thursday, March 27, 1980, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Hutchins and Small for the day on request of Senator Junkins; Senators Hester, Kudart and Nystrom for the day on request of Senator Holden.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

Senate File 2352, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board.

ALSO: That the House has on March 27, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2554, a bill for an act relating to the setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child.

ALSO: That the House has on March 27, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2572, a bill for an act relating to the lending nd investment powers of savings and loan associations.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2554, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child.

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

House File 2572, a bill for an act relating to the lending and investment powers of savings and loan associations under section five hundred thirty-four point nineteen (534.19) of the Code.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 125
By: Hansen

Whereas, the federal income tax laws are so unfair to married persons that some married couples are obtaining divorces to obtain a tax advantage; and

Whereas, it ought to be the public policy of the United States to encourage the preservation of marriage by its laws, not to encourage the dissolution of that holy state; and

Whereas, the Congress of the United States has the power to amend the tax laws to promote the preservation of marriages and provide fairness to all; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the general assembly of the state of Iowa urges the United States Congress to enact legislation giving married persons the option of filing federal income tax returns jointly as a married couple or individually as single persons; and

Be It Further Resolved, That the secretary of the senate is directed to transmit copies of this resolution to the speaker and the clerk of the United States house of representatives and the secretary of the United States senate and each member of the Iowa congressional delegation.

EXPLANATION

The resolution urges Congress to revise the federal individual income tax law to allow married couples the option of filing jointly or individually as single persons.

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

Senator Gentleman took the chair at 9:42 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schwengels for the day on request of Senator Holden.

UNFINISHED BUSINESS
(Deferred March 25, 1980)

Senate File 2230

The Senate resumed consideration of Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, deferred on March 25, 1980.

Senator Ramsey called up the motion to reconsider the vote by which amendment S—5492 to Senate File 2230 was adopted by the Senate on March 25, 1980, filed by him on March 25, 1980, and found on page 1068 of the Senate Journal.

Senator Ramsey withdrew his motion to reconsider.

Senator Taylor filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5492 to Senate File 2230 was adopted by the Senate on March 25, 1980.

The motion prevailed by a voice vote and amendment S—5492 was taken up for reconsideration.

Senator Taylor asked and received unanimous consent that amendment S—5492 to page 1 of the bill be withdrawn.

Senator Taylor offered amendment S—5555 filed by Senators Taylor, Small and Ramsey on March 27, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5555 was adopted by a voice vote.

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. 2230) the vote was:

Ayes, 37:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Coleman
Deluhery	Drake	Gallagher	Gentleman
Gratias	Holden	Hulse	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Scott	Slater
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 2:

Craft	DeKoster

Absent or not voting, 11:

Calhoon	Comito	Goodwin	Hansen
Hester	Hultman	Hutchins	Kudart
Nystrom	Schwengels	Small	

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

IMMEDIATELY MESSAGED

Senator Taylor asked and received unanimous consent that **Senate File 2230** be immediately messaged to the House, which request was complied with.

Senator Holden asked and received unanimous consent that **House File 2458** be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILL
(Steering Calendar)

Senator Holden asked and received unanimous consent to take up out of order Senate File 2361.

Senate File 2361

On motion of Senator Jensen, Senate File 2361, a bill for an act relating to transportation by redefining motorized bicycles,

repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Gallagher moved that action on Senate File 2361 be deferred.

Senator Gallagher withdrew his motion.

Senator Junkins asked and received unanimous consent that amendment S—5549 be taken up for immediate consideration.

Senator Robinson offered amendment S—5549 filed by him on March 27, 1980, to page 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5549 be adopted?" (S.F. 2361) the vote was:

Ayes, 36:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Holden	Hulse	Jensen	Junkins
Kinley	Miller, A.V.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Gallagher	Miller, C.P.

Absent or not voting, 12:

Coleman	Hansen	Hester	Hultman
Hutchins	Kudart	Nystrom	Schwengels
Scott	Slater	Small	Taylor

Amendment S—5549 was adopted.

Senator Craft asked and received unanimous consent to withdraw amendment S—5543 filed by the committee on Ways and Means on March 27, 1980, to page 20 of the bill.

Senator Craft offered amendment S—5560 filed by the committee on Ways and Means from the floor to page 20 of the bill and called for a division of the amendment.

The Chair advised that the amendment was not divisible.

Senator Craft asked and received unanimous consent that action on amendment S—5560 be deferred.

Senator Drake offered amendment S—5512 filed by Senators Jensen and Drake on March 24, 1980, to pages 2, 3, 4, 9, 10 and 22 of the bill and moved its adoption.

Amendment S—5512 was adopted by a voice vote.

Senator Drake offered amendment S—5550 filed by Senators Drake and Jensen on March 27, 1980, to pages 1, 8 and 22 of the bill and moved its adoption.

Amendment S—5550 was adopted by a voice vote.

Senator Holden offered amendment S—5552 filed by him on March 27, 1980, to pages 2 and 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5552 be adopted?" (S.F. 2361) the vote was:

Ayes, 15:

Bergman	Bisenius	DeKoster	Deluhery
Gentleman	Gratias	Holden	Huise

Miller, E.R.	Ramsey	Readinger	Robinson
Rodgers	Rush	Slater	

Nays, 24:

Baugher	Briles	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	Drake	Gallagher	Goodwin
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Scott	Tieden	Van Gilst	Yenger

Absent or not voting, 11:

Hansen	Hester	Hultman	Hutchins
Kudart	Murray	Nystrom	Schwengels
Small	Taylor	Waldstein	

Amendment S—5552 lost.

Senator Carney offered amendment S—5559 filed by him on March 27, 1980, to page 8 of the bill.

Senator Priebe offered amendment S—5565 filed by him from the floor to amendment S—5559.

Senator Kinley raised the point of order that amendments S—5559 and S—5565 were not germane to the bill.

The Chair ruled the point well taken and amendments S—5559 and S—5565 to S—5559 out of order.

Senator Drake offered amendment S—5511 filed by Senators Jensen and Drake on March 24, 1980, to pages 10 and 11 of the bill and moved its adoption.

Amendment S—5511 was adopted by a voice vote.

Senator Drake offered amendment S—5472 filed by Senators Jensen, et al., on March 20, 1980, to page 11 of the bill and moved its adoption.

Amendment S—5472 was adopted by a voice vote.

Senator Drake offered amendment S—5547 filed by him on March 27, 1980, to page 13 of the bill and moved its adoption.

Amendment S—5547 was adopted by a voice vote.

Senator DeKoster offered amendment S—5561 filed by Senators DeKoster and Drake from the floor to page 22 of the bill and moved its adoption.

Amendment S—5561 was adopted by a voice vote.

Senator Craft asked and received unanimous consent to withdraw amendment S—5560 to page 20 of the bill, previously deferred.

Senator Craft offered amendment S—5567 filed by the committee on Ways and Means from the floor to page 20 of the bill and called for a division: lines 2 through 11 as division S—5567A; lines 12 through 20 as division S—5567B.

Senator Craft moved the adoption of division S—5567A, which motion prevailed by a voice vote.

(Senate File 2361 and division S—5567B pending on adjournment).

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2340

Appropriations
DeKoster, Chairperson
Nystrom
Scott

HOUSE FILE 275

Natural Resources
Priebe, Chairperson
Goodwin
Gratias

HOUSE FILE 731

Commerce
Rush, Chairperson
Gentleman
Goodwin

HOUSE FILE 732

Cities
Taylor, Chairperson
Kudart
Palmer

HOUSE FILE 2258

Cities
Kudart, Chairperson
Taylor
A. Miller

HOUSE FILE 2260

Natural Resources
Calhoon, Chairperson
Tieden
Gallagher

HOUSE FILE 2469
(REASSIGNMENT)

County Government
Kudart, Chairperson
Waldstein
Brown

HOUSE FILE 2471

Cities
Briles, Chairperson
Hansen
Kinley

HOUSE FILE 2472

Agriculture
Tieden, Chairperson
Bergman
A. Miller

HOUSE FILE 2486

Commerce
Holden, Chairperson
Comito
Bergman
Robinson
Deluhery

HOUSE FILE 2493

Energy
Waldstein, Chairperson
Rodgers
Readinger

HOUSE FILE 2496

Agriculture
E. Miller, Chairperson
Waldstein
Van Gilst

HOUSE FILE 2509

Education
Carney, Chairperson
Taylor
Jensen
Calhoon
Small

HOUSE FILE 2516

Judiciary
Murray, Chairperson
Gentleman
Slater

HOUSE FILE 2522

Judiciary
Kudart, Chairperson
Murray
Scott

HOUSE FILE 2525

Judiciary
Rush, Chairperson
Baugher
Kudart

HOUSE FILE 2536

Cities
Hansen, Chairperson
A. Miller
Taylor

HOUSE FILE 2537

Commerce
Goodwin, Chairperson
Gentleman
Deluhery

SSB 2297

Appropriations
Readinger, Chairperson
Schwengels
Scott
Van Gilst

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 28, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 477—Relating to the control, abatement and prevention of air pollution by the Department of Environmental Quality, and providing a civil penalty.

H.F. 79—To allow members of the Office of Citizens' Aide to become notary publics.

H.F. 673—Increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent.

H.F. 715—Relating to the information to be furnished a jury commission for use in drawing jury lists.

COMMUNICATION FROM THE SECRETARY OF THE STATE

March 27, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2240, was published in The Waterloo Courier, Waterloo, Iowa, on March 26, 1980, and in the Atlantic News-Telegraph, Atlantic,

Iowa, on March 25, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 27, 1980, when votes were taken on House Files 357, 700, 2279 and 2461.

Had I been present, I would have voted "aye" on these bills.

JAMES CALHOON

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5483 to Senate File 2349 was adopted by the Senate on March 25, 1980.

EDGAR H. HOLDEN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5497 to amendment S—5483 to Senate File 2349 failed to be adopted by the Senate on March 25, 1980.

EDGAR H. HOLDEN

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 March, 1980.

Senate Files 500, 2200 and 2301.

FRANK J. STORK, Secretary of the Senate

REPORTS OF INVESTIGATING COMMITTEES

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 Board of Engineering Examiners pursuant to Section 114.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and

recommends the appointment be confirmed.

ROLF V. CRAFT, Chairperson
JOANN ORR
PATRICK J. DELUHERY
ARTHUR L. GRATIAS
RICHARD F. DRAKE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas F. Pogue, Iowa City, Johnson County, Iowa, for reappointment as a member of the City Development Board pursuant to Section 368.9, 1979 Code of Iowa, for the regular six-year term commencing July 1, 1980, and ending June 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
JOHN SCOTT
ARTHUR A. SMALL, JR.
A. R. KUDART
CALVIN O. HULTMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Paul L. Chapman, Clarence, Cedar County, Iowa, for reappointment as a member of the State Board of Mortuary Science Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
MERLIN D. HULSE
EDGAR H. HOLDEN
ARTHUR A. SMALL, JR.
TOM SLATER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert F. Renfro, Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
DALE L. TIEDEN
CLARENCE CARNEY
BERL E. PRIEBE
WILLIAM D. PALMER

REPORT OF COMMITTEE

EDUCATION

Final Action: HOUSE FILE 695, a bill for an act relating to the date requirements

for calling a special election for the issuance of certain general obligation bonds for school districts.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5563.

Final Vote: Ayes, 8: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Orr and Taylor. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

EDUCATION*

*A report of this meeting was also recorded on pages 1137-1138 of the March 27, 1980, Senate Journal.

Convened: March 27, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Orr, Small and Taylor.

Members Absent: Jensen (excused).

Final Action: HOUSE FILE 2138, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5562.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:34 p.m.

STATE GOVERNMENT

Convened: March 27, 1980, 3:10 p.m.

Members Present: Nystrom, Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller and Rodgers.

Members Absent: Schwengels, Vice Chairperson; Gallagher, Murray and Yenger.

Final Action: HOUSE FILE 485, a bill for an act to require fiscal notes on proposed legislation and administrative rules which impose increased expenditures or fiscal liability, or reduce the revenues, of the political subdivisions of this state, and to provide for delayed effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Nystrom, Bisenius, Brown, Carr, Drake, Gratias, C. Miller and Rodgers. Nays, 2: Slater and E. Miller. Absent or not voting, 4: Schwengels, Gallagher, Murray and Yenger.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2089, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Nystrom, Slater, Drake, Gratias, C. Miller, E. Miller and Rodgers. Nays, 3: Bisenius, Brown and Carr. Absent or not voting, 4: Schwengels, Gallagher, Murray and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2280, a bill for an act relating to the recording of agency agreements for joint or cooperative action.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Nystrom, Slater, Bisenius, Brown, C. Miller, E. Miller and Rodgers. Nays, 3: Drake, Carr and Gratias. Absent or not voting, 4: Schwengels, Gallagher, Murray and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2488, a bill for an act relating to the powers to be exercised by electors of school corporations at certain elections.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Slater, Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller and Rodgers. Nays, none. Absent or not voting, 4: Schwengels, Gallagher, Murray and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2529, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Slater, Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller and Rodgers. Nays, none. Absent or not voting, 4: Schwengels, Gallagher, Murray and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:50 p.m.

WAYS AND MEANS

Convened: March 27, 1980, 1:45 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Rush, Scott, Van Gilst, Drake (arrived 2:00 p.m.) and Junkins (arrived 2:00 p.m.).

Members Absent: Hultman.

Other Business: Panel presentation on Senate File 2178 by Jim Taylor, Iowa State Fair Board; Ken Haynie of Ahlers, Cooney, Dorweiler, Haynie and Smith, Attorneys; Jim Rutt, Association of County Fairs; Junie Manatt and Julie Bailey, Iowa Horse Industry Council; John Brockway, Iowa Hotel and Motel Association and Senator Yenger; questions from the committee members were directed to the panel members.

Adjourned: 3:10 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2495	Judiciary
H.F.	2540	Natural Resources
H.F.	2557	Judiciary
H.F.	2561	Natural Resources
H.F.	2562	Judiciary
H.F.	2570	State Government
H.F.	2573	Commerce

PRESENTATION OF VISITORS

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

Forty-eight students from Mar Mac Community Schools, McGregor and Marquette, Iowa, accompanied by Mr. Elliot and Mr. Vick. Senator Tieden.

Fifty-three students from Van Allen Elementary School, Chariton, Iowa, accompanied by Mrs. Cooper and Miss Skellenger. Senator Van Gilst.

AMENDMENTS FILED

S—5560	S. F.	2361	Ways and Means Committee
S—5561	S. F.	2361	Lucas J. DeKoster Richard F. Drake
S—5562	H.F.	2138	Education Committee
S—5563	H.F.	695	Education Committee
S—5564	H.F.	2492	Arne Waldstein James E. Briles Dale L. Tieden Cloyd E. Robinson
S—5565	S. F.	2361	Berl E. Priebe
S—5566	H.F.	2492	Clarence Carney Cloyd E. Robinson Richard Comito Bob Rush C. W. Hutchins Richard F. Drake Merlin D. Hulse Gary L. Baugher Norman G. Rodgers Irvin L. Bergman
S—5567	S. F.	2361	Ways and Means Committee
S—5568	S. F.	2361	Richard Comito
S—5569	S. F.	2361	Sue Yenger Bass Van Gilst
S—5570	H.F.	2492	Bob Rush

S—5571	H.F.	2492	Bob Rush
S—5572	S. F.	2361	John S. Murray

ADJOURNMENT

On motion of Senator Holden, the Senate adjourned at 11:52 p.m., until 10:00 a.m., Monday, March 31, 1980.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 31, 1980

The Senate met in regular session at 10:03 a.m., President Branstad presiding.

Prayer was offered by the Reverend Curtis R. Moermond, pastor of the Zion Lutheran Church, Wilton, Iowa.

The Journal of Friday, March 28, 1980, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hansen 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 March 27, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2243, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 2243

S—5573

Amend Senate File 2243 as amended, passed and reprinted as follows:

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

"Section 1. *NEW SECTION.* SHORT TITLE. This Act may be cited as the "Iowa Family Enterprise Development Act".

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in

this Act, unless the context otherwise requires:

1. "Agricultural improvements" means any improvements, buildings, structures or fixtures suitable for use in farming which are located on agricultural land. "Agricultural improvements" includes a single-family dwelling located on agricultural land which is or will be occupied by the beginning farmer and structures attached to or incidental to the use of the dwelling.

2. "Agricultural land" means land suitable for use in farming.

3. "Beginning businessperson" means an individual with a low or moderate net worth who engages in or wishes to engage in a business involving one of the following:

a. The manufacturing, processing or assembling of agricultural or manufactured products.

b. A commercial enterprise involving the storing, warehousing or distributing of products of agriculture, mining or industry.

c. The retailing of products of agriculture, mining or industry.

d. The construction of improvements, buildings, structures or fixtures suitable for use in farming or any other type of business.

4. "Beginning farmer" means an individual with a low or moderate net worth who engages in farming or wishes to engage in farming.

5. "Board" means the Iowa family enterprise development board established pursuant to section three (3) of this Act.

6. "Bonds" means bonds issued by the board under this Act.

7. "Business property" means real property within this state which is suitable for use as the principal place of business of a beginning businessperson or real or personal property suitable for use in the business of the beginning businessperson for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1954 as defined in section four hundred twenty-two point four (422.4) of the Code.

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8. "Depreciable agricultural property" means real or personal property suitable for use in farming, including agricultural improvements, for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal

Revenue Code of 1954 as defined in section four hundred twenty-two point four (422.4) of the Code.

9. "Farming" means farming as defined in section one hundred seventy-two C point one (172C.1), subsection six (6), of the Code.

10. "Low or moderate net worth" means an aggregate net worth of an individual and the individual's spouse and children, if any, of less than one hundred thousand dollars.

11. "Mortgage" means a mortgage, mortgage deed, deed of trust, or other instrument creating a first lien, subject only to title exceptions and encumbrances acceptable to the board, including any subordinate mortgage liens retained by a seller or conveyed to a mortgage lender, on a fee interest in agricultural land and agricultural improvements or business property.

12. "Mortgage lender" means a bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency or instrumentality, including without limitation the federal land bank or any of its local associations, or any other financial institution or entity authorized to make mortgage loans in this state.

13. "Mortgage loan" means a financial obligation secured by a mortgage.

14. "Net worth" means total assets minus total liabilities as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of the beginning farmer's or businessperson's net worth.

15. "Note" means a bond anticipation note issued by the board under this Act.

16. "Program" means the Iowa family enterprise development program established pursuant to section ten (10) of this Act.

17. "Secured loan" means a financial obligation secured by a chattel mortgage, security agreement or other instrument creating a lien on an interest in depreciable agricultural property or business property.

18. "State agency" means any board, commission, department, public officer, or other agency or

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authority of the state of Iowa.

19. "Treasurer" means the treasurer of the state

of Iowa.

The board may establish by rule further definitions applicable to this act and clarification of the definitions in this section, as necessary to assure eligibility for funds, insurance or guarantees available under federal laws and to carry out the public purposes of this Act.

Sec. 3. *NEW SECTION.* ESTABLISHMENT OF BOARD.

1. The Iowa family enterprise development board is established and constituted a public instrumentality and agency of the state exercising public and essential governmental functions to establish and operate the program. The board shall consist of nine members, seven members appointed by the governor with the approval of two-thirds of the members of the senate and the treasurer and the state secretary of agriculture who are ex officio voting members. No more than five members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural or business lending, the real estate sales industry, farmers, beginning farmers, business persons, beginning businesspersons and any other person specially interested in family enterprise development.

2. The appointed members of the board shall be appointed by the governor for terms of six years except that, of the first appointments, two members shall be appointed for terms of two years and two members shall be appointed for a term of four years. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. An appointed member of the board may be removed from office by the governor for misfeasance, malfeasance or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing.

3. Five members of the board constitute a quorum and the affirmative vote of a majority of the members is necessary for any recommendation made by the board. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to perform the functions and duties of the board.

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4. Appointed members of the board are entitled to receive forty dollars per diem for each day spent in performance of their functions and duties as members and reimbursement for all actual and necessary expenses incurred in the performance of their functions and duties as members.

5. Meetings of the board shall be held at the call of the chairperson or when two members so request.

6. Members shall elect a chairperson and vice chairperson annually, and other officers as they determine. However, the treasurer of state shall be the treasurer of the board and shall not serve as any other officer of the board.

7. The appointed members of the board shall give bond as required for public officers in chapter 64.

8. The treasurer and staff of the treasurer's office shall serve as the staff of the board. The treasurer shall advise the board on matters relating to agricultural or business land and property and agricultural or business finance, and carry out all directives from the board, and may hire and supervise additional staff pursuant to its directions and under the provisions of chapter nineteen A (19A), of the code, except that principal administrative assistants with responsibilities in beginning farm or business loan programs, accounting, mortgage loan processing, and investment portfolio management are exempt from that chapter.

Sec. 4. *NEW SECTION.* LEGISLATIVE FINDINGS. The general assembly finds and declares as follows:

1. The establishment of the program is in all respects for the benefit of the people of the state of Iowa, for the improvement of their health and welfare and for the promotion of the economy, which are public purposes.

2. The board will be performing an essential governmental function in the exercise of the powers and duties conferred by this Act.

3. There exists a serious problem in this state regarding the ability of nonestablished farmers to acquire agricultural land and improvements and depreciable agricultural property in order to enter farming and the ability of nonestablished business persons to acquire business property in order to start a business.

4. This barrier to entry into farming is conductive to consolidation of acreage of agricultural land with fewer individuals resulting in a grave threat to the

traditional family farm.

5. This barrier to starting a business is conductive

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to the continuing expansion of very large businesses and the decrease in number of smaller independent businesses resulting in a grave threat to the traditional family business.

6. These conditions result in a loss in population, unemployment and a movement of persons from rural communities to urban areas accompanied by added costs to communities for creation of new public facilities and services.

7. One major cause of this condition has been recurrent shortages of funds in private channels and the high interest cost of borrowing.

8. The ordinary operations of private enterprise and of existing programs of the federal government have not in the past corrected these conditions.

9. A stable supply of adequate funds for agricultural and business financing is required to encourage beginning farmers and businesspersons in an orderly and sustained manner and to reduce the problems described in this section.

10. Article nine (IX), section three (3), of the Constitution of the State of Iowa requires that, "The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement", and agricultural improvement and the public good are served by a policy of facilitating access to capital by beginning farmers unable to obtain capital elsewhere in order to preserve, encourage and protect the family farm.

11. It is necessary to create a family enterprise development program to encourage ownership and operation of farms by beginning farmers and to encourage ownership and operation of businesses by beginning businesspersons by providing purchase money loans to beginning farmers and businesspersons who are not able to obtain adequate capital elsewhere and to lower costs through the use of public financing.

12. All of the purposes stated in this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned or granted.

Sec. 5. *NEW SECTION.* GUIDING PRINCIPLES. In the performance of the duties, implementation of the powers, and selection of specific projects to receive assistance under this Act, the board shall be guided by the following principles:

1. The board shall not become an owner of real or depreciable agricultural property or business property, except on a temporary basis where necessary in order to implement the projects, to protect its investments by means of foreclosure or other means,

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or to facilitate transfer of real or depreciable agricultural property for the use of beginning farmers or the transfer of business property for use of beginning businesspersons.

2. The board shall exercise diligence and care in selection of projects to receive assistance and shall apply customary and acceptable business and lending standards in selection and subsequent implementation of the projects. The board may delegate primary responsibility for determination and implementation of the projects to any federal governmental agency or instrumentality or state agency which assumes any obligation to repay the loan, either directly or by insurance or guarantee.

Sec. 6. *NEW SECTION.* GENERAL POWERS. The board has all of the powers needed to carry out the program, including but not limited to the power to:

1. Issue bonds and notes as provided in this Act in order to finance the program.

2. Sue and be sued on behalf of the program.

3. Make and execute agreements, contracts and other instruments, with any public or private entity, including but not limited to any federal governmental agency or instrumentality, in furtherance of the program. The board may make and execute contracts with mortgage lenders for the servicing of mortgage and secured loans. All political subdivisions, other public agencies and state agencies may enter into contracts and otherwise cooperate with the board.

4. Acquire, hold, improve, mortgage, lease and dispose of real and personal property, including but not limited to, the power to sell at public or private sale, with or without public bidding, any property, morgage or secured loan or other obligation held by the board.

5. Procure insurance, including pool insurance on any group of mortgage or secured loans, against any loss in connection with the operations and property interests of the program.

6. Fix and collect fees and charges for program services.

7. Subject to any agreement with bondholders or

noteholders, invest or deposit moneys of the program in any manner determined by the board, notwithstanding the provisions of chapters four hundred fifty-two (452), four hundred fifty-three (453) or four-hundred fifty-four (454) of the Code.

8. Accept appropriations, gifts, grants, loans, or other aid from public or private entities. A record of all gifts or grants, stating the type,

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amount and donor, shall be clearly set out in the board's annual report along with the record of other receipts.

9. Provide technical assistance and counseling related to the program's purposes.

10. In cooperation with other local, state or federal governmental agencies or instrumentalities, conduct studies of beginning farmer and businessperson needs, and gather and compile data useful to facilitate decision making.

11. Contract with architects, appraisers, agronomists, soil conservationists, engineers, attorneys, accountants, construction and finance experts, and other advisors or enter into contracts or agreements for such services with local, state or federal governmental agencies.

12. Make, alter and repeal rules consistent with the provisions of this Act, and subject to chapter seventeen A (17A) of the Code.

Sec. 7. *NEW SECTION.* ANNUAL REPORT.

1. The board shall submit to the governor and to such members of the general assembly as request it, not later than January fifteenth of each year, a complete and economically designed and reproduced report relating to the program setting forth:

a. Its operations and accomplishments.

b. Its receipts and expenditures during the fiscal year, in accordance with the classifications established for operating and capital accounts.

c. Its assets and liabilities at the end of the fiscal year and the status of reserve, special and other funds.

d. A schedule of its bonds and notes outstanding at the end of the fiscal year, together with a statement of the amounts redeemed and issued during the fiscal year.

e. A statement of its proposed and projected activities.

f. Recommendations to the general assembly, as

it deemed necessary.

g. An analysis of beginning farmer and businessperson needs in the state.

2. The annual report shall identify performance goals of the program, and clearly indicate the extent of progress during the reporting period, in attaining the goals. Where possible, results shall be expressed in terms of number of loans, acres of agricultural land and parcels of business real property.

Sec. 8. *NEW SECTION.* NONDISCRIMINATION.

1. The opportunity to acquire agricultural land

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and improvements and depreciable agricultural property or business property financed or otherwise assisted by the board, directly or indirectly, is open to all persons regardless of race, creed, color, sex, national origin, age, physical impairment, or religion.

2. The board shall promote marketing plans for the program.

Sec. 9. *NEW SECTION.* SURPLUS MONEYS. Moneys declared by the board to be surplus moneys which are not required to service bonds and notes, to pay administrative expenses of the program or to accumulate necessary operating or loss reserves, shall be used by the board to provide loans, grants, subsidies, and services to beginning farmers and businesspersons through any of the projects established under the program.

Sec. 10. *NEW SECTION.* FAMILY ENTERPRISE DEVELOPMENT PROGRAM.

1. The board shall develop an Iowa family enterprise development program to facilitate the acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers and the acquisition of business property by beginning businesspersons. The board shall exercise the powers granted in this Act in order to fulfill the goal of providing financial assistance to beginning farmers in the acquisition of agricultural land and improvements and depreciable agricultural property and to beginning businesspersons in the acquisition of business property. The board may participate in and cooperate with programs of any federal governmental agency of instrumentality or with any program of any other state agency in the administration of the program.

2. The board shall provide in the program that a mortgage or secured loan to or on behalf of a

beginning farmer may only be provided if the following criteria are satisfied.

a. The beginning farmer is a resident of the state.

b. The agricultural land and improvements or the depreciable agricultural property proposed to be purchased will be located in the state.

c. The beginning farmer has sufficient education, training, or experience in the type of farming for which the loan is requested.

d. The program is financing the acquisition by that beginning farmer of agricultural land, agricultural improvements or depreciable agricultural property totaling not more than four hundred thousand

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dollars in value.

e. If the loan is for the acquisition of agricultural land, the beginning farmer has or will have access to adequate working capital, farm equipment, machinery or livestock. If the loan is for the acquisition of depreciable agricultural property, the beginning farmer has or will have access to adequate working capital or agricultural land.

f. The board determines that the beginning farmer is unable to secure financing from conventional sources upon terms and conditions which the beginning farmer reasonably could be expected to fulfill.

g. The beginning farmer has not previously received financing under the program for the acquisition of property similar in nature to the property for which the loan is sought. However, this restriction shall not apply if the amount previously received plus the amount of the loan sought does not exceed four hundred thousand dollars.

h. The agricultural land and improvements or depreciable agricultural property shall only be used for farming by the beginning farmer or his or her family.

i. All or part of the loan is to be insured, guaranteed or otherwise secured by the federal government or a federal governmental agency or instrumentality, a state agency or private mortgage insurers.

j. Other criteria as the board prescribes by rule.

3. The board shall provide in the program that a mortgage or secured loan to or on behalf of a beginning businessperson may only be provided if the following criteria are satisfied:

a. The beginning businessperson is a resident of the state.

b. The business property proposed to be purchased will be located in the state.

c. The beginning businessperson has sufficient education, training, or experience in the type of business for which the loan is requested.

d. The program is financing the acquisition by that beginning businessperson of business property totaling not more than four hundred thousand dollars in value.

e. If the loan is for the acquisition of business real property, the beginning businessperson has or will have access to adequate working capital, business equipment, machinery or fixtures. If the loan is for the acquisition of business equipment, machinery or fixtures, the beginning businessperson has or will

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have access to adequate working capital or business real property.

f. The board determines that the beginning businessperson is unable to secure financing from conventional sources upon terms and conditions which the beginning businessperson reasonably could be expected to fulfill.

g. The beginning businessperson has not previously received financing under the program for the acquisition of property similar in nature to the property for which the loan is sought. However, this restriction shall not apply if the amount previously received plus the amount of the loan sought does not exceed four hundred thousand dollars.

h. The business property shall only be used for a business engaged in by the beginning businessperson or his or her family.

i. All of part of the loan is to be insured, guaranteed or otherwise secured by the federal government or a federal governmental agency or instrumentality, a state agency or private mortgage insurers.

j. Other criteria as the board prescribes by rule.

4. The board may provide in a mortgage or secured loan that the loan may not be assumed without its written consent and may provide a due-on-sale clause with respect to an assignment without the requisite consent. The board may provide by rule the grounds for permitted assumptions of the loan. However, the board shall provide and state in a mortgage or secured

loan that the board has the power to raise the interest rate of the loan to the prevailing market rate if the mortgage or secured loan is assumed by a farmer or businessperson who is already established in that field at the time of the assumption of the loan. This provision controls with respect to a mortgage or secured loan made or purchased by the board notwithstanding the provisions of chapter five hundred thirty-five (535) of the Code.

Sec. 11. *NEW SECTION.* LOANS TO BEGINNING FARMERS AND BUSINESSPERSONS.

1. The board may make mortgage or secured loans, limited to loans all or part of the amount of which are insured, guaranteed, or otherwise secured by the federal government or a federal governmental agency or instrumentality, a state agency or private mortgage insurers, to beginning farmers to provide financing for agricultural land and improvements or depreciable agricultural property or to beginning businesspersons to provide financing for business property.

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2. Mortgage or secured loans shall contain terms and provisions, including interest rates, and be in a form established by rules of the board. The board shall require the beginning farmer or businessperson to execute any note, mortgage or security agreement and furnish assurances and guarantees, including insurance, reasonably related to protecting the security, of the loan, as the board deems necessary

Sec. 12. *NEW SECTION.* LOANS TO MORTGAGE LENDERS.

1. The board may make and contract to make loans to mortgage lenders on terms and conditions determined to be reasonably related to protecting the security of the program's investment and to implementing the purposes of this Act. Mortgage lenders are authorized to borrow from the board under the program in accordance with the provisions of this section and the rules of the board.

2. The board shall require the submission to the board by each mortgage lender to which the board has made a loan, of evidence satisfactory to the board of the making of a new mortgage or secured loans to beginning farmers or businesspersons as required by this section and in that connection may, through the board's employees or agents, inspect the books and records of a mortgage lender.

3. Compliance by a mortgage lender with the terms of its agreement with the board with respect to the

making of a new mortgage or secured loans to beginning farmers or businesspersons may be enforced by decree of any district court of this state. The board may require as a condition of a loan to a national banking association or a federally chartered savings and loan association, the consent of the association to the jurisidiction of courts of this state over any enforcement proceeding. The board may also require, as a condition of a loan to a mortgage lender, agreement by the mortgage lender to the payment of penalties to the treasurer for violation by the mortgage lender of its agreement with the board, and the penalties shall be recoverable at the suit of the board.

4. The board shall require that each mortgage lender receiving a loan pursuant to this section shall issue and deliver to the board evidence of its indebtedness to the board which shall constitute a general obligation of the mortgae lender and shall bear a date, mature at a time, be subject to prepayment and contain other provisions consistent with this section and reasonably related to protecting the security of the program's investment, as the board

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determines.

5. Notwithstanding any other provision of this section, the interest rate and other terms of loans to mortgage lenders made from the proceeds of an issue of bonds or notes of the board shall be at least sufficient to assure the payment of the bonds or notes and the interest on them as they become due.

6. The board may require that loans to mortgage lenders are additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security by special escrow funds or other forms of guarantee and in amounts and forms as the board by resolution determines to be necessary to assure the payment of the loans and the interest as they become due. Collateral security shall consist of direct obligations of or obligations guaranteed by the United States or one of its agencies, obligations satisfactory to the board which are issued by other federal agencies, direct obligations of or obligations guaranteed by a state or a political subdivision of a state or investment quality obligations approved by the board.

7. The board may require that collateral for loans be deposited with a bank, trust company or other

financial institution acceptable to the board located in this state and designated by the board as custodian. In the absence of that requirement, each mortgage lender shall enter into an agreement with the board containing provisions the board deems necessary to adequately identify and maintain the collateral, service the collateral and require the mortgage lender to hold the collateral as an agent for the board and be accountable to the board as the trustee of an express trust for the application and disposition of the collateral and the income from it. The board may also establish additional requirements the board deems necessary with respect to the pledging, assigning, setting aside or holding of collateral and the making of substitutions for it or additions to it and the disposition of income and receipts from it.

8. The board may require as a condition of loans to mortgage lenders any representations and warranties the board determines are necessary to secure the loans and carry out the purposes of this section.

9. If a provision of this section is inconsistent with a provision of law of this state governing mortgage lenders, the provision of this section controls for the purposes of this section.

Sec. 13. *NEW SECTION.* PURCHASE OF MORTGAGE OR

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SECURED LOANS.

1. The board may purchase and make advance commitments to purchase mortgage or secured loans from mortgage lenders at prices and upon terms and conditions as the board determines. However, the total purchase price for all mortgage or secured loans which the board commits to purchase from a mortgage lender at any one time shall not exceed the total of the unpaid principal balances of the loans purchased. Mortgage lenders are authorized to sell mortgage or secured loans to the board in accordance with the provisions of this section and the rules of the board.

2. The board shall require the submission to the board by each mortgage lender from which the board has purchased loans of evidence satisfactory to the board of the making of mortgage or secured loans to beginning farmers or businesspersons as required by this section and in that connection may, through the board's employees or agents, inspect the books and records of a mortgage lender.

3. Compliance by a mortgage lender with the terms of its agreement with the board with respect to the making of mortgage or secured loans to beginning farmers or businesspersons may be enforce by decree of any district court of this state. The board may require as a condition of purchase of loans from any national banking association or federally chartered savings and loan association the consent of the association to the jurisdiction of courts of this state over any enforcement proceeding. The board may also require as a condition of the purchase of loans from a mortgage lender agreement by the mortgage lender to the payment of penalties to the board for violation by the mortgage lender of its agreement with the board and the penalties shall be recoverable at the suit of the board.

4. The board may require as a condition of purchase of a loan from a mortgage lender that the mortgage lender make representations and warranties the board requires. A mortgage lender is liable to the board for damages suffered by the board by reason of the untruth of a representation or the breach of a warranty and, in the event that a representation proves to be untrue when made or in the event of a breach of warranty, the mortgage lender shall, at the option of the board, repurchase the loan for the original purchase price adjusted for amounts subsequently paid on it, as the board determines.

5. If a provision of this section is inconsistent

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with another provision of law of this state governing mortgage lenders, the provision of this section controls for the purposes of this section.

Sec. 14. *NEW SECTION.* POWERS RELATING TO LOANS. Subject to any agreement with bondholders or noteholders, the board may renegotiate a mortgage or secured loan or a loan to a mortgage lender in default, waive a default or consent to the modification of the terms of a mortgage or secured loan or a loan to a mortgage lender, forgive or forbear all or part of a mortgage or secured loan or a loan to a mortgage lender and commence, prosecute and enforce a judgment in any action, including but not limited to a forclosure action, to protect or enforce any right conferred upon the board by law, mortgage or secured loan agreement, contract or other agreement and in connection with any action, bid for and purchase the property or acquire or take possession of it. complete,

administer, pay the principal of and interest on any obligations incurred in connection with the property and dispose of and otherwise deal with the property in a manner the board deems advisable to protect the program's interests.

Sec. 15. *NEW SECTION.* BOND AND NOTES.

1. The board may issue bonds and notes in principal amounts which are necessary to provide sufficient funds for achievement of the purposes of the program, the payment of interest on bonds and notes, the establishment of reserves to secure bonds and notes and all other expenditures of the board incident to and necessary or convenient to carry out the purposes of the program. However, the board may not have a total principal amount of bonds and notes outstanding at any time in excess of two hundred million dollars. The bonds and notes shall be deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

2. Bonds and notes are payable solely and only out of the moneys, assets or revenues of the program and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limitations, but are special obligations payable solely and only from the sources provided in this Act, and the board shall not pledge the credit or taxing power of this state or any political subdivision of this state or make the program's debts

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payable out of any moneys except those of the program.

3. Bonds and notes must be authorized by a resolution of the board. However, the resolution may delegate to an officer of the board the power to negotiate and fix the details of an issue of bonds or notes by an appropriate certficate of the authorized officer.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered and state on their face that they are payable both as to principal and interest solely out of the assets of the program and do not constitute an indebtedness of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the board prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the board with the manual or facsimile signature of the chairperson or vice chairperson, attested by the manual or facsimile signature of the treasurer, have impressed or imprinted thereon the seal of the state of Iowa or a facsimile of it, and the coupons attached shall be signed with the facsimile signature of the chairperson or vice chairperson, be payable as to interest at rates and at times as the board determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance, at places and with reserved rights of prior redemption, as the board prescribes, be sold at prices, at public or private sale, and in a manner as the board prescribes, and the board may pay all expenses, premiums and commissions which the board deems necessary or advantageous in connection with the issuance and sale, and be issued under and subject to the terms, conditions and covenants providing for the payment of the principal, redemption premiums, if any, interest and other terms, conditions, covenants and protective provisions safeguarding payment, not inconsistent with this Act, as are found to be necessary by the board for the most advantageous sale, which may include, but are not limited to, covenants with the holders of the bonds as to:

(1) Pledging or creating a lien, to the extent provided by the resolution, on moneys or property of the program or moneys held in trust or otherwise by others to secure the payment of the bonds.

(2) Providing for the custody, collection, securing, investment and payment of any moneys of

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or due to the program.

(3) The setting aside of reserves or sinking funds and the regulation or disposition of them.

(4) Limitations on the purpose to which the proceeds of sale of an issue of bonds then or thereafter to be issued may be applied.

(5) Limitations on the issuance of additional bonds and on the refunding of outstanding or other bonds.

(6) The procedure by which the terms of a contract with the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent

thereto and the manner in which consent may be given.

(7) The creation of special funds into which moneys of the program may be deposited.

(8) Vesting in an indentured trustee properties, rights, powers and duties in trust.

(9) Defining the acts or omissions which constitute a default in the obligations and duties of the board and providing for the rights and remedies of the holders of bonds in the event of a default. However, rights and remedies shall be consistent with the laws of this state and other provisions of this Act.

(10) Any other matters which affect the security and protection of the bonds and the rights of the holders.

5. The board may issue bonds for the purpose of refunding any bonds or notes of the program then outstanding, including the payment of any redemption premiums and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this Act. The interest, income and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the program for use in any lawful manner. All refunding bonds shall be issued and secured and subject to the provisions of this Act in the same manner and to the same extent as other bonds.

6. The board may issue negotiable bond anticipation

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notes and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Notes are payable from any available moneys of the program not otherwise pledged or from the proceeds of the sale of bonds in anticipation of which the notes were issued. Notes may be issued for any purpose of the program. Notes shall be issued in the same manner as bonds and notes

and the resolution authorizing them may contain any provisions, conditions or limitations, not inconsistent with the provisions of this subsection, which the bonds or a bond resolution may contain. Notes may be sold at public or private sale. In case of default on notes or violation of any obligations of the board to the noteholders, the noteholders shall have all the remedies provided in this Act for bondholders. Notes shall be as fully negotiable as bonds of the program.

7. A copy of each pledge agreement by or to the board, including without limitation each bond resolution, indenture of trust or similar agreement, or any revisions or supplements to it shall be filed with the secretary of state and no further filing or other action under article nine (9) of the uniform commercial code, or any other law of the state shall be required to perfect the security interest in the collateral or any additions to it or substitutions for it and the lien and trust so created shall be binding from and after the time made against all parties having claims of any kind in tort, contract or otherwise against the pledgor.

8. The members of the board and any person executing bonds, notes or other obligations are not liable personally on the bonds, notes or other obligations or subject to personal liability or accountability by reason of the issuance of the bonds or notes.

9. The board shall publish a notice of intention to issue bonds or notes in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds or notes proposed to be issued, and in general, what net revenues will be pledged to pay the bonds or notes and interest thereon. An action shall not be brought questioning the legality of the bonds or notes or the power of the board to issue the bonds or notes or to the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after sixty days from the date of publication

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of the notice.

Sec. 16. *NEW SECTION.* RESERVE FUNDS AND APPROPRIATIONS.

1. The board may create and establish for the program one or more special funds, each to be known as a "bond reserve fund" and shall pay into each bond

reserve fund any moneys appropriated and made available by the state for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the bond resolutions of the board authorizing their issuance and any other moneys which are available to the board for the purpose of the fund from any other sources. Moneys held in a bond reserve fund, except as otherwise provided in this Act, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

2. Moneys in a bond reserve fund shall not be withdrawn from it in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this section, except for the purpose of making payment when due of principal, interest, redemption premiums and the sinking fund payments with respect to the bonds for the payment of which other moneys of the program are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the board to other funds or accounts of the program to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

3. The board shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the board at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund will not be less than the bond reserve fund requirement for the fund. For the purposes of this section, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money, as provided in the bond resolutions of the board authorizing the

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bonds with respect to which the fund is established, equal to not more than ten percent of the outstanding principal amount of bonds secured by the fund.

4. To assure the continued operation and solvency of the board for the carrying out of its purposes, provision is made in subsection one (1) of this section for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the board shall, on or before July first of each calendar year, make and deliver to the governor a certificate stating the sum, if any, required to restore each bond reserve fund to its bond reserve fund requirement. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including any sum required to restore each bond reserve fund to its bond reserve fund requirement. Sums appropriated by the general assembly and paid to the board pursuant to this section shall be deposited by the board in the applicable bond reserve fund.

5. Amounts paid over to the board by the state pursuant to the provisions of this section shall constitute and be accounted for as advances by the state to the program and, subject to the rights of the holders of any bonds or notes of the program, shall be repaid to the state without interest from all available operating revenues of the program in excess of amounts required for the payment of bonds, notes or obligations of the program, the bond reserve fund and operating expenses.

6. The board shall cause to be delivered to the legislative fiscal committee within ninety days of the close of the fiscal year an annual report certified by an independent certified public accountant, who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the program. In the event that the principal amount of any bonds or notes deposited in a bond reserve fund is withdrawn for payment of principal or interest, reducing the amount of that fund to less than the bond reserve fund requirement, the board shall immediately notify the general assembly of this event and shall take steps to restore the fund to its bond reserve fund requirement from any amounts available, other than principal of a bond issue, which are not pledged to the payment of other bonds or notes.

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Sec. 17. *NEW SECTION.* REMEDIES OF BONDHOLDERS AND NOTEHOLDERS.

1. If the board defaults in the payment of principal or interest on an issue of bonds or notes at maturity or upon call for redemption and the default continues for a period of thirty days or if the board fails or refuses to comply with the provisions of this Act, or defaults in an agreement made with the holders of an issue of bonds or notes, the holders of twenty-five percent in aggregate principal amount of bonds or notes of the issue then outstanding, by instrument filed in the office of the clerk of Polk county and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds or notes for the purposes provided in this section.

2. The board or any trustee appointed under the indenture under which the bonds are issued may, but upon written request of the holders of twenty-five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

a. Enforce all rights of the bondholders or noteholders including the right to require the board to carry out the agreements with the holders and to perform the duties under this Act.

b. Bring suit upon the bonds or notes.

c. By action require the board to account as if it were the trustee of an express trust for the holders.

d. By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

e. Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty-five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its consequences.

3. The trustee shall also have all powers necessary or appropriate for the exercise of functions specifically set forth or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

4. Before declaring the principal of bonds or notes due and payable, the trustee shall first give thirty days notice in writing to the governor, to the board and to the attorney general of the state.

5. The district court has jurisdiction of any action by the trustee on behalf of bondholders or

noteholders. The venue of the action shall be in Polk county.

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Sec. 18. *NEW SECTION.* BONDS AND NOTES AS LEGAL INVESTMENTS. Bonds and notes are securities in which public officers, state departments and agencies, political subdivisions, insurance companies and other persons carrying on an insurance business, banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, administrators, executors, guardians, conservators, trustees and other fiduciaries and other persons authorized to invest in bonds or other obligations of this state may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes are also securities which may be deposited with and may be received by public officers, state departments and agencies and political subdivisions for any purpose for which the deposit of bonds or other obligations of this state is authorized.

Sec. 19. *NEW SECTION.* MONEYS OF THE PROGRAM.

1. Moneys of the program, except as otherwise provided in this Act, shall be paid to the board and shall be deposited in a bank or other financial institution designated by the board. The moneys shall be withdrawn on the order of the person authorized by the board. Deposits shall be secured in the manner determined by the board. The auditor of state or the auditor's legally authorized representatives may periodically examine the accounts and books of the program, including receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing, and the program shall not be required to pay a fee for the examination.

2. The board under the program may contract with holders of bonds or notes as to the custody, collection, security, investment and payment of moneys of the program, of moneys held in trust or otherwise for the payment of bonds or notes and to carry out the contract. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of the moneys may be secured in the same manner as moneys of the program and banks and trust companies may give security for the deposits.

3. Subject to the provisions of any contract with

bondholders or noteholders and to the approval of the state comptroller, the board shall prescribe a system of accounts.

4. The board shall submit to the governor, the auditor of state and the state comptroller, within

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thirty days of receipt, a copy of the report of every external examination of the books and accounts of the program other than copies of the reports of examinations made by the auditor of state.

Sec. 20. *NEW SECTION.* LIMITATION OF LIABILITY. The members of the board and persons acting in the board's behalf, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties given in this Act.

Sec. 21. *NEW SECTION.* ASSISTANCE BY STATE OFFICERS, AGENCIES AND DEPARTMENTS. State officers and state departments and agencies may render services to the board under the program within their respective functions as requested by the board.

Sec. 22. *NEW SECTION.* CONFLICTS OF INTEREST.

1. If a member or employee of the board, other than the treasurer, has an interest, either direct or indirect, in a contract to which the board is or is to be a party or in a mortgage lender requesting a loan from or offering to sell mortgage or secured loans to the board, the interest shall be disclosed to the board in writing and shall be set forth in the minutes. The member or employee having the interest shall not participate in action by the board with respect to that contract or mortgage lender.

2. This section does not limit the right of a member or employee of the board to acquire an interest in bonds or notes or limit the right of a member or employee, other than the treasurer, to have an interest in a bank or other financial institution in which the funds of the program are deposited or which is acting as trustee or paying agent under a trust indenture to which the board is a party.

3. The treasurer shall not have an interest in a bank or other financial institution in which the funds of the program are deposited or which is acting as trustee or paying agent under a trust indenture to which the board is a party. The treasurer shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial

interest in any other corporation or business unit, for negotiating, procuring, recommending or aiding in any purchase or sale of property or loan made under the program, nor shall the treasurer be pecuniarily interested, either as principal, co-principal, agent or beneficiary, either directly or indirectly or through any substantial interest in any other corporation or business unit, in any purchase, sale

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or loan.

Sec. 23. *NEW SECTION.* EXEMPTION FROM COMPETITIVE BID LAWS. The board and all contracts made by it in carrying out the program's purposes under this Act, are exempt from the laws of the state which provide for competitive bids in connection with such contracts.

Sec. 24. *NEW SECTION.* LIBERAL INTERPRETATION. This Act, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

Sec. 25. Section five hundred two point two hundred two (502.202), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections five (5) and six (6), is amended by adding the following new subsection:

NEW SUBSECTION. Any security issued by the Iowa family enterprise development board under sections one (1) through twenty-four (24) of this Act.

2. By striking the title and inserting in lieu thereof the words "An Act establishing the Iowa family enterprise development board, authorizing the issuance of bonds, prescribing its powers and duties and exempting its securities from the state uniform securities law."

HOUSE AMENDMENTS CONSIDERED

Senate File 460

Senator Tieden called up for consideration Senate File 460, a bill for an act relating to workers' compensation insurance proceedings and rates, amended by the House, and moved that the Senate concur in House amendment S—5542 filed March 27, 1980, and found on pages 1124-1125 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Tieden moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 460) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

DeKoster	Drake	Hansen	Miller, A.V.
Murray	Robinson	Rodgers	

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

Senate File 2060

Senator Palmer called up for consideration Senate File 2060, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property, amended by the House, and moved that the Senate concur in House amendment S—5541 filed March 27, 1980, and found on page 1109 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in House amendment.

Senator Palmer 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. 2060) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, 1:

Taylor

Absent or not voting, 5:

DeKoster	Hansen	Murray	Robinson
Rodgers			

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

BILL REFERRED TO COMMITTEE

Senator Hultman raised the point of order that House File 701 be referred from the regular calendar to the committee on State Government under Senate Rule 37.

The Chair ruled the point well taken and **House File 701** was referred to the committee on **State Government** under Senate Rule 37.

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

The Senate resumed session, President Branstad 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 28, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2545, a bill for an act relating to bankruptcy exemptions and garnishment by amending sections 627.6 and 642.21 of the Code, and inserting a new section in Chapter 627 of the Code.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2545, a bill for an act relating to bankruptcy exemptions and garnishment by amending sections 627.6 and 642.21 of the Code, inserting a new section in Chapter 627 of the Code, relating to joint debtors who are the subject of bankruptcy proceedings, and repealing section 627.14 of the Code.

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

RECESS

On motion of Senator Hultman, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:03 p.m., Senator Craft presiding.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 126
By: Committee on Education

Whereas, children who have been diagnosed as autistic or autistic-like represent a very low incidence population and present a variety of complex and unique educational needs requiring a variety of educational programs and services designed to meet those needs along a continuum of options that will provide appropriate programs from the mild to the very severely involved; and

Whereas, the State of Iowa is committed to the provision of appropriate educational programs and services for all of its handicapped children; and

Whereas, current state and federal statutes provide sufficient flexibility to implement the required programs and services to appropriately meet their needs; and

Whereas, there are concerns being expressed by professional educators and parents relative to the appropriateness of current programs and services currently implemented to meet the educational needs of these

children; and

Whereas, there needs to be an intensification of effort by all agencies concerned with the education of handicapped children to properly identify autistic and autistic-like children, to determine their unique educational needs, and to implement appropriate programs and services to serve those needs; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the local education agencies and area education agencies mobilize their resources to ensure that all autistic and autistic-like children have been properly identified; and

Be It Further Resolved, That the Department of Public

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Instruction, with the cooperation of the LEAs and AEAs, implement a procedure to determine the specialized educational needs of this population; and

Be It Further Resolved, That the Department of Public Instruction promulgate additional administrative rules as necessary to provide appropriate educational programs and services for these children; and

Be It Further Resolved, That the area education agencies and local education agencies in cooperation with the Department of Public Instruction implement the necessary educational programs and services to appropriately meet the needs of these children; and

Be It Further Resolved, That the State Board of Regents revise preservice preparation programs as necessary to include coursework emphasis adequate to prepare sufficient special education personnel to meet the educational needs of autistic and autistic-like children in Iowa.

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

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

March 25, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

On March 20, 1980, I submitted to the Senate the name of Thomas A. Wheatley,

Newton, Jasper County, Iowa, for reappointment as a member of the State Board of Physicial Therapy Examiners.

Mr. Wheatley has now informed me that he feels he should not be considered for reappointment so I am, therefore, asking that his name be withdrawn for consideration.

Sincerely,
ROBERT D. RAY
Governor

QUORUM CALL

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

Roll call revealed a quorum present.

CONSIDERATION OF BILL
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2492.

House File 2492

On motion of Senator Holden, House File 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Holden offered amendment S—5524 filed by the committee on Commerce on March 25, 1980, to pages 1 through 3 and pages 6 through 10 of the bill and called for a division:

Division S—5524A; page 1, lines 3 through 24.

Division S—5524B; page 1, lines 25 through 32.

Division S—5524C; page 1, line 33.

Division S—5524D; page 1, lines 34 through 50 and page 2, line 1.

Division S—5524E; page 2, lines 2 through 16.

Division S—5524F; page 2, lines 17 through 36.

Division S—5524G; page 2, lines 37 and 38.

Division S—5524H; page 2, lines 39 and 40.

Division S—5524I; page 2, lines 41 through 50 and page 3, lines 1 through 26.

Division S—5524J; page 3, line 27.

Division S—5524K; page 3, lines 28 through 40.

Senator Small withdrew amendment S—5582 filed by him from the floor to division S—5524A.

President Branstad took the chair at 1:36 p.m.

Senator Deluhery offered amendment S—5584 filed by Senators Deluhery, et al., from the floor to division S—5524A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5584 to division S—5524A be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gentleman	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 24:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	Drake	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Ramsey	Readinger
Schwengels	Tieden	Waldstein	Yenger

Voting present, 1:

Gallagher

Absent or not voting, 5:

Briles	DeKoster	Hansen	Robinson
Taylor			

Amendment S—5584 lost.

Senator Baugher offered amendment S—5581 filed by Senators Baugher, et al., from the floor to division S—5524A and moved its adoption.

A non record roll call was requested.

The ayes were 42; nays, none; voting present, 1.

Amendment S—5581 was adopted.

Senator Holden moved the adoption of division S—5524A as amended, which motion prevailed by a voice vote.

Senator Rush withdrew amendment S—5570 filed by him on March 28, 1980, to division S—5524B.

Senator Holden moved the adoption of division S—5524B, which motion prevailed by a voice vote.

Senator Holden moved the adoption of division S—5524C.

A record roll call was requested.

On the question "Shall division S—5524C be adopted?" (H.F. 2492) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Rush	Schwengels	Scott	Slater
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 4:

Comito	Miller, C.P.	Priebe	Rodgers

Absent or not voting, 5:

Briles	DeKoster	Hansen	Robinson
Small			

Division S—5524C was adopted.

Senator Carr offered amendment S—5586 filed by him from the floor to division S—5524D.

Senator Carr raised the point of order that Section 4 on page 7 of the bill contained language that had previously been considered by the Senate and House and, therefore, was out of order.

Senator Carr withdrew his point of order.

Senator Holden asked and received unanimous consent that action on division S—5524D and amendment S—5586 to division S—5524D be temporarily deferred.

Senator Holden moved the adoption of division S—5524E, which motion prevailed by a voice vote.

Senator Holden moved the adoption of division S—5524F, which motion prevailed by a voice vote.

Senator Holden moved the adoption of division S—5524G.

A record roll call was requested.

On the question "Shall division S—5524G be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
Craft	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 9:

Brown	Carr	Gallagher	Kinley
Miller, C.P.	Orr	Palmer	Small
Tieden			

Absent or not voting, 3:

DeKoster	Hansen	Robinson

Division S—5524G was adopted.

Senator Holden moved the adoption of division S—5524H, which motion prevailed by a voice vote.

Senator Carney offered amendment S—5591 filed by Senators Carney, et al., from the floor to division S—5524I.

A record roll call was requested.

On the question "Shall amendment S—5591 to division S—5524I be adopted?" (H.F. 2492) the vote was:

Ayes, 36:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
Craft	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Taylor	Van Gilst	Waldstein	Yenger

Nays, 9:

Carr	Deluhery	Gallagher	Kinley
Orr	Palmer	Slater	Small
Tieden			

Absent or not voting, 5:

Brown	DeKoster	Hansen	Miller, C.P.
Robinson			

Amendment S—5591 was adopted.

With the adoption of amendment S—5591, the Chair ruled amendment S—5566 filed by Senators Carney, et al., on March 28, 1980, to division S—5524I, out of order.

Senator Small raised the point of order that division S—5524I as amended was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5524I as amended in order.

Senator Carr offered amendment S—5592 filed by him from the floor to division S—5524I.

Senator Holden raised the point of order that amendment S—5592 to division S—5524I was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5592 to division S—5524I in order.

Senator Carr moved the adoption of amendment S—5592 to division S—5524I as amended.

A non record roll call was requested.

The ayes were 33; nays, 11; voting present, 1.

Amendment S—5592 was adopted.

Senator Holden moved the adoption of division S—5524I as amended.

A record roll call was requested.

On the question "Shall division S—5524I as amended be adopted?" (H.F. 2492) the vote was:

Ayes, 31:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hutchins	Jensen	Kudart
Miller, E.R.	Murray	Priebe	Ramsey
Rodgers	Rush	Schwengels	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 16:

Brown	Carr	Deluhery	Gallagher
Hultman	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Orr	Palmer
Scott	Slater	Small	Tieden

Absent or not voting, 3:

Hansen	Readinger	Robinson

Division S—5524I as amended was adopted.

Senator Holden moved the adoption of division S—5524J, which motion prevailed by a voice vote.

Senator Holden moved the adoption of division S—5524K, which motion prevailed by a voice vote.

With the adoption of division S—5524A as amended and division S—5524B, the Chair ruled the following amendments out of order:

S—5553 filed by Senator Craft on March 27, 1980, to pages 1 and 2 of the bill.

S—5571 filed by Senator Rush on March 28, 1980, to page 3 of the bill.

S—5576 filed by Senator Craft from the floor to page 1 of the bill.

S—5580 filed by Senator Orr from the floor to page 3 of the bill.

Senator Waldstein offered amendment S—5589 filed by Senators Waldstein and Ramsey from the floor to pages 2 and 10 of the bill.

Senator Small raised the point of order that amendment S—5589 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5589 out of order.

Senator Ramsey offered amendment S—5593 filed by Senators Ramsey and Rush from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5593 was adopted by a voice vote.

Senator Bisenius offered amendment S—5585 filed by him from the floor to pages 3 and 4 of the bill.

Senator Rush rose on a point of parliamentary inquiry to question if amendment S—5583 would be in order if amendment S—5585 was adopted.

The Chair stated that amendment S—5583 would be in order if amendment S—5585 was adopted.

Senator Bisenius moved the adoption of amendment S—5585.

A record roll call was requested.

On the question "Shall amendment S—5585 be adopted?" (H.F. 2492) the vote was:

Ayes, 28:

Baugher	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Junkins	Kinley	Kudart	Murray
Nystrom	Ramsey	Readinger	Rodgers
Rush	Schwengels	Taylor	Yenger

Nays, 19:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Miller, A.V.
Miller, C.P.	Miller, E.R.	Orr	Palmer
Priebe	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	

Absent or not voting, 3:

Bergman	Hansen	Robinson

Amendment S—5585 was adopted.

Senator Orr withdrew amendment S—5590 filed by her from the floor to pages 4 and 5 of the bill.

Senator Orr offered amendment S—5595 filed by her from the floor to pages 4 and 5 of the bill and called for a division: page 1, lines 3 through 24 as division S—5595A; page 1, lines 25 through 50 and page 2 as division S—5595B.

Senator Orr moved the adoption of division S—5595A.

A record roll call was requested.

On the question "Shall division S—5595A be adopted?" (H.F. 2492) the vote was:

Ayes, 5:

Brown	Gallagher	Orr	Palmer
Slater			

Nays, 41:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Absent or not voting, 4:

Hansen	Hultman	Robinson	Scott

Division S—5595A lost.

Senator Orr moved the adoption of division S—5595B.

A record roll call was requested.

On the question "Shall division S—5595B be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Briles	Brown	Calhoon	Carr
Coleman	DeKoster	Deluhery	Gallagher
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Orr	Palmer
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 25:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	Drake	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Nystrom	Priebe	Ramsey
Readinger	Schwengels	Taylor	Waldstein
Yenger			

Absent or not voting, 3:

Hansen	Robinson	Tieden

Division S—5595B lost.

With the adoption of division S—5524J, the Chair ruled amendment S—5583 filed by Senators Palmer, et al., from the floor to page 9 of the bill, out of order.

Senator Bisenius offered amendment S—5579 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5579 be adopted?" (H.F. 2492) the vote was:

Ayes, 8:

Bisenius	Brown	Craft	DeKoster
Rush	Small	Taylor	Yenger

Nays, 39:

Baugher	Bergman	Briles	Calhoon
Carney	Carr	Coleman	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Scott	Slater
Tieden	Van Gilst	Waldstein	

Absent or not voting, 3:

Comito	Hansen	Robinson

Amendment S—5579 lost.

Senator Van Gilst offered amendment S—5578 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—5578 was adopted by a voice vote.

Senator Kinley withdrew amendment S—5588 filed by him from the floor to page 4 of the bill.

Senator Kinley offered amendment S—5594 filed by him from the floor to page 4 of the bill and called for a division: lines 3 through 8 as division S—5594A; lines 9 through 22 as division S—5594B.

Senator Kinley moved the adoption of division S—5594A, which motion prevailed by a voice vote.

Senator Kinley moved the adoption of division S—5594B.

A record roll call was requested.

On the question "Shall division S—5594B be adopted?" (H.F. 2492) the vote was:

Ayes, 21:

Briles	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Gentleman
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Rodgers	Rush	Scott	Slater
Small			

Nays, 26:

Baugher	Bergman	Bisenius	Carney
Craft	DeKoster	Drake	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 3:

Comito	Hansen	Robinson

Division S—5594B lost.

Senator Waldstein offered amendment S—5564 filed by Senators Waldstein, et al., on March 28, 1980, to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5564 be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Baugher	Briles	Brown	Carr
Coleman	Craft	Gratias	Hutchins
Junkins	Priebe	Ramsey	Rodgers
Rush	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 25:

Bergman	Bisenius	Calhoon	Carney
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Hester	Holden
Hulse	Hultman	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readinger
Schwengels			

Absent or not voting, 4:

Comito	Hansen	Jensen	Robinson

Amendment S—5564 lost.

Senator Holden offered amendment S—5600 filed by Senator Holden from the floor to page 4 of the bill and moved its adoption.

Amendment S—5600 was adopted by a voice vote.

Senator Waldstein offered amendment S—5599 filed by Senators Waldstein, et al., from the floor to page 5 of the bill.

Senator Coleman raised the point of order that amendment S—5599 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5599 out of order.

Senator Ramsey offered amendment S—5596 filed by Senators Ramsey, et al., from the floor to page 7 of the bill and moved its adoption.

Amendment S—5596 was adopted by a voice vote.

Senator Ramsey offered amendment S—5603 filed by Senators Ramsey, Baugher and Small from the floor to page 7 of the bill and moved its adoption.

Amendment S—5603 was adopted by a voice vote.

(House File 2492, division S—5524D and amendment S—5586 to division S—5524D 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 March 31, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2118, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

ALSO: That the House has on March 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2538, a bill for an act relating to the types and form of administrative rules to be promulgated, the rights of the public to participate in the rule-making process, and the powers of the governor, the administrative rules review committee and the attorney general in reviewing that process.

ALSO: That the House has on March 28, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2541, a bill for an act relating to hunter safety programs and subjecting violators to a penalty.

ALSO: That the House has on March 28, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2543, a bill for an act relating to the operations of the citizens' aide office.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2538, a bill for an act relating to the types and form of administative rules to be promulgated, the rights of the public to participate in the rule-making process, and the powers of the governor, the administrative rules review committee and the attorney general in reviewing that process.

Read first time and **passed on file.**

House File 2541, a bill for an act relating to hunter safety programs and subjecting violators to a penalty.

Read first time and **passed on file.**

House File 2543, a bill for an act relating to the operations of the citizens' aide office.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE FILE 2118

S—5597

Amend Senate File 2118 as follows:

1. Page 1, line 8, by striking the word *"Said"*, and by inserting in lieu thereof the word *"These"*.

2. Page 1, line 8, by inserting after the word *"used"* the word *"only"*.

3. Page 1, by striking line 9, by inserting in lieu thereof the words *"capital and operating expenses incurred in the farming operation."*

APPENDIX

PETITIONS

The following petitions favoring legislation establishing a state department of mental health were presented and placed on file by:

Senator Bisenius from nine residents of Dubuque and Jackson Counties.

Senator Kinley from fourteen residents of Polk County.

Senator Junkins from fifteen residents of Lee County.

Senator Carr from one hundred thirty residents of the 10th district.

The following petitions were presented and placed on file by:

Senator Rush from thirty-eight residents of Linn County opposing legislation legalizing pari-mutuel betting in Iowa.

Senator Rush from Linn County favoring indexing of state inheritance tax rates and increasing exemptions.

BILLS ASSIGNED TO COMMITTEE
(March 26, 1980)

President Branstad announced the assignment of the following bills to committee:

S.C.R.	123	Rules and Administration
H.F.	2504	Cities
H.F.	2534	Education
H.C.R.	118	Rules and Administration

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 28, 1980, the Governor approved and transmitted to the Secretary of the State the following bill:

S.F. 500—Relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, providing a corresponding adjustment in interest rates for government bonds and making certain provisions of the Act retroactive.

GOVERNOR'S ITEM VETO MESSAGE

March 28, 1980

The Honorable Melvin D. Synhorst
Secretary of the State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2241, an act relating to appropriations for the fiscal years beginning July 1, 1979 and 1980, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

Senate File 2241 is approved March 28, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 19 which reads as follows:

Sec. 19. The appropriation from the general fund of the state to the department of social services made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), is reduced by six hundred ten thousand (610,000) dollars.

I am unable to approve the item designated as Section 30 which reads as follows:

Sec. 30. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under sections eighteen (18) and twenty (20) of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under sections eighteen (18) or twenty (20) of this Act which exists on June 30, 1980 shall revert to the fund from which it was appropriated.

As reasons for this disapproval I submit the following:

The purpose of Section 19 of this bill is to reduce the FY 1980 medical assistance (Title XIX) appropriation by $610,000. The Department of Social Services believes that such a reduction can be made without adversely affecting this medical assistance program.

On the other hand, this bill does not appropriate sufficient funds to cover the anticipated increase in the Aid to Dependent Children caseload. This deficiency can be partially met by retaining the $610,000 in this bill and making a fund transfer under Section 8.39 of the Iowa Code. The Chairmen of the Social Services Appropriations Subcommittees concur in this course of action.

While as Governor I have used this transfer authority sparingly and have not used it at all during this fiscal year, I do believe it should be employed on occasion when a mandated program must be funded and the appropriation is insufficient. This option needs to be available in this case.

It is difficult to estimate accurately the costs of the medical assistance and the Aid to Dependent Children programs. The legislature has tended to regard these two appropriations as though they were standing unlimited appropriations due to the difficulty in estimating their final costs. While it is always hoped that adjustments at the end of the year will not be necessary for the ADC and medical assistance programs, it seldom happens.

Since the time I submitted our budget recommendations to the General Assembly and the Social Services Appropriations Subcommittees acted upon the requests, the Department of Social Services has reported that the current caseload is 102,300, which is 4,000 persons more on a per-month average than was estimated in January. In addition to the $4,570,000 contained in this bill, the Department of Social Services estimates that slightly more than $1,000,000 will be necessary to maintain current benefit levels for the remainder of this fiscal year.

The under-funding in ADC and the surplus in medical assistance just discussed underscores the need for flexibility in the executive branch once legislative appropriations have been made. Section 30 of this bill restricts the Governor and State Comptroller's authority to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The transfer authority provides flexibility to make necessary adjustments when unforeseen or changing circumstances arise.

Previously, I have vetoed limitations on the transfer authority. The law contains safeguards giving the legislature an opportunity to review and comment on any proposed transfer. We have accepted and respected such comments, and, indeed, several transfers have been modified or eliminated following receipt of recommendations from legislators.

In 1969 the people of this State voted to amend the Constitution of the State of Iowa to allow the Governor to "disapprove any item" of an appropriation bill. Since then there have been several court cases and a number of Attorney General opinions which have attempted to demarcate this gubernatorial authority. Throughout those discussions runs the thread of separability, that is, will the vetoed item alter positively or negatively the function of the appropriation to which it is purportably attached? If there remains no "scar tissue" from excising such provision, then assuredly it is an item within the meaning of the Iowa Constitution.

In this bill, Section 30 is totally unrelated to Sections 18 and 20. Its deletion will not in any manner effect the purposes of those appropriations. While we do not anticipate making transfers from the appropriations affected by Section 30, nonetheless, the restriction violates the transfer authority established by law and sets a bad precedent. I would hope that the legislative branch would want to work with the executive branch in determining budget policy without circumventing a statutory authority allowing limited flexibility which is indeed desirable to implement the budget effectively.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2241 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S.C.R.	125	Ways and Means
H.F.	2554	Ways and Means
H.F.	2572	Commerce

REPORTS OF INVESTIGATING COMMITTEES

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 Board of Architectural Examiners pursuant to Section 118.1, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

A. R. KUDART, Chairperson
ALVIN V. MILLER
DAVID M. READINGER
ELIZABETH R. MILLER
GEORGE R. KINLEY

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James A. Althaus, Des Moines, Polk County, Iowa, for reappointment as a member of the Job Service Appeal Board pursuant to Section 96.6, 1979 Code of Iowa, for a six-year term commencing July 1, 1980, and ending June 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARNE WALDSTEIN, Chairperson
GEORGE R. KINLEY

BASS VAN GILST
IRVIN L. BERGMAN
STEPHEN W. BISENIUS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Molly M. Scott, Spencer, Clay County, Iowa, for reappointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

A. R. KUDART, Chairperson
IRVIN L. BERGMAN
BERL E. PRIEBE
BOB RUSH
DALE L. TIEDEN

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 pursuant to Section 20.5, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEPHEN W. BISENIUS, Chairperson
JAMES E. BRILES
JULIA B. GENTLEMAN
BOB RUSH
BERL E. PRIEBE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bertha J. Kirkwood, Ankeny, Polk County, Iowa, for reappointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment confirmed.

CALVIN O. HULTMAN, Chairperson
GARY L. BAUGHER
ELIZABETH R. MILLER
WILLIAM D. PALMER
JOANN ORR

REPORT OF COMMITTEE MEETING

EDUCATION*

*A report of this meeting was also recorded on pages 1137-1138 of the March 27, 1980, Senate Journal, and page 1154 of the March 28, 1980, Senate Journal.

Convened: March 27, 1980, 1:30 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Orr, Small and Taylor.

Members Absent: Jensen (excused).

Final Action: SENATE CONCURRENT RESOLUTION 126, a resolution identifying autistic children.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Calhoon, Carney, DeKoster, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:35 p.m.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5554 to House File 2475 was adopted by the Senate on March 27, 1980.

ARTHUR L. GRATIAS

MR. PRESIDENT: I move to reconsider the vote by which division S—5595B to House File 2492 failed to be adopted by the Senate on March 31, 1980.

BERL E. PRIEBE

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty students from Grand Community High School, Boxholm, Iowa, accompanied by Gene Meister and Tim Leuthauser. Senator Nystrom.

Fifty students, members of the Future Homemakers Association from Walnut High School, Walnut, Iowa, accompanied by Miss Paulette Nielson. Senator Hester.

Seven students from Keota High School, Keota, Iowa, accompanied by Don Homan. Senator Schwengels.

AMENDMENTS FILED

S—5574	S. F.	2357	Dale L. Tieden
S—5575	H.F.	2492	Edgar H. Holden
S—5576	H.F.	2492	Rolf V. Craft
S—5577	S. F.	2349	Forrest V. Schwengels
			Stephen W. Bisenius
			Lowell L. Junkins
S—5578	H.F.	2492	Bass Van Gilst
S—5579	H.F.	2492	Stephen W. Bisenius
S—5580	H.F.	2492	Joann Orr
S—5581	H.F.	2492	Gary L. Baugher
			Robert M. Carr
			Arthur L. Gratias
			Julia B. Gentleman
S—5582	H.F.	2492	Arthur A. Small, Jr.
S—5583	H.F.	2492	William D. Palmer
			George R. Kinley
			Tom Slater
			Joe Brown
			Alvin V. Miller
			Robert M. Carr
			C. W. Hutchins
			John Scott
			Lowell L. Junkins
			Norman G. Rodgers
			Joann Orr
S—5584	H.F.	2492	Patrick J. Deluhery
			Bob Rush
			Julia B. Gentleman
			Arthur A. Small, Jr.
S—5585	H.F.	2492	Stephen W. Bisenius
S—5586	H.F.	2492	Robert M. Carr
S—5588	H.F.	2492	George R. Kinley
S—5589	H.F.	2492	Arne Waldstein
			Richard R. Ramsey
S—5590	H.F.	2492	Joann Orr
S—5591	H.F.	2492	Clarence Carney
			Gary L. Baugher
			Richard Comito
			John W. Jensen
			Arthur L. Gratias
			Irvin L. Bergman

			Norman G. Rodgers
			Merlin D. Hulse
S—5592	H.F.	2492	Robert M. Carr
S—5593	H.F.	2492	Richard R. Ramsey
			Bob Rush
S—5594	H.F.	2492	George R. Kinley
S—5595	H.F.	2492	Joann Orr
S—5596	H.F.	2492	Richard R. Ramsey
			Gary L. Baugher
			Elizabeth R. Miller
			Arthur A. Small, Jr.
S—5598	H.F.	2492	Edgar H. Holden
S—5599	H.F.	2492	Arne Waldstein
			Norman G. Rodgers
			Gary L. Baugher
			James V. Gallagher
			Rolf V. Craft
			Robert M. Carr
			Sue Yenger
S—5600	H.F.	2492	Edgar H. Holden
S—5601	S. F.	2192	Ray Taylor
S—5602	H.F.	2492	William D. Palmer
			George R. Kinley
			Tom Slater
			Joe Brown
			Alvin V. Miller
			Robert M. Carr
			C. W. Hutchins
			John Scott
			Lowell L. Junkins
			Norman G. Rodgers
			Joann Orr
			James V. Gallagher
S—5603	H.F.	2492	Richard R. Ramsey
			Gary L. Baugher
			Arthur A. Small, Jr.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:38 p.m., until 9:00 a.m., Tuesday, April 1, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 1, 1980

The Senate met in regular session at 9:03 a.m., President Branstad presiding.

Prayer was offered by the Reverend Orrin T. Potter, pastor of the United Methodist Church, DeWitt, Iowa.

The Journal of Monday, March 31, 1980, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hansen 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 31, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2317, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

ALSO: That the House has on March 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2501, a bill for an act relating to the use of computers for the storage of court records.

ALSO: That the House has on March 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2508, a bill for an act relating to the powers and duties of the director of the division of corrections.

ALSO: That the House has on March 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2542, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

ALSO: That the House has on March 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2553, a bill for an act relating to the exemption of temporary food service establishments from inspection.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2501, a bill for an act relating to the use of computers for the storage of court records.

Read first time and **passed on file.**

House File 2508, a bill for an act relating to the powers and duties of the director of the division of corrections.

Read first time and **passed on file.**

House File 2542, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

Read first time and **passed on file.**

House File 2553, a bill for an act relating to the exemption of temporary food service establishments from inspections.

Read first time and **passed on file.**

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that the following bills on the calendar be returned to their original committee:

S. F.	30	Human Resources
S. F.	57	State Government
S. F.	2025	Judiciary
S. F.	2034	Commerce
S. F.	2075	Education

S. F.	2082	Natural Resources
S. F.	2085	County Government
S. F.	2131	County Government
S. F.	2157	Education
S. F.	2257	Education

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 Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

MOTION TO RECONSIDER WITHDRAWN

House File 2277

Senator Carr withdrew the motion to reconsider House File 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services, filed by him on March 6, 1980, and found on page 735 of the Senate Journal.

UNFINISHED BUSINESS
(Pending March 28, 1980)
(Steering Calendar)

Senate File 2361

The Senate resumed consideration of Senate File 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration

plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, and division S—5567B by the committee on Ways and Means to page 20 of the bill, pending on March 28, 1980.

Senator Yenger offered amendment S—5569 filed by Senators Yenger and Van Gilst on March 28, 1980, to page 2 of the bill.

Senator Hutchins called for a division of amendment S—5569: lines 2 through 19 as division S—5569A; lines 20 through 37 as division S—5569B.

Senator Yenger moved the adoption of division S—5569A.

A record roll call was requested.

On the question "Shall division S—5569A be adopted?" (S.F. 2361) the vote was:

Ayes, 32:

Bisenius	Briles	Brown	Calhoon
Carr	Coleman	Comito	DeKoster
Goodwin	Gratias	Hester	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Nystrom
Orr	Palmer	Priebe	Ramsey
Rodgers	Schwengels	Scott	Slater
Tieden	Van Gilst	Waldstein	Yenger

Nays, 13:

Baugher	Bergman	Craft	Deluhery
Drake	Gentleman	Holden	Jensen
Miller, E.R.	Murray	Readinger	Rush
Taylor			

Absent or not voting, 5:

Carney	Gallagher	Hansen	Robinson
Small			

Division S—5569A was adopted.

Senator Yenger moved the adoption of division S—5569B.

A record roll call was requested.

On the question "Shall division S—5569B be adopted?" (S.F. 2361) the vote was:

Ayes, 35:

Bergman	Bisenius	Briles	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Gratias	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Rodgers	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 9:

Baugher	Deluhery	Drake	Gentleman
Hester	Holden	Murray	Readinger
Rush			

Absent or not voting, 6:

Carney	Gallagher	Goodwin	Hansen
Ramsey	Robinson		

Division S—5569B was adopted.

With the adoption of divisions S—5569A and S—5569B, the Chair ruled amendment S—5557 filed by Senators Van Gilst and Hutchins on March 27, 1980, to pages 2 and 3 of the bill, out of order.

The Senate resumed consideration of division S—5567B by the committee on Ways and Means to page 20 of the bill, deferred on March 28, 1980.

Senator Drake raised the point of order that division S—5567B was not germane to the bill.

The Chair ruled the point well taken and division S—5567B out of order.

The Chair ruled amendment S—5568 filed by Senator Comito to division S—5567B on March 28, 1980, out of order.

Senator Murray offered amendment S—5572 filed by him on March 28, 1980, to page 11 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 23.

Amendment S—5572 lost.

Senator Hutchins offered amendment S—5608 filed by him from the floor to page 20 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5608 be adopted?" (S.F. 2361) the vote was:

Ayes, 20:

Briles	Calhoon	Carr	Coleman
Craft	Hutchins	Junkins	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Scott	Slater	Van Gilst	Yenger

Nays, 27:

Baugher	Bergman	Bisenius	Brown
Carney	Comito	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Orr	Schwengels	Small
Taylor	Tieden	Waldstein	

Absent or not voting, 3:

Gallagher	Hansen	Robinson

Amendment S—5608 lost.

Senator Carr offered amendment S—5609 filed by Senator Carr from the floor to page 12 of the bill and moved its adoption.

Amendment S—5609 was adopted by a voice vote.

Senator Ramsey offered amendment S—5610 filed by Senators Ramsey, et al., from the floor to page 13 of the bill.

Senator Junkins raised the point of order that amendment S—5610 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5610 out of order.

The Chair ruled amendment S—5611 filed by Senator Ramsey from the floor to amendment S—5610, out of order.

Senator Comito withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which divisions S—5569A and S—5569B to Senate File 2361 were adopted by the Senate on April 1, 1980.

Senator Jensen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2361) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Gallagher	Hansen	Robinson

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 2361 passed the Senate on April 1, 1980.

LOWELL L. JUNKINS

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2361 passed the Senate on April 1, 1980.

JOHN W. JENSEN

UNFINISHED BUSINESS
(Deferred March 26, 1980)
(Steering Calendar)

Senate File 2349

The Senate resumed consideration of Senate File 2349, a bill for an act establishing the jurisdiction, duties, practices and procedures of the state board of mortuary examiners for purposes of enforcement by the state board of mortuary examiners of chapter five hundred twenty-three A (523A) of the Code, relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing penalties, and amendment S—5493 by Senators Miller, et al., deferred on March 26, 1980.

Senator Holden called up the motion to reconsider the vote by which amendment S—5483 to Senate File 2349 was adopted by the Senate on March 25, 1980, filed by him on March 28, 1980, and found on page 1152 of the Senate Journal.

Senator Coleman asked unanimous consent to defer action on the motion to reconsider amendment S—5483.

Senator Coleman withdrew his request for deferral.

Senator Holden moved the adoption of the motion to reconsider.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2349) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman

Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Van Gilst	Waldstein
Yenger			

Nays, 1:

Tieden

Absent or not voting, 4:

Briles	Hansen	Hutchins	Robinson

The motion prevailed and amendment S—5483 by Senator Schwengels to pages 1 and 3 of the bill was taken up for reconsideration.

Senator Holden called up the motion to reconsider the vote by which amendment S—5497 to amendment S—5483 to Senate File 2349 failed to be adopted by the Senate on March 25, 1980, filed by him on March 28, 1980, and found on page 1152 of the Senate Journal.

Senator Junkins asked and received unanimous consent that action on the motion to reconsider be deferred for consideration of amendment S—5577.

(Senate File 2349 pending on recess).

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2549, a bill for an act allowing the executive council to purchase or condemn and lease land to be used as a site for a hazardous waste treatment or disposal facility.

ALSO: That the House has on March 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2566, a bill for an act relating to the receipt of livestock at a public livestock market for sale by auction upon delivery.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2549, a bill for an act allowing the executive council to purchase or condemn and lease land to be used as a site for a hazardous waste treatment or disposal facility.

Read first time and **passed on file.**

House File 2566, a bill for an act relating to the receipt of livestock at a public livestock market for sale by auction upon delivery.

Read first time and **passed on file.**

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:07 p.m., President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2367, by Committee on Appropriations, a bill for an act appropriating funds to designated agencies to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

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 31, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2514, a bill for an act to amend chapter one hundred forty-seven (147) of the Code so as to establish packaging, labeling and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2514, a bill for an act to amend chapter one hundred forty-seven (147) of the Code so as to establish packaging, labeling and record keeping requirements for physicians, dentists and podistrists who dispense prescription drugs.

Read first time and **passed on file.**

UNFINISHED BUSINESS
(Pending March 31, 1980)
(Steering Calendar)

House File 2492

The Senate resumed consideration of House File 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, division S—5524D and amendment S—5586 to division S—5524D, pending on March 31, 1980.

Senator Carr withdrew amendment S—5586 to division S—5524D.

Senator Holden offered amendment S—5607 filed by him from the floor to division S—5524D and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5607 to division S—5524D be adopted?" (H.F. 2492) the vote was:

Ayes, 32:

Baugher	Bisenius	Briles	Calhoon
Carney	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, E.R.	Murray

Ramsey	Readinger	Rodgers	Schwengels
Scott	Taylor	Van Gilst	Yenger

Nays, 8:

Brown	Carr	Coleman	Miller, C.P.
Orr	Palmer	Rush	Small

Voting present, 1:

Nystrom

Absent or not voting, 9:

Bergman	Gallagher	Hansen	Hulse
Priebe	Robinson	Slater	Tieden
Waldstein			

Amendment S—5607 was adopted.

With the adoption of amendment S—5607, the Chair ruled amendment S—5575 filed by Senator Holden on March 31, 1980, to division S—5524D, out of order.

Senator Holden moved the adoption of division S—5524D as amended, which motion prevailed by a voice vote.

Senator Holden offered amendment S—5558 filed by him on March 27, 1980, to page 9 of the bill.

Senator Junkins raised the point of order that amendment S—5558 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5558 out of order.

Senator Holden offered amendment S—5620 filed by him from the floor to page 9 of the bill.

Senator Rush raised the point of order that amendment S—5620 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5620 in order.

Senator Carr asked and received unanimous consent that action on amendment S—5620 be temporarily deferred.

Senator Holden offered amendment S—5598 filed by him on March 31, 1980, to page 9 of the bill.

Senator Holden offered amendment S—5606 filed by him from the floor to amendment S—5598 and moved its adoption.

Amendment S—5606 was adopted by a voice vote.

Senator Palmer offered amendment S—5602 filed by Senators Palmer, et al., on March 31, 1980, to amendment S—5598 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5602 to amendment S—5598 be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Rodgers	Rush
Scott	Small	Tieden	Van Gilst

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Waldstein	Yenger		

Absent or not voting, 4:

Hansen	Miller, E.R.	Robinson	Slater

Amendment S—5602 lost.

Senator Priebe asked and received unanimous consent that action on amendment S—5598 as amended be temporarily deferred.

Senator Holden moved the adoption of amendment S—5620 to page 9 of the bill, previously deferred.

Amendment S—5620 was adopted by a voice vote.

The Senate resumed consideration of amendment S—5598 as amended to page 9 of the bill, previously deferred.

Senator Priebe offered amendment S—5625 filed by Senators Priebe, et al., from the floor to amendment S—5598 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5625 to amendment S—5598 be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Carr	Coleman	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Rodgers	Rush	Scott
Small	Tieden	Van Gilst	Waldstein

Nays, 25:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Yenger			

Absent or not voting, 5:

Calhoon	Hansen	Miller, E.R.	Robinson
Slater			

Amendment S—5625 lost.

Senator Hultman asked and received unanimous consent that action on amendment S—5598 as amended be temporarily deferred.

Senator Holden offered amendment S—5621 filed by Senators Holden and Drake from the floor, to page 9 of the bill.

Senator Carr raised the point of order that amendment S—5621 was not germane to the bill.

Senator Carr withdrew his point of order.

Senator Holden moved the adoption of amendment S—5621.

A record roll call was requested.

On the question "Shall amendment S—5621 be adopted?" (H.F. 2492) the vote was:

Ayes, 30:

Baugher	Bergman	Bisenius	Briles
Carney	Coleman	Comito	Craft
DeKoster	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Nystrom	Orr	Palmer	Ramsey
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Nays, 16:

Brown	Carr	Deluhery	Gallagher
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Murray	Priebe	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Absent or not voting, 4:

Calhoon	Hansen	Miller, E.R.	Robinson

Amendment S—5621 was adopted.

The Senate resumed consideration of amendment S—5598 as amended to page 9 of the bill, previously deferred.

Senator Kinley offered amendment S—5627 filed by Senators Kinley and Junkins from the floor to amendment S—5598 and moved its adoption.

Amendment S—5627 was adopted by a voice vote.

The Chair ruled amendment S—5628 filed by Senator Gallagher from the floor to amendment S—5598, out of order.

Senator Holden moved the adoption of amendment S—5598 as amended, which motion prevailed by a voice vote.

Senator Bisenius asked and received unanimous consent to withdraw amendment S—5612 filed by Senators Bisenius and Carr from the floor to page 4 of the bill.

Senator Bisenius offered amendment S—5623 filed by Senators Bisenius and Carr from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5623 be adopted?" (H.F. 2492) the vote was:

Ayes, 3:

Bisenius	Carr	Taylor	

Nays, 43:

Baugher	Bergman	Briles	Brown
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Absent or not voting, 4:

Calhoon	Hansen	Miller, E.R.	Robinson

Amendment S—5623 lost.

Senator Kinley asked and received unanimous consent to withdraw amendment S—5624 filed by Senators Kinley and Small from the floor to page 9 of the bill.

Senator Priebe withdrew the motion to reconsider the vote by which division S—5595B to House File 2492 failed to be adopted by the Senate on March 31, 1980, filed by him on March 31, 1980, and found on page 1207 of the Senate Journal.

Senator Deluhery filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which division S—5524A as amended to House File 2492 was adopted by the Senate on March 31, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2492) the vote was:

Ayes, 20:

Brown	Carr	Coleman	Deluhery
Drake	Gentleman	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Murray
Orr	Palmer	Priebe	Rush
Scott	Slater	Small	Yenger

Nays, 24:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Nystrom	Ramsey	Readinger	Rodgers
Schwengels	Tieden	Van Gilst	Waldstein

Voting present, 1:

Gallagher

Absent or not voting, 5:

Calhoon	Hansen	Miller, E.R.	Robinson
Taylor			

The motion lost.

The Chair ruled the following motions to reconsider filed from the floor out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5581 to division S—5524A to House File 2492 was adopted by the Senate on March 31, 1980.

PATRICK J. DELUHERY

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5584 to division S—5524A to House File 2492 failed to be adopted by the Senate on March 31, 1980.

JOHN S. MURRAY

The Chair ruled amendment S—5622 filed by Senators Deluhery, Murray and Gentleman from the floor to division S—5524A as amended, out of order.

Senator Orr filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5578 to House File 2492 was adopted by the Senate on March 31, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 13:

Carr	Coleman	Deluhery	Gallagher
Hutchins	Kinley	Miller, A.V.	Orr
Palmer	Priebe	Rush	Scott
Small			

Nays, 32:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Comito	Craft
DeKoster	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Kudart
Miller, C.P.	Murray	Nystrom	Ramsey
Readinger	Rodgers	Schwengels	Slater
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 5:

Calhoon	Hansen	Miller, E.R.	Robinson
Taylor			

The motion lost.

Senator Coleman filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5621 to House File 2492 was adopted by the Senate on April 1, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Baugher	Brown	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Murray
Orr	Palmer	Priebe	Ramsey
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 23:

Bergman	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Nystrom	Readinger	Schwengels
Tieden	Waldstein	Yenger	

Absent or not voting, 5:

Calhoon	Hansen	Miller, E.R.	Robinson
Taylor			

The motion lost.

Senator Holden moved that the bill 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. 2492) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Briles

Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Murray	Nystrom	Orr	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 6:

Carr	Gallagher	Kinley	Miller, C.P.
Palmer	Small		

Absent or not voting, 5:

Calhoon	Hansen	Miller, E.R.	Robinson
Taylor			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 127
By: Committee on Rules and Administration

Be It Resolved by the Senate, the House Concurring,
That when adjournment takes place on Thursday, April 3, 1980, the general assembly will reconvene on Tuesday, April 8, 1980, at 10:00 a.m., in observance of Easter.

Read first time and **placed on calendar.**

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2298 Ways and Means

Relating to excise tax on gasohol.

S.S.B. 2299 Ways and Means

Relating to the taxation of property of cemetery associations and locker plants.

S.S.B. 2300 Ways and Means

Relating to the administration of Chapter 98 of the Code by the Department of Revenue.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2501	Judiciary
H.F.	2508	Human Resources
H.F.	2538	Judiciary
H.F.	2541	Natural Resources
H.F.	2542	State Government
H.F.	2543	State Government
H.F.	2545	Judiciary
H.F.	2549	Energy
H.F.	2553	Agriculture
H.F.	2566	Agriculture

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Afton E. (Bill) Minner, Marshalltown, Marshall County, Iowa, for appointment as a member of the City Finance Committee pursuant to Section 384.13, 1979 Code of Iowa, for the regular four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
ELIZABETH R. MILLER

JAMES CALHOON
ROBERT M. CARR
RICHARD COMITO

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 Iowa Rural Community Development Committee pursuant to Section 387.2, 1979 Code of Iowa, for the regular six-year term commencing July 1, 1980, and ending June 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARTHUR L. GRATIAS, Chairperson
JULIA B. GENTLEMAN
WILLIAM D. PALMER
JOHN SCOTT
ROLF V. CRAFT

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. A. G. Kegler, Independence, Buchanan County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
JAMES V. GALLAGHER
ROBERT M. CARR
ROLF V. CRAFT
LUCAS J. DE KOSTER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Margaret Ann Harden, Perry, Dallas County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
NORMAN G. RODGERS
EDGAR H. HOLDEN
JACK W. HESTER
CLOYD E. ROBINSON

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John E. Scherrman, Sioux City, Woodbury County, Iowa, for appointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1979, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
JOE BROWN

CLARENCE CARNEY
GARY L. BAUGHER
BASS VAN GILST

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Convened: April 1, 1980.

Final Action: SENATE CONCURRENT RESOLUTION 127, a resolution relating to adjournment of the general assembly for observance of Easter.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 5: Hultman, Junkins, Hulse, Ramsey and Kinley. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 1, 1980, 12:10 p.m.

Members Present: Murray, Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Scott, Small and Tieden.

Members Absent: Taylor, Vice Chairperson; Junkins and Van Gilst.

Final Action: SENATE FILE 2367, a bill for an act appropriating funds to designated agencies to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Murray, Palmer, Bisenius, Carr, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Scott, Small and Tieden. Nays, none. Absent or not voting, 3: Taylor, Junkins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:15 p.m.

JUDICIARY

Convened: April 1, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery and Scott.

Members Absent: Slater and Hansen (excused).

Final Action: HOUSE FILE 2522, a bill for an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Kudart, Rush, Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery and Scott. Nays, 1: DeKoster. Absent or not voting, 2: Slater and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: April 1, 1980, 12:13 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Gallagher, Gratias, Rodgers, Schwengels and Tieden.

Members Absent: Calhoon.

Other Business: Assigned House Files 2540 and 2561 to subcommittees.

Adjourned: 12:15 p.m.

STATE GOVERNMENT

Convened: April 1, 1980, 12:13 p.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, E. Miller and Yenger.

Members Absent: Slater, Ranking Member; C. Miller, Murray and Rodgers.

Final Action: HOUSE FILE 701, a bill for an act to establish a state department of mental health, prescribe its powers and duties, transfer to it certain responsibilities presently imposed by law on the division of mental health of the department of social services and on the Iowa mental health authority, provide a description of those responsibilities of the department of social services which are now assigned to the division of mental health and which are to be left within the jurisdiction of the department of social services, and make amendments in conformity with these changes to various sections of the Code as necessary.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Schwengels, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, E. Miller and Yenger. Nays, none. Absent or not voting, 4: Slater, C. Miller, Murray and Rodgers.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned House Files to subcommittees.

Adjourned: 12:17 p.m.

WAYS AND MEANS

Convened: April 1, 1980, 1:40 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member (arrived 1:50 p.m.); Baugher, Comito, Hester, Hutchins, Rush, Scott, Van Gilst, Ramsey (arrived 1:45 p.m.), Holden (arrived 1:45 p.m.), Junkins (arrived 2:05 p.m.) and Drake (arrived 2:10 p.m.).

Members Absent: Hultman.

Other Business: Discussed Senate File 2201; assigned bills to subcommittees.

Adjourned: 3:00 p.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty students, members of the Campfire Girls from Cedar Rapids, Iowa, accompanied by Susan McDermott and Sherry Cornish. Senators Kudart and Rush.

Twenty-seven students from Audubon High School, Audubon, Iowa, accompanied by Don Kristensen. Senator Hutchins.

Thirty students from Northwest Webster Sr. High School, Barnum, Iowa, accompanied by Chris Eilbert. Senator Coleman.

AMENDMENTS FILED

S—5604	H.F.	2541	Elizabeth R. Miller
S—5605	S. F.	2297	Lucas J. DeKoster
S—5606	H.F.	2492	Edgar H. Holden
S—5607	H.F.	2492	Edgar H. Holden
S—5608	S. F.	2361	C. W. Hutchins

S—5609	S. F.	2361	Robert M. Carr
S—5610	S. F.	2361	Richard R. Ramsey
			James E. Briles
			Sue Yenger
			Norman G. Rodgers
S—5611	S. F.	2361	Richard R. Ramsey
S—5612	H.F.	2492	Stephen W. Bisenius
			Robert M. Carr
S—5613	S. F.	2335	Richard R. Ramsey
			James E. Briles
			Sue Yenger
			Norman G. Rodgers
S—5614	S. F.	2357	Dale L. Tieden
S—5615	S. F.	2349	Lucas J. DeKoster
			Richard R. Ramsey
S—5616	S. F.	2349	C. Joseph Coleman
S—5617	S. J. R.	2001	Julia B. Gentleman
			John S. Murray
S—5618	H.F.	275	Jack W. Hester
S—5619	H.F.	654	A. R. Kudart
S—5620	H.F.	2492	Edgar H. Holden
S—5621	H.F.	2492	Edgar H. Holden
			Richard F. Drake
S—5622	H.F.	2492	Patrick J. Deluhery
			John S. Murray
			Julia B. Gentleman
S—5623	H.F.	2492	Stephen W. Bisenius
			Robert M. Carr
S—5624	H.F.	2492	George R. Kinley
			Arthur A. Small, Jr.
S—5625	H.F.	2492	Berl E. Priebe
			C. W. Hutchins
			William D. Palmer
			George R. Kinley
			Charles P. Miller
			John Scott
			Lowell L. Junkins
S—5627	H.F.	2492	George R. Kinley
			Lowell L. Junkins
S—5628	H.F.	2492	James V. Gallagher

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 7:59 p.m., until 9:00 a.m., Wednesday, April 2, 1980.

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 2, 1980

The Senate met in regular session at 9:06 a.m., President Branstad presiding.

Prayer was offered by the Reverend Willis Dagenais, pastor of the Seventh Day Adventist Church, Muscatine, Iowa.

The Journal of Tuesday, April 1, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Meyer, Maquoketa, 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, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2494, a bill for an act to redesignate the name and duties of the Iowa crime commission and transfer the staff to the department of public safety.

ALSO: That the House has on April 1, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2551, a bill for an act relating to the calculation of the state percent of growth and basic allowable growth per pupil for school foundation aid purposes.

ALSO: That the House has on April 1, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2555, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals and civil appeals more uniform and consistent.

ALSO: That the House has on April 1, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2559, a bill for an act relating to the purchase of energy efficient products by the state.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2494, a bill for an act to redesignate the name and duties of the Iowa crime commission and transfer the staff to the department of public safety.

Read first time and **passed on file.**

House File 2551, a bill for an act relating to the calculation of the state percent of growth and basic allowable growth per pupil for school foundation aid purposes.

Read first time and **passed on file.**

House File 2555, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals and civil appeals more uniform and consistent.

Read first time and **passed on file.**

House File 2559, a bill for an act relating to the purchase of energy efficient products by the state.

Read first time and **passed on file.**

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2361

Senator Junkins withdrew the motion to reconsider Senate File 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for

the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, filed by him on April 1, 1980, and found on page 1217 of the Senate Journal.

Senator Jensen withdrew the motion to reconsider Senate File 2361 filed by him on April 1, 1980, and found on page 1217 of the Senate Journal.

HOUSE AMENDMENTS CONSIDERED

Senate File 2243

Senator Van Gilst called up for consideration Senate File 2243, a bill for an act establishing the Iowa family farm development authority authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, amended by the House, and moved that the Senate concur in House amendment S—5573 filed March 31, 1980, and found on pages 1159-1183 of the Senate Journal.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senate File 2118

Senator Briles called up for consideration Senate File 2118, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services, amended by the House, and moved that the Senate concur in House amendment S—5597 filed March 31, 1980, and found on page 1201 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Briles moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2118) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Priebe	Ramsey	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 1:

Holden

Absent or not voting, 8:

Calhoon	Comito	Craft	Kinley
Palmer	Readinger	Robinson	Rodgers

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Steering Calendar)

Senate File 2348

On motion of Senator Gentleman, Senate File 2348, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties, was taken up for consideration.

Senator Gentleman asked and received unanimous consent that **House File 2513** be **substituted** for **Senate File 2348**.

House File 2513

On motion of Senator Gentleman, House File 2513, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties, was taken up for consideration.

Senator Gentleman offered amendment S—5556 filed by the committee on Commerce on March 27, 1980, to pages 2, 3, 13 and 15 of the bill and moved its adoption.

Amendment S—5556 was adopted by a voice vote.

Senator Gentleman moved that the bill 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. 2513) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Comito	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Gentleman asked and received unanimous consent that **Senate File 2348** be withdrawn from further consideration of the Senate.

UNFINISHED BUSINESS
(Pending April 1, 1980)
(Steering Calendar)

Senate File 2349

The Senate resumed consideration of Senate File 2349, a bill for an act establishing the jurisdiction, duties, practices and

procedures of the state board of mortuary examiners for purposes of enforcement by the state board of mortuary examiners of chapter five hundred twenty-three A (523A) of the Code, relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing penalties, and the motion to reconsider amendment S—5497 to amendment S—5483, deferred on April 1, 1980.

Senator Brown asked and received unanimous consent that action on **Senate File 2349** be temporarily **deferred.**

CONSIDERATION OF BILLS
(Steering Calendar)

House File 2180

On motion of Senator Orr, House File 2180, a bill for an act to allow certain corporations to contract for additional law enforcement services, with report of committee recommending passage, was taken up for consideration.

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. 2180) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Coleman

Absent or not voting, 2:

Hultman Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2335

On motion of Senator Ramsey, Senate File 2335, a bill for an act providing that cities may authorize the use of golf carts or similar vehicles on city streets, was taken up for consideration.

Senator Ramsey offered amendment S—5613 filed by Senators Ramsey, et al., on April 1, 1980, to page 1 of the bill.

Senator Drake asked and received unanimous consent that Senate File 2335 be referred to the committee on Transportation.

Objection was raised by Senator Ramsey.

Senator Drake moved that Senate File 2335 be referred to the committee on Transportation.

A non record roll call was requested.

The ayes were 9, nays 34.

The motion lost.

Senator Ramsey moved the adoption of amendment S—5613.

Amendment S—5613 was adopted by a voice vote.

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. 2335) the vote was:

Ayes, 31:

Baugher	Bisenius	Briles	Calhoon
Coleman	DeKoster	Deluhery	Gallagher
Hansen	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Murray	Palmer
Priebe	Ramsey	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Van Gilst	Waldstein	Yenger	

Nays, 17:

Bergman	Brown	Carney	Carr
Comito	Craft	Drake	Gentleman

Goodwin	Gratias	Hester	Miller, E.R.
Nystrom	Orr	Readinger	Small
Tieden			

Voting present, 1:

Kinley

Absent or not voting, 1:

Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2361** be immedately messaged to the House, which request was complied with.

House File 2481

On motion of Senator Slater, House File 2481, a bill for an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty, with report of committee recommending passage, 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?" (H.F. 2481) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hutchins	Jensen
Kinley	Kudart	Miller, A.V.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Hultman	Junkins	Miller, C.P.	Miller, E.R.
Robinson			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2357

On motion of Senator Schwengels, Senate File 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment or continuation of certain public bodies within counties and conservancy districts, providing for the establishment of watershed funding districts, and authorizing the levying of a tax by watershed funding districts, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Tieden offered amendment S—5574 filed by him on March 31, 1980, to pages 6, 7, 11 and the title page of the bill and called for a division: page 1, lines 2 through 12 as division S—5574A; page 1, lines 13 through 50 and page 2 as division S—5574B.

Senator Tieden moved the adoption of division S—5574A, which motion prevailed by a voice vote.

Senator Coleman took the chair at 11:02 a.m.

Senator Tieden asked and received unanimous consent that action on division S—5574B be temporarily deferred.

Senator Tieden offered amendment S—5614 filed by him on April 1, 1980, to pages 8 and 21 of the bill and called for a division: lines 2 through 5 as division S—5614A; line 6 as division S—5614B.

Senator Tieden moved the adoption of division S—5614A, which motion prevailed by a voice vote.

Senator Tieden moved the adoption of division S—5614B, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent that action on **Senate File 2357** and division S—5574B be **deferred.**

House File 2305

On motion of Senator Miller of Des Moines, House File 2305, a bill for an act to allow county conservation boards to exchange property, with report of committee recommending passage, was taken up for consideration.

Senator Kudart offered amendment S—5521 filed by Senators Waldstein, Kudart and Miller of Des Moines on March 25, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5521 was adopted by a voice vote.

Senator Tieden offered amendment S—5551 filed by Senators Tieden and Small on March 27, 1980, to page 2 of the bill.

Senator Miller of Des Moines raised the point of order that amendment S—5551 was out of order.

The Chair ruled the point well taken and amendment S—5551 out of order.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2305) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Drake	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President Branstad took the chair at 11:28 a.m.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

S.C.R.	113
H.F.	705
S.F.	2305
H.F.	2443
H.F.	54
H.F.	685
H.F.	2169
H.F.	2463
H.F.	2478
H.F.	2479
H.F.	2482
H.F.	402
H.F.	2089
H.F.	2486
H.F.	2491
H.F.	2533
H.F.	2537
H.F.	485
H.F.	2529
H.F.	654

CALVIN O. HULTMAN, Chairperson

BUSINESS PENDING

Senate File 2349

The Senate resumed consideration of Senate File 2349, previously deferred.

Senator Schwengels offered amendment S—5577 filed by Senators Schwengels, Bisenius and Junkins on March 31, 1980, to strike everything after the enacting clause and the title page of the bill.

Senator Schwengels asked and received unanimous consent that action on **Senate File 2349** and amendment S—5577 be **deferred.**

CONSIDERATION OF RESOLUTION
(Steering Calendar)

Senate Concurrent Resolution 113

On motion of Senator Schwengels, Senate Concurrent Resolution 113, a resolution relating to Iowa Soil 2000, filed February 28, 1980, and found on pages 620-621 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Schwengels moved the adoption of Senate Concurrent Resolution 113, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Steering Calendar)

House File 705

On motion of Senator Rodgers, House File 705, a bill for an act relating to the use of watercraft on artificial lakes under the jurisdiction of the Iowa state conservation commission, with report of committee recommending passage, was taken up for consideration.

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. 705) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Bisenius	Calhoon	Carney	Coleman
Craft	Deluhery	Goodwin	Hulse
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Palmer	Readinger
Rodgers	Rush	Scott	Slater
Tieden	Yenger		

Nays, 24:

Baugher	Bergman	Brown	Carr
Comito	DeKoster	Drake	Gallagher
Gentleman	Gratias	Hansen	Hester
Holden	Hultman	Jensen	Miller, C.P.

Murray	Orr	Priebe	Ramsey
Schwengels	Taylor	Van Gilst	Waldstein

Absent or not voting, 4:

Briles	Nystrom	Robinson	Small

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

BUSINESS PENDING

Senate File 2357

The Senate resumed consideration of Senate File 2357 and division S—5574B, to page 11 of the bill, previously deferred.

Senator Tieden offered amendment S—5632 filed by him from the floor to division S—5574B and moved its adoption.

Amendment S—5632 was adopted by a voice vote.

Senator Tieden moved the adoption of division S—5574B as amended, which motion prevailed by a voice vote.

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. 2357) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Briles	Comito	Kudart	Nystrom
Readinger	Robinson		

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

WITHDRAWN

Senator Schwengels asked and received unanimous consent that **Senate File 501** be withdrawn from further consideration of the Senate.

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that the following bills on the calendar be returned to committee:

S. F.	2261	Commerce
H.F.	2109	Education

RESOLUTION REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate Resolution 110** be referred from the calendar to the committee on **Rules and Administration**.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2357** be immediately messaged to the House, which request was complied with.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 127.

Senate Concurrent Resolution 127

On motion of Senator Hultman, Senate Concurrent Resolution 127, a resolution providing for adjournment of the general assembly in observance of Easter, filed April 1, 1980, and found on page 1229 of the Senate Journal, was taken up for consideration.

Senator Hultman moved the adoption of Senate Concurrent Resolution 127, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate Concurrent Resolution 127** be immediately messaged to the House, which request was complied with.

WITHDRAWN

Senator Hansen asked and received unanimous consent that **Senate File 2076** be withdrawn from further consideration of the Senate.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2514	Commerce
H.F.	2551	Education
H.F.	2555	Judiciary
H.F.	2559	Energy
H.F.	2494	State Government

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 128
By: Jensen, Bergman, Carney, Tieden, Priebe, Waldstein, Hulse, Hultman, Comito, Coleman, Hester, Goodwin, Gratias, Taylor, Bisenius, Drake, Miller of Marshall, Ramsey, Nystrom, Briles, Craft, Baugher, Gentleman, Kudart, Readinger, Calhoon, Yenger and Brown

Whereas, the President of the United States has imposed a grain embargo that has had severe repercussions on the economy of the nation; and

Whereas, this policy has had a disastrous effect on the economy of rural Iowa and has resulted in a declining market for farm commodities; and

Whereas, extreme inflationary pressure, coupled with rapidly rising fuel and fertilizer prices, record high interest rates and an apparent cheap food policy, have forced the liquidation of cow herds and other breeding stock and have brought many farmers to the brink of

bankruptcy; and

Whereas, assurances that necessary steps have been taken to lessen the economic effect of the embargo have not been accompanied by timely and effective action by the Department of Agriculture; and

Whereas, the Department of Agriculture has refused to provide for the set-aside of crop acres for the coming crop year and has even started to sell back grain contracts acquired to protect the large grain companies at the time of the embargo, in spite of present severely depressed market conditions resulting in even greater losses for farmers; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the general assembly requests that the embargo of the sale of agricultural products to the Soviet Union be lifted; and

Be It Further Resolved, That the chief clerk of the house of representatives and the secretary of the senate provide copies of this resolution to the President of the

Page 2

United States, the Secretary of Agriculture and members of the Iowa congressional delegation.

Read first time and **passed on file.**

RECESS

On motion of Senator Hultman, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:06 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 2, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Joseph A. Graham, Milo, Warren County, Iowa, for reappointment as a member of the Iowa Board of Veterinary Medicine Examiners pursuant to Section 169.5, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

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 2, 1980, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 127, a resolution providing for an Easter recess of the General Assembly.

ALSO: That the House has on April 2, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2575, a bill for an act relating to pipelines.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2575, a bill for an act relating to pipelines.

Read first time and **passed on file.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rodgers for the afternoon session on request of Senator Junkins and Senator Nystrom for the afternoon session on request of Senator Hultman.

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2443.

House File 2443

On motion of Senator Schwengels, House File 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schwengels offered amendment S—5343 filed by the committee on State Government on March 11, 1980, to pages 1, 2 and 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5343 be adopted?" (H.F. 2443) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Bergman	Bisenius	Brown	Calhoon
Carney	Carr	Comito	Craft
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, E.R.	Murray	Schwengels	Slater
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 17:

Baugher	Briles	Coleman	DeKoster
Deluhery	Holden	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Ramsey	Readinger	Rush	Scott
Small			

Absent or not voting, 4:

Gallagher	Nystrom	Robinson	Rodgers

Amendment S—5343 was adopted.

With the adoption of amendment S—5343, the Chair ruled amendment S—5226 filed by Senators Hester and Brown on February 27, 1980, to pages 1 and 2 of the bill, out of order.

Senator Schwengels offered amendment S—5370 filed by him on March 13, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5370 was adopted by a voice vote.

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. 2443) the vote was:

Ayes, 37:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	Deluhery	Drake	Goodwin
Gratias	Hansen	Hester	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Palmer	Priebe	Readinger
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Yenger			

Nays, 8:

Coleman	DeKoster	Gentleman	Holden
Hulse	Orr	Ramsey	Waldstein

Absent or not voting, 5:

Craft	Gallagher	Nystrom	Robinson
Rodgers			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2305

On motion of Senator Rush, Senate File 2305, a bill for an act relating to the tort liability of governmental subdivisions, was taken up for consideration.

Senator Palmer offered amendment S—5351 filed by him on March 12, 1980, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 17.

Amendment S—5351 was adopted.

Senator Holden offered amendment S—5639 filed by him from the floor to page 1 of the bill.

Senator Taylor called for a division of amendment S—5639: lines 2 through 5 as division S—5639A; lines 6 and 7 as division S—5639B.

Senator Holden moved the adoption of division S—5639A, which motion prevailed by a voice vote.

Senator Holden moved the adoption of division S—5639B.

A record roll call was requested.

On the question "Shall division S—5639B be adopted?" (S.F. 2305) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Baugher	Bergman	Bisenius	Carney
Coleman	Comito	Craft	DeKoster
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Junkins	Kinley
Kudart	Miller, E.R.	Murray	Ramsey
Readinger	Rush	Schwengels	Small
Tieden			

Nays, 21:

Briles	Brown	Calhoon	Carr
Deluhery	Drake	Gentleman	Goodwin
Hutchins	Jensen	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Scott
Slater	Taylor	Van Gilst	Waldstein
Yenger			

Absent or not voting, 4:

Gallagher	Nystrom	Robinson	Rodgers

Division S—5639B 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. 2305) the vote was:

Ayes, 44:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Baugher	Taylor

Absent or not voting, 4:

Gallagher	Nystrom	Robinson	Rodgers

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2305** be immediately messaged to the House, which request was complied with.

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to an investigating committee:

As a member of the Iowa Board of Veterinary Medicine Examiners:

Dr. Joseph A. Graham, Milo, Warren County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Carney, Chairperson
Senator Brown
Senator Ramsey
Senator Holden
Senator Van Gilst

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 1, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 2200—Increasing the maximum interest rate payable under Section Three Hundred Twenty-two point Nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles.

S.F. 2301—Relating to gubernatorial appointments which are subject to confirmation by the Senate.

STUDY BILL RECEIVED

S.S.B. 2301 Appropriations

Concurrent Resolution directing the department of public instruction to review the existing formula along with various alternative methods of allocation.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S.C.R. 128 Agriculture
H.F. 2575 Commerce

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 2, 1980, when votes were taken on Senate File 2118.

Had I been present, I would have voted "aye" to concur with the House amendment, and "aye" on final passage of the bill.

JAMES CALHOON

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate from:

COMMISSION ON PROFESSIONAL AND OCCUPATIONAL REGULATION

A copy of the annual report of evaluations and recommendations of the Commission on Professional and Occupational Regulation pursuant to Chapter 41, Sec. 3 of the 1979 Acts of the Sixty-eighth General Assembly.

DEPARTMENT OF PUBLIC SAFETY

A copy of the Uniform Crime Report comparison for the 4th quarter of 1979 pursuant to Section 692.15, Code 1979.

DEPARTMENT OF PUBLIC INSTRUCTION

A copy of the Special Education Division reports of Area 2 and Area 12's LEA Financial Review pursuant to Section 281.9(6), Code 1979.

REPORTS OF INVESTIGATING COMMITTEES

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 Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers pursuant to Section 154A.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
C. W. HUTCHINS
JAMES V. GALLAGHER
W. R. BILL HANSEN
ARTHUR A. SMALL, JR.

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 Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers pursuant to Section 154A.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending July 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
LOWELL L. JUNKINS
JAMES E. BRILES
CHARLES P. MILLER
JULIA B. GENTLEMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marian R. Haaf, Waterloo, Black Hawk County, Iowa, for reappointment as a member of the Board of Watchmaking Examiners pursuant to Section 120.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN J. GOODWIN, Chairperson
W. R. BILL HANSEN
JAMES V. GALLAGHER
MERLIN D. HULSE
C. W. HUTCHINS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Sidney N. Davis, Garnavillo, Clayton County, Iowa, for reappointment as a member of the Iowa Rural Community Development Committee pursuant to Section 387.2, 1979 Code of Iowa, for a six-year term commencing July 1, 1980, and ending June 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
LOWELL L. JUNKINS
DALE L. TIEDEN
ALVIN V. MILLER
LUCAS J. DE KOSTER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert R. Morris, Storm Lake, Buena Vista County, Iowa, for appointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

A. R. KUDART, Chairperson
ARNE WALDSTEIN
SUE YENGER
BASS VAN GILST
CHARLES P. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Earl M. Overholser, Shenandoah, Page County, Iowa, for reappointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
C. JOSEPH COLEMAN
CALVIN O. HULTMAN
ROLF V. CRAFT
ROBERT M. CARR

REPORT OF COMMITTEE

COUNTY GOVERNMENT

Final Action: HOUSE FILE 2469, a bill for an act relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5637.

Final Vote: Ayes, 11: Briles, Waldstein, Hutchins, Baugher, Brown, Hester, Kudart, C. Miller, Nystrom, Slater and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 1, 1980, 3:10 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson (arrived 3:15 p.m.); Hutchins, Ranking Member; Hulse, E. Miller, A. Miller, Tieden, Priebe, Van Gilst and Waldstein.

Members Absent: none.

Final Action: HOUSE FILE 2496, a bill for an act providing an exemption of individuals who make baked goods or confectionary items from licensing and inspection when receipts are less than two thousand dollars in one year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Bergman, Hester, Hutchins, Hulse, E. Miller, A. Miller, Tieden, Priebe, Van Gilst and Waldstein. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned subcommittees to House Files 2546, 2553 and 2566; discussed House Files 2472 and 2546.

Adjourned: 4:15 p.m.

CITIES

Convened: April 2, 1980, 1:45 p.m.

Members Present: Readinger, Chairperson; Briles, Vice Chairperson; A. Miller, Ranking Member; Kudart, Taylor, Coleman and Hansen.

Members Absent: Palmer and Kinley.

Final Action: HOUSE FILE 2504, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Readinger, Briles, A. Miller, Kudart, Taylor, Coleman and Hansen. Nays, none. Absent or not voting, 2: Palmer and Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2536, a bill for an act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5636.

Final Vote: Ayes, 7: Readinger, Briles, A. Miller, Kudart, Taylor, Coleman and Hansen. Nays, none. Absent or not voting, 2: Palmer and Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:05 p.m.

COMMERCE

Convened: April 2, 1980, 1:35 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft (arrived 1:55 p.m.), Deluhery (arrived 1:40 p.m.), Gentleman, Goodwin, Priebe and Rush (arrived 1:50 p.m.).

Members Absent: Robinson, Ranking Member.

Final Action: HOUSE FILE 2572, a bill for an act relating to the lending and investment powers of savings and loan associations under section five hundred thirty-four point nineteen (534.19) of the Code.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Holden, Comito, Bergman, Deluhery, Gentleman, Goodwin and Priebe. Nays, none. Absent or not voting, 3: Robinson, Craft and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2573, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Holden, Comito, Bergman, Deluhery, Gentleman, Goodwin and Priebe. Nays, none. Absent or not voting, 3: Robinson, Craft and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: HOUSE FILE 2514, a bill for an act to amend chapter one hundred forty-seven (147) of the Code so as to establish packaging, labeling and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs, FAILED RECOMMENDATION FOR PASSAGE. **Final Vote:** Ayes, 4: Holden, Bergman, Craft and Priebe. Nays, 3: Comito, Deluhery and Goodwin. Voting present, 1: Gentleman. Absent or not voting, 2: Robinson and Rush.

Adjourned: 2:30 p.m.

COMMERCE

Convened: April 2, 1980, 5:35 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Craft, Deluhery, Gentleman, Goodwin, Priebe and Rush.

Members Absent: Robinson, Ranking Member.

Final Action: HOUSE FILE 2575, a bill for an act relating to pipelines.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Comito, Bergman, Craft, Deluhery, Gentleman, Goodwin and Priebe. Nays, 2: Holden and Rush. Absent or not voting, 1: Robinson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:42 p.m.

EDUCATION

Convened: April 1, 1980, 1:30 p.m.

Members Present: Gratias, Vice Chairperson; Brown, Ranking Member; Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor.

Members Absent: Hansen, Chairperson (excused).

Final Action: HOUSE FILE 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide the dissolution of a school district.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5631.

Final Vote: Ayes, 9: Gratias, Brown, Calhoon, Carney, DeKoster, Jensen, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:00 p.m.

ENERGY

Convened: April 2, 1980, 12:35 p.m.

Members Present: Ramsey, Chairperson; Bisenius, Vice Chairperson; Gallagher, Ranking Member; Briles, Deluhery, Readinger, Rodgers and Waldstein.

Members Absent: Brown.

Final Action: HOUSE FILE 736, a bill for an act to permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor, and providing penalties for violations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5635.

Final Vote: Ayes, 8: Ramsey, Bisenius, Gallagher, Briles, Deluhery, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2493, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Ramsey, Bisenius, Gallagher, Briles, Deluhery, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 1: Brown.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2550, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5638.

Final Vote: Ayes, 6: Ramsey, Bisenius, Gallagher, Deluhery, Readinger and Waldstein. Nays, 1: Briles. Absent or not voting, 2: Brown and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:40 p.m.

JUDICIARY*

*A report of this meeting was also recorded on pages 1232-1233 of the April 1, 1980, Senate Journal.

Convened: April 1, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Coleman, Gentleman, Deluhery, Murray, Scott and Ramsey.

Members Absent: Slater and Hansen (excused).

Final Action: HOUSE FILE 2516, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5630.

Final Vote: Ayes, 7: DeKoster, Briles, Coleman, Deluhery, Gentleman, Murray and Scott. Nays, 3: Kudart, Baugher and Ramsey. Voting present, 1: Rush. Absent or not voting, 2: Hansen and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: April 2, 1980, 3:04 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson, Priebe, Ranking Member; Gallagher, Schwengels, Tieden and Gratias (arrived 3:07 p.m.).

Members Absent: Rodgers (excused) and Calhoon (excused).

Final Action: HOUSE FILE 2540, a bill for an act relating to the membership of the board of waterworks and waste waterworks operators.

Recommendation: DO PASS.

Final Vote: Ayes, 7: E. Miller, Goodwin, Priebe, Gallagher, Schwengels, Tieden and Gratias. Nays, none. Absent or not voting, 2: Rodgers and Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2541, a bill for an act relating to hunter safety programs and subjecting violators to a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 7: E. Miller, Goodwin, Priebe, Gallagher, Schwengels, Tieden and Gratias. Nays, none. Absent or not voting, 2: Rodgers and Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:33 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable John L. Buren, former member of the Senate from Winnebago County, who was present in the Senate chamber.

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty students from Belle Plaine Senior High School, Belle Plaine, Iowa, accompanied by Mike Ashton and Roland Hansen. Senator Orr.

Fifteen students from Urbana High School, Urbana, Iowa, accompanied by Sharyl L. Stulken. Senator Gallagher.

Thirty-five students from the Clarinda High School, Clarinda, Iowa, accompanied by Pat Carsat. Senator Briles.

Sixty students from St. Paul's School, Waverly, Iowa. Senator Jensen.

Thirty-two students from Central Webster High School, Burnside, Iowa. Senator Coleman.

AMENDMENTS FILED

S—5629	S. F.	2349	Robert M. Carr
S—5630	H.F.	2516	Judiciary Committee
S—5631	H.F.	2340	Education Committee
S—5632	S. F.	2357	Dale L. Tieden
S—5633	S. F.	2349	Joe Brown
S—5634	S. F.	432	Julia B. Gentleman
S—5635	H.F.	736	Energy Committee
S—5636	H.F.	2536	Cities Committee
S—5637	H.F.	2469	County Government Committee
S—5638	H.F.	2550	Energy Committee
S—5639	S. F.	2305	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:32 p.m., until 10:00 a.m., Thursday, April 3, 1980.

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 3, 1980

The Senate met in regular session at 10:06 a.m., President Branstad presiding.

Prayer was offered by the Reverend Boyd G. Ellefson, pastor of the La Moille Congregational Church, Marshalltown, Iowa.

The Journal of Wednesday, April 2, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Spearing, Harlan, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Scott for the morning session on request of Senator Junkins.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 12, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 89, a bill for an act relating to borrow pits.

ALSO: That the House has on April 2, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2548, a bill for an act relating to the establishment of programs for gifted and talented children by allowing additional allowable growth by providing for the establishment of area education agency gifted and talented children advisory councils.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2548, a bill for an act relating to the establishment of

programs for gifted and talented children by allowing additional allowable growth and by providing for the establishment of area education agency gifted and talented children advisory councils.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE FILE 89

S—5643

Amend Senate File 89, as passed and reprinted by the Senate, as follows:

1. Page 1, line 10, by striking the words "by agreement with the landowner" and inserting in lieu thereof the words "[by agreement with the landowner]".

2. Page 1, lines 14 and 15, by striking the words *"for sidehill borrows, or"*.

3. Page 1, line 18, by inserting after the word *"sand,"* the word *"loess"*.

4. Page 1, line 18, by inserting after the word *"clays."* the following: *"When the borrow pit is acquired by easement, the restoration method shall be determined by agreement with the landowner."*

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 129

By: Miller of Des Moines, Priebe, Carr, Miller of Marshall, Van Gilst, Kudart, Slater, Miller of Cerro Gordo, Hester, Calhoon, Gallagher, Readinger, Briles, Hultman, Kinley, Junkins, Hansen, Comito, Craft, Brown, Tieden, Goodwin, Coleman, Holden, Hutchins, Taylor, Waldstein, Schwengels and Bisenius

Whereas, proposals submitted during the 1980 Session in the form of bill drafts and amendments thereto, indicate a need to revise the laws of this state which regulate pre-need sales of personal property and services used in the final disposition of dead human bodies; and

Whereas, these statutory revisions ought to be preceded by an in-depth investigation into the types of pre-need contracts which are commonly used in commerce, and the potential effects of enacting such legislation; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create a study committee consisting of members of the Senate

and the House of Representatives to undertake a study during the 1980-81 legislative interim; and

Be It Further Resolved, That the study committee report to the legislative council and to the general assembly convening in 1981 the results of its study, including any recommendations for legislation.

Read first time and **passed on file.**

SENATE CONCURRENT RESOLUTION 130
By: Hutchins

Whereas, it is essential that all Iowans have access to qualified medical practitioners; and

Whereas, in many rural communities there are not sufficient numbers of medical practitioners to adequately serve the residents of the area; and

Whereas, several proposals have been offered in the past in the form of bills which were designed to aid in alleviating the medical practitioner shortage in rural communities; and

Whereas, local communities have initiated programs designed to provide medical practitioners or encourage them to locate in the local communities; and

Whereas, there has not been a comprehensive legislative study of the problems facing rural communities in providing adequate medical care; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is urged to create a study committee consisting of five members from each house representing both political parties and such citizen members as may be desirable for the purpose of studying the problems facing rural communities in obtaining adequate medical practitioners to locate in the communities; and

Be It Further Resolved, That the study committee shall review the local programs which have been established for the purpose of urging medical practitioners to locate in the communities and shall also review proposed legislation which has had as its objective the encouraging of medical practitioners to locate in rural communities; and

Be It Further Resolved, That the study committee shall make periodic reports to the legislative council and a

Page 2

final report to the general assembly meeting in the year 1981 accompanied by bill drafts designed to carry out the recommendations of the study committee.

Read first time and **passed on file.**

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2360

On motion of Senator DeKoster, Senate File 2360, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), relating to the administration and financing of current programs under the jurisdiction of the department of social services, was taken up for consideration.

Senator Slater asked and received unanimous consent to withdraw amendment S—5640 filed by Senators Slater and Carr from the floor to page 1 of the bill.

Senator Slater offered amendment S—5648 filed by Senators Slater and Carr from the floor to page 6 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 16, nays 28.

Amendment S—5648 lost.

Senator Yenger offered amendment S—5652 filed by Senators Yenger, et al., from the floor to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5652 be adopted?" (S.F. 2360) the vote was:

Ayes, 17:

Baugher	Bisenius	Briles	Calhoon
Carr	Deluhery	Hulse	Hutchins
Junkins	Kinley	Miller, C.P.	Palmer
Rush	Schwengels	Slater	Van Gilst
Yenger			

Nays, 29:

Bergman	Brown	Carney	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias

Hester	Holden	Hultman	Jensen
Kudart	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Small	Taylor	Tieden
Waldstein			

Absent or not voting, 4:

Hansen	Orr	Robinson	Scott

Amendment S—5652 lost.

Senator Slater offered amendment S—5653 filed by Senators Slater, Carr and DeKoster from the floor to pages 1 and 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5653 be adopted?" (S.F. 2360) the vote was:

Ayes, 43:

Baugher	Bergman	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 3:

Bisenius	Jensen	Taylor

Absent or not voting, 4:

Drake	Hansen	Robinson	Scott

Amendment S—5653 was adopted.

Senator Priebe offered amendment S—5649 filed by him from the floor to pages 6 and 9 of the bill.

Senator Palmer called for a division of amendment S—5649: lines 17 through 22 as division S—5649A; lines 2 through 16 as division S—5649B.

Senator Priebe called for a further division of amendment S—5649: lines 8 and 9 and lines 17 through 22 as division S—5649A; lines 2 through 7 and lines 10 through 16 as division S—5649B.

The Chair announced a further division of amendment S—5649: lines 5 through 7 and lines 17 through 22 as division S—5649A; lines 2 through 4 and lines 8 through 16 as division S—5649B.

The Chair announced a further division of amendment S—5649: lines 5 through 22 as division S—5649A; lines 2 through 4 as division S—5649B.

Senator Priebe moved the adoption of division S—5649A.

A record roll call was requested.

On the question "Shall division S—5649A be adopted?" (S.F. 2360) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Bisenius	Brown	Calhoon	Coleman
Gratias	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Orr	Palmer	Priebe	Rodgers
Rush	Scott	Taylor	Tieden

Nays, 25:

Baugher	Bergman	Carney	Carr
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Kudart
Murray	Nystrom	Ramsey	Readinger
Schwengels	Slater	Small	Waldstein
Yenger			

Absent or not voting, 5:

Briles	Gallagher	Hansen	Robinson
Van Gilst			

Division S—5649A lost.

Senator Priebe withdrew division S—5649B.

(Senate File 2360 pending on recess).

RECESS

On motion of Senator Hultman, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:21 p.m., Senator Ramsey presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2366.

Senate File 2366

On motion of Senator Murray, Senate File 2366, a bill for an act relating to agency moving expenses or telephone relocation expenses of state agencies for which no appropriation is made, 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. 2366) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Coleman	DeKoster
Deluhery	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 12:

Briles	Brown	Comito	Craft
Drake	Gallagher	Hansen	Holden
Nystrom	Orr	Robinson	Schwengels

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2360

The Senate resumed consideration of Senate File 2360.

Senator Slater offered amendment S—5645 filed by Senators Slater and Carr from the floor to pages 6 and 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5645 be adopted?" (S.F. 2360) the vote was:

Ayes, 11:

Baugher	Bisenius	Brown	Carr
Gallagher	Miller, A.V.	Miller, C.P.	Rodgers
Scott	Slater	Van Gilst	

Nays, 32:

Bergman	Calhoon	Carney	DeKoster
Deluhery	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rush	Schwengels	Small
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 7:

Briles	Coleman	Comito	Craft
Drake	Holden	Robinson	

Amendment S—5645 lost.

Senator Bisenius offered amendment S—5650 filed by him from the floor to page 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5650 be adopted?" (S.F. 2360) the vote was:

Rule 23. requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Bisenius	Brown	Carr	Coleman
Deluhery	Gallagher	Gratias	Hansen
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Ramsey	Rodgers	Rush
Scott	Slater	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 19:

Baugher	Bergman	Calhoon	Carney
Comito	DeKoster	Drake	Gentleman
Goodwin	Hester	Hulse	Hultman
Kudart	Miller, E.R.	Murray	Nystrom
Readinger	Small	Taylor	

Absent or not voting, 5:

Briles	Craft	Holden	Robinson
Schwengels			

Amendment S—5650 was adopted.

Senator Bisenius offered amendment S—5657 filed by him from the floor to page 6 of the bill.

Senator Rush raised the point of order that amendment S—5657 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5657 out of order.

Senator Priebe offered amendment S—5659 filed by him from the floor to pages 6, 8 and 9 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5659 be adopted?" (S.F. 2360) the vote was:

Ayes, 6:

Comito	Gratias	Jensen	Miller, E.R.
Priebe	Waldstein		

Nays, 37:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
DeKoster	Deluhery	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Orr	Palmer
Ramsey	Readinger	Rush	Scott
Slater	Taylor	Tieden	Van Gilst
Yenger			

Absent or not voting, 7:

Briles	Craft	Drake	Robinson
Rodgers	Schwengels	Small	

Amendment S—5659 lost.

Senator Slater offered amendment S—5641 filed by Senators Slater and Carr from the floor to page 8 of the bill.

President Branstad took the chair at 2:45 p.m.

Senator Slater moved the adoption of amendment S—5641.

A record roll call was requested.

On the question "Shall amendment S—5641 be adopted?" (S.F. 2360) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Bisenius	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Hutchins

Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Rush
Scott	Slater	Small	Van Gilst

Nays, 25:

Baugher	Bergman	Carney	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Taylor	Tieden
Yenger			

Absent or not voting, 5:

Briles	Robinson	Rodgers	Schwengels
Waldstein			

Amendment S—5641 lost.

Senator Slater offered amendment S—5642 filed by Senators Slater and Carr from the floor to page 9 of the bill and moved its adoption.

Amendment S—5642 was adopted by a voice vote.

Senator DeKoster offered amendment S—5531 filed by him on March 26, 1980, to page 9 of the bill and moved its adoption.

Amendment S—5531 was adopted by a voice vote.

Senator Carr offered amendment S—5661 filed by Senators Carr and Junkins from the floor to page 2 of the bill and moved its adoption.

Amendment S—5661 was adopted by a voice vote.

Senator Priebe withdrew amendment S—5646 filed by him from the floor to page 7 of the bill.

Senator Priebe offered amendment S—5664 filed by him from the floor to page 7 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5664 be adopted?" (S.F. 2360) the vote was:

Ayes, 18:

Brown	Carr	Coleman	Deluhery
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Orr	Palmer
Priebe	Rodgers	Rush	Scott
Slater	Van Gilst		

Nays, 30:

Baugher	Bergman	Bisenius	Calhoon
Carney	Comito	Craft	DeKoster
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Murray	Nystrom	Ramsey	Readinger
Schwengels	Small	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 2:

Briles	Robinson

Amendment S—5664 lost.

Senator Deluhery filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which division S—5649A to Senate File 2360 failed to be adopted by the Senate on April 3, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2360) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hansen	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Orr	Palmer	Priebe
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 24:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Nystrom	Ramsey
Readinger	Schwengels	Tieden	Waldstein

Absent or not voting, 4:

Briles	Robinson	Taylor
Yenger		

The motion lost.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2360) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Robinson	Small

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that the following bills on the calendar be returned to committee:

S. F.	2276	Agriculture
S. F.	2277	State Government
S. F.	2309	Judiciary
S. F.	2312	County Government
S. F.	2322	Commerce
S. F.	2323	State Government
S. F.	2324	State Government
S. F.	2342	Energy
S. F.	2344	Commerce
S. F.	2353	State Government
S. F.	2355	State Government
S. F.	2358	Natural Resources
S. F.	2359	Natural Resources
S. F.	2362	State Government
S. F.	2363	State Government
S. F.	2364	State Government
S. F.	2365	Commerce

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 2, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2512, a bill for an act relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2512, a bill for an act relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

Read first time and **passed on file.**

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE CONCURRENT RESOLUTION 123

Rules and Administration
Hultman, Chairperson
Hulse
Kinley

SENATE CONCURRENT RESOLUTION 125

Ways and Means
Readinger, Chairperson
Hultman
Van Gilst

SENATE RESOLUTION 110

Rules and Administration
Hultman, Chairperson
Kinley
Ramsey

HOUSE FILE 584

State Government
Carr, Chairperson
Bisenius
E. Miller

HOUSE FILE 690

State Government
Schwengels, Chairperson
E. Miller
Carr

HOUSE FILE 2089

State Government
Rodgers, Chairperson
Drake
E. Miller

HOUSE FILE 2280

State Government
Schwengels, Chairperson
E. Miller
Brown

HOUSE FILE 2393

Labor and Industrial Relations
Hultman, Chairperson
Carney
Calhoon

HOUSE FILE 2473

State Government
Yenger, Chairperson
Bisenius
Slater

HOUSE FILE 2487

Human Resources
Yenger, Chairperson
Carr
Hulse
Carney

HOUSE FILE 2488

State Government
Gratias, Chairperson
Schwengels
Carr

HOUSE FILE 2495

Judiciary
Rush, Chairperson
Ramsey
Kudart

HOUSE FILE 2501

Judiciary
Baugher, Chairperson
Deluhery
Rush

HOUSE FILE 2508

Human Resources
Yenger, Chairperson
Carr
Hulse
Carney

HOUSE FILE 2514

Commerce
Comito, Chairperson
Goodwin
Priebe

HOUSE FILE 2518

State Government
Nystrom, Chairperson
Schwengels
Rodgers

HOUSE FILE 2519

State Government
Murray, Chairperson
Yenger
Brown

HOUSE FILE 2521

State Government
Schwengels, Chairperson
Nystrom
Rodgers

HOUSE FILE 2529

State Government
Nystrom, Chairperson
Rodgers
Drake

HOUSE FILE 2533

Human Resources
Carney, Chairperson
Carr
Bergman

HOUSE FILE 2534

Education
Taylor, Chairperson
Carney
Brown

HOUSE FILE 2538

Judiciary
Scott, Chairperson
Kudart
Slater

HOUSE FILE 2540

Natural Resources
Gratias, Chairperson
Tieden
Gallagher

HOUSE FILE 2542

State Government
Bisenius, Chairperson
Drake
Brown

HOUSE FILE 2543

State Government
Gratias, Chairperson
E. Miller
Brown

HOUSE FILE 2545

Judiciary
Ramsey, Chairperson
Kudart
Coleman

HOUSE FILE 2546

Agriculture
Bergman, Chairperson
Waldstein
A. Miller

HOUSE FILE 2549

Energy
Bisenius, Chairperson
Brown
Ramsey

HOUSE FILE 2550

Energy
Ramsey, Chairperson
Waldstein
Deluhery

HOUSE FILE 2551

Education
Hansen, Chairperson
Gratias
Carney
Brown
Orr

HOUSE FILE 2553

Agriculture
Hulse, Chairperson
Priebe
Hester

HOUSE FILE 2554

Ways and Means
Baugher, Chairperson
Rush
Comito

HOUSE FILE 2555

Judiciary
Rush, Chairperson
Kudart
Murray

HOUSE FILE 2557

Judiciary
Murray, Chairperson
Baugher
Coleman

HOUSE FILE 2559

Energy
Waldstein, Chairperson
Readinger
Gallagher

HOUSE FILE 2561

Natural Resources
Schwengels, Chairperson
Goodwin
Gallagher
Rodgers
Tieden

HOUSE FILE 2562

Judiciary
Murray, Chairperson
Gentleman
Slater

HOUSE FILE 2566

Agriculture
Hester, Chairperson
Van Gilst
Hutchins

HOUSE FILE 2570

State Government
Slater, Chairperson
Gratias
Murray

HOUSE FILE 2572

Commerce
Holden, Chairperson
Comito
Robinson

HOUSE FILE 2573

Commerce
Bergman, Chairperson
Goodwin
Priebe

HOUSE FILE 2575

Commerce
Craft, Chairperson
Bergman
Priebe

HOUSE CONCURRENT RESOLUTION 118

Rules and Administration
Hultman, Chairperson
Ramsey
Junkins

SSB 2298

Ways and Means
Hester, Chairperson
Drake
Hutchins

SSB 2299

Ways and Means
Van Gilst, Chairperson
Comito
Hester

SSB 2300

Ways and Means
Hester, Chairperson
Drake
Comito

SSB 2301

Appropriations
Appropriations Subcommittee
on Education

COMMUNICATION

The following communication was filed with the Secretary of the Senate on April 2, 1980:

April 2, 1980

Mr. Frank J. Stork
Secretary of the Senate
Statehouse
LOCAL

Dear Mr. Stork:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the Senate.

These include eight (8) claims of a general nature. This supplements our filing on January 15, 1980.

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.

FRANK J. STORK, Secretary of the Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3831-67-25	Family and Children's Service Davenport, Iowa Outdated invoices for services provided children	$ 702.54	Disapproved
5542-68-25	American Printing House for the Blind, Inc. Louisville, Kentucky Invoice paid administratively	15.90	Disapproved

5670-68-25	William John Turner Des Moines, Iowa Reimbursement for "banked" sick leave pay	594.28	Disapproved
5903-68-25	Barbara B. Lyons Cumming, Iowa Reimbursement for moving expenses	478.80	Disapproved
5966-68-25	Marshalltown Area Community Hospital Marshalltown, Iowa Personal injury payment	98.31	Disapproved
6027-69-25	Richard Arthur Ranney West Des Moines, Iowa Overtime pay request	12,137.15	Disapproved
6034-69-25	Treasurer of the United States Camp Dodge Grimes, Iowa Property not accounted for after audit	1,777.50	Disapproved
6048-69-25	Clifford C. Smith, M.D. McGregor, Iowa Outdated invoice for federally funded Title XIX claim	442.50	Disapproved

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 3rd day of April, 1980.

Senate Files 2060, 2122 and 2317.

FRANK J. STORK, Secretary of the Senate

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in preparing the Senate amendment to House File 2492, the following technical corrections were made:

1. Page 1, line 7 of Senate amendment S—5607 to amendment S—5524, "Sec. ____ ." was changed to "Sec. 4.".

2. Amendment S—5621:

a. Page 1, line 5, "Sec. 10." was changed to "Sec. 11.".

b. Page 1, line 8, "Sec. 11." was changed to "Sec. 12.".

c. Page 1, line 22, "ten (10)" was changed to "eleven (11)".

FRANK J. STORK, Secretary of the Senate

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 5, the Committee on Rules and Administration submits the following changes in classifications, grades and steps:

Research Anaylst	Glenn Johnson	Step 1 to Step 2 Effective May 9, 1980
Senate Secretary	Shelley Johnson	Grade 13 to Grade 15 Effective February 29, 1980
Senate Secretary	Eleanor Lundberg	Grade 13 to Grade 15 Effective March 21, 1980
Senate Secretary	Billie Ore	Step 4 to Step 5 Effective May 23, 1980
Assistant Secretary/ Finance	Mary Ann Abbott	$20,000 Effective April 3, 1980

CALVIN O. HULTMAN, Chairperson

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marjorie S. Halstrom, Cherokee, Cherokee County, Iowa, for appointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for an unexpired portion of a term ending June 30, 1980, and a regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
BASS VAN GILST
ARNE WALDSTEIN
JAMES V. GALLAGHER
GARY L. BAUGHER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Norman Scott, Ph.D., Ames, Story County, Iowa, for reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH R. MILLER, Chairperson

JOHN S. MURRAY
ALVIN V. MILLER
ARTHUR L. GRATIAS
PATRICK J. DELUHERY

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	129	Rules and Administration
H.F.	2548	Education
H.F.	2512	Energy

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 3, 1980, 12:35 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, E. Miller, Tieden, Waldstein, A. Miller, Priebe and Van Gilst.

Members Absent: none.

Final Action: HOUSE FILE 2546, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5666.

Final Vote: Ayes, 10: Bergman, Hester, Hutchins, Hulse, E. Miller, Tieden, Waldstein, A. Miller, Priebe and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned Senate Concurrent Resolution 128 to subcommittees; discussed House Files 2472 and 2553.

Adjourned: 1:25 p.m.

EDUCATION

Convened: April 3, 1980, 8:00 a.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Carney, DeKoster, Jensen, Orr, Small (arrived 8:15 a.m.) and Taylor.

Members Absent: Calhoon.

Final Action: HOUSE FILE 2509, a bill for an act to allow certain school districts to raise an additional school district operation amount following approval at an election.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5647.

Final Vote: Ayes, 7: Hansen, Gratias, Brown, Carney, DeKoster, Jensen and Taylor. Nays, 2: Orr and Small. Absent or not voting, 1: Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2534, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Carney, DeKoster, Jensen, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2551, a bill for an act relating to the calculation of the state percent of growth and basic allowable growth per pupil for school foundation aid purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hansen, Gratias, Brown, Carney, DeKoster, Jensen, Orr, Small and Taylor. Nays, none. Absent or not voting, 1: Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:00 a.m.

JUDICIARY

Convened: April 2, 1980, 3:00 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery and Slater.

Members Absent: Scott and Hansen.

Final Action: HOUSE FILE 2495, a bill for an act relating to strip searches subsequent to arrest.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5644.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Briles, Gentleman, Murray, Ramsey, Coleman, Deluhery and Slater. Nays, none. Absent or not voting, 2: Scott and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: April 3, 1980, 12:00 noon.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Baugher, Gentleman, Hansen, Ramsey, Coleman, Deluhery, Slater and Scott.

Members Absent: Briles and Murray (excused).

Final Action: HOUSE FILE 2501, a bill for an act relating to the use of computers for the storage of court records.

Recommendation: DO PASS.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Gentleman, Hansen, Ramsey, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 2: Murray and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2555, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, post conviction relief appeals and civil appeals more uniform and consistent.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Gentleman, Hansen, Ramsey, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 2: Murray and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2562, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5665.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Gentleman, Hansen, Ramsey, Coleman, Deluhery, Slater and Scott. Nays, none. Absent or not voting, 2: Murray and Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:00 p.m.

NATURAL RESOURCES*

*A report of this meeting was also recorded on pages 1265-1266 of the April 2, 1980, Senate Journal.

Convened: April 2, 1980, 3:04 p.m.

Members Present: E. Miller, Chairperson; Goodwin, Vice Chairperson; Priebe, Ranking Member; Gallagher, Schwengels, Tieden and Gratias (arrived 3:07 p.m.).

Members Absent: Rodgers (excused) and Calhoon (excused).

Final Action: HOUSE FILE 717, a bill for an act relating to timber buyers and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5655.

Final Vote: Ayes, 7: E. Miller, Goodwin, Priebe, Gallagher, Schwengels, Tieden and Gratias. Nays, none. Absent or not voting, 2: Rodgers and Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2561, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5656.

Final Vote: Ayes, 7: E. Miller, Goodwin, Priebe, Gallagher, Schwengels, Tieden and Gratias. Nays, none. Absent or not voting, 2: Rodgers and Calhoon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:33 p.m.

STATE GOVERNMENT

Convened: April 3, 1980, 9:05 a.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger.

Members Absent: none.

Final Action: HOUSE FILE 690, a bill for an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: E. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 702, a bill for an act relating to the treasurer of a county or district fair society.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 707, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5663.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2473, a bill for an act relating to reports of communicable disease.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: E. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2518, a bill for an act relating to the administration of the Iowa national guard.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2519, a bill for an act relating to the quorum requirements of the Iowa commission on the status of women.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: E. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2521, a bill for an act to increase the minimum cost of repairs to school buildings for which bid procedures are required.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: E. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2542, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Murray, Rodgers and Yenger. Nays, none. Absent or not voting, 1: E. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2543, a bill for an act relating to the operations of the citizens' aide office.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, Murray, Yenger and Rodgers. Nays, none. Absent or not voting, 1: E. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2570, a bill for an act relating to the method of transmission of funds to be deposited in the county mental health and institutions fund.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Assigned House files to subcommittees.

Adjourned: 10:07 a.m.

WAYS AND MEANS

Convened: April 3, 1980, 8:15 a.m.

Members Present: Craft, Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Scott, Hutchins (arrived 8:30 a.m.), Rush and Van Gilst (arrived 9:00 a.m.).

Members Absent: Readinger, Vice Chairperson; Hultman, Ramsey and Junkins.

Other Business: Approved SSB 2225 as amended and ordered redrafted for final approval as a committee bill; discussed SSB 2298—no final action taken.

Adjourned: 9:15 a.m.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Thirteen students from Dexfield Jr.-Sr. High School, Redfield, Iowa, accompanied by Frank Brigham. Senator Rodgers.

AMENDMENTS FILED

S—5640	S. F.	2360	Tom Slater Robert M. Carr
S—5641	S. F.	2360	Tom Slater Robert M. Carr
S—5642	S. F.	2360	Tom Slater Robert M. Carr
S—5644	H.F.	2495	Judiciary Committee
S—5645	S. F.	2360	Tom Slater Robert M. Carr
S—5646	S. F.	2360	Berl E. Priebe
S—5647	H.F.	2509	Education Committee
S—5648	S. F.	2360	Tom Slater Robert M. Carr
S—5649	S. F.	2360	Berl E. Priebe
S—5650	S. F.	2360	Stephen W. Bisenius
S—5651	S. F.	2367	John N. Nystrom Bass Van Gilst Arthur A. Small, Jr.
S—5652	S. F.	2360	Sue Yenger Merlin D. Hulse Tom Slater Robert M. Carr Lowell L. Junkins James E. Briles Stephen W. Bisenius Forrest V. Schwengels

S—5653	S. F.	2360	Tom Slater Robert M. Carr Lucas J. DeKoster
S—5654	H.F.	2520	Forrest V. Schwengels
S—5655	H.F.	717	Natural Resources Committee
S—5656	H.F.	2561	Natural Resources Committee
S—5657	S. F.	2360	Stephen W. Bisenius
S—5658	H.F.	2520	Norman G. Rodgers
S—5659	S. F.	2360	Berl E. Priebe
S—5660	S. F.	432	John S. Murray
S—5661	S. F.	2360	Robert M. Carr Lowell L. Junkins
S—5662	H.F.	2520	Forrest V. Schwengels
S—5663	H.F.	707	State Government Committee
S—5664	S. F.	2360	Berl E. Priebe
S—5665	H.F.	2562	Judiciary Committee
S—5666	H.F.	2546	Agriculture Committee

ADJOURNMENT

Pursuant to Senate Concurrent Resolution 127, duly adopted, and on motion by Senator Hultman, the Senate adjourned at 3:55 p.m., until 10:00 a.m., Tuesday, April 8, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 8, 1980

The Senate met in regular session at 10:10 a.m., President pro tempore Hansen presiding.

Prayer was offered by the Reverend J.J. Brickley, pastor of the St. Patrick's Church, Britt, Iowa.

The Journal of Thursday, April 3, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Reuben Widmer, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe for the day on request of Senator Junkins.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 131
By: Bergman, Hutchins and Hester

Whereas, proposals submitted during the 1980 Session in the form of bill drafts and amendments thereto, indicate an interest in legislation which legalizes and regulates the sale of raw milk to consumers; and

Whereas, enactment of any such legislation ought to be proceded by an in-depth investigation into the topic; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create a study committee consisting of members of the Senate and the House of Representatives to undertake a study during the 1980-81 legislative interim of legislation relating to the legalization of the sale of raw milk to consumers; and

Be It Further Resolved, That the study committee report to the legislative council and to the general

assembly convening in 1981 the results of its study, including any recommendations for legislation.

Read first time and **passed on file.**

President Branstad took the chair at 10:19 a.m.

POINT OF ORDER

Senator Junkins raised the point of order that **House Files 2089** and **2280** were improperly on the Senate Calendar because the bills did not receive the required majority vote for passage from members of the committee on State Government on March 27, 1980.

The Chair stated he would take the point under advisement and rule at a later time.

MOTION TO RECONSIDER WITHDRAWN

House File 2475

Senator Brown withdrew the motion to reconsider House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, filed by him on March 27, 1980, and found on page 1131 of the Senate Journal.

The motion by Senator Gratias to reconsider the vote by which amendment S—5554 to House File 2475 was adopted by the Senate on March 27, 1980, filed by him on March 31, 1980, and found on page 1207 of the Senate Journal, was out of order.

UNANIMOUS CONSENT

Senator Nystrom asked unanimous consent that **House Files 2089** and **2280** remain on the Senate Calendar.

Senator Nystrom withdrew his request.

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 8, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 126, a resolution relating to a joint convention of both houses of the general assembly on April 9, 1980, and inviting the governor to deliver a special budget message.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 126
By: Halvorson of Clayton

Be It Resolved by the House of Representatives, the Senate Concurring, That a joint convention of the two houses of the 1980 session of the sixty-eighth general assembly be held on Wednesday, April 9, 1980, at 10:30 a.m., and

Be It Further Resolved, That Governor Robert D. Ray be invited to deliver a special budget message at this joint convention of the two houses of the general assembly and that the speaker of the house of representatives and the president of the senate be designated to deliver the invitation to him.

Read first time and **passed on file.**

CONSIDERATION OF BILL
(Steering Calendar)

House File 54

On motion of Senator Kudart, House File 54, a bill for an act relating to district associate judges and judicial magistrates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator DeKoster offered amendment S—5532 filed by the committee on Judiciary on March 26, 1980, to pages 1 through 3 and 9 and 15 of the bill and moved its adoption.

Amendment S—5532 was adopted by a voice vote.

Senator Kudart moved that the bill 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. 54) the vote was:

Ayes, 37:

Baugher	Bisenius	Briles	Calhoon

Carney	Carr	Coleman	Craft
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Schwengels	Scott
Slater	Small	Taylor	Van Gilst
Yenger			

Nays, 10:

Bergman	Brown	DeKoster	Gallagher
Gratias	Orr	Robinson	Rodgers
Tieden	Waldstein		

Absent or not voting, 3:

Comito	Deluhery	Priebe

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

RESOLUTION ASSIGNED TO COMMITTEE

The Chair announced that **House Concurrent Resolution 126** was assigned to the committee on **Rules and Administration.**

CONSIDERATION OF BILL
(Steering Calendar)

House File 685

On motion of Senator Murray, House File 685, a bill for an act making it a fradulent practice to knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible, granting the department of social services rule-making authority to implement this Act, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murray offered amendment S—5533 filed by the committee on Judiciary on March 26, 1980, to pages 1 and 2 and the title page of the bill and moved its adoption.

Amendment S—5533 was adopted by a voice vote.

Senator Murray offered amendment S—5668 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5668 was adopted by a voice vote.

Senator Rush withdrew amendment S—5669 filed by him from the floor to page 2 of the bill.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 685) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Readinger
Robinson	Rodgers	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 2:

Ramsey	Rush

Absent or not voting, 5:

Calhoon	Deluhery	Gratias	Holden
Priebe			

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

WITHDRAWN

Senator Murray asked and received unanimous consent that **Senate File 259** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:38 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILLS
(Steering Calendar)

House File 2169

On motion of Senator Goodwin, House File 2169, a bill for an act relating to contracts for bridge or road construction on secondary roads, with report of committee recommending passage, was taken up for consideration.

Senator Goodwin moved that the bill 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. 2169) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Yenger			

Nays, 1:

DeKoster

Absent or not voting, 8:

Bergman	Deluhery	Hester	Kinley
Murray	Palmer	Robinson	Waldstein

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2463

On motion of Senator Tieden, House File 2463, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tieden offered amendment S—5534 filed by the committee on Agriculture on March 26, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5534 was adopted by a voice vote.

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. 2463) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Priebe	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 4:

Coleman	Gallagher	Hutchins	Rodgers

Absent or not voting, 4:

Deluhery	Kinley	Murray	Palmer

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2478

On motion of Senator Coleman, House File 2478, a bill for an act relating to emergency repair, restoration, or reconstruction of a primary highway or bridge, with report of committee recommending passage, was taken up for consideration.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2478) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Readinger	Robinson
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 4:

Gallagher	Priebe	Ramsey	Rodgers

Absent or not voting, 4:

Deluhery	Kinley	Murray	Palmer

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2479

On motion of Senator Holden, House File 2479, a bill for an act relating to the establishment, collection and disbursement of motor

vehicle registration reciprocity fees, with report of committee recommending passage, was taken up for consideration.

Senator Holden moved that the bill 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. 2479) the vote was:

Ayes, 45:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bergman	Deluhery	Kinley	Murray
Palmer			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2482

On motion of Senator Comito, House File 2482, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads, with report of committee recommending passage, was taken up for consideration.

Senator Drake offered amendment S—5401 filed by him on March 17, 1980, to page 1 of the bill.

Senator Drake offered amendment S—5508 filed by him on March 24, 1980, to amendment S—5401 and moved its adoption.

Amendment S—5508 was adopted by a voice vote.

Senator Drake moved the adoption of amendment S—5401 as amended.

A record roll call was requested.

On the question "Shall amendment S—5401 as amended be adopted?" (H.F. 2482) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Priebe	Ramsey	Readinger
Robinson	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 3:

Brown	Gallagher	Rodgers

Absent or not voting, 4:

Deluhery	Kinley	Murray	Palmer

Amendment S—5401 as amended was adopted.

Senator Comito moved that the bill 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. 2482) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 3:

Brown	Gallagher	Rodgers

Absent or not voting, 3:

Deluhery	Kinley	Murray

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 402

On motion of Senator Hulse, House File 402, a bill for an act relating to attorney notices of subrogation to the department of social services under the medical assistance program, with report of committee recommending passage, was taken up for consideration.

Senator Hulse moved that the bill 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. 402) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Deluhery	Hansen

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent to take up out of order House File 2491.

House File 2491

On motion of Senator Gentleman, House File 2491, a bill for an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States code 81a et seq., with report of committee recommending passage, was taken up for consideration.

Senator Gentleman moved that the bill 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. 2491) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Deluhery	Miller, C.P.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

RULING ON POINT OF ORDER
(Raised during morning session)

Pertaining to the point of order previously raised by Senator Junkins that **House Files 2089** and **2280** were improperly on the Senate Calendar because the bills did not have the required majority vote from members of the committee on State Government

on March 27, 1980, the Chair stated he would not rule at this particular time, but announced that he was going to find the point well taken.

Senator Nystrom asked unanimous consent that House Files 2089 and 2280 remain on the Senate Calendar.

Senator Junkins raised the point of order that Senator Nystrom's request for unanimous consent was out of order because of the point of order pending before the Senate.

The Chair ruled the point well taken and Senator Nystrom's request out of order.

The Chair ruled the point of order raised by Senator Junkins that House Files 2089 and 2280 were improperly on the Senate Calendar well taken under Senate Rule 38 and **House Files 2089** and **2280** were removed from the calendar and sent back to the committee on **State Government**.

CONSIDERATION OF BILLS
(Steering Calendar)

House File 2533

On motion of Senator Carney, House File 2533, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gentleman offered amendment S—5544 filed by the committee on Human Resources on March 27, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5544 was adopted by a voice vote.

Senator Carney moved that the bill 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. 2533) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Brown

Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Briles Deluhery

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 485

On motion of Senator Miller of Des Moines, House File 485, a bill for an act to require fiscal notes on proposed legislation and administrative rules which impose increased expenditures or fiscal liability, or reduce the revenues, of the political subdivisions of this state, and to provide for delayed effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Slater offered amendment S—3668 filed by Senators Slater and Small on May 1, 1979, to page 3 of the bill and moved its adoption.

Amendment S—3668 was adopted by a voice vote.

Senator Readinger asked and received unanimous consent that action on **House File 485** be temporarily **deferred.**

House File 2529

On motion of Senator Nystrom, House File 2529, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2529) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Craft	Deluhery	Hulse	Jensen
Readinger			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Nystrom asked and received unanimous consent that **Senate File 2078** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILL
(Steering Calendar)

House File 654

On motion of Senator Kudart, House File 654, a bill for an act to prohibit operating a motor vehicle while having a certain percentage of alcohol in the blood, and to apply penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kudart offered amendment S—5619 filed by Senators Kudart, et al., on April 1, 1980, to strike everything after the enacting clause of the bill.

Senator Rush raised the point of order that amendment S—5619 was not germane to the bill.

Senator Rush withdrew his point of order.

Senator Kudart asked and received unanimous consent that action on **House File 654** and amendment S—5619 be temporarily **deferred.**

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

H.F.	2522
H.F.	2550
H.F.	2493
H.F.	707
H.F.	2495
H.F.	701
H.F.	315
H.F.	2551

CALVIN O. HULTMAN, Chairperson

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2522.

House File 2522

On motion of Senator Kudart, House File 2522, a bill for an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate, with report of committee recommending passage, was taken up for consideration.

Senator Kudart moved that the bill 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. 2522) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Briles

Brown	Calhoon	Carney	Carr
Coleman	Drake	Gallagher	Gentleman
Goodwin	Gratias	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Ramsey	Robinson	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	

Nays, 3:

DeKoster	Priebe	Yenger

Absent or not voting, 8:

Comito	Craft	Deluhery	Hansen
Hester	Miller, A.V.	Readinger	Rodgers

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2550

On motion of Senator Ramsey, House File 2550, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Waldstein offered amendment S—5638 filed by the committee on Energy on April 2, 1980, to pages 1 and 2 of the bill.

Senator Bisenius called for a division of amendment S—5638: lines 3 through 21 as division S—5638A; lines 22 through 26 as division S—5638B.

Senator Scott asked and received unanimous consent that action on **House File 2550** and divisions S—5638A and S—5638B be **deferred.**

House File 2493

On motion of Senator Waldstein, House File 2493, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee, with report of committee recommending passage, was taken up for consideration.

Senator Waldstein asked and received unanimous consent that action on **House File 2493** be **deferred.**

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: HOUSE CONCURRENT RESOLUTION 126, a resolution calling for a joint convention of both houses on April 9, 1980, for a special budget message by Governor Robert D. Ray.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Junkins, Hansen, Kinley and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ADOPTION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 126.

House Concurrent Resolution 126

On motion of Senator Hultman, House Concurrent Resolution 126, a resolution calling for a joint convention on April 9, 1980, for a special budget message by Governor Robert D. Ray, filed April 8, 1980, found on page 1299 of the Senate Journal, with report of committee recommending passage, was taken up for immediate consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 126, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House Concurrent Resolution 126** be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILL
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 315.

House File 315

On motion of Senator Hansen, House File 315, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property, with report of committee recommending passage, was taken up for consideration.

Senator Scott offered amendment S—5214 filed by him on February 26, 1980, to page 1 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5214 be adopted?" (H.F. 315) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 16:

Brown	Calhoon	Coleman	DeKoster
Gallagher	Kinley	Kudart	Miller, C.P.
Orr	Palmer	Priebe	Ramsey
Rodgers	Rush	Slater	Van Gilst

Nays, 31:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Comito	Craft
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Miller, E.R.
Murray	Nystrom	Readinger	Robinson
Schwengels	Scott	Small	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 3:

Deluhery	Junkins	Miller, A.V.

Amendment S—5214 lost.

Senator Hansen offered amendment S—5093 filed by him on February 12, 1980, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 37, nays 7.

Amendment S—5093 was adopted.

Senator Kudart offered amendment S—5102 filed by him on February 12, 1980, to page 1 of the bill.

Senator Gentleman raised the point of order that amendment S—5102 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5102 in order.

Senator Kudart moved the adoption of amendment S—5102.

A record roll call was requested.

On the question "Shall amendment S—5102 be adopted?" (H.F. 315) the vote was:

Ayes, 36:

Bergman	Bisenius	Brown	Calhoon
Carr	Comito	Craft	DeKoster
Gallagher	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Jensen
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 9:

Baugher	Briles	Coleman	Gentleman
Holden	Hutchins	Ramsey	Rodgers
Scott			

Voting present, 1:

Carney

Absent or not voting, 4:

Deluhery	Drake	Junkins	Miller, A.V.

Amendment S—5102 was adopted.

Senator Ramsey offered amendment S—5678 filed by him from the floor to page 1 of the bill.

A non record roll call was requested.

The ayes were 9, nays 35.

Amendment S—5678 lost.

Senator Rush withdrew amendment S—5091 filed by him on February 12, 1980, to page 1 of the bill.

Senator Scott withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5214 to House File 315 failed to be adopted by the Senate on April 8, 1980.

Senator Brown filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5093 to House File 315 was adopted by the Senate on April 8, 1980.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 20, nays 25, voting present, 1.

The motion lost.

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?" (H.F. 315) the vote was:

Ayes, 30:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Craft	Drake
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Miller, E.R.	Murray
Readinger	Robinson	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 16:

Brown	Calhoon	Coleman	Comito
DeKoster	Gallagher	Hester	Kinley

Kudart	Miller, C.P.	Orr	Palmer
Priebe	Ramsey	Rodgers	Small

Voting present, 1:

Rush

Absent or not voting, 3:

Deluhery	Miller, A.V.	Nystrom

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 315 passed the Senate on April 8, 1980.

JOHN SCOTT

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that the following bills on the calendar be returned to committee:

S. F.	2149	Natural Resources
S. F.	2307	Energy
S. F.	2313	Commerce
S. F.	2330	Transportation
S. F.	2332	Commerce
S. F.	2349	State Government

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

April 8, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of

William D. Miller, Sun Prairie, Wisconsin, for appointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of Iowa. This appointment is by virtue of his position as Director of Public Safety for the State of Iowa and is for a four-year term commencing July 1, 1980, and ending June 30, 1984.

This appointment is subject to the approval of two-thirds of the members of the Senate.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Russell C. Hyde, Denison, Crawford County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an unexpired portion of a term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Reverend Lyle E. Peters, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Joanne K. Austad, Newton, Jasper County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 111
By: Yenger, Van Gilst,
Ramsey and Brown

Whereas, ninety-five percent of the energy used in Iowa is imported; and coal is Iowa's most abundant energy resource and is estimated at over three billion tons of recoverable coal, enough to last the state for hundreds of years; and

Whereas, the past seventy years have seen a ninety percent reduction in the production of Iowa coal resulting in the decline of Iowa's coal industry to the point of extinction; and

Whereas, thirteen million tons of coal were used in Iowa in 1979, but only seven percent was Iowa coal; and

Whereas, the current energy crisis necessitates the establishment of efficient energy production priorities which emphasize the utilization of local energy sources instead of furthering the reliance on unstable energy sources from unfriendly nations; and

Whereas, the application of federal air quality standards threaten further economic disruption and unemployment to significant portions of Iowa; and

Whereas, the importance of air quality for Iowa's citizens is well recognized, it should also be recognized that data indicates that previous federal scientific studies upon which air quality standards were set have proved to be vague; *Now Therefore*,

Be It Resolved by the Senate, That the United States Environmental Protection Agency be urged to take prompt action to reevaluate all sulfur air quality studies and standards affecting Iowa; and

Be It Further Resoloved, That the state of Iowa through the Iowa Department of Environmental Quality, working

Page 2

with the United States Environmental Protection Agency, a representative from the Governor's Office, and other interested parties, reevaluate by September 1, 1980 Iowa's air quality regulations to allow for the burning of considerably more Iowa coal in an environmentally acceptable manner; and

Be It Further Resolved, That a copy of this resolut-

tion be forwarded to the president of the United States, to the United States Environmental Protection Agency, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Congress from Iowa.

Read first time and **passed on file.**

SENATE CONCURRENT RESOLUTION 132
By: Junkins, Hutchins and Rush

Whereas, adequate transportation is vital to the economy of the state of Iowa; and

Whereas, Senate File 2210 is designed to improve the transportation system for the state of Iowa; and

Whereas, Joint Rule 18 of the Iowa General Assembly prevents timely consideration of Senate File 2210; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That pursuant to Joint Rule 1 of the Iowa General Assembly, Joint Rule 18 is suspended insofar as it affects the consideration of Senate File 2210 and Senate File 2210 shall be eligible for consideration by the Senate and the House without the restrictions contained in Joint Rule 18.

Read first time and referred to the committee on **Rules and Administration.**

APPENDIX

PETITIONS

The following petitions favoring indexing of state inheritance tax rates and increasing exemptions were presented and placed on file by:

Senator Hulse from one hundred eighty residents of Scott County.

Senator Schwengels from ninety-one residents of Keokuk County.

Senator Schwengels from twenty-two residents of Van Buren County.

Senator Schwengels from twelve residents of Jefferson County.

Senator Jensen from thirty-five residents of Floyd, Butler and Chickasaw Counties.

The following petitions favoring legislation establishing a state department of mental health were presented and placed on file by:

Senator Junkins from eighteen residents of Lee County.

Senator Miller of Marshall from ten residents of Marshall County.

The following petitions were presented and placed on file by:

Senator Yenger from six thousand four hundred fifty-five residents of Iowa favoring legislation legalizing pari-mutuel betting in Iowa.

Senator Gentleman from one hundred twenty-one residents of Polk County endorsing state funding for Iowa's talented and gifted children.

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As a member of the Iowa Crime Commission:

William D. Miller, Sun Prairie, Wisconsin, for appointment to a four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Tieden, Chairperson
Senator Taylor
Senator Scott
Senator Schwengels
Senator Rodgers

As members of the State Board of Examiners for Nursing Home Administrators:

Joanne K. Austad, Newton, Jasper County, Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Carney, Chairperson
Senator Brown
Senator Comito
Senator Coleman
Senator Briles

Reverend Lyle E. Peters, Des Moines , Polk County, Iowa, to a three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Nystrom, Chairperson
Senator Baugher
Senator Palmer
Senator Hulse
Senator A. Miller

As a member of the Professional and Occupational Regulation Commission:

Russell C. Hyde, Denison, Crawford County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1981.

Senator Bergman, Chairperson
Senator Hester
Senator C. Miller
Senator Orr
Senator Bisenius

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S.C.R. 130 Rules and Administration

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 28, 1980.

Had I been present, I would have voted "aye" on Senate File 2230 and amendment S—5549 to Senate File 2361 and "nay" on amendment S—5552 to Senate File 2361.

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 31, 1980.

Had I been present, I would have voted "aye" on Senate Files 460 and 2060.

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 1, 1980.

Had I been present, I would have voted "aye" on divisions S—5569A and S—5569B, amendment S—5608 to Senate File 2361 and final passage of Senate File 2361.

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 3, 1980, when the final vote was taken on Senate File 2366.

Had I been present, I would have voted "aye" on this bill.

W. R. BILL HANSEN

MR. PRESIDENT: On April 8, 1980, I was necessarily absent from the Senate chamber when the vote was taken on House File 685.

Had I been present, I would have voted "aye" on this bill.

JAMES CALHOON

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 4, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 2181—To legalize proceedings taken by the Board of Directors of the Shellsburg Community School District relating to the sale of certain properties.

H.F. 2355—To legalize and validate the proceedings of the Board of Directors of the Area Education Agency 14.

H.F. 2357—To legalize proceedings taken by the Board of Supervisors of Appanoose County relating to the sale of certain properties.

H.F. 2365—To legalize proceedings taken by the Board of Supervisors of Osceola County relating to the sale of certain properties.

ALSO:

That on April 7, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 2060—To permit the serving of food and beverages on the premises of certain tax exempt property.

S.F. 2122—Relating to the compensation of deputy sheriffs.

S.F. 2317—To legalize proceedings taken by the Board of Supervisors of Pottawattamie County relating to the sale of certain properties.

H.F. 2279—Relating to the records of the plans and costs of construction of county bridges or culverts.

H.F. 2429—Requiring presentence investigators to inquire into mental disabilities of the defendent.

H.F. 2453—Providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William D. Miller, Sun Prairie, Wisconsin, for appointment as Commissioner of Public Safety for the State of Iowa pursuant to Section 80.2, 1979 Code of Iowa, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
RAY TAYLOR
JOHN SCOTT
FORREST V. SCHWENGELS
NORMAN G. RODGERS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Edward J. Stanek, Des Moines, Polk County, Iowa, for appointment as Director of Energy Policy pursuant to Section 93.3, 1979 Code of Iowa, for a term commencing July 1, 1979, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
DALE L. TIEDEN
BASS VAN GILST
JULIA B. GENTLEMAN
JOE BROWN

REPORT OF COMMITTEE MEETING

AGRICULTURE*

*A report of this meeting was also recorded on page 1288 of the April 3, 1980, Senate Journal.

Convened: April 3, 1980, 12:35 p.m.

Members Present: Bergman, Chairperson; Hester, Vice Chairperson; Hutchins, Ranking Member; Hulse, E. Miller, Tieden, Waldstein, A. Miller, Priebe and Van Gilst.

Members Absent: none.

Final Action: HOUSE FILE 2566, a bill for an act relating to the receipt of livestock at a public livestock market for sale by auction upon delivery.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5670.

Final Vote: Ayes, 10: Bergman, Hester, Hutchins, Hulse, E. Miller, Tieden, Waldstein, A. Miller, Priebe and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:25 p.m.

PRESENTATION OF VISITORS

Senator Hester presented Etsuko Ishizaki, a foreign exchange student from Tokyo, Japan. Ms. Ishizaki is a senior at Woodbine High School and lives with the Jim Rock family.

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-five students from Jensen Elementary School, Urbandale, Iowa, accompanied by Muriel Nicholson. Senator Readinger.

Paul Taylor and Nick Jakobowitz from Rowley Regis College near Birmingham, England, accompanied by Larry Minard. Senator Holden.

Seventy-four students from Lake Mills Jr. High School, Lake Mills, Iowa, accompanied by Robert Clark. Senator Priebe.

AMENDMENTS FILED

S—5667	H.F.	2501	Richard R. Ramsey Forrest V. Schwengels Robert M. Carr
S—5668	H.F.	685	John S. Murray
S—5669	H.F.	685	Bob Rush
S—5670	H.F.	2566	Agriculture Committee
S—5671	S.J.R.	2001	Joann Orr
S—5672	H.F.	2536	Ray Taylor Calvin O. Hultman
S—5673	H.F.	2537	Edgar H. Holden
S—5674	H.F.	654	Lucas J. DeKoster
S—5675	S.J.R.	2001	Bob Rush
S—5676	H.F.	654	Ray Taylor Lucas J. DeKoster
S—5677	H.F.	707	Tom Slater Robert M. Carr Joe Brown Lowell L. Junkins C. W. Hutchins Charles P. Miller Norman G. Rodgers James V. Gallagher Alvin V. Miller Bass Van Gilst
S—5678	H.F.	315	Richard R. Ramsey
S—5679	S.J.R.	2001	William D. Palmer
S—5680	H.F.	2493	David M. Readinger
S—5681	H.F.	701	Sue Yenger W. R. Bill Hansen Tom Slater Charles P. Miller John W. Jensen Merlin D. Hulse Elizabeth R. Miller Richard F. Drake Lowell L. Junkins Alvin V. Miller Forrest V. Schwengels

			James E. Briles
			Berl E. Priebe
			Stephen W. Bisenius
			Robert M. Carr
			Joann Orr
			Norman G. Rodgers
			James V. Gallagher
			John Scott
			Dale L. Tieden
			Arne Waldstein
			Irvin L. Bergman
			C. Joseph Coleman
			Clarence Carney
			Arthur A. Small, Jr.
			Bob Rush
			C. W. Hutchins
S—5682	H.F.	707	John S. Murray

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:40 p.m., until 9:00 a.m., Wednesday, April 9, 1980.

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 9, 1980

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Harold Green, pastor of the United Methodist Church, North Liberty, Iowa.

The Journal of Tuesday, April 8, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James T. Mulry, Council Bluffs, 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 3, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 87, a bill for an act relating to the granting of utility easements by the department of social services.

ALSO: That the House has on April 3, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 359, a bill for an act relating to worker's compensation for occupational hearing loss.

ALSO: That the House has on April 3, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2090, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes.

ALSO: That the House has on April 3, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2235, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

ALSO: That the House has on April 3, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2272, a bill for an act relating to the movement of vehicles of excessive size and weight.

ALSO: That the House has on April 3, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2274, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

ALSO: That the House has on April 3, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2511, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

ALSO: That the House has on April 3, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2576, a bill for an act relating to property tax exemptions for wetlands, recreational lakes, forest cover, rivers and streams, river and stream banks and open prairies.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2511, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

Read first time and **passed on file.**

House File 2576, a bill for an act relating to property tax exemptions for wetlands, recreational lakes, forest cover, rivers and streams, river and stream banks and open prairies.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE FILE 2090

S—5684

Amend Senate File 2090 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting after line 29 the

following:

"Sec. ____ . Section four hundred twenty-five point fifteen (425.15), Code 1979, is amended to read as follows:

425.15 DISABLED VETERAN TAX CREDIT. [In the event] *If* the owner of the homestead, allowed a credit under this chapter, is a veteran of any of the military forces of the United States who acquired the homestead under the provisions of the United States Code, title 38, chapter 21, sections 801 and 802, the credit allowed on [said] *the* homestead from the homestead credit fund [herein provided] shall be the entire amount of the tax levied on [said] *the* homestead. The credit [herein] allowed shall be continued to the estate of [such] *the* veteran who is deceased or the surviving spouse and any child, as defined in section 234.1 who are the beneficiaries [thereof] *of the veteran* so long as the surviving spouse remains unmarried. [The provisions of this] *This* section [shall] *is* not [be] applicable to the holder of title to any [such] homestead whose annual income, together with that of his *or her* spouse, if any, for the last preceding twelve-month income tax accounting period exceeds ten thousand dollars. For the purpose of this section "income" means taxable income for federal income tax purposes plus income from securities of state and other political subdivisions exempt from federal income tax. Any veteran or [his] *a* beneficiary *of the veteran* who elects to secure the credit provided in this section [shall] *is* not [be] eligible for any other real property tax exemption provided by law for veterans of military service. *If the veteran acquires a different homestead, the credit allowed under the provisions of this section may be claimed on a new homestead unless the veteran fails to meet the other requirements of this section.*"

2. Page 2, line 18, by inserting after the word "claimant." the following: *"However, if the claimant is a person whose property taxes have been suspended under sections four hundred twenty-seven point eight (427.8) and four hundred twenty-seven point nine (427.9) of the code, "property taxes due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which would have to be paid by the*

Page 2

claimant if the payment of the taxes have not been

suspended pursuant to sections four hundred twenty-seven point eight (427.8) and four hundred twenty-seven point nine (427.9) of the Code."

3. Page 2, line 31, by striking the words "the age of" and inserting in lieu thereof the words "[the age of]".

4. Page 3, by inserting after line 8 the following:

"Sec. ____. Section four hundred twenty-seven point nine (427.9), Code 1979, is amended to read as follows:

427.9 SUSPENSION OF TAXES. Whenever a person is a recipient of federal supplementary security income or state supplementary assistance, as defined in section 249.1, or is a resident of a health care facility, as defined by section 135C.1, which is receiving payment from the department of social services for his *or her* care, [such] *the* person shall be deemed to be unable to contribute to the public revenue. The comissioner of social services shall [thereupon] notify the board of supervisors, of the county in which [such] *the* assisted person owns property, of the [aforesaid] fact, giving a statement of property, [real and personal,] owned, possessed, or upon which [said] *the* person is paying taxes as a purchaser under contract. [It shall then be the duty of the] *The* board of supervisors so notified, without the filing of a petition and statement as specified in section 427.8, [to] *shall* order the county treasurer to suspend the collection of all the taxes assessed against [said] *the* property and remaining unpaid by [such] *the* person or contractually payable by [him] *the person*, for such time as [such] *the* person [shall remain] *remains* the owner or contractually prospective owner of [such] *the* property, and during the period [such] *the* person receives assistance as described in this section. *The commissioner of social services shall advise the person that the person may apply for an additional property tax credit pursuant to section four hundred twenty-five point sixteen (425.16) through four hundred twenty-five point thirty-nine (425.39) of the Code which shall be credited against the amount of the property taxes suspended."*

5. Number and renumber as required.

HOUSE AMENDMENT TO SENATE FILE 2272

S—5683

Amend Senate File 2272 as passed by the Senate, as follows:

1. Page 5, by striking lines 33 through 35, and inserting in lieu thereof the following: "[However, movement] *Permits may be issued for vehicles with divisible loads* of hay, straw or stover [may be allowed in the absence of] *without a finding or* special or emergency situations, [however such]".

UNFINISHED BUSINESS
(Deferred April 8, 1980)
(Steering Calendar)

House File 2550

The Senate resumed consideration of House File 2550, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies, and divisions S—5638A and S—5638B by the committee on Energy to pages 1 and 2 of the bill, deferred on April 8, 1980.

Senator Waldstein moved the adoption of division S—5638A, which motion prevailed by a voice vote.

Senator Waldstein moved the adoption of division S—5638B.

A record roll call was requested.

On the question "Shall division S—5638B be adopted?" (H.F. 2550) the vote was:

Ayes, 36:

Baugher	Bergman	Briles	Brown
Calhoon	Carr	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Goodwin	Gratias	Hulse	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Palmer
Priebe	Readinger	Robinson	Rodgers
Rush	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, 10:

Bisenius	Gentleman	Hester	Holden
Hultman	Kudart	Nystrom	Ramsey
Schwengels	Taylor		

Voting Present, 1:

Carney

Absent or not voting, 3:

Comito Hansen Orr

Division S—5638B 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. 2550) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Holden Slater

Voting Present, 1:

Carney

Absent or not voting, 3:

Comito Hansen Orr

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2495.

House File 2495

On motion of Senator Rush, House File 2495, a bill for an act relating to strip searches subsequent to arrest, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rush offered amendment S—5644 filed by the committee on Judiciary on April 3, 1980, to page 1 of the bill.

Senator Brown called for a division of amendment S—5644: lines 14 through 16 as division S—5644A; lines 3 through 13 and lines 17 through 19 as division S—5644B.

Senator Rush moved the adoption of division S—5644A.

A record roll call was requested.

On the question "Shall division S—5644A be adopted?" (H.F. 2495) the vote was:

Ayes, 36:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Craft
DeKoster	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Rush	Schwengels	Scott
Small	Taylor	Tieden	Van Gilst

Nays, 10:

Brown	Carr	Gallagher	Kinley
Palmer	Priebe	Robinson	Rodgers
Slater	Yenger		

Absent or not voting, 4:

Comito	Hansen	Orr	Waldstein

Division S—5644A was adopted.

Action on House File 2495 and division S—5644B was temporarily deferred.

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 126, 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 126, duly adopted, the joint convention was called to order at 10:28 a.m. President Branstad presiding.

Senator Hultman 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 by a voice vote.

President Branstad declared a quorum present and the joint convention duly organized.

Senator Murray 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 by a voice vote and the President appointed as such committee Senators Murray, Holden and Palmer on the part of the Senate and Representatives Welden, Cusack and Stromer on the part of the House.

The Justices of the Supreme Court and the Judges of the Appellate Court were escorted into the House chamber.

The committee waited upon Governor Ray and escorted him to the Speaker's station.

Present Branstad then presented Governor Ray, who delivered the following special budget message:

MR. PRESIDENT, MR SPEAKER, MR. CHIEF JUSTICE, JUSTICES OF THE SUPREME COURT AND MEMBERS OF THE APPELLATE COURT, STATE OFFICIALS, SENATORS AND REPRESENTATIVES, DISTINGUISHED GUESTS AND FRIENDS:

For the record, today is Wednesday, not Thursday, which means this is not the day of the annual Governor's Prayer Breakfast.

Scheduling this speech one day before the Prayer Breakfast was not deliberate, although it may be appropriate!

On the second day of this Second Session of the Sixty-eighth General Assembly, I presented to you and to our Iowans my report on the Condition of the State for 1980. I emphasized in my remarks that Americans, and Iowans, ". . .are a people angered and upset about inflation—and its impact on our elderly, farmers, working men and women—on all of us." That feeling is even more true today.

Since January, the national economy has moved from bad to worse. Today we have nearly 20 percent inflation, and no comfort. Today we have 20 percent interest rates, and little credit. And today, thanks to the federal Administration and Congress, we have 100 percent frustration and a lot of confusion.

We balance our budgets here in Iowa, but we do not live in a vacuum. We have been hurt by the grain embargo. We have been hurt by disasterous federal farm policies. We have been hurt by hyper-inflation—the highest since the end of World War II.

Our present economy was "made in Washington." And it is now being "broken" in Washington, and is spinning into a recession—with resulting ravages rippling all the way from the Potomac to the Mississippi and Missouri, and the land in between, our home, Iowa.

Our Governor's Economic Advisory Council met one week ago today and shared some gloomy news. They noted the embargo, depressed grain markets, and a 28 percent drop in hog prices. They cited skyrocketing prices for fuel, fertilizers, and other farm supplies. They learned that tax receipts from farmers are already down some 16.5 percent. They forecast an unprofitable year and even some farm bankruptcies. And, it's painful to watch an Iowa farm family forced to sell their equipment, livestock and land and leave their livestyle.

Our experts saw slower growth in corporate income, higher unemployment, and less construction.

The bottom line is predictable, though not very pleasant. Because of federal government decisions, Iowans will have a tougher time making ends meet in the months ahead—and so will state government. State revenues were up 14.1 percent during fiscal year 1979. This fiscal year, it is estimated they will increase less—down to 9.9 percent. Next fiscal year, 6.1 percent.

Iowa's budget is being further squeezed by the unfortunate loss of federal revenue sharing. This program worked. This program cost virtually nothing to run. This program helped provide tax relief here in Iowa. Yet now, it is being dropped. At long last, there is serious talk about balancing the national budget. But, the burden is being shifted to the states. Iowa's budget will lose $14 million during fiscal year 1981, and $28 million each year after that.

Some suggest the end of federal revenue sharing should cause the demise of state revenue sharing. I reject this notion. We will not merely pass this loss on. Local units of government are also hard-pressed today, and funds for county and municipal assistance will be forthcoming next year, and I trust, in the future.

At the state level, the loss of revenue and of revenue sharing will have a significant impact. We project that total revenues will be down $33 million from earlier estimates for the current fiscal year and $62 million during fiscal year 1981—a drop in anticipated income for the entire biennium of $95 million. Because of these numbers, we are revamping our biennial budget.

My legislative program identified several important priorities in January. They are no less important today. But what is absolutely imperative is that we preserve a budget that is balanced, a budget with a workable balance, and a budget which still considers the taxpayer with some tax relief.

Obviously, our work this past week has not been easy. We have seen the problem and made the tough choices. I am here this morning to outline them for you:

1. We will immediately halt the construction of capital projects totaling $22 million. Needed building and remodeling will continue only when we can pay the bills.

2. As of today, I am ordering a freeze in state hiring. Even though the latest EEO report shows that the number of full-time permanent employees on the central payroll is down, we will place a lid on employment. And filling a vacancy will have to be reviewed by the Comptroller and the Governor's Office. Additionally, I am directing all departments and agencies to further restrain purchasing and discretionary spending. And I would expect the other two branches of government to follow this practice.

3. I ask the legislature to provide a more realistic measurement of the cost of living for the School Foundation Plan and for income tax indexing. The GNP deflator should replace the CPI for these purposes.

4. We need to postpone for one year any increase in the personal property tax phaseout.

5. We will defer or drop two-thirds of the supplemental appropriations advanced in January. These cuts total some $40 million, and are detailed in the information you will receive. These cuts are shared across-the-board. No part of the executive branch was exempt.

The supplementals that remain are not only relevant, they are urgent. They include funding for some vital human services such as Aid for Dependent Children and Medicaid. They include funding for programs where a second-year appropriation was not passed in 1979. For example, this revision continues the $800,000 requested earlier for eldercare, to give essential services to senior Iowans who are trying to live on fixed incomes. And, some remaining supplementals include funding for services which are needed more during strained economic times.

In January, I identified soil conservation as a key priority and recommended a 60 percent increase in funding. I remain convinced this is a priority. Even though we cannot provide as much as I originally hoped, I continue to press for more dollars for Iowa's soil and Iowa's future.

My efforts to obtain a 2 percent salary increase for state employees were based on my belief this was reasonable and fair. I must, however, recognize that if money is not available, this cannot be realized. I regret this move because state workers, just like their neighbors, are victims of inflation.

6. By not giving extra property tax relief and moving to the 78 percent school foundation level, it will be possible to continue income tax indexing. The alternative would be to forego indexing, but we would then lose the safety valve in the event of a deeper recession. It is also essential that the school aid formula be modified for future planning.

The state has furnished substantial property tax relief in recent years through the school foundation plan. And, during this session, further property tax relief has been provided for commercial, industrial and utility property by placing assessment limits similar to those on farm land and residential property.

There was good reason to provide this tax relief, and other kinds of tax relief already offered to Iowans, but there is a limit to what we can afford and what we can do.

Some of you are discussing changing the inheritance tax. There is merit to this idea, but if we don't or won't have the money, we cannot do it.

You will recall I suggested removing the sales tax on machinery and equipment to stimulate new jobs. But again, as valuable an idea as it is, if we don't have the money, we cannot do it.

We can give additional benefits to workers covered under IPERS, but the increase must come from the pension fund itself, as I earlier recommended.

The revisions to the budget I submit today should leave the General Fund with an unobligated balance of $71.8 million as of June 30, 1980, and $63.7 million on June 30, 1981, just slightly above the minimum $60 million.

This budget is tight. As I said in January, "There is a lot more we would like to do for Iowa—but, extra money is scarce." And that is especially so today.

I ask you to study these budget changes carefully. And I implore you to act with insight and not by impulse.

We have shown some good judgment in the past. We suffered an economic downturn ten years ago and we endured. Indeed, we were able to move Iowa into the forefront as a national leader in so many ways during the 1970s.

Today, in the fourth month of the new decade, Iowa remains resilient, progressive and poised for the 1980s. And we have talented people working on challenging issues such as energy, transportation, and so many more.

We must always look for ways to keep giving Iowans the good government they want and deserve—efficiently and effectively. The men and women who served on the Governor's Economy Committee '79 showed us a number of ways to do just that. Worthy ideas are being implemented in the executive branch. Others require your approval, and I ask that you review these ideas this session, this summer and this fall.

It was Anatole France who said, "The future is hidden even from the men who make it."

What you have been doing this session, and what you will be doing in these closing weeks is helping to shape the future of Iowa. And, just as we could not foresee in January all that is happening in April, neither can we now foresee with certainty everything that will happen in September, or next year, or the year after that. The economy could become worse. Hopefully it will get better.

The future is hidden, but nonetheless we must go about our work—knowing we often have to be flexible, and appreciating we sometimes have to be patient.

Fortunately, we live in Iowa—a place where people cooperate to solve problems. That is our tradition—and that is the task we now face.

Let us show our Iowans, and ourselves, that we can still seize opportunities. If we do, our time this session will truly have been well spent.

Thank you.

Governor Ray was escorted from the House chamber by the committee previously appointed.

On motion of Representative Halvorson from Clayton, the joint convention was dissolved.

The Senate returned to the Senate chamber and resumed regular session, President Branstad presiding.

RECESS

On motion of Senator Holden, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:53 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman 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 8, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 225, a bill for an act relating to the licensing and regulations of the sale of eggs.

ALSO: That the House has on April 8, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 357, a bill for an act relating to the acceptance of checks by vendors of state liquor stores.

ALSO: That the House has on April 8, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2245, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

ALSO: That the House has on April 8, 1980, concurred in the Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2410, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time.

ALSO: That the House has on April 8, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2458, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

ALSO: That the House has on April 8, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2461, a bill for an act relating to tort liability of regional boards of library trustees, soil conservation districts and their officers.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 133
By: Yenger, Van Gilst, Ramsey and Brown

Whereas, ninety-five percent of the energy used in Iowa is imported; and coal is Iowa's most abundant energy resource and is estimated at over three billion tons of recoverable coal, enough to last the state for hundreds of years; and

Whereas, the past seventy years have seen a ninety percent reduction in the production of Iowa coal resulting in the decline of Iowa's coal industry to the point of extinction; and

Whereas, thirteen million tons of coal were used in Iowa in 1979 but only seven percent was Iowa coal; and

Whereas, the current energy crisis necessitates the establishment of efficient energy production of priorities which emphasize the utilization of local energy sources instead of furthering the reliance on unstable energy sources from unfriendly nations; and

Whereas, the current federal air quality standards placed on the utilization of coal threaten further economic disruption and unemployment to significiant portions of Iowa and therefore are detrimental to the public welfare; and

Whereas, the reevaluation of coal utilization could prevent the drain on the state and national economies and keep hundreds of millions of dollars in Iowa and the nation; and

Whereas, the importance of air quality for Iowa's citizens is well recognized, it is of equal importance that relief be provided to coal producers and customers in order to allow producers time to complete financing and installation of necessary equipment to bring them into compliance.

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with the current federal air quality standards; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Legislative Council create an interim study committee consisting of members of both Houses representing both political parties for the purpose of studying the implementation of monetary incentives, incentives to promote the utilization of Iowa coal among both private and public sectors, and to examine the utilization of synthetic fuels produced from Iowa coal; and

Be It Further Resolved, That the study committee make

periodic reports to the Legislative Council and a final report to the general assembly meeting in the year 1981 accompanied by bill drafts designed to implement any recommendations of the study committee.

Read first time and referred to the committee on **Rules and Administration.**

WITHDRAWN

Senator Drake asked and received unanimous consent that **Senate File 188** be withdrawn from further consideration of the Senate.

BUSINESS PENDING

House File 2495

The Senate resumed consideration of House File 2495 and division S—5644B, offered and pending.

Senator Rush offered amendment S—5689 filed by him from the floor to division S—5644B and moved its adoption.

Amendment S—5689 was adopted by a voice vote.

Senator Carr called for a further division of amendment S—5644: lines 5 and 6 as division S—5644C.

Senator Rush moved the adoption of division S—5644B as amended, which motion prevailed by a voice vote.

Senator Rush moved the adoption of division S—5644C.

A record roll call was requested.

On the question "Shall division S—5644C be adopted?" (H.F. 2495) the vote was:

Ayes, 39:

Bergman	Bisenius	Briles	Calhoon
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Kudart	Miller, A.V.

Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Ramsey	Readinger	Robinson
Rush	Schwengels	Scott	Taylor
Tieden	Van Gilst	Waldstein	

Nays, 9:

Baugher	Brown	Carr	Junkins
Orr	Priebe	Rodgers	Slater
Yenger			

Absent or not voting, 2:

Carney	Small

Division S—5644C 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. 2495) the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 1:

Carney

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2537.

House File 2537

On motion of Senator Goodwin, House File 2537, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Taylor offered amendment S—5690 filed by him from the floor to pages 1 through 5 and 7 of the bill.

Senator Jensen raised the point of order that amendment S—5690 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5690 out of order.

Senator Miller of Des Moines offered amendment S—5688 filed by Senators Miller of Des Moines, et al., from the floor to pages 3 and 6 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 33, nays 12.

Amendment S—5688 was adopted.

Senator Holden offered amendment S—5673 filed by him on April 8, 1980, to page 5 of the bill and moved its adoption.

Amendment S—5673 was adopted by a voice vote.

Senator Ramsey offered amendment S—5691 filed by him from the floor to page 9 of the bill.

Senator Deluhery raised the point of order that amendment S—5691 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5691 out of order.

Senator Goodwin moved that the bill 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. 2537) the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 1:

Carney

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 707

On motion of Senator Nystrom, House File 707, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murray offered amendment S—5663 filed by the committee on State Government on April 3, 1980, to pages 1 through 4, 8, 10 and 11 of the bill.

Senator Murray offered amendment S—5682 filed by him on April 8, 1980, to amendment S—5663 and moved its adoption.

Amendment S—5682 was adopted by a voice vote.

Senator Slater offered amendment S—5686 filed by him from the floor to amendment S—5663 and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 30.

Amendment S—5686 lost.

Senator Murray moved the adoption of amendment S—5663 as amended.

A record roll call was requested.

On the question "Shall amendment S—5663 as amended be adopted?" (H.F. 707) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hutchins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Van Gilst	Waldstein	Yenger	

Nays, 10:

Briles	Hansen	Hulse	Hultman
Jensen	Junkins	Kudart	Nystrom
Taylor	Tieden		

Absent or not voting, 1:

Carney

Amendment S—5663 as amended was adopted.

The Chair ruled the following amendments out of order:

S—3415 filed by the committee on State Government on April 6, 1979, to pages 1 through 4, 10 and 11 of the bill.

S—3552 filed by Senators Murray and Rush on April 18, 1979, to amendment S—3415.

S—5677 filed by Senators Slater, et al., on April 8, 1980, to pages 1 through 4, 8 and 11 of the bill.

Senator Slater withdrew amendment S—3560 filed by him on April 20, 1979, to pages 6 and 9 of the bill.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 707) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

Briles	Taylor

Absent or not voting, 2:

Carney	Readinger

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked unanimous consent to take up out of order House File 2551.

Senator Orr raised the point of order objecting to consideration of House File 2551 because the subcommittee studying the bill had not met prior to debate as agreed upon.

Senator Orr withdrew her point of order.

House File 2551

On motion of Senator Hansen, House File 2551, a bill for an act relating to the calculation of the state percent of growth and basic allowable growth per pupil for school foundation aid purposes, with

report of committee recommending passage, was taken up for consideration.

Senator Junkins asked unanimous consent that House File 2551 be rereferred from the calendar to the committee on Education.

(House File 2551 and the request for unanimous consent by Senator Junkins pending on adjournment).

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2360, the following technical correction was made:

1. Senate amendment S—5653, page 1, line 13, the words "1979 Session" were added after "Assembly".

FRANK J. STORK, Secretary of the Senate

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Edward J. Stanek be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BOB RUSH

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 8, 1980, when the final vote was taken on House File 2522.

Had I been present, I would have voted "aye" on this bill.

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 9, 1980.

Had I been present, I would have voted "aye" on amendment S—5638B to House File 2550 and final passage of House File 2550.

W. R. BILL HANSEN

MR. PRESIDENT: I was unable to be present for Senate debate on April 8th.

Had I been present I would have voted "aye" on House File 54, amendment S—5102 to House File 315, final passage of House Files 315, 402, 685, 2169, 2463, 2478, 2479, amendment S—5401 to House File 2482, final passage of House Files 2482, 2491, 2522, 2529 and 2533.

PATRICK J. DELUHERY

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and

qualifications of William D. Miller, Sun Prairie, Wisconsin, for appointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1979 Code of Iowa, by virtue of his position as Director of Public Safety for the State of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
RAY TAYLOR
JOHN SCOTT
FORREST V. SCHWENGELS
NORMAN G. RODGERS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard Singleton, Conesville, Muscatine County, Iowa, for reappointment as a member of the Iowa Rural Community Development Committee pursuant to Section 387.2, 1979 Code of Iowa, for the regular six-year term commencing July 1, 1980, and ending June 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
RICHARD F. DRAKE
BOB RUSH
CLOYD E. ROBINSON
JOHN S. MURRAY

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Deloris C. Morris, Oelwein, Fayette County, Iowa, for reappointment as a member of the State Board of Cosmetology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made the investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
ROLF V. CRAFT
CLARENCE CARNEY
ROBERT M. CARR
C. JOSEPH COLEMAN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Lewis A. James, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN J. GOODWIN, Chairperson
JULIA B. GENTLEMAN
ARNE WALDSTEIN
JOANN ORR
BERL E. PRIEBE

PRESENTATION OF VISITORS

Senator Taylor presented Joy Yanigida from Japan, Ulrika Frola from Germany and Renilda Goossens from Belgium, exchange students from the Youth for Understanding Group, accompanied by their area representatives, Donna and Leonard Young from Garner.

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty-five students from the Garner-Hayfield School, Garner, Iowa, accompanied by Mrs. Nelson, Mrs. Stille and Mr. Nielsen. Senator Taylor.

Seventy students from the Granger Middle School, Granger, Iowa. Senator Rodgers.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	131	Rules and Administration
S. R.	111	Energy
H.F.	2511	Ways and Means
H.F.	2576	Ways and Means

AMENDMENTS FILED

S—5685	H.F.	2340	Clarence Carney Ray Taylor John W. Jensen
S—5686	H.F.	707	Tom Slater
S—5687	H.F.	2562	A. R. Kudart
S—5688	H.F.	2537	Charles P. Miller Rolf V. Craft John W. Jensen Robert M. Carr Berl E. Priebe Dale L. Tieden Joe Brown

			Merlin D. Hulse
			Ray Taylor
			William D. Palmer
			Jack W. Hester
			George R. Kinley
			Richard Comito
			Lowell L. Junkins
			C. Joseph Coleman
			Alvin V. Miller
			James V. Gallagher
			C. W. Hutchins
			Bass Van Gilst
			Elizabeth R. Miller
			Bob Rush
			James E. Briles
			Tom Slater
			Arne Waldstein
			Gary Baugher
			Richard F. Drake
			Sue Yenger
S—5689	H.F.	2495	Bob Rush
S—5690	H.F.	2537	Ray Taylor
S—5691	H.F.	2537	Richard R. Ramsey
S—5692	H.F.	2575	Rolf V. Craft

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:03 p.m., until 9:30 a.m., Thursday, April 10, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 10, 1980

The Senate met in regular session at 9:35 a.m., President pro tempore Hansen presiding.

Prayer was offered by the Reverend Thorvald A. Hansen, pastor of Our Saviours Lutheran Church, Audubon, Iowa.

The Journal of Wednesday, April 9, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M.U. Broers, Schleswig, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rush for the remainder of the week on request of Senator Junkins.

INTRODUCTION OF BILL

Senate File 2368, by Committee on Ways and Means, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties.

Read first time and **placed on calendar.**

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 8, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 28, a bill for an act to delete all placement investigation requirements in stepparent adoptions.

ALSO: That the House has on March 26, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy.

ALSO: That the House has on April 8, 1980, refused to concur in Senate amendment to House amendment to, the following bill in which the concurrence of the House was asked:

Senate File 205, a bill for an act relating to the reorganization of the department of environmental quality.

ALSO: That the House has on April 8, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 430, a bill for an act to provide multipurpose service centers for displaced homemakers.

ALSO: That the House has on April 8, 1980, concurred in the Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 446, a bill for an act relating to weighing and measuring.

ALSO: That the House has on April 8, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 464, a bill for an act relating to the final report of the personal representative of a decedent's estate.

ALSO: That the House has on April 8, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2051, a bill for an act relating to the registration and licensing of class A motor homes.

ALSO: That the House has on April 8, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2114, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

ALSO: That the House has on April 8, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2183, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

ALSO: That the House has on April 8, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2219, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

ALSO: That the House has on April 8, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2267, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation.

ALSO: That the House has on April 8, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2279, a bill for an act relating to the dates for limitations of actions on title to real property.

ALSO: That the House has on April 8, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2285, a bill for an act to repeal the state residency requirement for employees of the department of social services.

ALSO: That the House has on April 8, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2299, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership.

ALSO: That the House has on April 8, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2314, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

ALSO: That the House has on April 8, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2316, a bill for an act relating to the disposition of property by counties.

ALSO: That the House has on April 8, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2331, a bill for an act to legalize the sale of certain property in Lee county.

ALSO: That the House has on April 8, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies.

ALSO: That the House has on April 8, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 117, a resolution relating to the creation of a study committee concerning the safety of mobile home communities.

ALSO: That the House has on April 8, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 121, a resolution urging Congress to act favorably upon legislation setting a 12.5 percent ceiling on coal severance taxes.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

HOUSE CONCURRENT RESOLUTION 117
By: Committee on Human Resources

Whereas, a large segment of the population of the state of Iowa dwells in mobile homes located in 1100 mobile home communities in the state of Iowa; and

Whereas, the public and this general assembly are concerned about the safety of persons residing in mobile home communities in times of natural disasters; *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council create a study committee composed of members representing the house and senate committees on human resources to undertake a study following final adjournment of the sixty-eighth general assembly of matters relevant to the safety of dwellers in mobile home parks from natural disasters, such as tornadoes; and

Be It Further Resolved, That the study committee shall consist of five members of the house of representatives, of which three members shall represent the majority party and two shall represent the minority party; and five members of the senate, of which three shall represent the majority party and two shall represent the minority party.

Read first time and **passed on file.**

HOUSE CONCURRENT RESOLUTION 121
By: West

Whereas, due to the United States Environmental Protection Agency's air quality requirements and to

the low sulphur content of western coal, electric utilities in Iowa must depend heavily upon western coal as a fuel for the generation of electricity; and

Whereas, the states of Montana and Wyoming currently charge a coal severance tax of 30 percent and 17 percent respectively—a tax not at all related to the costs of extracting this coal; and

Whereas, the electric utility companies in Iowa and ultimately their customers pay these high taxes, estimated at 50 million dollars over the next five years; and

Whereas, this severance tax amounts to a windfall profit for those states mentioned; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Congress of the United States is urged to act favorably upon legislation calling for a 12.5 percent ceiling on coal severance taxes.

Be It Further Resolved, That a copy of this resolution be forwared to each of the members of Iowa's congressional delegation.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE FILE 28

S—5695

Amend Senate File 28 as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section six hundred point seven (600.7), subsection two (2), paragraphs b and c, Code 1979, are amended to read as follows:

b. If by any [adult] *other* person [to be adopted], either in the presence of the court in which the adoption petition is filed or before a notary public.

[c. If by any other person, before a notary public.]"

2. Page 1, line 25, by inserting after the word *"adopted."* the words *"However, in the case of a stepparent adoption, the court, upon the request of an interested person or on its own motion stating the reasons therefor of record, may order an investigation or report pursuant to this section."*

3. Page 1, by striking lines 32 and 33.

4. Amend the title, by striking lines 1 and 2 and inserting in lieu thereof the words "An Act relating to preplacement investigation requirements for adoptions and to consent to adoptions."

5. By correcting section numbers and internal references as made necessary by this amendment.

HOUSE AMENDMENT TO SENATE FILE 108

S—5694

Amend Senate File 108, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 2, by inserting after the figure "(297.5)," the words and figure "unnumbered paragraph one (1),".

2. Page 1, by striking lines 9 through 35 and inserting in lieu thereof the following: "school-house fund and used only for the [the] *one or more of the following purposes specified by the board of directors:*

1. The purchase and improvement of sites [in and] for [said] *the* school district.

2. Roof and boiler replacement or repair in school buildings of the district.

3. Remodeling of school buildings for energy conservation purposes.

4. Alterations to school buildings and grounds to insure that school buildings are accessible to and functional for physically handicapped persons [as specified by the directors]."

3. Page 1, by inserting after line 35 the following section:

"Sec. ____. Chapter two hundred ninety-seven (297), Code 1979, is amended by adding the following new section:

NEW SECTION. SECRETARY'S BALANCE. The board of directors of a school district may expend funds from the district's unexpended cash balance for the purposes listed in section two hundred ninety-seven point five (297.5), subsections two (2), three (3), and four (4), of the Code. Funds used from the district's unexpended cash balance are miscellaneous income for the purpose of chapter four hundred forty-two (442) of the Code."

4. Amend the title, lines 2 and 3, by striking the words "increasing the maximum amount of the site fund tax levy and".

5. Amend the title, line 4, by striking the word "levy" and inserting in lieu thereof the words "tax levied under section two hundred ninety-seven point five (297.5) of the Code and allowing funds to be spent from the unexpended cash balance of the school district".

HOUSE AMENDMENT TO SENATE FILE 430

S—5693

Amend Senate File 430, as amended, passed and

reprinted by the Senate, as follows:

1. Page 1, by striking lines 5 and 6 and inserting in lieu thereof the following:

"a. Has worked principally in the home providing unpaid household services for family members."

2. Page 1, line 11, by inserting after the word "income," the word "is".

3. Page 1, line 12, by striking the words "but is no longer eligible".

4. Page 1, by striking lines 13 and 14 and inserting in lieu thereof "or is supported as the parent of a child who is sixteen or seventeen years of age."

5. Page 1, line 27, by inserting after the word "provides" the words "some or".

6. Page 2, line 17, by striking the words "federal and state" and inserting in lieu thereof the word "public".

7. Page 2, by inserting after line 23 the following new paragraph:

"g. Development and implementation of a counseling program providing emotional support by qualified personnel or peer groups or both."

8. By striking page 3, line 23 through page 4, line 11 and inserting in lieu thereof the following:

"1. Upon enactment of this Act, the governor shall appoint a seven-member advisory board. Persons appointed to the advisory board shall be knowledgeable in the problems of displaced homemakers. Three members of the advisory board shall be representatives of community organizations which provide services to displaced homemakers. Two members shall be displaced homemakers or former displaced homemakers. Two members shall be members of the public. Of the seven members, no more than four shall be from the same political party. The board shall select its own chairperson. Four members constitute a quorum. Members serve at the pleasure of the governor.

2. The board shall meet at the call of the governor, or the board chairperson, or of any four board members. Each board member is entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of social services."

9. Page 4, by striking lines 27 and 28.

10. By renumbering and correcting internal references as made necessary by this amendment.

HOUSE AMENDMENT TO SENATE FILE 2051

S—5696

Amend Senate File 2051, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 34, by striking the word *"five"* and inserting in lieu thereof the word *"ten"*.

2. Title page, by striking line 2 and inserting in lieu thereof the following: "A, B and C motor homes and multipurpose vehicles.".

HOUSE AMENDMENT TO SENATE FILE 2114

S—5697

Amend Senate File 2114, as passed by the Senate, as follows:

1. Page 2, line 14 by striking the word "complete" and inserting in lieu thereof the word "existing".

2. Page 2, by striking lines 19 through 22 and inserting in lieu thereof the words "be made available as provided in this subsection. However, the identity of".

HOUSE AMENDMENT TO SENATE FILE 2219

S—5698

Amend Senate File 2219, as passed by the Senate, as follows:

1. Page 1, line 6, by inserting after the word and figures "August 15, 1977," the word and figures "May 14, 1979,".

2. Page 1, line 11, by striking the words "at least" and inserting in lieu thereof the words "not more than".

3. Page 1, line 12, by inserting after the word and figures "August 15, 1977," the word and figures "May 14, 1979,".

4. Page 1, line 17, by inserting after the word and figures "August 15, 1977," the word and figures "May 14, 1979,".

5. Page 1, line 25, by inserting after the word and figures "August 15, 1977," the word and figures "May 14, 1979,".

6. Page 1, line 27, by striking the words "at least" and inserting in lieu thereof the words "not

more than".

7. Page 1, line 30, by inserting after the word and figures "August 15, 1977," the word and figures "May 14, 1979,".

HOUSE AMENDMENT TO SENATE FILE 2316

S—5700

Amend Senate File 2316 as passed by the Senate as follows:

1. Page 1, by striking lines 7 through 9 and inserting in lieu thereof the following:

"13. When a building, real estate or other property is no longer needed for the purposes for which it was acquired by the county, to convert it to other county purposes, to trade it with another governmental body, or to sell or lease it. In disposing of an interest in real property by sale, by lease for a term of more than three years or by gift, the following procedures shall be followed:".

HOUSE AMENDMENT TO SENATE FILE 2337

S—5699

Amend Senate File 2337 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 8 through 10 and inserting in lieu thereof the words "vehicle, in the amount of [ten] *fifteen*".

2. Page 1, by striking lines 17 through 25 and inserting in lieu thereof the words "others in any one accident."

3. Page 2, by striking lines 6 through 8 and inserting in lieu thereof the words "or bond arising out of [such] *the* accident; provided, however, every".

4. Page 2, by striking lines 19 through 31 and inserting in lieu thereof the words "destruction of property of others in any one accident."

5. By striking page 2, line 35 through page 3, line 3, and inserting in lieu thereof the following:

"1. Judgments [herein] referred to *in this chapter* shall, for the purpose of this chapter only, be deemed".

6. Page 3, line 5, by striking the letter and numeral "[a.] *(1)*" and inserting in lieu thereof the letter "a.".

7. Page 3, line 9, by striking the letter and

numeral "[b.] *(2)*" and inserting in lieu thereof the letter "b.".

8. Page 3, line 15, by striking the letter and numeral "[c.] *(3)*" and inserting in lieu thereof the letter "c.".

9. By striking page 3, line 19 through page 4, line 1.

10. Page 4, by striking lines 13 through 15 and inserting in lieu thereof the words "to each such motor vehicle, as follows: [Ten] *fifteen* thousand".

11. Page 4, by striking lines 21 through 28 and inserting in lieu thereof the words "property of others in any one accident."

12. Page 4, by striking lines 32 through 34 and inserting in lieu thereof the following:

"1. Proof of financial responsibility may be evidenced by the".

13. Page 5, by striking lines 4 through 11 and inserting in lieu thereof the words "funds of a market value of [twenty-five] *forty* thousand dollars. The state".

14. By renumbering sections.

President Branstad took the chair at 9:44 a.m.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILL
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2486.

House File 2486

On motion of Senator Bergman, House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code, with report of committee recommending passage, was taken up for consideration.

Senator Holden asked and received unanimous consent that action on **House File 2486** be **deferred.**

CONFIRMATION OF GOVERNOR'S APPOINTMENT

Senator Schwengels called up the Report of Investigating Committee for Ronald F. Mosher as State Comptroller, filed February 13, 1980, found on page 435 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Schwengels moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Calhoon	Kinley	Rush

The Chair declared the appointment confirmed.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Hultman called up the following Reports of Investigating Committees:

As a member of the Board of Architectural Examiners, Nancy McHugh, filed March 25, 1980, and found on pages 1067-1068 of the Senate Journal.

As a member of the Board of Accountancy, Jerry J. Perpich, filed March 26, 1980, and found on page 1102 of the Senate Journal.

As a member of the State Board of Nursing Examiners, JoAnn H. Erickson, filed March 26, 1980, and found on page 1102 of the Senate Journal.

As a member of the City Finance Committee, Daniel W. Clifford, filed March 27, 1980, and found on page 1135 of the Senate Journal.

As a member of the Credit Union Review Board, Lois Jeanne Miller, filed March 27, 1980, and found on pages 1135-1136 of the Senate Journal.

As a member of the Board of Engineering Examiners, Ronald D. Brown, filed March 28, 1980, and found on pages 1152-1153 of the Senate Journal.

As a member of the City Development Board, Thomas F. Pogue, filed March 28, 1980, and found on page 1153 of the Senate Journal.

As a member of the State Board of Mortuary Science Examiners, Paul L. Chapman, filed March 28, 1980, and found on page 1153 of the Senate Journal.

As a member of the State Board of Optometry Examiners, Robert F. Renfro, filed March 28, 1980, and found on page 1153 of the Senate Journal.

As a member of the Board of Architectural Examiners, W. David Frevert, filed March 31, 1980, and found on page 1205 of the Senate Journal.

As a member of the Job Service Appeal Board, James A. Althaus, filed March 31, 1980, and found on pages 1205-1206 of the Senate Journal.

As a member of the State Board of Nursing Examiners, Molly M. Scott, filed March 31, 1980, and found on page 1206 of the Senate Journal.

As a member of the Public Employment Relations Board, John R. Loihl, filed March 31, 1980, and found on page 1206 of the Senate Journal.

As a member of the State Board of Optometry Examiners, Bertha J. Kirkwood, filed March 31, 1980, and found on page 1206 of the Senate Journal.

As a member of the City Finance Committee, Afton E. Minner, filed April 1, 1980, and found on pages 1230-1231 of the Senate Journal.

As a member of the Iowa Rural Community Development Committee, James E. Lindsay, filed April 1, 1980, and found on page 1231 of the Senate Journal.

As a member of the State Board of Dental Examiners, Dr. A.G. Kegler, filed April 1, 1980, and found on page 1231 of the Senate Journal.

As a member of the State Board of Podiatry Examiners, Margaret Ann Harden, filed April 1, 1980, and found on page 1231 of the Senate Journal.

As a member of the State Board of Speech Pathology and Audiology Examiners, John E. Scherrman, filed April 1, 1980, and found on pages 1231-1232 of the Senate Journal.

As a member of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers, Charles E. Chamberlain, Jr., filed April 2, 1980, and found on page 1259 of the Senate Journal.

As a member of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers, Clifford Welcher, filed April 2, 1980, and found on page 1260 of the Senate Journal.

As a member of the Board of Watchmaking Examiners, Marian R. Haaf, filed April 2, 1980, and found on page 1260 of the Senate Journal.

As a member of the Iowa Rural Community Development Committee, Dr. Sidney N. Davis, filed April 2, 1980, and found on page 1260 of the Senate Journal.

As a member of the State Board of Podiatry Examiners, Robert R. Morris, filed April 2, 1980, and found on page 1260 of the Senate Journal.

As a member of the State Board of Optometry Examiners, Dr. Earl M. Overholser, filed April 2, 1980, and found on page 1261 of the Senate Journal.

As a member of the State Board of Psychology Examiners, Marjorie S. Halstrom, filed April 3, 1980, and found on page 1287 of the Senate Journal.

As a member of the State Board of Psychology Examiners, Norman Scott, Ph.D., filed April 3, 1980, and found on pages 1287-1288 of the Senate Journal.

As Commissioner of Public Safety, William D. Miller, filed April 8, 1980, and found on page 1325 of the Senate Journal.

Senator Hultman asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Hultman moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Kinley Rush

The Chair declared the appointments confirmed.

WITHDRAWN

Senator Ramsey asked and received unanimous consent that **Senate File 381** be withdrawn from further consideration of the Senate.

PRESENTATION OF PELLA TULIP QUEEN

Senator Brown appeared on the rostrum and presented Monica May, Queen of the Forty-fifth Annual Tulip Time Festival from Pella, Iowa, who in turn introduced the members of her court: Andrea Busker, Norma Stursma, Patti Monsma and Renee DeBoef. The girls were accompanied by Ray DeHaan, a member of the Queen Election Committee.

The Queen presented President Branstad with a kiss and a package of the famous Pella Dutch Letters pastry and invited the Senate to attend the Tulip Time Festival in Pella on May 8, 9 and 10, 1980.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2002, a bill for an act relating to the expenditure of profits from auxiliary services by area schools.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 2002

S—5703

1 Amend Senate File 2002, as amended, passed, and
2 reprinted by the Senate, as follows:

1. Page 1, by striking lines 19 through 23 and inserting in lieu thereof the words "for the auxiliary enterprises."
2. Page 1, by striking lines 24 and 25.

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:38 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILL
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 701.

House File 701

On motion of Senator Gentleman, House File 701, a bill for an act to establish a state department of mental health, prescribe its powers and duties, transfer to it certain responsibilities presently imposed by law on the division of mental health of the department of social services and on the Iowa mental health authority, provide a description of those responsibilities of the department of social services which are now assigned to the division of mental health and which are to be left within the jurisidiction of the department of social services, and make amendments inconformity with these changes to various sections of the Code as necessary, with report of committee on Human Resources recommending amendment and passage and report of committee on State Government recommending passage, was taken up for consideration.

Senator Gentleman offered amendment S—5545 filed by the committee on Human Resources on March 27, 1980, to pages 1 through 65, 67 through 69 and the title page of the bill.

Senator Hansen asked and received unanimous consent that action on amendment S—5545 be deferred for consideration of amendment S—5681.

Senator Yenger offered amendment S—5681 filed by Senators Yenger, et al., on April 8, 1980, to pages 1 through 12, 18, 50 through 55, 58, 65 and 68 of the bill.

Senator Drake offered amendment S—5704 filed by him from the floor to amendment S—5681 and moved its adoption.

A non record roll call was requested.

The ayes were 32, nays 10.

Amendment S—5704 was adopted.

Senator Slater offered amendment S—5701 filed by him from the floor to amendment S—5681 and moved its adoption.

Amendment S—5701 was adopted by a voice vote.

Senator Slater offered amendment S—5702 filed by him from the floor to amendment S—5681 and moved its adoption.

Amendment S—5702 was adopted by a voice vote.

Senator Brown took the chair at 3:16 p.m.

President Branstad took the chair at 3:34 p.m.

Senator Yenger moved the adoption of amendment S—5681 as amended.

A record roll call was requested.

On the question "Shall amendment S—5681 as amended be adopted?" (H.F. 701) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Bisenius	Briles	Brown	Calhoon

Carr	Coleman	Comito	Deluhery
Drake	Gallagher	Hansen	Hulse
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Nystrom	Orr	Priebe	Rodgers
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, 19:

Baugher	Bergman	Craft	DeKoster
Gentleman	Goodwin	Gratias	Hester
Holden	Hultman	Kinley	Kudart
Miller, E.R.	Murray	Palmer	Ramsey
Readinger	Robinson	Taylor	

Absent or not voting, 3:

Carney	Jensen	Rush

Amendment S—5681 as amended was adopted.

With the adoption of amendment S—5681 as amended, the Chair ruled the following amendments out of order:

Amendment S—5545 by the committee on Human Resources, previously deferred.

Amendment S—5705 filed by Senator Gentleman from the floor to amendment S—5545.

Senator Hultman raised the point of order that House File 701 made an appropriation of state funds and, therefore, should be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **House File 701** was referred to the committee on **Appropriations** under Senate Rule 37.

Senator Junkins asked unanimous consent that House File 701 be returned to the calendar from the committee on Appropriations by Thursday, April 17, 1980.

Objection was raised by Senator Hultman.

BILLS REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **House File 2116** be referred to the committee on **Appropriations**

under Senate Rule 37 and **House File 2340** be referred to the committee on **State Government** under Senate Rule 37.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 134
By: Hansen

Whereas, James C. Rose has diligently, faithfully, and with unique distinction served the state of Iowa for some 13-½ years; and

Whereas, his services to the comptroller's office and general assembly will be sorely missed; and

Whereas, his technical expertise and undisputable excellance in the field of school finance is without equal; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Iowa General Assembly recognize James C. Rose for his distinguished service to the state of Iowa and wish him well in all future endeavors.

Read first time and **passed on file.**

APPENDIX

COMMUNICATION FROM THE SECRETARY OF THE STATE

April 9, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 2200, was published in the Estherville Daily News, Estherville, Iowa, on April 7, 1980, and in The Times-Republican, Corydon, Iowa, on April 8, 1980.

Also, I certify that House File 2470, was published in the Farmer-Labor Press, Council Bluffs, Iowa, on April 3, 1980, and in The Clinton Herald, Clinton, Iowa, on March 31, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been 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 April, 1980.

Senate Files 460 and 2352.

FRANK J. STORK, Secretary of the Senate

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

H.F. 2504
H.F. 2573
H.F. 2546
H.F. 2138
H.F. 2509
H.F. 2536

CALVIN O. HULTMAN, Chairperson

EXPLANATION OF VOTE

MR. PRESIDENT: I inadvertently voted incorrectly on House File 2550 when the final vote was taken on April 9, 1980. I support the bill and should have voted "aye."

TOM SLATER

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Connie O. McWilliams, Logan, Harrison County, Iowa, for appointment as a member of the Commission on Judicial Qualifications pursuant to Section 605.26, 1979 Code of Iowa, for a six-year term commencing January 1, 1980, and ending December 31, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN J. GOODWIN, Chairperson
CALVIN O. HULTMAN
JACK W. HESTER
CLOYD E. ROBINSON
NORMAN G. RODGERS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Eugene E. Houk, Jefferson, Greene County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLARENCE S. CARNEY, Chairperson
C. W. HUTCHINS
JAMES CALHOON
RICHARD COMITO
STEPHEN W. BISENIUS

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 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
JOHN S. MURRAY
IRVIN L. BERGMAN
NORMAN G. RODGERS

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 pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
GEORGE R. KINLEY
CLOYD E. ROBINSON
ARNE WALDSTEIN
SUE YENGER

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in the preparation of the Senate amendment to House File 2463, the following technical correction was made to Senate amendment S—5534:

1. Page 1, line 4, "[at]" was changed to "at".

FRANK J. STORK, Secretary of the Senate

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 9, 1980, 5:10 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Comito, Drake, Hester, Ramsey, Hutchins, Junkins, Rush, Baugher, Holden, Hultman, Van Gilst and Scott.

Members Absent: none.

Final Action: SENATE FILE 2368, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Hultman, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 1: Holden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: HOUSE FILE 2554, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child, FAILED RECOMMENDATION FOR PASSAGE. **Final**

Vote: Ayes, 7: Craft, Readinger, Baugher, Comito, Drake, Hester and Rush. Nays, 5: Rodgers, Holden, Ramsey, Hutchins and Junkins. Absent or not voting, 3: Hultman, Scott and Van Gilst; assigned bills to subcommittees.

Adjourned: 6:15 p.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-two students from Dow City-Arion High School, Dow City, Iowa, accompanied by Don Ray. Senator Hester.

Six students from North Fayette Community School, West Union, Iowa, accompanied by Mr. and Mrs. Verdell Schmalle. Senators Craft and Miller of Cerro Gordo.

Thirty-one students from Halbur-Templeton-Roselle Parochial School, Templeton, Iowa, accompanied by Duane Sizpker. Senator Hutchins.

AMENDMENTS FILED

S—5701	H.F.	701	Tom Slater
S—5702	H.F.	701	Tom Slater
S—5704	H.F.	701	Richard F. Drake
S—5705	H.F.	701	Julia B. Gentleman
S—5706	H.F.	2546	Richard R. Ramsey Lucas J. DeKoster
S—5707	H.F.	2561	Forrest V. Schwengels
S—5708	H.F.	2509	Ray Taylor Berl E. Priebe
S—5709	H.F.	2536	David M. Readinger

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:03 p.m., until 9:00 a.m., Friday, April 11, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

EIGHTY-NINTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 11, 1980

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by Charles L. Selzer, President of the Amana Society Church, Homestead, Iowa.

The Journal of Thursday, April 10, 1980, 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 April 9, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 107, a bill for an act relating to the establishment of tuition rates for school districts.

ALSO: That the House has on April 9, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 185, a bill for an act relating to the distribution of interest of permanent school fund.

ALSO: That the House has on April 9, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 358, a bill for an act to provide for the licensing of ophthalmic dispensers, and making penalties applicable.

ALSO: That the House has on April 9, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2006, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must hold a public hearing, advertise and receive sealed bids.

ALSO: That the House, on April 10, 1980, insisted on its amendment to Senate File 2243, a bill for an act establishing the Iowa family farm authority, authorizing the

issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, and that the members of the Conference Committee on the part of the House are: The Representative from Audubon, Mr. Anderson, Chair; the Representative from Ida, Mr. Bennett; the Representative from Lyon, Mr. DeGroot; the Representative from Tama, Mr. Husak; and the Representative from Cedar, Mr. Hinkhouse.

ALSO: That the House has on April 9, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2311, a bill for an act relating to the age of fire fighters.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 185

S—5710

Amend Senate File 185 as follows:

1. Page 1, line 15, by inserting after the word *"and"* the word *"in"*.

2. Page 1, line 21, by striking the word "semiannual" and inserting in lieu thereof the word "annual".

HOUSE AMENDMENT TO SENATE FILE 358

S—5711

Amend Senate File 358, as passed by the Senate as follows:

1. Page 1, line 2, by striking the word "title" and inserting in lieu thereof the word "Act".

2. Page 1, by striking lines 3, 4, and 5 and inserting in lieu thereof the words "and dispenses ophthalmic".

3. Page 1, line 6, by inserting after the word "by" the word "signed".

4. Page 1, line 7, by striking the word "signed" and inserting in lieu thereof the words ", verbal order, or signed copy of a written prescription,".

5. Page 1, line 9, by inserting after the word "state" the words "or a person who prepares and dispenses ophthalmic lenses for spectacles to the intended user by duplication by neutralization if the prescribing physician or optometrist practices in another state".

6. Page 1, line 15, by striking the words "a license to practice ophthalmic dispensing" and

inserting in lieu thereof the words "certification as an ophthalmic dispenser".

7. Page 1, line 13, by inserting after line 13 the following:

"For the purpose of this Act, state department and department mean the state department of health."

8. Page 1, line 26, by striking the word "board" and inserting in lieu thereof the words "state department".

9. Page 1, line 30, by striking the word "board" and inserting in lieu thereof the words "state department".

10. Page 1, by striking lines 31 through 35 and inserting in lieu thereof the following:

"3. Possession of a certificate of examination issued to an ophthalmic dispenser by the American opticians association, the American board of opticianry, or the national committee of contract lens examiners."

11. Page 2, by striking lines 1 through 7.

12. Page 2, by striking line 11 and inserting in lieu thereof the words "or certified ophthalmic dispenser".

13. Page 2, line 13, by striking the word "board" and inserting in lieu thereof the words "state department".

14. Page 2, line 16, by striking the word "board" and inserting in lieu thereof the words "state department".

15. Page 2, by striking lines 21, 22, and 23,

Page 2

and inserting in lieu thereof the following:

"Sec. 5. *NEW SECTION.* CONTINUING EDUCATION. The state department shall require the annual completion of continuing education by certified ophthalmic dispensers which shall include attendance".

16. Page 2, line 30, by striking the word "board" and inserting in lieu thereof the words "state department".

17. Page 2, line 33, by inserting after the word "value." the words "Section two hundred fifty-eight A point two (258A.2) shall apply to ophthalmic dispensers with the state department of health filling the duties of the board under that section."

18. By striking page 2, line 34 through page 8, line 4 and inserting in lieu thereof the following:

"Sec. ____. *NEW SECTION.* QUALIFICATIONS. An applicant for a certificate as an ophthalmic dispenser

shall not be ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. The state department may consider the past felony record of an applicant only if the felony conviction relates directly to practice as an ophthalmic dispenser. Character references may be required, but shall not be obtained from certificated ophthalmic dispensers.

Sec. ____. *NEW SECTION.* DISPLAY OF CERTIFICATE. A person who possesses a certificate as an ophthalmic dispenser shall publicly display the certificate in the business location in which the ophthalmic dispenser is employed.

Sec. ____. *NEW SECTION.* RECORD. The state department of health shall enter the name, location, number of years of practice of the person to whom the certificate as an ophthalmic dispenser is issued, the number of the certificate, and the date the certificate is issued in a registry book. The registry book is open to the public. In addition, the state department shall send a list containing the names and addresses of each certified ophthalmic dispenser to each physician and surgeon, osteopathic physician, osteopathic physician and surgeon, and optometrist licensed to practice in this state. The list shall be made available to patients.

Sec. ____. *NEW SECTION.* CHANGE OF RESIDENCE. A certified ophthalmic dispenser shall notify the state department of a change of residence.

Sec. ____. *NEW SECTION.* RENEWAL. A certificate as an ophthalmic dispenser shall expire annually as determined by the state department and shall be renewed

Page 3

annually upon application by the certified ophthalmic dispenser. Application for renewal shall be made in writing to the state department accompanied by the required fee at least thirty days prior to the expiration of the certificate. A renewal shall be displayed with the certificate. Every year the state department shall notify certificate holders by mail of the expiration of their certificates. Failure to renew the certificate within a reasonable time after the certificate's expiration shall not invalidate the certificate, but a reasonable penalty may be assessed by the state department.

Sec. ____. *NEW SECTION.* TITLES. Only a certified ophthalmic dispenser is entitled to use the words

"certified ophthalmic dispenser" after the certified ophthalmic dispenser's name and to use the letters C.O.D.

Sec. ___. *NEW SECTION.* FEES. The state department shall set the fees for initial issuance of a certificate and for renewal of a certificate. The fees shall be based upon the actual costs of the state department for issuing and renewing certificates as ophthalmic dispensers. Fees shall be collected by the state department, paid to the treasurer of state and deposited in the general fund of the state."

19. Amend the title, line 1, by striking the words "the licensing of ophthalmic dispensers," and inserting in lieu thereof the words "certification of ophthalmic dispensers."

20. Amend the title, by striking line 2.

21. By numbering and renumbering sections as necessary in accordance with this amendment.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2540.

House File 2540

On motion of Senator Gratias, House File 2540, a bill for an act relating to the membership of the board of certification of waterworks and waste waterworks operators, with report of committee recommending passage, was taken up for consideration.

Senator Gratias moved that the bill 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. 2540) the vote was:

Ayes, 42:

Bergman	Bisenius	Briles	Brown
Calhoon	Carr	Coleman	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein		

Nays, none.

Absent or not voting, 8:

Baugher	Carney	Comito	Hansen
Jensen	Robinson	Rush	Yenger

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2572

On motion of Senator Holden, House File 2572, a bill for an act relating to the lending and investment powers of savings and loan associations under section five hundred thirty-four point nineteen (534.19) of the Code, with report of committee recommending passage, was taken up for consideration.

Senator Holden moved that the bill 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. 2572) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Craft	Deluhery	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Palmer	Priebe	Ramsey	Rodgers
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Carney	Comito	DeKoster	Drake
Miller, A.V.	Murray	Readinger	Robinson
Rush			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2561

On motion of Senator Schwengels, House File 2561, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schwengels asked and received unanimous consent that action on **House File 2561** be **deferred.**

House File 2501

On motion of Senator Baugher, House File 2501, a bill for an act relating to the use of computers for storage of court records, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey, offered amendment S—5667 filed by Senators Ramsey, Schwengels and Carr on April 8, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5667 was adopted by a voice vote.

Senator Baugher moved that the bill 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. 2501) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Brown

Absent or not voting, 6:

Carney	DeKoster	Kudart	Murray
Robinson	Rush		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2562

On motion of Senator Gentleman, House File 2562, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gentleman offered amendment S—5665 filed by the committee on Judiciary on April 3, 1980, to strike everything after the enacting clause of the bill.

Senator Kudart offered amendment S—5687 filed by him on April 9, 1980, to amendment S—5665 and moved its adoption.

Amendment S—5687 was adopted by a voice vote.

Senator Gentleman moved the adoption of amendment S—5665 as amended, which motion prevailed by a voice vote.

Senator Gentleman moved that the bill 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. 2562) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Scott	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Carney	Craft	Holden	Murray
Robinson	Rush	Taylor	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Orr asked and received unanimous consent that **Senate File 2083** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

House File 690

On motion of Senator Schwengels, House File 690, a bill for an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system, with report of committee recommending passage, was taken up for consideration.

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. 690) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Carney	DeKoster	Gallagher	Murray
Robinson	Rush		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2488

On motion of Senator Gratias, House File 2488, a bill for an act relating to the powers to be exercised by electors of school corporations at certain elections, with report of committee recommending passage, was taken up for consideration.

Senator Gratias moved that the bill 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. 2488) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein			

Nays, none.

Absent or not voting, 5:

Carney	Murray	Robinson	Rush
Yenger			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Noncontroversial calendar)

Senate Concurrent Resolution 126

On motion of Senator Gratias, Senate Concurrent Resolution 126,

a resolution identifying autistic children, filed March 31, 1980, and found on pages 1186-1187 of the Senate Journal, was taken up for consideration.

Senator Gratias moved the adoption of Senate Concurrent Resolution 126, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Noncontroversial Calendar)

House File 2518

On motion of Senator Nystrom, House File 2518, a bill for an act relating to the administration of the Iowa national guard, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2518) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Priebe
Ramsey	Readinger	Robinson	Rodgers
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Carney	DeKoster	Murray	Palmer
Rush			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SPECIAL PRESENTATION

Martha Weller appeared in the well of the Senate and on behalf of the Senate Pages, presented Senator Gallagher with a resolution expressing their appreciation for the many acts of kindness he has shown to the Pages, including a small tree he gave each Page to help preserve Iowa's forests.

To further signify their appreciation, the Pages also presented Senator Gallagher with a small kitten, in attribution for his love for animals, particularly felines.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

House File 2425

On motion of Senator Jensen, House File 2425, a bill for an act relating to the educational requirements of schools, by requiring that high school science courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S—5259 filed by the committee on Education on March 5, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5259 was adopted by a voice vote.

Senator Jensen moved that the bill 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. 2425) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carr	Coleman	Comito
Craft	Deluhery	Drake	Goodwin
Gratias	Hansen	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.

Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 2:

Brown	Gentleman

Absent or not voting, 7:

Carney	DeKoster	Gallagher	Hester
Murray	Rush	Taylor	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2163

On motion of Senator Jensen, House File 2163, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools, with report of committee recommending passage, was taken up for consideration.

Senator Jensen moved that the bill 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. 2163) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Coleman	Comito
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Carney	Carr	DeKoster	Murray
Rush			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 736

On motion of Senator Ramsey, House File 736, a bill for an act to permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor, and providing penalties for violations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ramsey offered amendment S—5635 filed by the committee on Energy on April 2, 1980, to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5635 was adopted by a voice vote.

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. 736) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Carney	DeKoster	Murray	Rush

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2299

On motion of Senator Hansen, House File 2299, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 2299) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Carney	DeKoster	Murray	Rush

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 695

On motion of Senator Jensen, House File 695, a bill for an act relating to the date requirements for calling a special election for the issuance of certain general obligation bonds for school districts, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S—5563 filed by the committee on Education on March 28, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5563 was adopted by a voice vote.

Senator Jensen moved that the bill 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. 695) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Carney	DeKoster	Gallagher	Murray
Rush	Slater		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2521

On motion of Senator Schwengels, House File 2521, a bill for an act to increase the minimum cost of repairs to school buildings for which bid procedures are required, with report of committee recommending passage, was taken up for consideration.

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. 2521) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	Deluhery	Drake

Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Schwengels	Scott	Small	Taylor
Van Gilst	Yenger		

Nays, none.

Absent or not voting, 8:

Carney	DeKoster	Murray	Robinson
Rush	Slater	Tieden	Waldstein

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2546.

House File 2546

On motion of Senator Bergman, House File 2546, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Priebe asked and received unanimous consent that action on **House File 2546** be **deferred.**

House File 2138

On motion of Senator Taylor, House File 2138, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Taylor offered amendment S—5562 filed by the committee on Education on March 28, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5562 was adopted by a voice vote.

Senator Taylor moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2138) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Briles	Carney	DeKoster	Murray
Rush			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2573

On motion of Senator Bergman, House File 2573, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility, with report of committee recommending passage, 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?" (H.F. 2573) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman

Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Carney	DeKoster	Robinson	Rush

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2504

On motion of Senator Taylor, House File 2504, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid, with report of committee recommending passage, was taken up for consideration.

Senator Orr asked and received unanimous consent that action on **House File 2504** be **deferred.**

House File 2509

On motion of Senator Hansen, House File 2509, a bill for an act to allow certain school districts to raise an additional school district operation amount following approval at an election, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hansen asked and received unanimous consent that action on **House File 2509** be **deferred.**

House File 2536

On motion of Senator Hansen, House File 2536, a bill for an act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing

an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Readinger asked and received unanimous consent that action on **House File 2536** be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2516.

House File 2516

On motion of Senator Murray, House File 2516, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murray offered amendment S—5630 filed by the committee on Judiciary on April 2, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5630 was adopted by a voice vote.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2516) the vote was:

Ayes, 41:

Bergman	Bisenius	Brown	Calhoon
Carr	Coleman	Comito	Craft
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Schwengels	Scott	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 4:

Baugher	Jensen	Miller, C.P.	Ramsey

Absent or not voting, 5:

Briles	Carney	DeKoster	Rush
Slater			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF COMMITTEE

STATE GOVERNMENT

Final Action: HOUSE FILE 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Schwengels, Slater, Bisenius, Drake, Carr, Brown, Gratias, Gallagher, C. Miller, E. Miller, Murray, Rodgers and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2340.

House File 2340

On motion of Senator Gratias, House File 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district, with report of committee on Education recommending amendment and passage and the report of committee on State Government recommending passage, was taken up for consideration.

Senator Gratias offered amendment S—5631 filed by the committee on Education on April 2, 1980, to pages 1, 2, 3 and 5 of the bill and moved its adoption.

Amendment S—5631 was adopted by a voice vote.

Senator Taylor offered amendment S—5685 filed by Senators Carney, Taylor and Jensen on April 9, 1980, to pages 4 and 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5685 be adopted?" (H.F. 2340) the vote was:

Ayes, 27:

Baugher	Bergman	Bisenius	Coleman
Craft	Drake	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, A.V.	Miller, E.R.
Priebe	Ramsey	Readinger	Robinson
Schwengels	Scott	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 16:

Brown	Calhoon	Carr	Comito
Deluhery	Gratias	Hansen	Hutchins
Junkins	Kinley	Miller, C.P.	Nystrom
Orr	Palmer	Rodgers	Small

Absent or not voting, 7:

Briles	Carney	DeKoster	Gallagher
Murray	Rush	Slater	

Amendment S—5685 was adopted.

Senator Gratias moved that the bill 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. 2340) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Scott

Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Briles	Carney	DeKoster	Gallagher
Murray	Robinson	Rush	

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 2340 passed the Senate on April 11, 1980.

ROBERT M. CARR

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 717.

House File 717

On motion of Senator Miller of Des Moines, House File 717, a bill for an act relating to timber buyers and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tieden asked and received unanimous consent that action on **House File 717** be **deferred.**

House File 2042

On motion of Senator Goodwin, House File 2042, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng, with report of committee recommending passage, was taken up for consideration.

Senator Goodwin moved that the bill 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. 2042) the vote was:

Ayes, 39:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Robinson	Rodgers	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Yenger	

Nays, 1:

Holden

Absent or not voting, 10:

Briles	Carney	DeKoster	Gallagher
Hansen	Miller, A.V.	Murray	Readinger
Rush	Waldstein		

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 following conference committee on **Senate File 2243** on the part of the Senate: Senators Van Gilst, Chairperson; Bergman, Tieden, Hester and Hutchins.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE CONCURRENT RESOLUTION 128

Agriculture
E. Miller, Chairperson
Hester
Priebe

SENATE CONCURRENT RESOLUTION 129

Rules and Administration
Hultman, Chairperson
Ramsey
Junkins

SENATE CONCURRENT RESOLUTION 130

Rules and Administration
Hultman, Chairperson
Hulse
Junkins

SENATE CONCURRENT RESOLUTION 131

Rules and Administration
Hultman, Chairperson
Hulse
Junkins

SENATE CONCURRENT RESOLUTION 132

Rules and Administration
Hultman, Chairperson
Junkins
Ramsey

SENATE CONCURRENT RESOLUTION 133

Rules and Administration
Hultman, Chairperson
Ramsey
Kinley

HOUSE FILE 2511

Ways and Means
Baugher, Chairperson
Rush
Readinger

HOUSE FILE 2576

Ways and Means
Ramsey, Chairperson
Comito
Van Gilst

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of April, 1980.

Senate Files 87, 2118, 2235 and 2274.

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S.C.R.	134	Rules and Administration
H.C.R.	117	Rules and Administration
H.C.R.	121	Energy

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Dr. Eugene E. Houk be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

CLOYD E. ROBINSON

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lyle E. Peters, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
GARY L. BAUGHER
WILLIAM D. PALMER
MERLIN D. HULSE
ALVIN V. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of L. Darrell Wheeler, Knoxville, Marion County, Iowa, for appointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
BASS VAN GILST
EDGAR H. HOLDEN
LOWELL L. JUNKINS
SUE YENGER

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: April 10, 1980, 4:15 p.m.

Members Present: Readinger, Chairperson; Coleman, Ranking Member; Drake, A. Miller and Gentleman.

Members Absent: none.

Other Business: Made final decision regarding the Governor's recommendations for the subcommittee and recommended that it be referred to the full Appropriations committee.

Adjourned: 5:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: April 10, 1980, 4:25 p.m.

Members Present: Bisenius, Chairperson; Orr, Ranking Member; Comito, Hester and C. Miller.

Members Absent: none.

Other Business: Discussed the Governor's amended recommendations and made recommendations for the Iowa Beer & Liquor Control Department, Board of Engineering Examiners and Department of Revenue.

Adjourned: 5:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: April 10, 1980, 4:20 p.m.

Members Present: Schwengels, Chairperson; Gratias and Priebe.

Members Absent: Rush, Ranking Member (excused) and Carney (excused).

Other Business: Approved revised operations and capitals appropriations bill.

Adjourned: 5:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: April 10, 1980, 4:25 p.m.

Members Present: Taylor, Chairperson; Deluhery, Ranking Member; Holden, Scott and Waldstein.

Members Absent: none.

Other Business: Approved final recommendations for supplemental revisions for the Iowa Crime Commission and the Department of Transportation.

Adjourned: 5:35 p.m.

WAYS AND MEANS

Convened: April 11, 1980, 8:00 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson (arrived 8:15 a.m.); Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Scott, Van Gilst and Hultman (arrived 8:10 a.m.).

Members Absent: Junkins and Rush (excused).

Other Business: Discussion on railroad bonding.

Adjourned: 8:55 a.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-eight students from Chariton Community School, Chariton, Iowa, accompanied by Nancy Dunfee and Wilma Shelton. Senator Van Gilst.

AMENDMENTS FILED

S—5712	H.F.	2546	Berl E. Priebe Arne Waldstein
S—5713	H.F.	2546	Berl E. Priebe Arne Waldstein
S—5714	H.F.	2561	Arne Waldstein
S—5715	H.F.	485	David M. Readinger
S—5716	H.F.	2551	Edgar H. Holden
S—5717	H.F.	2546	Richard R. Ramsey
S—5718	S. F.	2297	Sue Yenger
S—5719	H.F.	2536	Arthur A. Small, Jr.
S—5720	H.F.	2536	C. W. Hutchins
S—5721	H.F.	2504	Joann Orr Ray Taylor

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:24 p.m., until 10:00 a.m., Monday, April 14, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 14, 1980

The Senate met in regular session at 10:06 a.m., President Branstad presiding.

Prayer was offered by the Reverend Wesley Snodgrass, pastor of the First United Presbyterian Church, Muscatine, Iowa.

The Journal of Friday, April 11, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, Marshalltown, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor 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 10, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2123, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

ALSO: That the House has on April 10, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2154, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

ALSO: That the House has on April 10, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2189, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

ALSO: That the House has on April 10, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2269, a bill for an act to establish a communications review committee and to abolish the police communications review committee.

ALSO: That the House has on April 10, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2275, a bill for an act to legalize certain plats of city or town lots recorded before January 1, 1970.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 2123

S—5722

Amend Senate File 2123, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 5, by striking the word "bonded" and inserting in lieu thereof the word "[bonded]".

2. Page 1, by striking lines 7 through 13 and inserting in lieu thereof the following: "sheriff and [his] deputies. [The expenditure for uniforms and accessories shall not exceed three hundred dollars per man in any calendar year.] *The uniforms and accessories remain the property of the county.*"

3. Page 1, by inserting after line 13 the following:

"Sec. ____. Section three hundred thirty-two point ten (332.10), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph."

4. By renumbering sections to conform to this amendment.

HOUSE AMENDMENT TO SENATE FILE 2189

S—5723

Amend Senate File 2189, as amended, passed and reprinted by the Senate, as follows:

1. Page 4, line 17, by striking the words "pursuant to administrative rule".

2. Page 4, by striking lines 21 through 28.

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that the following bills on the Regular Calendar be returned to committee:

H.F.	94	Judiciary
H.F.	275	Natural Resources
H.F.	702	State Government
H.F.	2469	County Government
H.F.	2473	State Government
H.F.	2496	Agriculture
H.F.	2519	State Government
H.F.	2534	Education
H.F.	2541	Natural Resources
H.F.	2542	State Government
H.F.	2543	State Government
H.F.	2555	Judiciary
H.F.	2566	Agriculture
H.F.	2570	State Government
H.F.	2575	Commerce

HOUSE AMENDMENTS CONSIDERED

Senate File 89

Senator Bergman called up for consideration Senate File 89, a bill for an act relating to borrow pits, amended by the House, and moved that the Senate concur in House amendment S—5643 filed April 3, 1980, and found on page 1269 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Bergman 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. 89) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Hansen	Hester

Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Readinger	Rush	Schwengels	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Briles	Calhoon	Drake	Gratias
Ramsey	Robinson	Rodgers	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2090

Senator Rush called up for consideration Senate File 2090, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code, amended by the House by House amendment S—5684 filed April 8, 1980, and found on pages 1330-1332 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2090** and House amendment S—5684 be **deferred.**

Senate File 2272

Senator Drake called up for consideration Senate File 2272, a bill for an act relating to the movement of vehicles of excessive size and weight, amended by the House, and moved that the Senate concur in House amendment S—5683 filed April 9, 1980, and found on pages 1332-1333 of the Senate Journal.

The motion prevailed by a voice vote 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. 2272) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rush	Schwengels	Scott
Tieden	Van Gilst	Waldstein	Yenger

Nays, 4:

DeKoster	Junkins	Orr	Small

Absent or not voting, 6:

Calhoon	Gratias	Robinson	Rodgers
Slater	Taylor		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 28

Senator DeKoster called up for consideration Senate File 28, a bill for an act to delete all placement investigation requirements in stepparent adoptions, amended by the House, and moved that the Senate concur in House amendment S—5695 filed April 10, 1980, and found on page 1358 of the Senate Journal.

The motion prevailed by a voice vote 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. 28) the vote was:

Ayes, 45:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Baugher	Gratias	Robinson	Rodgers
Taylor			

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senate File 2002

Senator Nystrom called up for consideration Senate File 2002, a bill for an act relating to expenditure of profits from auxiliary services by area schools, amended by the House, and moved that the Senate concur in House amendment S—5703 filed April 10, 1980, and found on pages 1368-1369 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Brown asked and received unanimous consent that action on **Senate File 2002** be **deferred.**

Senate File 2051

Senator Holden called up for consideration Senate File 2051, a bill for an act relating to the registration and licensing of class A motor homes, amended by the House, and moved that the Senate concur in House amendment S—5696 filed April 10, 1980, and found on page 1361 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Holden 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. 2051) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Scott	Slater	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 2:

Gallagher Small

Voting Present, 1:

Junkins

Absent or not voting, 4:

Gratias	Robinson	Rodgers	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senate File 2114

Senator Gentleman called up for consideration Senate File 2114, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person, amended by the House, and moved that the Senate concur in House amendment S—5697 filed April 10, 1980, and found on page 1361 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gentleman 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. 2114) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rush	Schwengels	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Gratias	Robinson	Rodgers	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2219

Senator Hansen called up for consideration Senate File 2219, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties, amended by the House by House amendment S—5698 filed April 10, 1980, and found on pages 1361-1362 of the Senate Journal.

Senator Hansen asked and received unanimous consent that action on **Senate File 2219** and House amendment S—5698 be **deferred.**

Senate File 2316

Senator Hansen called up for consideration Senate File 2316, a

bill for an act relating to the disposition of property by counties, amended by the House, and moved that the Senate concur in House amendment S—5700 filed April 10, 1980, and found on page 1362 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Hansen 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. 2316) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Gratias	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2337

Senator Rush called up for consideration Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, amended by the House by House amendment S—5699 filed April 10, 1980, and found on pages 1362-1363 of the Senate Journal.

Senator Van Gilst took the chair at 11:05 a.m.

Senator Rush moved that the Senate concur in House amendment S—5699.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2337) the vote was:

Ayes, 11:

Baugher	Bergman	Carr	Coleman
Gentleman	Holden	Hulse	Hutchins
Miller, E.R.	Ramsey	Schwengels	

Nays, 34:

Bisenius	Briles	Brown	Calhoon
Carney	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Goodwin
Gratias	Hester	Hultman	Jensen
Junkins	Kinley	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Readinger
Robinson	Rodgers	Rush	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Voting Present, 2:

Hansen	Miller, A.V.

Absent or not voting, 3:

Kudart	Priebe	Taylor

The motion lost and the Senate **refused to concur** in the House amendment.

BUSINESS PENDING

Senate File 2219

The Senate resumed consideration of Senate File 2219 and House amendment S—5698, previously deferred.

Senator Hansen moved that the Senate concur in House amendment S—5698.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Hansen 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. 2219) the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 1:

Taylor

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 DeKoster called up for consideration Senate File 185, a bill for an act relating to the distribution of interest of permanent school fund, amended by the House, and moved that the Senate concur in House amendment S—5710 filed April 11, 1980, and found on page 1378 of the Senate Journal.

The motion prevailed by a voice vote 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. 185) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Yenger	

Nays, none.

Absent or not voting, 3:

Carney	Taylor	Waldstein

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President Branstad took the chair at 11:21 a.m.

Senate File 358

Senator Slater called up for consideration Senate File 358, a bill for an act to provide for the licensing of ophthalmic dispensers, and making penalties applicable, amended by the House, and moved that the Senate concur in House amendment S—5711 filed April 11, 1980, and found on pages 1378-1381 of the Senate Journal.

A non record roll call was requested.

The ayes were 36, nays 12.

The motion prevailed and the Senate concurred in the House amendment.

Senator Priebe took the chair at 11:46 a.m.

Senator Slater asked and received unanimous consent that action on **Senate File 358** be **deferred.**

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 10, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Bobbretta E. Williams, Des Moines, Polk County, Iowa, for appointment as a member of the Board of Engineering Examiners pursuant to Section 114.3, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:38 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 2090

The Senate resumed consideration of Senate File 2090 and House amendment S—5684, previously deferred.

Senator Hutchins offered amendment S—5724 filed by Senators

Hutchins, et al., from the floor to House amendment S—5684 and moved its adoption.

Amendment S—5724 was adopted by a voice vote.

Senator Rush moved the adoption of House amendment S—5684 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Rush 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. 2090) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Briles	Holden	Taylor	Tieden

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 108

Senator Gratias called up for consideration Senate File 108, a bill for an act relating to the construction and maintenance of school

houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, amended by the House, and moved that the Senate concur in House amendment S—5694 filed April 10, 1980, and found on page 1359 of the Senate Journal.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senate File 430

Senator Yenger called up for consideration Senate File 430, a bill for an act to provide multipurpose service centers for displaced homemakers, amended by the House, and moved that the Senate concur in House amendment S—5693 filed April 10, 1980, and found on pages 1359-1360 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Yenger 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. 430) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Craft	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 11, 1980)

House File 717

The Senate resumed consideration of House File 717, a bill for an act relating to timber buyers and providing penalties, deferred on April 11, 1980.

Senator Tieden offered amendment S—5655 filed by the committee on Natural Resources on April 3, 1980, to page 3 of the bill and moved its adoption.

Amendment S—5655 was adopted by a voice vote.

Senator Tieden offered amendment S—5725 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5725 was adopted by a voice vote.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 717) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Craft	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER CONSIDERED

Senator Carr called up the motion to reconsider the vote by which the Senate refused to concur in House amendment S—5501 to Senate File 435 on March 27, 1980, filed by him on March 27, 1980, found on page 1135 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—5501 was taken up for reconsideration.

Senator Carr offered amendment S—5726 filed by Senators Carr and Kudart from the floor to House amendment S—5501 and moved its adoption.

Amendment S—5726 was adopted by a voice vote.

Senator Kudart moved that the Senate concur in House amendment S—5501 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Kudart 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. 435) the vote was:

Ayes, 45:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Baugher	Coleman	Comito	Junkins
Taylor			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS
(Appropriations Calendar)

House File 2464

On motion of Senator Murray, House File 2464, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base, with report of committee recommending passage, 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?" (H.F. 2464) the vote was:

Ayes, 46:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Baugher	Comito	Junkins	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2490

On motion of Senator DeKoster, House File 2490, a bill for an act relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution, with report of committee recommending passage, 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?" (H.F. 2490) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Van Gilst	Waldstein
Yenger			

Nays, 3:

Brown	Gallagher	Tieden

Absent or not voting, 2:

Robinson	Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SENATE INSISTS

Senate File 205

Senator Drake called up for consideration Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and

duties of the executive committee, air quality commission, water quality commission, solid waste disposal commission and the chemical technology commission to the environmental quality commission; redistributing the authority over agricultural chemicals between the departments of agriculture and environmental quality; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

UNFINISHED BUSINESS
(Deferred on January 25, 1980)

House File 733

The Senate resumed consideration of House File 733, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs and making the Act retroactive, and amendment S—3689 by Senators Rodgers, et al., to pages 1 through 4 of the bill, deferred on January 25, 1980.

Senator Rodgers offered amendment S—5502 filed by Senators Rodgers, Readinger and Craft on March 24, 1980, to strike everything after the enacting clause and the title page of the bill.

Senator Waldstein asked and received unanimous consent that action on amendment S—5502 be temporarily deferred.

The Senate resumed consideration of amendment S—3689 to pages 1 through 4 of the bill, deferred on January 25, 1980.

Senator Orr asked unanimous consent that action on amendment S—3689 be deferred for further consideration of amendment S—5502, previously deferred.

Objection was raised by Senator Ramsey.

Senator Ramsey withdrew his objection.

The Senate resumed consideration of amendment S—5502, previously deferred.

Senator Orr raised the point of order that amendment S—5502 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5502 out of order.

Senator Rodgers moved the adoption of amendment S—3689, previously deferred.

A record roll call was requested.

On the question "Shall amendment S—3689 be adopted?" (H.F. 733) the vote was:

Ayes, 26:

Bergman	Briles	Brown	Calhoon
Carr	Coleman	Drake	Goodwin
Gratias	Hulse	Hultman	Hutchins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Palmer	Priebe	Ramsey
Robinson	Rodgers	Schwengels	Scott
Slater	Van Gilst		

Nays, 22:

Baugher	Carney	Comito	Craft
DeKoster	Deluhery	Gallagher	Gentleman
Hansen	Hester	Holden	Jensen
Junkins	Kudart	Murray	Orr
Readinger	Rush	Small	Tieden
Waldstein	Yenger		

Voting Present, 1:

Bisenius

Absent or not voting, 1:

Taylor

Amendment S—3689 was adopted.

With the adoption of amendment S—3689, the Chair ruled amendment S—3708 filed by Senator Rodgers on May 3, 1979, to page 4 of the bill, out of order.

Senator Craft moved that the bill 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. 733) the vote was:

Ayes, 38:

Baugher	Bergman	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Palmer
Priebe	Ramsey	Robinson	Rodgers
Schwengels	Scott	Slater	Tieden
Van Gilst	Yenger		

Nays, 9:

Calhoon	Deluhery	Hester	Jensen
Orr	Readinger	Rush	Small
Waldstein			

Voting present, 1:

Bisenius

Absent or not voting, 2:

Murray	Taylor

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 59, Senator Hultman called up the following Reports of Investigating Committees:

As a member of the Iowa Crime Commission, William D. Miller, filed April 9, 1980, and found on pages 1350-1351 of the Senate Journal.

As a member of the Iowa Rural Community Development Committee, Richard Singleton, filed April 9, 1980, and found on page 1351 of the Senate Journal.

As a member of the State Board of Cosmetology Examiners, Deloris C. Morris, filed April 9, 1980, and found on page 1351 of the Senate Journal.

As a member of the State Board of Dental Examiners, Dr. Lewis A. James, filed April 9, 1980, and found on page 1351 of the Senate Journal.

As a member of the Commission on Judicial Qualifications, Connie O. McWilliams, filed April 10, 1980, and found on page 1374 of the Senate Journal.

As a member of the State Board of Pharmacy Examiners, Vennetta M. Fiedler, filed April 10, 1980, and found on page 1374 of the Senate Journal.

As a member of the State Board of Pharmacy Examiners, Angelo J. Palmer, filed April 10, 1980, and found on pages 1374-1375 of the Senate Journal.

Senator Hultman asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Hultman moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush

Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Jensen	Taylor

The Chair declared the appointments confirmed.

MOTION TO RECONSIDER CONSIDERED

Senator Carr called up the motion to reconsider House File 2340 filed by him on April 11, 1980, found on page 1399 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2340) the vote was:

Ayes, 36:

Baugher	Briles	Brown	Calhoon
Carr	DeKoster	Deluhery	Drake
Gallagher	Gratias	Hansen	Hester
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Scott
Slater	Van Gilst	Waldstein	Yenger

Nays, 12:

Bergman	Bisenius	Carney	Coleman
Comito	Craft	Gentleman	Goodwin
Holden	Jensen	Schwengels	Tieden

Absent or not voting, 2:

Small	Taylor

The motion prevailed.

Senator Carr moved to reconsider the vote by which House File 2340 went to its last reading, which motion prevailed by a voice vote.

House File 2340

On motion of Senator Carr, House File 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district, was taken up for reconsideration.

Senator Van Gilst filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5685 to House File 2340 was adopted by the Senate on April 11, 1980.

A non record roll call was requested.

The ayes were 30, nays 17.

The motion prevailed and amendment S—5685 was taken up for reconsideration.

Senator Carney moved the adoption of amendment S—5685 to pages 4 and 5 of the bill.

A non record roll call was requested.

The ayes were 20, nays 28.

Amendment S—5685 lost.

Senator Gratias moved that the bill 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. 2340) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Hulse Schwengels Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN

Senator Hester withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendment to S—5694 to Senate File 108 on April 14, 1980.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 205** on the part of the Senate: Senators Drake, Chairperson; Schwengels, Deluhery, Slater and Gratias.

APPENDIX

PETITIONS

The following petitions favoring indexing of state inheritance tax rates and increasing exemptions were presented and placed on file by:

Senator Hutchins from one hundred twenty residents of Audubon, Carroll, Greene and Guthrie Counties.

Senator Goodwin from three hundred sixty-eight residents of Clinton County.

The following petitions allowing certain school districts to raise an additional school district operation amount following approval at an election were presented and placed on file by:

Senator Hansen from fifty residents of Kossuth County.

Senator Hansen from one hundred ninety-six residents of Franklin County.

The following petitions favoring legislation requiring the inclusion of Reye's Syndrome as a reportable disease within the rules adopted by the state department of health were presented and placed on file by:

Senator Holden from two hundred sixty-one residents of Iowa.

Senator DeKoster from two hundred sixty-one residents of Iowa.

Senator Scott from one hundred forty-two residents of Calhoun County favoring legislation changing the legal age for drinking from nineteen to twenty-one.

Senator Carr from twenty-seven residents of Scott County favoring legislation prohibiting the use of polygraph examinations as a condition of employment.

Senator Bisenius from thirty residents of Dubuque County opposing the Iowa Equal Rights Amendment.

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, Code 1979,

announced the appointment of the following Senators to an investigating committee:

As a member of the Board of Engineering Examiners:

Bobbretta E. Williams, Des Moines, Polk County, Iowa, for appointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Jensen, Chairperson
Senator Readinger
Senator Calhoon
Senator Carr
Senator Schwengels

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ronald C. Reichert, Hiawatha, Linn County, Iowa, for appointment as a member of the Board of Watchmaking Examiners pursuant to Section 120.3, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JACK W. HESTER, Chairperson
W. R. BILL HANSEN
BOB RUSH
MERLIN D. HULSE
CHARLES P. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Andrea Van Beek, Orange City, Sioux County, Iowa, for appointment as a member of the Iowa Beer & Liquor Control Council pursuant to Section 123.5, 1979 Code of Iowa, for the regular five-year term commencing July 1, 1980, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
LUCAS J. DE KOSTER
JOHN N. NYSTROM
WILLIAM D. PALMER
CHARLES P. MILLER

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Joseph A. Graham, Milo, Warren County, Iowa, for reappointment as a member of the Iowa Board of Veterinary Medicine Examiners pursuant to Section 169.5, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLARENCE S. CARNEY, Chairperson
JOE BROWN

RICHARD R. RAMSEY
EDGAR H. HOLDEN
BASS VAN GILST

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Russell C. Hyde, Denison, Crawford County, Iowa, for appointment as a member of the Professional and Occupational Regulation Commission pursuant to Chapter 41, Acts of the Sixty-eighth General Assembly, 1979 Regular Session for an unexpired portion of a term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
JACK W. HESTER
CHARLES P. MILLER
JOANN ORR
STEPHEN W. BISENIUS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joanne K. Austad, Newton, Jasper County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLARENCE S. CARNEY, Chairperson
JOE BROWN
RICHARD COMITO
C. JOSEPH COLEMAN
JAMES E. BRILES

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 736 passed the Senate on April 11, 1980.

EDGAR H. HOLDEN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5635 to House File 736 was adopted by the Senate on April 11, 1980.

EDGAR H. HOLDEN

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5711 to Senate File 358 on April 14, 1980.

TOM SLATER

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April

14, 1980, when votes were taken on Senate Files 89 and 2272 as amended by the House.

Had I been present, I would have voted "aye" on final passage of these bills.

JAMES CALHOON

PROOF OF PUBLICATION

Republished copy of Senate File 2219 and verified proof of publication of said bill in the Waterloo Courier, a newspaper published in Waterloo, Iowa, on March 4, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 14, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 87—Relating to the granting of utility easements by the Department of Social Services.

S.F. 460—Relating to workers' compensation insurance proceedings and rates.

S.F. 2118—Relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the Department of Social Services.

S.F. 2235—Relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

S.F. 2274—To authorize the State Comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

S.F. 2352—Amending the Iowa Credit Union Law as it relates to the composition of the Credit Union Review Board, the annual report of the Department, the use of a credit union by the Department's employees and the use of the term "credit union".

H.F. 2180—To allow certain corporations to contract for additional law enforcement services.

H.F. 2481—Permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

STUDY BILLS RECEIVED

S.S.B. 2302 Ways and Means

Authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

S.S.B. 2303 Appropriations

Appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: April 10, 1980, 4:00 p.m.

Members Present: DeKoster, Chairperson; Slater, Ranking Member; Baugher, Bergman, Carr and Craft.

Members Absent: none.

Other Business: Discussed revised budget.

Adjourned: 6:15 p.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-five students from East Greene High School, Grand Junction, Iowa, accompanied by Mary Jo Springer. Senator Nystrom.

Thirty students from Lakeview Elementary School, Centerville, Iowa, accompanied by Gerry Smith. Senator Ramsey.

Eight students from Thompson High School, Thompson, Iowa. Senator Priebe.

Thirty students from Essex Jr.-Sr. High School, Essex, Iowa, accompanied by Dick Glaspie. Senator Hultman.

Ten members of the Clinton County 4-H program, accompanied by Nancy Tometich. Senator Goodwin.

AMENDMENTS FILED

S—5724	S. F.	2090	C. W. Hutchins Charles P. Miller John Scott Lucas J. DeKoster
S—5725	H.F.	717	Dale L. Tieden
S—5726	S. F.	435	Robert M. Carr A. R. Kudart
S—5727	S. F.	432	Sue Yenger
S—5728	S. F.	358	Tom Slater
S—5729	H.F.	2536	Richard Comito

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Tuesday, April 15, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday April 15, 1980

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by Father Steven Orr of the Des Moines Diocese of the Catholic Church, Des Moines, Iowa.

The Journal of Monday, April 14, 1980, was approved.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 135
By: Gallagher, Miller of Cerro Gordo, Scott, Slater, Small, Brown, Kinley, Orr, Rush, Palmer, Hutchins, Coleman, Miller of Des Moines, Carr, Van Gilst, Priebe, Junkins, Deluhery and Calhoon

Whereas, there has been a great deal of interest shown by taxpayers in this state to control increases in state and local taxes; and

Whereas, state spending has grown more rapidly than some citizens of the state believe desirable; and

Whereas, federal mandates and other outside influences have had a significant impact on the increases in state and local spending; and

Whereas, the citizens of this state are committed to maintaining necessary and desirable programs provided by the state and local governments while limiting excessive growth in state and local budgets; and

Whereas, the Sixty-eighth General Assembly, 1980 Session has a limited amount of time available which will not allow the in-depth analysis of the potential impact of a constitutional amendment or other limitations on the growth of state and local government; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council shall establish an interim study committee consisting of five members, including representation of majority and minority parties, from each of the respective standing committees on ways and means of the senate and house of representatives to conduct a study of

concepts directed toward the control of inflation in state and local revenues and spending including a budgeting statute to set mandatory spending limits on state and local governments and the so-called taxpayers' rights amendment; and

Be It Further Resolved, That the study committee shall submit its final report, including bill drafts to implement its recommendations, to the legislative council and the members of the next general assembly.

Read first time and **passed on file.**

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 431, a bill for an act relating to complaints alleging violations of provisions relating to health care facilities.

ALSO: That the House has on April 11, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 439, a bill for an act relating to the alcoholic content of beer and alcoholic liquor.

ALSO: That the House has on April 11, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2015, a bill for an act relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state.

ALSO: That the House has on April 11, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2148, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act.

ALSO: That the House has on April 11, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2320, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 431

S—5730

Amend Senate File 431 as passed by the Senate as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section one hundred thirty-five C point eleven (135C.11), subsection two (2), Code 1979, is amended to read as follows:

2. The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135C.13. [A copy or copies] *Copies* of the transcript may be obtained by an interested party upon payment of the cost of preparing [such copy or] *the* copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the [aforesaid] *department's* rules. The commissioner may, [with the advice and consent of] *after advising* the care review committee established pursuant to section 135C.25, *either proceed in accordance with section six (6) of this Act, or* remove all residents and suspend the license or licenses of any health care facility, prior to a hearing, when [he] *the commissioner* finds that the health or safety of residents of the health care facility requires such action on an emergency basis. The fact that no care review committee has been appointed for a particular facility shall not bar the comissioner from exercising the emergency powers granting by this subsection with respect to that facility.

Sec. 2. Section one hundred thirty-five C point twelve (135C.12), Code 1979, is amended to read as follows:

135C.12 CONDITIONAL OPERATION. [In any case where] *If* the department [shall have] *has* the authority *under section one hundred thirty-five C point ten (135C.10) of the Code* to deny, suspend or revoke a license, the department [shall have the authority to conditionally] *or commissioner may, as an alternative to those actions:*

1. Apply to the district court of the county in which the licensee's health care facility is located for appointment by the court of a receiver for the facility pursuant to section six (6) of this Act.

2. Conditionally issue or continue a license dependent upon the performance by the licensee of [such] reasonable conditions within [such] *a* reasonable period of time as [may be] set by the department so

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as to permit the licensee to commence or continue the operation of the health care facility pending [his] full compliance with this chapter or [any regulations issued hereunder. In such case, if] *the regulations or minimum standards promulgated under this chapter. If* the licensee does not make diligent efforts to comply with [such] *the* conditions [as] prescribed, the department may, under the proceedings [hereinbefore] prescribed *by this chapter*, suspend or revoke the license. No health care facility shall be operated on a conditional license for more than one year.

3. The department, in evaluating corrections of deficiencies in a facility *in receivership or operating on a conditional license*, may determine what is satisfactory compliance, provided that in so doing it shall employ established criteria which shall be uniformly applied to all facilities of the same license category.

Sec. 3. Section one hundred thirty-five C point nineteen (135C.19), subsection one (1), Code 1979, is amended to read as follows:

1. Following any inspection of a health care facility by the department, the findings of the inspection with respect to compliance by the facility with requirements for licensing under this chapter shall be made *available to the* public in a readily available form and place [forty-five] *not later than twenty-one* days after the findings are made available to the applicant or licensee. *However, the findings from an inspection shall be sent to the chairperson of the care review comittee of the facility at the same time they are sent to the applicant or licensee.* [However, if the applicant or licensee requests a hearing pursuant to section 135C.11, the findings of the inspection shall not be made public until the hearing has been completed. When the findings are made *available to the* public, they shall include no reference to any cited violation which has been corrected to the department's satisfaction unless the same reference also clearly notes that the violation has been corrected. Other information relating to any health care facility, obtained by

the department through reports, investigations, complaints, or as otherwise authorized by this chapter, which is not a part of the department's findings from an inspection of the facility, shall not be [disclosed publicly] *made available to the public* except in proceedings, involving the citation of a facility for a violation, in the manner provided by section 135C.40,

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or the denial, suspension or revocation of a license under this chapter."

2. Page 1, by striking lines 1 through 12 and inserting in lieu thereof the following:

"Sec. 4. Section one hundred thirty-five C point thirty-seven (135C.37), Code 1979, is amended to read as follows:

135C.37 COMPLAINTS ALLEGING VIOLATIONS. Any person may request an inspection of any health care facility by filing with the department or care review committee of the facility a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to it. *A copy of a complaint filed with the care review committee shall be forwarded to the department.* The complaint shall state in a reasonably specific manner the basis of the complaint, and a [copy thereof] *statement of the nature of the complaint* shall be [forwarded] *delivered* to the facility involved [within twenty-four hours of receipt of the complaint by the department or the committee] *at the time of or prior to the inspection.*

Sec. 5. Section one hundred thirty-five C point thirty-eight (135C.38), subsection two (2), Code 1979, is amended to read as follows:

2. An inspection made pursuant to a complaint filed under section 135C.37 [shall] *need not* be limited to the matter or matters complained of[, and]; *however the inspection* shall not be a general inspection *unless the complaint inspection coincides with a scheduled general inspection.* Upon arrival at the facility to be inspected, the inspector shall identify himself or herself to [an employee] *the person in charge* of the facility and state that an inspection is to be made, before beginning the inspection. Upon request of either the complainant or the department or committee, the complainant or his or her representative or both may be allowed the privilege of accompanying the inspector during any on-site inspection made pursuant to this section. The inspector may cancel the privilege at any time if the inspector determines

that the privacy of any resident of the facility to be inspected would otherwise be violated. The dignity of the resident shall be given first priority by the inspector and others."

Sec. 6. Chapter one hundred thirty-five C (135C), Code 1979, is amended by adding the following new section:

NEW SECTION. OPERATION OF FACILITY UNDER RECEIVERSHIP. When so authorized by section one hundred thirty-five C point eleven (135C.11),

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subsection two (2), or section one hundred thirty-five C point twelve (135C.12), subsection one (1), of the Code, the commissioner may file a verified application in the district court of the county where a health care facility licensed under this chapter is located, requesting that an individual nominated by the commissioner be appointed as receiver for the facility with responsibility to bring the operation and condition of the facility into conformity with this chapter and the rules or minimum standards promulgated under this chapter.

1. The court shall expeditiously hold a hearing on the application, at which the commissioner shall present evidence in support of the application. The licensee against whose facility the petition is filed may also present evidence, and both parties may subpoena witnesses. The court may appoint a receiver for the health care facility in advance of the hearing if the commissioner's verified application states that an emergency exists which presents an imminent danger of resultant death or physical harm to the residents of the facility. If the licensee against whose facility the receivership petition is filed informs the court at or before the time set for the hearing that the licensee does not object to the application, the court shall waive the hearing and at once appoint a receiver for the facility.

2. The court, on the basis of the verified application and evidence presented at the hearing, may order the facility placed under receivership, and if so ordered, the court shall direct either that the receiver assume the duties of administrator of the health care facility or that the receiver supervise the facility's administrator in conducting the day-to-day business of the facility. The receiver shall be empowered to control the facility's financial resources and to apply its revenues as the receiver

deems necessary to the operation of the facility in compliance with this chapter and the rules or minimum standards promulgated under this chapter, but shall be accountable to the court for management of the facility's financial resources.

3. A receivership established under this section may be terminated by the district court which established it, after a hearing upon an application for termination. The application may be filed:

a. Jointly by the receiver and the current licensee of the health care facility which is in receivership, stating that the deficiencies in the operation, maintenance or other circumstances which were the

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grounds for establishment of the receivership have been corrected and that there are reasonable grounds to believe that the facility will be operated in compliance with this chapter and the rules or minimum standards promulgated under this chapter.

b. By the current licensee of the facility, alleging that termination of the receivership is merited for the reasons set forth in paragraph a of this subsection, but that the receiver has declined to join in the petition for termination of the receivership.

c. By the receiver, stating that all residents of the facility have been relocated elsewhere and that there are reasonable grounds to believe it will not be feasible to again operate the facility on a sound financial basis and in compliance with this chapter and the rules or minimum standards promulgated under this chapter, and asking that the court approve surrender of the facility's license to the department and subsequent return of control of the facility's premises to the owners of the premises.

4. Payment of the expenses of a receivership established under this section shall be the responsiblity of the facility for which the receiver is appointed, unless the court directs otherwise.

5. This section does not:

a. Preclude the sale or lease of a health care facility, and the transfer or assignment of the facility's license in the manner prescribed by section one hundred thirty-five C point eight (135C.8) of the Code, while the facility is in receivership, provided these actions are not taken without approval of the receiver.

b. Affect the civil or criminal liability of the

licensee of the facility placed in receivership, for any acts or omissions of the licensee which occurred before the receiver was appointed."

3. By renumbering the sections of the Act as necessary.

HOUSE AMENDMENT TO SENATE FILE 439

S—5732

Amend Senate File 439 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by striking lines 21 and 22 and inserting in lieu thereof the following:

"Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa."

HOUSE AMENDMENT TO SENATE FILE 2015

S—5734

Amend Senate File 2015, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 through 13 and inserting in lieu thereof the following: "is amended by striking the section and inserting in lieu thereof the following:

'Sec. 3. Chapter three hundred thirty-one (331), Code 1979, is amended by adding the following new section:

NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS, COMMITTEES AND COMMISSIONS. Unless otherwise provided by law, a county supervisor may serve concurrently as a member of the board of supervisors and as a member of any appointive board, commission or committee of this state or a political subdivision of this state.' "

HOUSE AMENDMENT TO SENATE FILE 2148

S—5733

Amend Senate File 2148 as follows:

1. Page 1, line 8, by striking the words "*five* hundred" and inserting in lieu thereof the words "*two* hundred *fifty*".

2. Page 1, line 13, by striking the words "*five* hundred" and inserting in lieu thereof the words "*two* hundred *fifty*".

3. Page 1, by inserting after line 14 the following:

"Sec. ____. Section fifty-six point two (56.2), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. 'Ballot issue' means a question, other than the nomination or election of a candidate to a public office, which is placed before the voters of a political subdivision by a county commissioner of elections, or which is placed before the voters of the entire state by the state commissioner of elections.

NEW SUBSECTION. 'National political party' means a party which meets the definition of a political party established for this state by section forty-three point two (43.2) of the Code, and which also meets the statutory definition of the term 'political party' or a term of like import in at least twenty-five other states of the United States."

4. Page 1, line 18, by striking the words "*five* hundred" and inserting in lieu thereof the words "*two* hundred *fifty*".

5. Page 3, by striking line 11 and inserting in lieu thereof the following:

"*(7) For any committee of a national political party . . . . . $200*"

6. Page 3, by striking line 16 and inserting in lieu thereof the following:

"*(10) For any other political committee . . . . . $ 50*"

7. Page 3, line 21, by inserting after the word "chapter." the words "*The rules shall provide that the candidate, or the chief executive officer of a committee other than a candidate's committee, is responsible for filing disclosure reports as required by this chapter, and shall receive notice from the commission if the candidate or committee has failed to file a disclosure report at the time required by this chapter. A candidate, or chief executive officer of a committee other than a candidate's committee may be subject to a civil penalty for failure to file a disclosure report required by this chapter if the report has not been filed within ten days after the*

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commission give notice of failure to file the report at the time required."

8. Page 3, line 25, by inserting after the word "Action" the words "*involving a contribution or an expenditure which must be reported under this chapter and which is taken*".

HOUSE AMENDMENT TO SENATE FILE 2320

S—5731

Amend Senate File 2320, as amended, passed and reprinted by the Senate as follows:

1. Page 4, by inserting after line 29 the following new section:

"Sec. ____. Section one hundred thirty-five point two (135.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section thirty-six (36), is amended to read as follows:

135.2 APPOINTMENT. The governor shall appoint to a term of four years commencing and ending as [providing] *provided* in section three (3) of this Act, subject to confirmation by the senate, a commissioner of public health who shall be qualified in the general field of health administration. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made."

2. Page 9, line 16, by striking the word "Iowa" and inserting in lieu thereof the words "[Iowa] *Eldora*".

3. Page 9, line 17, by striking the words "for boys, the Iowa training school for girls" and inserting in lieu thereof the words "[for boys], the [Iowa] *Mitchellville* training school [for girls]".

4. Page 10, by striking lines 3 and inserting in lieu thereof the words "director has cause to believe that a prisoner in".

5. Page 12, by inserting after line 3 the following new section:

"Sec. ____. Section two hundred fifty-eight A point six (258A.6), subsection one (1), Code 1979, is amended to read as follows:

1. Disciplinary hearings held pursuant to this chapter shall be heard by the board sitting as the hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subection 2. Notwithstanding [chapter] *chapters seventeen A (17A) and* 28A a disciplinary hearing shall be open to the public at the discretion of the licensee."

6. Page 15, by striking lines 4 through 17.

7. Page 19, by inserting after line 17 the following new section:

"Sec. ____. Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section three (3), and House File two thousand four hundred seventy (2470), section nine (9), and Senate File five hundred (500), section two (2), enacted

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by the Sixty-eighth General Assembly, 1980 Session, is amended by striking the subsection and inserting in lieu thereof the following:

4. 'Net income' means the net income of the financial institution computed in accordance with section 422.35, with the exception that interest and dividends from federal securities shall not be subtracted, no federal income taxes paid or accrued shall be subtracted, and notwithstanding the provisions of sections two hundred sixty-two point forty-one (262.41) and two hundred sixty-two point fifty-one (262.51) or any other provisions of the law, income from obligations of the state and its political subdivisions and any amount of franchise taxes paid or accrued under this division during the taxable year shall be added."

8. Amend the title, line 2, by inserting after the word "Code" the words "and Acts of the Sixty-eighth General Assembly, 1979 and 1980 Sessions".

HOUSE AMENDMENT CONSIDERED
(Deferred April 14, 1980)

Senate File 2002

The Senate resumed consideration of Senate File 2002, a bill for an act relating to expenditure of profits from auxiliary services by area schools, deferred on April 14, 1980.

Senator Nystrom 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. 2002) the vote was:

Ayes, 41:

Baugher	Bergman	Briles	Brown

Coleman	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Bisenius	Calhoon	Carney	Carr
Comito	Craft	Deluhery	Robinson
Slater			

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 2123

Senator Miller of Des Moines called up for consideration Senate File 2123, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs, amended by the House, and moved that the Senate concur in House amendment S—5722 filed April 14, 1980, and found on page 1406 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Miller of Des Moines 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. 2123) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Briles
Brown	Carr	Coleman	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Holden
Hultman	Hutchins	Jensen	Junkins

Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Small	Taylor	Tieden	Van Gilst
Yenger			

Nays, 3:

Hester	Hulse	Waldstein

Absent or not voting, 6:

Calhoon	Carney	Comito	Craft
Robinson	Slater		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2189

Senator Bergman called up for consideration Senate File 2189, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments, amended by the House, and moved that the Senate concur in House amendment S—5723 filed April 14, 1980, and found on page 1406 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Bergman 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. 2189) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush

Schwengels	Scott	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Small

Absent or not voting, 6:

Carney	Comito	Craft	Miller, E.R.
Robinson	Slater		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 11, 1980)
(Steering Calendar)

House File 2504

The Senate resumed consideration of House File 2504, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid, deferred on April 11, 1980.

Senator Orr offered amendment S—5721 filed by Senators Orr and Taylor on April 11, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5721 was adopted by a voice vote.

Senator Taylor moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2504) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe

Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Carney	Comito	Miller, C.P.	Murray
Slater			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 11, 1980)
(Steering Calendar)

House File 2546

The Senate resumed consideration of House File 2546, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code, deferred on April 11, 1980.

Senator Waldstein offered amendment S—5666 filed by the committee on Agriculture on April 11, 1980, to page 1 of the bill.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5713 filed by Senators Priebe and Waldstein on April 11, 1980, to amendment S—5666.

Senator Waldstein moved the adoption of amendment S—5666, which motion prevailed by a voice vote.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5712 filed by Senators Priebe and Waldstein on April 11, 1980, to page 1 of the bill.

Senator Priebe offered amendment S—5735 filed by Senators Priebe and Tieden from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5735 be adopted?" (H.F. 2546) the vote was:

Ayes, 34:

Baugher	Bisenius	Brown	Calhoon
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gratias	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Small	Tieden
Waldstein	Yenger		

Nays, 15:

Bergman	Briles	Carr	Comito
Gentleman	Goodwin	Hansen	Hester
Holden	Hulse	Miller, C.P.	Nystrom
Slater	Taylor	Van Gilst	

Absent or not voting, 1:

Carney

Amendment S—5735 was adopted.

Senator Ramsey offered amendment S—5717 filed by him on April 11, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5717 was adopted by a voice vote.

With the adoption of amendment S—5717, the Chair ruled amendment S—5706 filed by Senators Ramsey and DeKoster on April 10, 1980, to page 1 of the bill, out of order.

Senator Small withdrew amendment S—5736 filed by him from the floor to page 1 of the bill.

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. 2546) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito

Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Carney	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate Files 2002, 2123** and **2189** and **House Files 2504** and **2546** be immediately messaged to the House, which request was complied with.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Jensen called up the Report of Investigating Committee for Ann Jorgensen as a member of the State Board of Regents, filed January 24, 1980, found on page 181 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Jensen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias

Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Carney	Robinson

The Chair declared the appointment confirmed.

Senator DeKoster called up the Report of Investigating Committee for S.J. Brownlee as a member of the State Board of Regents filed January 29, 1980, found on page 221 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator DeKoster moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Carney	Robinson

The Chair declared the appointment confirmed.

Senator Yenger called up the Report of Investigating Committee for Josephine Gittler as a member of the Energy Policy Council filed January 30, 1980, found on page 238 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Yenger moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Briles	Carney

The Chair declared the appointment confirmed.

Senator Hultman called up the Report of Investigating Committee for Dr. Eugene E. Houk as a member of the State Board of Dental Examiners, filed April 10, 1980, found on page 1374 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Hultman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Carney	Scott

The Chair declared the appointment confirmed.

HOUSE AMENDMENT CONSIDERED
(Deferred April 14, 1980)

Senate File 358

The Senate resumed consideration of Senate File 358, a bill for an act to provide for the licensing of ophthalmic dispensers, and making penalties applicable, deferred on April 14, 1980.

Senator Slater called up the motion to reconsider the vote by which the Senate concurred in House amendment S—5711 to Senate File 358 on April 14, 1980, filed by him on April 14, 1980, found on page 1433 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—5711 was taken up for reconsideration.

Senator Slater offered amendment S—5728 filed by him on April 14, 1980, to House amendment S—5711 and moved its adoption.

Amendment S—5728 was adopted by a voice vote.

Senator Slater moved the adoption of House amendment S—5711 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Slater 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. 358) the vote was:

Ayes, 34:

Baugher	Bisenius	Brown	Calhoon
Carr	Coleman	Comito	Drake
Goodwin	Gratias	Hansen	Hester
Hulse	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Scott	Slater	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 11:

Craft	DeKoster	Deluhery	Gallagher
Gentleman	Holden	Hultman	Jensen
Rush	Small	Taylor	

Absent or not voting, 5:

Bergman	Briles	Carney	Murray
Robinson			

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

UNFINISHED BUSINESS
(Deferred April 8, 1980)
(Steering Calendar)

House File 2493

The Senate resumed consideration of House File 2493, a bill for an act to amend chapter four hundred fifty-five C (455.C) of the Code by retaining the one cent handling fee, deferred on April 8, 1980.

Senator Readinger offered amendment S—5680 filed by him on April 8, 1980, to page 1 of the bill.

Senator Readinger asked and received unanimous consent that action on **House File 2493** and amendment S—5680 be **deferred.**

UNFINISHED BUSINESS
(Deferred April 8, 1980)
(Steering Calendar)

House File 485

The Senate resumed consideration of House File 485, a bill for an act to require fiscal notes on proposed legislation and administrative rules which impose increased expenditures or fiscal liability, or reduce the revenues, of the political subdivisions of this state, and to provide for delayed effective dates, deferred on April 8, 1980.

Senator Gratias took the chair at 11:11 a.m.

Senator Hultman asked and received unanimous consent that action on **House File 485** be **deferred.**

HOUSE AMENDMENT CONSIDERED
(Pending March 12, 1980)

Senate File 432

The Senate resumed consideration of Senate File 432, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties, House amendment S—5230 and amendment S—5348 by Senator Carr to House amendment S—5230, offered and pending on March 12, 1980.

Senator Scott filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5285 to House amendment S—5230 to Senate File 432 failed to be adopted by the Senate on March 12, 1980.

A non record roll call was requested.

The ayes were 30, nays 16.

Senator Taylor requested a record roll call.

The Chair ruled that the request for a record roll call was not in order because he had announced it was a non record roll call vote and the voting machines were locked prior to Senator Taylor's request.

The motion prevailed and amendment S—5285 was taken up for reconsideration.

Senator Taylor raised the point of order that under Article III, Section 10 of the Constitution of the State of Iowa, a record roll call revote of the motion to reconsider amendment S—5285 be taken.

The Chair ruled he had made a previous ruling on the vote and that Senator Taylor's point was out of order.

(Senate File 432, House amendment S—5230 and amendment S—5285 to House amendment S—5230 pending on recess.)

RECESS

On motion of Senator Holden, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:21 p.m., Senator Gratias presiding.

QUORUM CALL

Senator Hultman 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:

April 14, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Robert S. Hansen, Ames, Story County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Delmer A. Nelson, Spirit Lake, Dickinson County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for a regular four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Charles H. Pelton, Clinton, Clinton County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Sister Mary Xavier Coens, Dubuque, Dubuque County, Iowa, for reappointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Dr. H. Ronald Frogley, Davenport, Scott County, Iowa, for reappointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

BUSINESS PENDING

House File 2493

The Senate resumed consideration of House File 2493 and amendment S—5680, previously deferred.

Senator Readinger asked and received unanimous consent to withdraw amendment S—5680, previously deferred.

Senator Readinger offered amendment S—5737 filed by him from the floor to page 1 of the bill.

Senator Kinley raised the point of order that amendment S—5737 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5737 out of order.

Senator Waldstein moved that the bill 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. 2493) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

Kudart Rush

Voting Present, 1:

Rodgers

Absent or not voting, 5:

Carney Comito Gallagher Holden Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 8, 1980)
(Steering Calendar)

House File 654

The Senate resumed consideration of House File 654, a bill for an act to prohibit operating a motor vehicle while having a certain percentage of alcohol in the blood, and to apply penalties, and amendment S—5619 by Senator Kudart to strike everything after the enacting clause of the bill, deferred on April 8, 1980.

Senator Ramsey asked and received unanimous consent that action on amendment S—5619 be deferred for consideration of amendment S—5738.

Senator Ramsey offered amendment S—5738 filed by him from the floor to page 1 of the bill.

President Branstad took the chair at 1:56 p.m.

Senator Junkins took the chair at 2:28 p.m.

Senator Ramsey moved the adoption of amendment S—5738 and requested a non record roll call.

The ayes were 38, nays 8.

Amendment S—5738 was adopted.

With the adoption of amendment S—5738, the Chair ruled the following amendments out of order:

S—5221 filed by the committee on Judiciary on February 27, 1980, to page 1 of the bill.

S—5266 filed by Senator DeKoster on March 5, 1980, to page 1 of the bill.

S—5269 filed by Senator Rush on March 5, 1980, to page 1 of the bill.

S—5333 filed by Senator Rush on March 11, 1980, to page 1 of the bill.

S—5619 by Senator Kudart, previously deferred.

S—5674 filed by Senator DeKoster on April 8, 1980, to amendment S—5619.

S—5676 filed by Senators Taylor and DeKoster on April 8, 1980, to page 1 of the bill.

Senator Kudart moved that the bill 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. 654) the vote was:

Ayes, 35:

Baugher	Bergman	Bisenius	Briles
Calhoon	Coleman	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 12:

Brown	Carr	Comito	Hansen
Hulse	Kinley	Miller, C.P.	Robinson
Rodgers	Rush	Scott	Slater

Absent or not voting, 3:

Carney	Craft	Schwengels

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 485

The Senate resumed consideration of House File 485, previously deferred.

Senator Miller of Des Moines filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3505 to House File 485 was adopted by the Senate on May 1, 1979.

The motion prevailed by a voice vote and amendment S—3505 was taken up for reconsideration.

Senator Miller of Des Moines filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3669 to House File 485 was adopted by the Senate on May 8, 1979.

The motion prevailed by a voice vote and amendment S—3669 was taken up for reconsideration.

Senator Miller of Des Moines filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3389 to House File 485 was adopted by the Senate on April 17, 1979.

The motion prevailed by a voice vote and amendment S—3389 was taken up for reconsideration.

Senator Miller of Des Moines filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3668 to House File 485 was adopted by the Senate on April 8, 1980.

The motion prevailed by a voice vote and amendment S—3668 was taken up for reconsideration.

Senator Readinger asked and received unanimous consent that action on amendments S—3505, S—3669, S—3389 and S—3668 be deferred for consideration of amendment S—5715.

Senator Readinger offered amendment S—5715 filed by him on April 11, 1980, to strike everything after the enacting clause and title page of the bill.

President Branstad took the chair at 3:09 p.m.

(House File 485 and amendment S—5715 pending on adjournment.)

MOTION TO RECONSIDER WITHDRAWN

House File 315

Senator Scott withdrew the motion to reconsider House File 315, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property, filed by him on April 8, 1980, and found on page 1318 of the Senate Journal.

INTRODUCTIONS OF BILLS

Senate File 2369, by Committee on Ways and Means, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive.

Read first time and **placed on calendar.**

Senate File 2370, by Hultman and Junkins, a bill for an act relating to the term of office of certain county supervisors.

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 April 15, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2305, a bill for an act to allow county conservation boards to exchange property.

BRUCE GRAHAM, Assistant Chief Clerk

APPENDIX

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to investigating committees:

As members of the Energy Policy Council:

Dr. Robert S. Hansen, Ames, Story County, Iowa, for reappointment to a regular four-year term commencing July 1, 1980 and ending June 30, 1984.

Senator Kudart, Chairperson
Senator Murray
Senator Robinson
Senator Kinley
Senator Holden

Delmer A. Nelson, Spirit Lake, Dickinson County, Iowa, for reappointment to a regular four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Yenger, Chairperson
Senator Bergman
Senator Small
Senator Slater
Senator Nystrom

Charles H. Pelton, Clinton, Clinton County, Iowa, for reappointment to a four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator Taylor, Chairperson
Senator Goodwin
Senator Junkins
Senator C. Miller
Senator Hansen

As members of the State Board of Chiropractic Examiners:

Sister Mary Xavier Coens, Dubuque, Dubuque County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Hultman, Chairperson
Senator Carr
Senator Hutchins
Senator E. Miller
Senator Drake

Dr. H. Ronald Frogley, Davenport, Scott County, Iowa, for reappointment to a regular three-year term commencing July 1, 1980, and ending June 30, 1983.

Senator Craft, Chairperson
Senator Calhoon
Senator Deluhery
Senator Gentleman
Senator Gratias

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 31, 1980.

Had I been present, I would have voted as follows on House File 2492:

"Aye" on divisions S—5524C, S—5524G, amendment S—5591 to division S—5524I, division S—5524I and amendment S—5585. I would have voted "nay" on amendments S—5564, S—5579, S—5584 to division S—5524A and divisions S—5594B, S—5595A and S—5595B.

W. R. BILL HANSEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 1, 1980.

Had I been present, I would have voted as follows on House File 2492:

"Aye" on amendments S—5607 and S—5621. I would have voted "nay" on the motions to reconsider division S—5524A and amendment S—5578; amendments S—5602, S—5623 and S—5625 and final passage on House File 2492.

W. R. BILL HANSEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 11, 1980.

Had I been present, I would have voted "aye" on House Files 2042 and 2540.

W. R. BILL HANSEN

MR PRESIDENT: I was necessarily absent from the Senate chamber on April 15, 1980, when votes were taken on Senate Files 2002 and 2123 as amended by the House.

Had I been present, I would have voted "aye" on final passage of these bills.

JAMES CALHOON

STUDY BILL RECEIVED

S.S.B. 2304 Ways and Means

Providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years.

REPORT OF COMMITTEE

ENERGY

Final Action: SENATE RESOLUTION 111, a resolution urging the United States Environmental Protection Agency to reevaluate all sulfur air quality studies and standards affecting Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Ramsey, Bisenius, Gallagher, Briles, Brown, Readinger, Rodgers and Waldstein. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: April 10, 1980, 4:20 p.m.

Members Present: Tieden, Chairperson; Small, Ranking Member; Gallagher, Goodwin and E. Miller.

Members Absent: none.

Other Business: Discussed and approved supplemental revisions for Natural Resources departments and commissions.

Adjourned: 5:00 p.m.

WAYS AND MEANS

Convened: April 15, 1980, 8:15 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Baugher, Comito, Drake, Holden, Ramsey, Scott, Van Gilst, Rush (arrived 8:20 a.m.), Hutchins (arrived 8:20 a.m.) and Hester (arrived 8:30 a.m.).

Members Absent: Rodgers, Ranking Member; Hultman and Junkins.

Final Action: SENATE FILE 2369, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Scott and Van Gilst. Nays, 1: Rush. Voting present, 1: Readinger. Absent or not voting, 3: Rodgers, Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed SSB 2193; assigned SSB 2302 to subcommittee.

Adjourned: 9:00 a.m.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy Flood, Seymour, Wayne County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14, 1979 Code of Iowa, for an unexpired portion of a term ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD F. DRAKE, Chairperson
PATRICK J. DELUHERY
RICHARD R. RAMSEY
C. JOSEPH COLEMAN
GARY L. BAUGHER

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 733 passed the Senate on April 14, 1980.

C. JOSEPH COLEMAN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3689 to House File 733 was adopted by the Senate on April 14, 1980.

C. JOSEPH COLEMAN

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Fred Schwengel, former state legislator and U.S. Congressman from Iowa, who was present in the Senate chamber.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-two students from Douglas Elementary School, Des Moines, Iowa, accompanied by Karen Bush. Senator Palmer.

Twenty-six students from Garwin School, Garwin, Iowa, accompanied by David Craig and Marveta Laugenbau. Senator Jensen.

The following visitors were present in the Senate gallery:

Thirty-six students from Lutheran Inter-Parish School, Williamsburg, Iowa, accompanied by Duane Miller. Senator Orr.

Forty students from Alden Community High School, Alden, Iowa. Senator Taylor.

Thirty students from Hoyt Middle School, Des Moines, Iowa, accompanied by Garrett Nyman. Senator Palmer.

AMENDMENTS FILED

S—5735	H.F.	2546	Berl E. Priebe Dale L. Tieden
S—5736	H.F.	2546	Arthur A. Small, Jr.
S—5737	H.F.	2493	David M. Readinger
S—5738	H.F.	654	Richard R. Ramsey
S—5739	H.F.	2561	Arne Waldstein
S—5740	H.F.	733	C. Joseph Coleman

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 3:15 p.m., until 9:00 a.m., Wednesday, April 16, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 16, 1980

The Senate met in regular session at 9:07 a.m., President Branstad presiding.

Prayer was offered by Father A.E. McCoy, pastor of the Immaculate Conception Church, Cherokee, Iowa.

The Journal of Tuesday, April 15, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J.X. Latella, Webster City, 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 members of the conference committee on the part of the House to consider the differences between the House and Senate concerning Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, appointed April 15, 1980, are: The Representative from Hancock, Mr. Stromer, Chair; the Representative from Story, Mr. Crawford; the Representative from Scott, Mr. Cusak; the Representative from Buchanan, Mr. Miller; and the Representative from Hardin, Mr. Welden.

ALSO: That the House has on April 15, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2457, a bill for an act to extend the property tax levy for flood and erosion control under chapter four hundred sixty-seven B (467B) of the Code to all taxable property outside the corporate limits of a city.

ALSO: That the House has on April 15, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2569, a bill for an act allowing special income tax treatment for the receipt of a lump sum distribution from an employees' pension, retirement or annuity plan.

ALSO: That the House has on April 15, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2577, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund and making the Act retroactive.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2457, a bill for an act to extend the property tax levy for flood and erosion control under chapter four hundred sixty-seven B (467B) of the Code to all taxable property outside the corporate limits of city.

Read first time and referred to the committee on **Ways and Means.**

House File 2569, a bill for an act allowing special income tax treatment for the receipt of a lump sum distribution from an employees' pension, retirement or annuity plan.

Read first time and referred to the committee on **Ways and Means.**

House File 2577, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund and making the Act retroactive.

Read first time and referred to the committee on **Ways and Means.**

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 16, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

On December 31, 1979, I submitted to the Senate for their consideration the name of Robert G. Koons, Clinton, Clinton County, Iowa, for reappointment as a member of the State Board of Public Instruction.

I have now been advised by Mr. Koons that due to changes in his employment and his consequent relocation he would be unable to serve a new term.

I am, therefore, withdrawing his name from consideration.

Sincerely,
ROBERT D. RAY
Governor

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2368.

Senate File 2368

On motion of Senator Hester, Senate File 2368, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties, was taken up for consideration.

Senator Hester moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2368) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Jensen	Robinson

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 59, Senator Hultman called up the following Reports of Investigating Committees:

As a member of the State Board of Examiners for Nursing Home Administrators, Lyle E. Peters, filed April 11, 1980, and found on page 1402 of the Senate Journal.

As a member of the State Board of Speech Pathology and Audiology Examiners, L. Darrell Wheeler, filed April 11, 1980, and found on page 1402 of the Senate Journal.

As a member of the Board of Watchmaking Examiners, Ronald C. Reichert, filed April 14, 1980, and found on page 1432 of the Senate Journal.

As a member of the Iowa Beer and Liquor Control Council, Andrea Van Beek, filed April 14, 1980, and found on page 1432 of the Senate Journal.

As a member of the Iowa Board of Veterinary Medicine Examiners, Dr. Joseph A. Graham, filed April 14, 1980, and found on pages 1432-1433 of the Senate Journal.

As a member of the Professional and Occupational Regulation Commission, Russell C. Hyde, filed April 14, 1980, and found on page 1433 of the Senate Journal.

As a member of the State Board of Examiners for Nursing Home Administrators, Joanne K. Austad, filed April 14, 1980, and found on page 1433 of the Senate Journal.

Senator Hultman asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Hultman moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Voting Present, 1:

Hansen

Absent or not voting, 1:

Robinson

The Chair declared the appointments confirmed.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Nystrom called up the Report of Investigating Committee for Bruce Foudree as Commissioner of Insurance filed March 12, 1980, found on page 829 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Nystrom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr

Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Robinson Small

The Chair declared the appointment confirmed.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 15, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

On October 12, 1979, I appointed Andrew Varley of Stuart, Adair County, Iowa, to an unexpired term on the Iowa State Commerce Commission ending June 30, 1983. On that same date, I advised you by letter of this appointment and asked for Senate confirmation for the same term.

There is a possible question concerning the duration of this appointment because of ambiguity in Iowa Code Section 474.1. To remove any uncertainty about this appointment, I hereby advise you that my intent has been and is to appoint Mr. Varley for the full portion of the unexpired term, and that I am asking the Senate's concurrence of that appointment for the term ending June 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Nystrom called up the Report of Investigating

Committee for Andrew Varley as a member of the Iowa State Commerce Commission, filed March 11, 1980, found on page 803 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

President pro tempore Hansen took the chair at 10:37 a.m.

Senator Nystrom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Waldstein
Yenger			

Nays, 1:

Van Gilst

Absent or not voting, 4:

Coleman	Comito	Hultman	Robinson

The Chair declared the appointment confirmed.

Senator Kudart called up the Report of Investigating Committee for Jolly Ann Davidson as a member of the State Board of Public Instruction filed February 4, 1980, and found on page 296 of the Senate Journal.

The motion prevailed by a voice vote and the report was adopted.

Senator Kudart moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Yenger		

Nays, none.

Absent or not voting, 4:

Comito	Miller, A.V.	Robinson	Waldstein

The Chair declared the appointment confirmed.

Senator Bergman called up the Report of Investigating Committee for Mary E. Robinson as a member of the State Board of Public Instruction filed February 7, 1980, and found on page 371 of the Senate Journal.

The motion prevailed by a voice vote and the report was adopted.

Senator Bergman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Baugher	Bergman	Briles	Brown
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Comito	Jensen	Miller, A.V.
Robinson			

The Chair declared the appointment confirmed.

Senator Nystrom took the chair at 10:53 a.m.

Senator Kudart called up the Report of Investigating Committee for Jack W. Peters as a member of the Iowa State Civil Rights Commission filed February 7, 1980, found on page 370 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Kudart moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hutchins	Jensen	Kinley
Kudart	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Hultman	Junkins	Miller, A.V.
Robinson	Tieden		

The Chair declared the appointment confirmed.

Senator Hansen called up the Report of Investigating Committee for Annette Pieper as member of the Iowa State Civil Rights Commission, filed February 5, 1980, found on page 311 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Hansen moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hutchins	Jensen	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Van Gilst	Waldstein

Nays, none.

Absent or not voting, 6:

Comito	Hultman	Junkins	Robinson
Tieden	Yenger		

The Chair declared the appointment confirmed.

HOUSE AMENDMENTS CONSIDERED

Senate File 439

Senator Gentleman called up for consideration Senate File 439, a bill for an act relating to the alcoholic content of beer and alcoholic liquor, amended by the House, and moved that the Senate concur in House amendment S—5732 filed April 15, 1980, and found on page 1444 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gentleman 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. 439) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Tieden	Yenger		

Nays, 9:

Craft	DeKoster	Hester	Holden
Hulse	Jensen	Miller, E.R.	Taylor
Van Gilst			

Absent or not voting, 3:

Hultman	Robinson	Waldstein

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2015

Senator Hutchins called up for consideration Senate File 2015, a bill for an act relating to the service of county supervisors on appointive boards, commissions, or committees of the state or political subdivisions of the state and making the Act retroactive, amended by the House, and moved that the Senate concur in House amendment S—5734 filed April 15, 1980, and found on page 1444 of the Senate Journal.

The motion prevailed by a voice vote 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. 2015) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr

Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Yenger	

Nays, none.

Absent or not voting, 3:

Hultman	Robinson	Waldstein

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President Branstad took the chair at 11:22 a.m.

UNFINISHED BUSINESS
(Deferred April 11, 1980)
(Steering Calendar)

House File 2536

The Senate resumed consideration of House File 2536, a bill for an act relating to housing in cities by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties, deferred on April 11, 1980.

Senator Readinger offered amendment S—5636 filed by the committee on Cities on April 2, 1980, to pages 1 and 2 of the bill.

Senator Small withdrew amendment S—5719 filed by him on April 11, 1980, to amendment S—5636.

Senator Baugher raised the point of order that amendment S—5636 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5636 in order.

Senator Readinger moved the adoption of amendment S—5636, which motion prevailed by a voice vote.

(House File 2536 pending on recess).

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

ALSO: That the House has on April 15, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 2230

S—5748

Amend Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred twenty-seven G point seventy-seven (327G.77), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327G.77 REVERSION OF RAILROAD RIGHT OF WAY.

1. If a railroad right of way acquired by condemnation is abandoned by order of the federal interstate commerce commission or the state transportation regulation board, that right of way shall revert to owners of the adjacent properties at the time of the abandonment. If there are different owners on each side of the right of way, each owner shall take title to the center of the right of way. The provisions of section six hundred fourteen point twenty-four (614.24) of the Code requiring the filing of a verified claim shall not apply to the reversionary interest granted by this subsection.

2. If the state department of transportation finds

that a railroad right of way is suitable for present or future rail use at least fifteen days before the effective date of an order of abandonment and the railroad right of way was acquired by condemnation, deed or conveyance and is subject to a reversionary interest, the reversion which would occur upon the abandonment of the right of way for railway purposes shall not occur until two years after the effective date of the order of abandonment by the federal interstate commerce commission or the state transportation regulation board. During that two year period another railroad company or the state may succeed to the interest of the abandoning railroad company in the right of way if it is used for railway purposes. A railroad company or the state which succeeds to that interest shall hold that interest as long as it is used for railway purposes subject to the interests as when it was held by the abandoning railroad company.

Sec. 2. Section four hundred seventy-one point six (471.6), Code 1979, is amended to read as follows:

471.6 RAILWAYS. [Any] *The state or any* railway[, incorporated under the laws of the United States or of any state thereof,] *corporation* may acquire by condemnation [or otherwise so much real estate] *property* as may be necessary for the location, construction, and convenient use of [its] *a* railway. [Such] *The* acquisition shall carry the right to use for the

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construction and repair of [said] *the* railway and its appurtenances any earth, gravel, stone, timber, or other material, on or from the land [so] taken.

Sec. 3. Section four hundred seventy-one point nine (471.9), Code 1979, is amended to read as follows:

471.9 ADDITIONAL PURPOSES. [Any such] *The state or a railway* corporation [owning, operating, or constructing a railway] may, by condemnation or otherwise, acquire lands for the following additional purposes:

1. For necessary additional depot grounds or yards.

2. For [the purpose of] constructing a tract or tracks to any mine, quarry, gravel pit, [manufactory] *manufacturing plant*, warehouse, or mercantile establishment.

3. For additional or new right of way for constructing double track, reducing or straightening curves, changing grades, shortening or relocating

portions of the line, and for excavations, embankments, or places for depositing waste earth.

4. For the [purpose of constructing water stations, dams or reservoirs for supplying its engines with water] *preservation of abandoned railroad right-of-way for future railroad use.*

Sec. 4. Section five hundred fifty-eight point forty-four (558.44), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a real estate contract or lease is required to be recorded under this section, the requirement is satisfied by recording either the entire real estate contract or lease or a memorandum of the contract or lease containing at least the names and addresses of all parties named in the contract or lease, a description of all real property and interests therein subject to the contract or lease, the length of the contract or initial term of the lease, and in the case of a lease a statement as to whether any of the named parties have or are subject to renewal rights, and if so, the event or condition upon which renewal occurs, the number of renewal terms and the length of each, and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due. This unnumbered paragraph is effective July 1, 1980 for all contracts and leases of agricultural land made on or after July 1, 1980.

Sec. 5. Section five hundred fifty-eight point forty-four (558.44), unnumbered paragraph five (5),

Page 3

Code 1979, is amended to read as follows:

The provisions of this section *except as otherwise provided,* are effective July 1, 1979, for all conveyances and leases of agricultural land made on or after July 1, 1979."

2. Page 1, by striking lines 6 through 8 and inserting in lieu thereof the words "the reversion of railroad property if the reversion is".

3. By renumbering the sections to conform with this amendment.

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2492

S—5745

Amend the Senate amendment H—5879 to House File 2492 as amended, passed and reprinted by the House

as follows:

1. Page 2, by inserting after line 16 the following:

"____. Page 5, by inserting after line 5 the following:

'Sec. 40. Section five hundred twenty-four point nine hundred one (524.901), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-eight (128), section sixteen (16), is amended by adding the following new subsection:

NEW SUBSECTION. A state bank may invest in participation certificates issued by one or more production credit associations chartered under the laws of the United States in an amount which does not exceed, in the aggregate with respect to all such associations, twenty percent of the capital and surplus of the state bank.

Sec. 41. Section five hundred twenty-four point nine hundred six (524.906), subsection six (6), Code 1979, is amended by striking the subsection.

Sec. 42. Section five hundred twenty-four point nine hundred eight (524.908), Code 1979, is amended to read as follows:

524.908 [DIRECT LEASING] *LEASING OF PERSONAL PROPERTY.* A state bank [shall have the power, subject to approval by the superintendent, to] *may* acquire, upon the specific request of and for the use of a customer, and lease, personal property pursuant to a binding arrangement for the leasing of [such] *the* property to the customer upon terms requiring payment to the state bank, during the minimum period of the lease, of rentals which in the aggregate, *when added to the estimated tax benefits to the bank resulting from the ownership of the lease property plus the estimated residual market value of the leased property at the expiration of the initial term of the lease,* will be at least equal to the total expenditures by the state bank for, and in connection with, the acquisition, ownership, maintenance and protection of the property. *A lease made under authority of this section shall have the prior approval of the superintendent or be made pursuant to personal property lease guidelines approved by the superintendent for use by the lessor bank or pursuant to a personal property lease guidelines rule of general applicability for use by all state banks.*

Sec. 43. Section five hundred thirty-six A point

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twenty-three (536A.23), subsection one (1), unnumbered paragraph one (1), Code 1979 Supplement, is amended to read as follows:

1. Charge, receive or collect interest at a rate exceeding [nine] *ten* cents on the hundred by the year, except that the interest may be computed when the note is made on the full amount of the cash advanced on the loan from the date of the note to the date of the final installment thereof, and the interest so computed may be included in the note, notwithstanding any agreement to pay the entire amount in installments; or the interest may be computed on the amount of the note and discounted or collected in advance when the loan is made, notwithstanding any agreement to pay the entire amount in installments. If the note is repayable in other than equal monthly installments, the interest may be an amount computed on the basis of the effective rates permitted as provided above; provided, however, there shall be no compounding of interest and when an interest rate as authorized herein is advertised, or negotiated for with a prospective borrower, with intent that it be computed by either of the two methods authorized herein, they being the "add on" method or the "discount" method, in such case such rate shall be further described as to the method of computation to be used, but interest computed by either method shall be stated to the borrower as provided in section 537.3210.' "

2. Page 2, by striking line 17.

3. Page 2, by striking lines 18 through 47.

4. Page 3, by striking lines 4 through 17 and inserting in lieu thereof the following:

"*NEW LETTERED PARAGRAPH.* Notwithstanding section six hundred twenty-eight point three (628.3) of the Code, when a foreclosure of a mortgage on real property results from the enforcement of a due-on-sale clause, the mortgagor may redeem the real property at any time within three years from the day of sale under the levy, and the mortgagor shall, in the meantime, be entitled to the possession thereof; and for the first thirty months thereafter such right of redemption is exclusive. Any real property redeemed by the debtor shall thereafter be free and clear from any liability for any unpaid portion of the judgment under which the real property was sold. The right of redemption established by this paragraph is not subject to waiver by the mortgagor and the period of redemption

established by this paragraph shall not be reduced. The times for redemption by creditors provided in

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sections six hundred twenty-eight point five (628.5), six hundred twenty-eight point fifteen (628.15) and six hundred twenty-eight point sixteen (628.16) of the Code shall be extended to thirty-three months in any case in which the mortgagor's period for redemption is extended by this paragraph. This paragraph does not apply to foreclosure of a mortgage if for any reason other than enforcement of a due-on-sale clause. As used in this paragraph, 'due-on-sale clause' means any type of covenant which gives the mortgagee the right to demand payment of the outstanding balance or a major part thereof upon a transfer by the mortgagor to a third party of an interest of the mortgagor in property covered by the mortgage. This paragraph applies to any foreclosure occurring on or after the effective date of this Act. However, this paragraph does not apply if the lender establishes, based on reasonable criteria which are not more restrictive than those used to evaluate new morgage-loan applications, that the security interest or the likelihood of repayment is impaired as a result of the transfer of interest."

5. By striking page 3, line 39, through page 4, line 3, by inserting in lieu thereof the following:

"____. Page 7, line 24, by striking the word 'one-half' and inserting in lieu thereof the word 'three-fourths'."

6. Page 4, by striking lines 4 through 23 and inserting in lieu thereof the following:

"____. Page 8, line 18, by striking the word *'one-half'* and inserting in lieu thereof the word *'three-fourths'*.

____. Page 8, line 24, by striking the words 'one and three-fourths' and inserting in lieu thereof the words '[one and three-fourths] *two*'."

7. By striking page 4, line 45 through page 5, line 30.

8. Page 5, by striking lines 31 through 41.

9. Page 6, by inserting after line 16 the following:

"____. Page 9, by inserting after line 35 the following:

'Sec. 21. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection four (4), Code 1979, is amended by striking the subsection and renumbering the remaining subsections.

Sec. 22. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection thirteen (13), paragraph a, subparagraph three (3), Code 1979, is amended to read as follows:

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(3) The goods, services or interest in land are purchased primarily for a personal, family[,] *or* household [or agricultural] purpose.

Sec. 23. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection fourteen (14), paragraph c, Code 1979, is amended to read as follows:

c. The lessee takes under the lease primarily for a personal, family[,] *or* household [or agricultural] purpose.

Sec. 24. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection fifteen (15), paragraph a, subparagraphs three (3) and five (5), Code 1979, are amended to read as follows:

(3) The debt is incurred primarily for a personal, family[,] *or* household [or agricultural] purpose.

(5) Either the amount financed does not exceed thirty-five thousand dollars, or the debt is [not incurred primarily for an agricultural purpose and is] secured by an interest in land.

Sec. 25. Section five hundred thirty-seven point three thousand three hundred one (537.3301), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. With respect to a consumer credit sale, a seller may take a security interest in the property sold. In addition, a seller may take a security interest in goods upon which services are performed or in which goods sold are installed or two which they are annexed, or in land to which the goods are affixed or which is maintained, repaired or improved as a result of the sale of the goods or services, if in the case of a security interest in land the amount financed is one thousand dollars or more, or in the case of a security interest in goods if either the amount financed is three hundred dollars or more, or if the goods are household goods, or motor vehicles used by a consumer, his *or her* dependents, or the family with which the consumer resides, as transportation to and from a place of employment, one hundred dollars or more. [The seller may also take a security interest in property which is itemized

in the security agreement, to secure the debt arising from a consumer credit sale primarily for an agricultural purpose.] Except as provided with respect to cross-collateral under section 537.3302, a seller may not otherwise take a security interest in property to secure the debt arising from a consumer credit sale.

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2. With respect to a consumer lease [other than a lease primarily for an agricultural purpose], lessor may not take a security interest in property to secure the debt arising from the lease. This subsection does not apply to a security deposit for a consumer lease.

Sec. 26. Section five hundred thirty-seven point three thousand three hundred three (537.3303), subsection one (1), Code 1979, is amended to read as follows:

1. If debts arising from two or more consumer credit sales, other than sales [primarily for an agricultural purpose or] pursuant to open end credit, are secured by cross-collateral or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debt originally incurred with respect to each item is paid.

Sec. 27. Section five hundred thirty-seven point three thousand three hundred seven (537.3307), Code 1979, is amended to read as follows:

537.3307 CERTAIN NEGOTIABLE INSTRUMENTS PROHIBITED.

With respect to a consumer credit sale or consumer lease, [other than a sale or lease primarily for an agricultural purpose,] the creditor may not take a negotiable instrument other than a check *or credit-union share draft* dated not later than ten days after its issuance as evidence of the obligation of the consumer.

Sec. 28. Section five hundred thirty-seven point three thousand three hundred eight (537.3308), subsection two (2), paragraph c, Code 1979, is amended

by striking the paragraph and relettering the remaining paragraphs.

Sec. 29. Section five hundred thirty-seven point three thousand three hundred ten (537.3310), subsection one (1), Code 1979, is amended to read as follows:

1. In a consumer credit transaction, [other than one for an agricultural purpose,] if performance by a creditor is by delivery of goods, services or both, in four or more installments, either on demand of the consumer or by prearranged scheduled performance,

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the consumer shall have the right to cancel the obligation with respect to that part which has not been performed on the date of cancellation.

Sec. 30. Section five hundred thirty-seven point three thousand four hundred one (537.3401), Code 1979, is amended to read as follows:

537.3401 RESTRICTION OF LIABILITY IN CONSUMER LEASE. The obligation of a lessee upon expiration of a consumer lease [other than one primarily for an agricultural purpose,] may not exceed twice the average payment allocable to a monthly period under the lease. This limitation does not apply to charges for damages to the leased property or for other default.

Sec. 31. Section five hundred thirty-seven point three thousand four hundred four (537.3404), subsection one (1), Code 1979, is amended to read as follows:

1. With respect to a consumer credit sale or consumer lease, [other than one primarily for an agricultural purpose,] an assignee of the rights of the seller or lessor is subject to all claims and defenses of the consumer against the seller or lessor arising from the sale or lease of property or services, notwithstanding that the assignee is a holder in due course of a negotiable instrument issued in violation of the provisions prohibiting certain negotiable instruments in section 537.3307; unless the consumer has agreed in writing not to assert against an assignee a claim or defense arising out of such sale, and the consumer's contract has been assigned to an assignee not related to the seller who acquired the consumer's contract in good faith and for value and who gives the consumer notice of the assignment as provided in this subsection and who within thirty days after the mailing of the notice receives no written notice of the facts giving rise to the consumer's claim or defense. Such agreement not to assert a claim or defense is not valid if the assignee receives such

written notice from the consumer within such thirty-day period. The notice of assignment shall be in writing and addressed to the consumer at his *or her* address as stated in the contract, identify the contract, describe the property purchased by the consumer, state the names of the seller and consumer, the name and address of the assignee, the amount payable by the consumer and the number, amounts and due dates of the installments, and contain a conspicuous notice to the consumer that he *or she* has thirty days from the date of the mailing of the notice to him *or her* within which to notify the assignee in writing of any claims or defenses he *or*

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she may have against the seller and that if written notification of any such claims or defenses is not received by the assignee within such thirty-day period the assignee will have the right to enforce the contract free of any claims or defenses the consumer may have against the seller. An assignee does not acquire a consumer's contract in good faith within the meaning of this subsection if the assignee has knowledge or, from his *or her* course of dealing with the seller or his records, notice of substantial complaints by other consumers of the seller's failure or refusal to perform his *or her* contracts with them and of the seller's failure to remedy his *or her* defaults within a reasonable time after the assignee notifies him *or her* of the complaints.

Sec. 32. Section five hundred thirty-seven point three thousand four hundred five (537.3405), subsection one (1), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

A lender, other than the issuer of a lender credit card, who, with respect to a particular transaction, makes a consumer loan for the purpose of enabling a consumer to buy or lease from a particular seller or lessor property or services[, other than for use primarily for an agricultural purpose,] is subject to all claims and defenses of the consumer against the seller or lessor arising from that sale or lease of the property or services if any of the following are applicable:

Sec. 33. Section five hundred thirty-seven point three thousand five hundred one (537.3501), Code 1979, is amended to read as follows:

537.3501 DOOR-TO-DOOR SALES. In a consumer credit sale or a sale in which the goods or services are

paid for in whole or in part by a lender credit card or a consumer loan in which the lender is subject to defenses arising from the sale under section 537.3405, [other than a transaction for an agricultural purpose,] a consumer has, in addition to all the rights and remedies provided by chapter 713B, a cause of action under section 537.5201, subsection 1, and the administrator has all powers granted under article 6, part 1, to enforce the provisions of chapter 713B.

Sec. 34. Notwithstanding sections twenty-one (21) through thirty-three (33) of this Act, a consumer credit transaction for an agricultural purpose which was executed or undertaken before July 1, 1980, is subject to the applicable provisions of chapter five hundred thirty-seven (537) of the Code as they existed prior to July 1, 1980, and nothing in sections twenty-

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one (21) through thirty-three (33) of this Act applies with respect to rights, duties, privileges, obligations or remedies of parties to such a transaction; provided however, that no additional loans, advances or extensions of credit shall be made on or after July 1, 1980, with respect to agreements which were made prior to July 1, 1980. Sections twenty-one (21) through thirty-three (33) of this Act apply to a consumer credit transaction executed or undertaken on or after July 1, 1980.

Sec. 44. Section five hundred thirty-four point twenty-one (534.21), subsection two (2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Renegotiable rate mortgage loans may be made for a term of three, four or five years, secured by a mortgage of up to thirty years, and automatically renewable at a varying interest rate. However, the authority to make home loans under this paragraph is available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority, and the state authorization is subject to the rights and limitations, imposed upon the federally chartered associations for this type of activity.' "

10. Page 6, line 19, by striking the words and symbol "Sec. ____." and inserting in lieu thereof the word and figure "Sec. 50."

11. Page 6, by striking lines 44 through 46 and inserting in lieu thereof the following: "inapplicable

in this state.
Sec. ____. All of the provisions of this Act except sections one (1), forty (40), forty-one (41), forty-two (42), twenty-one (21) through thirty-four (34), forty-four (44) and fifty (50) of this Act expire July 1, 1983."
12. By renumbering sections and correcting internal references.

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Branstad presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2320

Senator Scott called up for consideration Senate File 2320, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, amended by the House, and moved that the Senate concur in House amendment S—5731 filed April 15, 1980, and found on pages 1446-1447 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Scott 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. 2320) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray

Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Briles	Brown	Gallagher	Kudart
Robinson	Scott		

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

BUSINESS PENDING

House File 2536

The Senate resumed consideration of House File 2536, pending on recess.

Senator Readinger offered amendment S—5709 filed by him on April 10, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5709 was adopted by a voice vote.

Senator Hutchins offered amendment S—5720 filed by him on April 11, 1980, to page 2 of the bill.

Senator Comito asked unanimous consent to defer action on amendment S—5729 to amendment S—5720 for consideration of amendment S—5749 to amendment S—5720.

Senator Hansen raised the point of order that amendment S—5720 was not germane to the bill.

Senator Hansen withdrew his point of order.

Senator Comito offered amendment S—5749 filed by him from the floor to amendment S—5720.

Senator Coleman took the chair at 2:07 p.m.

Senator Bisenius raised the point of order that amendment S—5749 was out of order because the same subject matter had previously been considered by the Senate.

The Chair ruled the point not well taken and amendment S—5749 in order.

Senator Bisenius raised the point of order that amendment S—5749 was out of order because the subject matter was not germane to the bill.

Senator Bisenius withdrew his point of order.

Senator Comito asked and received unanimous consent that action on amendment S—5749 to amendment S—5720 be temporarily deferred.

Senator Hansen raised the point of order that amendment S—5720 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5720 out of order.

The Chair ruled amendment S—5749 to amendment S—5720, previously deferred, out of order.

The Chair ruled amendment S—5729 filed by Senator Comito on April 14, 1980, to amendment S—5720, previously deferred, out of order.

Senator Slater offered amendment S—5750 filed by him from the floor to page 2 of the bill.

Senator Baugher raised the point of order that amendment S—5750 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5750 in order.

Senator Baugher asked and received unanimous consent that action on amendment S—5750 be deferred for preparation of an amendment.

Senator Taylor offered amendment S—5672 filed by Senators Taylor and Hultman on April 8, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5672 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on **House File 2536** and amendment S—5750 be **deferred**.

President Branstad took the chair at 2:37 p.m.

BILL REREFERRED TO COMMITTEE

Senator Taylor asked and received unanimous consent that **Senate File 458** be rereferred to the committee on **Education.**

HOUSE AMENDMENT CONSIDERED
(Pending April 15, 1980)

Senate File 432

The Senate resumed consideration of Senate File 432, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties, and amendment S—5285 by Senators Yenger, et al., to House amendment S—5230, pending on April 15, 1980.

Senator Yenger moved the adoption of amendment S—5285 to House amendment S—5230.

A record roll call was requested.

On the question "Shall amendment S—5285 to House amendment S—5230 be adopted?" (S.F. 432) the vote was:

Ayes, 33:

Briles	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Hansen
Hester	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Priebe	Rodgers	Rush	Schwengels
Scott	Slater	Van Gilst	Waldstein
Yenger			

Nays, 13:

Baugher	Bergman	Bisenius	Comito
Goodwin	Gratias	Holden	Hulse
Jensen	Ramsey	Readinger	Taylor
Tieden			

Absent or not voting, 4:

Brown	Palmer	Robinson	Small

Amendment S—5285 was adopted.

Senator Carr offered amendment S—5348 filed by him on March 12, 1980, to House amendment S—5230.

Senator Gentleman raised the point of order that amendment S—5348 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5348 out of order.

Senator Gentleman withdrew amendment S—5634 filed by her on April 2, 1980, to House amendment S—5230.

The Chair ruled amendment S—5660 filed by Senator Murray on April 3, 1980, to House amendment S—5230, out of order.

Senator Yenger withdrew amendment S—5727 filed by her on April 14, 1980, to House amendment S—5230.

Senator Hutchins offered amendment S—5747 filed by him from the floor to House amendment S—5230 and moved its adoption.

Amendment S—5747 was adopted by a voice vote.

Senator Gentleman moved that the Senate concur in House amendment S—5230 as amended.

On the question "Shall the motion to concur be adopted?" (S.F. 432) the vote was:

Ayes, 39:

Bergman	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Van Gilst	Waldstein	Yenger	

Nays, 8:

Baugher	Bisenius	Gratias	Holden
Jensen	Ramsey	Taylor	Tieden

Absent or not voting, 3:

Briles	Brown	Robinson

The motion prevailed and the Senate concurred in the House amendment as amended.

Senator Gentleman 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. 432) the vote was:

Ayes, 41:

Bergman	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Van Gilst	Waldstein
Yenger			

Nays, 6:

Baugher	Bisenius	Gratias	Ramsey
Taylor	Tieden		

Absent or not voting, 3:

Briles	Brown	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2492

Senator Holden called up for consideration House File 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5745 to Senate amendment H—5879 filed April 16, 1980, and found on pages 1485-1494 of the Senate Journal.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2492) the vote was:

Ayes, 29:

Bergman	Briles	Brown	Calhoon
Carr	Craft	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Nystrom
Orr	Palmer	Readinger	Scott
Slater	Small	Tieden	Waldstein
Yenger			

Nays, 19:

Baugher	Bisenius	Carney	Coleman
Comito	DeKoster	Gallagher	Hansen
Jensen	Miller, A.V.	Miller, C.P.	Miller, E.R.
Priebe	Ramsey	Rodgers	Rush
Schwengels	Taylor	Van Gilst	

Absent or not voting, 2:

Murray	Robinson

The motion prevailed and the Senate concurred in the House amendment.

Senator Holden 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. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Craft
DeKoster	Deluhery	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom

Orr	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 4:

Carr	Comito	Gallagher	Miller, C.P.

Voting present, 2:

Coleman	Priebe

Absent or not voting, 1:

Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 2536

The Senate resumed consideration of House File 2536 and amendment S—5750, previously deferred.

Senator Slater asked and received unanimous consent that action on amendment S—5750 be deferred for consideration of amendment S—5753.

Senator Baugher offered amendment S—5753 filed by Senators Baugher and Ramsey from the floor to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 40, nays 7.

Amendment S—5753 was adopted.

The Chair ruled amendment S—5750 by Senator Slater to page 2 of the bill, previously deferred, out of order.

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?" (H.F. 2536) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rush	Scott
Slater	Small	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 4:

Craft	Gentleman	Holden	Tieden

Absent or not voting, 4:

Hester	Robinson	Rodgers	Schwengels

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER CONSIDERED

Senator Holden called up the motion to reconsider House File 736, a bill for an act to permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor, and providing penalties for violations, filed by him on April 14, 1980, and found on page 1433 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 736) the vote was:

Ayes, 10:

Bergman	Coleman	Craft	DeKoster
Goodwin	Holden	Hutchins	Priebe
Scott	Taylor		

Nays, 36:

Baugher	Bisenius	Briles	Brown
Calhoon	Carr	Comito	Deluhery
Drake	Gallagher	Gentleman	Gratias

Hansen	Hulse	Hultman	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 4:

Carney	Hester	Robinson	Rodgers

The motion lost.

The Chair ruled the motion to reconsider the vote by which amendment S—5635 to House File 736 was adopted by the Senate on April 11, 1980, filed by Senator Holden on April 14, 1980, and found on page 1433 of the Senate Journal, out of order.

The Chair ruled amendment S—5755 filed by Senator Holden from the floor to amendment S—5635, out of order.

MOTION TO RECONSIDER WITHDRAWN

House File 733

Senator Coleman withdrew the motion to reconsider House File 733, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs and making the Act retroactive, filed by him on April 15, 1980, and found on page 1469 of the Senate Journal.

The motion to reconsider the vote by which amendment S—3689 to House File 733 was adopted by the Senate on April 14, 1980, filed by Senator Coleman on April 15, 1980, and found on page 1469 of the Senate Journal, was out of order.

Amendment S—5740 filed by Senator Coleman on April 15, 1980, to page 1 and the title page of the bill, was out of order.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate Files 432** and **2368** and **House File 2536** be immediately messaged to the House, which request was complied with.

INTRODUCTION OF BILL

Senate File 2371, by Hultman and Junkins, a bill for an act

relating to the executive council providing disaster grants to governmental subdivisions.

Read first time and referred to the committee on **State Government**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 136
By: Bergman and Schwengels

Whereas, many farmers and other persons have recently suffered severe financial loss because a grain elevator did not have sufficient grain to cover outstanding warehouse receipts and incurred other debts for which there may not be sufficient assets; and

Whereas, the problems associated with the collapse of one of the largest grain elevators in southeast Iowa are extremely complex and solutions to such problems are not readily apparent; and

Whereas, farmers and other persons want to know what can be done to recover their losses and prevent such losses in the future; and

Whereas, these recent events indicate a need for legislative action to aid in the protection of persons who store grain in bonded warehouses; and

Whereas, existing state laws relating to the regulation of licensed grain dealers and licensed warehouses may be in need of substantial revision in order to accomplish intended purposes; and

Whereas, existing and proposed preemptive federal law is or may be in conflict with the intents and purposes of the laws and policies of this state; and

Whereas, modern customs and practices in the marketing of grain may render parts of existing Iowa law ineffective in accomplishing its intended purposes;

Now Therefore,

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create a study committee consisting of six members of the House of Representatives, three representing the House Com-

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mittee on Agriculture and three representing the House Committee on Commerce, of which two members from each Committee shall represent the majority party and one shall represent the minority party; and six members of the Senate, three representing the Senate Committee on

Agriculture and three representing the Senate Committee on Commerce, of which two members from each Committee shall represent the majority party and one member shall represent the minority party; and

Be It Further Resolved, That as a part of its study the committee shall hold public hearings in appropriate areas of the state to obtain the comments and recommendations of persons involved in the production and marketing of grain with respect to the strengths and weaknesses of existing Iowa law; and

Be It Further Resolved, That the study committee shall review the facts which contributed to the collapse of the grain elevator, current state and federal laws designed to provide financial protection to consumers, recommendations of knowledgeable persons including government officials whose duties relate to administering laws and programs relating to grain elevators and financing; and

Be It Further Resolved, That as a part of its study the committee, or a subcommittee of the committee consisting of the number of members of the committee as the legislative council authorizes, shall meet and confer with members of the Iowa congressional delegation and representatives of the federal government for the purpose of identifying and promoting the passage of federal legislation which is consistent with appropriate regulatory policy; and

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Be It Further Resolved, That the study committee shall make periodic reports to the legislative council and a final report to the General Assembly meeting in the year 1981 accompanied by bill drafts designed to carry out its recommendations.

Read first time and **passed on file.**

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 54, a bill for an act relating to district associate judges and judicial magistrates.

ALSO: That the House has on April 16, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 685, a bill for an act relating to fraudulent practice of knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance.

ALSO: That the House has on April 16, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2463, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

ALSO: That the House has on April 16, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2495, a bill for an act relating to strip searches subsequent to arrest.

ALSO: That the House has on April 16, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2513, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

ALSO: That the House has on April 16, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2533, a bill for an act relating to child care facilities and establishing special criteria for certain rules.

BRUCE GRAHAM, Assistant Chief Clerk

APPENDIX

STUDY BILL RECEIVED

S.S.B. 2305 Ways and Means

Relating to restriction on state appropriations.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2370	Judiciary
S. C.R.	135	Rules and Administration

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 16, 1980, 8:20 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Hultman, Ramsey, Hutchins, Rush, Scott, Van Gilst and Junkins (arrived 8:40 a.m.).

Members Absent: Holden.

Final Action: HOUSE FILE 2554, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5754.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Hultman, Scott, Hutchins, Rush, Van Gilst and Junkins. Nays, 1: Ramsey. Absent or not voting, 1: Holden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:00 a.m.

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and

qualifications of Bobbretta E. Williams, Des Moines, Polk County, Iowa, for appointment as a member of the Board of Engineering Examiners pursuant to Section 114.3, 1979 Code of Iowa, for the regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN W. JENSEN, Chairperson
DAVID M. READINGER
JAMES CALHOON
ROBERT M. CARR
FORREST V. SCHWENGELS

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of George A. Shepley, Muscatine, Muscatine County, Iowa, for appointment as a member of the Commission on Judicial Qualifications pursuant to Section 605.26, 1979 Code of Iowa, for the unexpired portion of a term ending December 31, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
RICHARD R. RAMSEY
RICHARD F. DRAKE
CLOYD E. ROBINSON
BOB RUSH

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sonia A. Johannsen, LaPorte City, Black Hawk County, Iowa, for appointment as a member of the County Finance Committee pursuant to Chapter 25, Acts of the Sixty-eighth General Assembly, 1979 Regular Session, for an initial four-year term commencing July 1, 1979, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

ARNE WALDSTEIN, Chairperson
JAMES V. GALLAGHER
JOHN SCOTT
SUE YENGER
BASS VAN GILST

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sister Mary Xavier Coens, Dubuque, Dubuque County, Iowa, for reappointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
ROBERT M. CARR
C. W. HUTCHINS
ELIZABETH R. MILLER
RICHARD F. DRAKE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marvin Pekny, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
TOM SLATER
JOANN ORR
JACK W. HESTER
A. R. KUDART

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Sister Mary Xavier Coens be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

ARTHUR A. SMALL, JR.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Ralph Potter, 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:

Forty-nine students from Meservey-Thornton Elementary School, Meservey, Iowa, accompanied by Mrs. Langlitz, Mrs. Johnson and Mr. Frank. Senators A. Miller and Taylor.

Forty-two students from Adel-De Soto High School, Adel, Iowa, accompanied by Mike Myers. Senator Rodgers.

One hundred students from Winterset Middle School, Winterset, Iowa, accompanied by Larry Messer, Larry Worrall, Bonnie Bass, Mary Iacovazzi, Carolyn Fellows, Bill Honnold and Mrs. Roach. Senator Rodgers.

Fifty students from Dexfield Elementary School, Dexter, Iowa, accompanied by Dorothy Sanborn. Senator Rodgers.

Forty-nine students from Manson Middle School, Manson, Iowa, accompanied by Gary Mays. Senator Scott.

Thirty-five students from Charter-Oak-Ute School, Charter Oak, Iowa, accompanied by Wally Welander. Senator Hester.

Twenty-six students from Northwest Webster Community School, Barnum, Iowa, accompanied by Rita Helmers. Senator Coleman.

Forty students from Oelwein Junior High School, Oelwein, Iowa, accompanied by Steve Pike and Fred Toofal. Senator Craft.

AMENDMENTS FILED

S—5741	S. F.	2148	Edgar H. Holden
S—5742	H.F.	2561	Rolf V. Craft
S—5743	H.F.	761	Rolf V. Craft
S—5744	H.F.	2561	Dale L. Tieden Berl E. Priebe
S—5746	S. F.	2148	Bob Rush
S—5747	S. F.	432	C. W. Hutchins
S—5749	H.F.	2536	Richard Comito
S—5750	H.F.	2536	Tom Slater
S—5751	S. F.	2148	Bob Rush
S—5752	S. F.	2148	Bob Rush
S—5753	H.F.	2536	Gary L. Baugher Richard R. Ramsey
S—5754	H.F.	2554	Ways and Means Committee
S—5755	H.F.	736	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:58 p.m., until 9:00 a.m., Thursday, April 17, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 17, 1980

The Senate met in regular session at 9:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Gordon E. Riffle, pastor of the First Evangelical Free Church, Sioux City, Iowa.

The Journal of Wednesday, April 16, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C.W. Maplethorpe, Toledo, 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 16, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 2102, a bill for an act relating to the hospitalization of mentally ill persons.

ALSO: That the House has on April 16, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2197, a bill for an act relating to the sale of wine and creating a license therefor.

ALSO: That the House has on April 16, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2238, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment.

ALSO: That the House has on April 16, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2105, a bill for an act relating to the loading and unloading of pupils from school buses.

ALSO: That the House has on April 16, 1980, refused to concur in Senate amendment to, the following bill in which the concurrence of the House was asked:

House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators.

ALSO: That the House has on April 16, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2567, a bill for an act relating to the determination of actual and assessed value of property for tax purposes and defining that property which may be included in a tax increment financing district.

ALSO: That the House has on April 16, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2571, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts.

ALSO: That the House has on April 16, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2578, a bill for an act relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons.

ALSO: That the House has on April 16, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2579, a bill for an act exempting from the real estate transfer tax transfers between members of a family and a family partnership or corporation.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2567, a bill for an act relating to the determination of actual and assessed value of property for tax purposes and defining that property which may be included within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code.

Read first time and **passed on file.**

House File 2571, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board

of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts for the purpose of establishing the fund.

Read first time and **passed on file.**

House File 2578, a bill for an act relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons.

Read first time and **passed on file.**

House File 2579, a bill for an act exempting from the real estate transfer tax transfers between members of a family and a family partnership or corporation.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE FILE 2197

S—5756

Amend Senate File 2197 as follows:

1. Page 1, by inserting after line 20 the following:

"Sec. ____. Section one hundred twenty-three point thirty-four (123.34), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A class 'B' beer permit holder who wishes to convert to a special class 'C' liquor control license for the unexpired portion of the class 'B' beer permit may apply to the department. The fee for the special class 'C' liquor control license for the unexpired portion of the beer permit shall be computed by taking the difference between the applicable full fee for the permit holder's class 'B' permit and the applicable full fee for the special class 'C' liquor control license and prorating the difference so the person who receives the converted license pays an additional fee proportionate to the unexpired term of the new license."

2. Page 2, by inserting after line 6 the following:

"Sec. ____. Section one hundred twenty-three point thirty-six (123.36), subsection seven (7), Code 1979, is amended to read as follows:

7. The department shall credit all fees to the

beer and liquor control fund [and]. *The department* shall remit to the appropriate local authority, a sum equal to sixty-five percent of the fees collected for each class 'A', class 'B', or class 'C' license *except special class 'C' licenses,* covering premises located within their respective jurisdictions. *The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class 'C' license covering premises located within their respective jurisdictions.* However, that amount remitted to the appropriate local authority out of the fee collected for the privilege authorized under subsection 6 shall be deposited in the county mental health and institutions fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125."

HOUSE AMENDMENT CONSIDERED

Senate File 2230

Senator Taylor called up for consideration Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, amended by the House, and moved that the Senate concur in House amendment S—5748 filed April 16, 1980, and found on pages 1483-1485 of the Senate Journal.

Senator Small asked and received unanimous consent that action on **Senate File 2230** and House amendment S—5748 be **deferred.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the morning session on request of Senator Junkins.

UNFINISHED BUSINESS
(Deferred April 11, 1980)

House File 2561

The Senate resumed consideration of House File 2561, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the

statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources, deferred on April 11, 1980.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

BUSINESS PENDING

House File 2561

The Senate resumed consideration of House File 2561.

Senator Schwengels offered amendment S—5656 filed by the committee on Natural Resources on April 3, 1980, to page 6 of the bill and moved its adoption.

Amendment S—5656 was adopted by a voice vote.

Senator Waldstein offered amendment S—5714 filed by him on April 11, 1980, to pages 1, 2 and 4 of the bill.

Senator Readinger took the chair at 11:20 a.m.

Senator Hutchins called for a division of amendment S—5714: Page 1 and page 2, lines 1 through 15 and lines 34 through 38 as division S—5714A; page 2, lines 16 through 33 as division S—5714B.

Senator Waldstein moved the adoption of division S—5714A, which motion prevailed by a voice vote.

Senator Kinley raised the point of order that division S—5714A established a new department, and therefore, House File 2561 should be referred to the committee on State Government under Senate Rule 37.

The Chair ruled the point not well taken.

Senator Tieden asked and received unanimous consent that action on division S—5714B be deferred.

Senator Waldstein offered amendment S—5739 filed by him on April 15, 1980, to page 3 of the bill.

(House File 2561, amendment S—5739 and division S—5714B pending on recess).

INTRODUCTION OF BILLS

Senate File 2372, by Committee on Ways and Means, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Read first time and **placed on calendar.**

Senate File 2373, by Committee on Ways and Means, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

Read first time and **placed on calendar.**

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 137
By: Hultman and Junkins

Whereas, many resolutions have been introduced in both the Senate and House of Representatives calling for interim studies; and

Whereas, additional interim studies may be proposed; and

Whereas, the time period between the 1980 session and the 1981 session of the General Assembly is limited and there have been proposals for studies which appear to have merit but, because of their complexity and number, cannot all be properly conducted during the next interim period; and

Whereas, subcommittees of standing committees and special interim committees may desire to study bills prior to the 1981 session of the General Assembly; and

Whereas, it is impractical to debate the relative merit of all proposals; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That all resolutions calling for interim studies which have not been adopted by both houses be delivered by the Secretary of the Senate, on the part of the Senate, and the Chief Clerk of the House, on the part of the House, to the Legislative Council, which shall determine priorities and shall authorize such studies as may be feasible within the limits of the staff, time and funds available; and

Be It Further Resolved, That any legislator desiring to propose any interim study not already contained in a resolution already filed shall submit a letter to the Secretary of the Senate or the Chief Clerk of the House describing the study; and

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Be It Further Resolved, That the Secretary of the Senate and Chief Clerk of the House shall deliver such letters to the Legislative Council with any resolutions already filed. The Legislative Council shall give equal consideration to all studies proposed, whether by letter or resolution.

Read first time and referred to the committee on **Rules and Administration.**

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

House File 2561

The Senate resumed consideration of House File 2561, amendment S—5739 and division S—5714B, pending on recess.

Senator Waldstein moved the adoption of amendment S—5739 to page 3 of the bill, which motion prevailed by a voice vote.

Senator Tieden offered amendment S—5757 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5757 was adopted by a voice vote.

Senator Craft offered amendment S—5742 filed by him on April 16, 1980, to pages 4 and 5 of the bill and moved its adoption.

Amendment S—5742 was adopted by a voice vote.

Senator Schwengels offered amendment S—5707 filed by him on April 10, 1980, to pages 13 through 15 and the title page of the bill and moved its adoption.

Amendment S—5707 was adopted by a voice vote.

Senator Tieden offered amendment S—5758 filed by him from the floor to page 15 of the bill and moved its adoption.

Amendment S—5758 was adopted by a voice vote.

Senator DeKoster offered amendment S—5761 filed by Senators DeKoster and Ramsey from the floor to page 2 of the bill, moved its adoption and requested a non record roll call.

The ayes were 46, nays 3.

Amendment S—5761 was adopted.

Senator Hutchins offered amendment S—5762 filed by Senators Hutchins and Gratias from the floor to page 3 of the bill and moved its adoption.

Amendment S—5762 was adopted by a voice vote.

Senator Waldstein moved the adoption of division S—5714B to page 2 of the bill, previously deferred.

A record roll call was requested.

On the question "Shall division S—5714B be adopted?" (H.F. 2561) the vote was:

Ayes, 23:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Comito	Craft
DeKoster	Drake	Gentleman	Goodwin
Hansen	Hester	Holden	Miller, E.R.
Murray	Nystrom	Orr	Small
Taylor	Waldstein	Yenger	

Nays, 27:

Baugher	Carr	Coleman	Deluhery
Gallagher	Gratias	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Tieden	Van Gilst	

Division S—5714B lost.

Senator Tieden offered amendment S—5763 filed by him from the floor to pages 10 through 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5763 be adopted?" (H.F. 2561) the vote was:

Ayes, 14:

Briles	Coleman	Craft	Goodwin
Gratias	Hulse	Hultman	Jensen
Kinley	Priebe	Robinson	Rodgers
Taylor	Tieden		

Nays, 36:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Comito
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Hansen	Hester	Holden
Hutchins	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Rush	Schwengels	Scott	Slater
Small	Van Gilst	Waldstein	Yenger

Amendment S—5763 lost.

Senator Tieden offered amendment S—5764 filed by Senators Tieden and Priebe from the floor to page 2 of the bill.

Senator Ramsey offered amendment S—5765 filed by Senators Ramsey and Tieden from the floor to amendment S—5764.

Senator Nystrom took the chair at 3:16 p.m.

Senator Ramsey moved the adoption of amendment S—5765 to amendment S—5764, which motion prevailed by a voice vote.

Senator Ramsey moved the adoption of amendment S—5764 as amended.

A non record roll call was requested.

The ayes were 29, nays 20.

Amendment S—5764 as amended was adopted.

The Chair ruled amendment S—5744 filed by Senators Tieden and Priebe on April 16, 1980, to page 2 of the bill, out of order.

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. 2561) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Hultman
Hutchins	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 7:

Briles	Holden	Hulse	Jensen
Kinley	Priebe	Robinson	

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 16, 1980

The Honorable Terry E. Branstad
Lieutenant Governor of Iowa
State Capitol Building
LOCAL

Dear Governor Branstad:

It is my pleasure to submit to the Senate for their consideration the name of Krenio (Kay) Polydoran Wright, Des Moines, Polk County, Iowa, for appointment as a member of the Public Employment Relations Board pursuant to Section 20.5, 1979 Code of Iowa, for an unexpired term ending June 30, 1980, and a regular four-year term commencing July 1, 1980, and ending June 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 112
By: Yenger, Readinger, Kinley, Palmer, Tieden, Kudart, Bisenius, Orr, Hutchins, Hansen, Briles, Gallagher, Junkins, Scott, Carney and Murray

Whereas, over the past five years appropriations from the Iowa legislature to the Iowa state fair have averaged $500,000 per year; and

Whereas, recent economic developments have led to substantial decreases in state revenue estimates for the current biennium; and

Whereas, an in-depth economic study of the Iowa state fair conducted at the behest of the Iowa legislature, has recommended a $32.5 million redevelopment program to make the Iowa state fair self-supporting on an operating basis; an

Whereas, the same economic study concludes that a complete redevelopment program for the Iowa state fairgrounds can be at least partially financed by the operation of the Iowa state fair with a major horse racing program; and

Whereas, many recent opinion polls have shown Iowans to be in favor of pari-mutuel betting; and

Whereas, there are many important ancillary issues involved in this pari-mutuel issue, including but not limited to the advisability of using revenue bonds to start a racing program at the Iowa state fair, the location of racetracks, the best forms of ownership for such

racetracks, the impact of pari-mutuel betting on crime within the state, and the desirability of conducting various types of racing; *Now Therefore,*

Be It Resolved by the Senate, That the Legislative Council is requested to authorize an interim study by a subcommittee composed of members of the Senate Ways and Means Committee and the Senate Committee on State

Page 2

Government, to examine the feasibility of pari-mutuel betting as a means of implementing the redevelopment plan of the Iowa state fair; and

Be It Further Resolved, That the Study Committee shall submit a report of its findings and recommendations, together with any bill drafts necessary to implement the recommendations, to the Legislative Council and the appropriate committees of the Senate.

Read first time and referred to the committee on **Rules and Administration.**

SENATE CONCURRENT RESOLUTION 138
By: Junkins

Whereas, the state of Iowa has among its residents outstanding educators in all areas in the field of education; and

Whereas, in the past the Iowa General Assembly has demonstrated its interest in education by recognizing individuals who are an important asset in advancing the interest of students in the state of Iowa; and

Whereas, Howard Carter, a multi-occupation cooperative instructor at Lee Central Community High School in Argyle, Iowa has been honored with the title of "Teacher of the Year", awarded by the Council of Chief State School Officers in cooperation with Encyclopedia Britannica and Ladies Home Journal; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the General Assembly of the state of Iowa congratulate Howard Carter for his dedication and twenty-two years of service in the field of education; and

Be It Further Resolved, That a copy of this resolution be forwarded to Howard Carter.

Read first time and referred to the committee on **Rules and Administration.**

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 17, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 2282

S—5766

Amend Senate File 2282, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 13, by inserting after the word *"municipalities"* the words *"and cities"*.

2. Page 2, by striking line 13 and inserting in lieu thereof the words and figures *"tion seventy-four point one (74.1), subsection one (1) of the Code shall bear"*.

3. Page 2, line 31, by striking the word *"must"* and inserting in lieu thereof the word *"shall"*.

4. Page 4, line 3, by striking the word and figure "seven (7)" and inserting in lieu thereof the word and figure "nine (9)".

5. Page 4, line 31, by inserting after the figure "(14)" the words and figure ", subsection two (2)".

6. Page 5, line 26, by inserting after the figure "(14)" the words and figure ", subsection two (2)".

7. Page 6, by striking lines 1 through 16 and inserting in lieu thereof the following:

"2. The committee shall adopt rules pursuant to chapter seventeen A (17A) of the Code establishing the annual interest rate to be applicable to obligations referred to in section ten (10) of this Act, and the maximum annual interest rate to be applicable to obligations referred to in section twelve (12) of this Act.

3. The committee shall adopt rules pursuant to section seventeen A (17A) of the Code establishing recommended rates, or formulae for determining recommended rates, to be applicable to obligations referred to in sections eleven (11) and fifteen (15)

of this Act."

8. Page 6, lines 18 and 19, by striking the words and figure "subsection two (2)" and inserting in lieu thereof the words and figures "subsections two (2) and three (3)".

9. Page 7, by striking lines 3 through 6 and inserting in lieu thereof the words "in this section."

10. Page 44, lines 33 and 34, by striking the words and figure "rules issued under section fourteen (14)" and inserting in lieu thereof the words and figure "section eleven (11)".

11. Page 45, by inserting after line 1 the following:

"Sec. ____. Commencing on December 1, 1980, the rate of interest payable on the unpaid balance of a special assessment which was levied on or after November 1, 1979, and prior to the effective date of Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File 500, shall be increased to the

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rate of ten percent per annum."

12. Page 45, by striking lines 2 through 8 and inserting in lieu thereof the following:

"Sec. ____. The provisions of this Act which remove limitations on rates of interest supersede limitations on rates of interest established by acts of the Sixty-eighth General Assembly, 1980 Session, Senate File five hundred (500), section six (6). Rules adopted pursuant to this Act which establish rates of interest applicable under sections ten (10) and twelve (12) of this Act supersede any rates of interest established by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File five hundred (500), section six (6)."

13. By relettering paragraphs and renumbering subsections.

APPENDIX

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 17th day of April, 1980.

Senate Files 107, 359, 446, 464, 2006, 2183, 2267, 2279, 2285, 2299, 2314 and 2331.

FRANK J. STORK, Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

April 16, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 747, was published in the Globe-Gazette, Mason City, Iowa, on March 28, 1980, and republished April 11, 1980, and published in The Sioux City Journal, Sioux City, Iowa, on March 29, 1980, and republished April 11, 1980.

Also, I certify that Senate File 2060, was published in the West Des Moines Express, West Des Moines, Iowa, on April 10, 1980, and in the Urbandale News, Urbandale, Iowa, on April 10, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTE

In eight years in the Iowa Senate, I believe this is the first time I have ever placed a reason for a vote. I voted "present" on House File 2492 for the following reasons:

First—I did support the Senate version concerning the interest rates for our lending institutions. I felt they could not pay higher interest rates than they received. I was opposed to taking agriculture and business loans out of the consumer credit code. Why should we have different classes of citizens when it comes to credit?

I really believe this bill will work a real hardship on the small businessman, the wholesaler and Iowa manufacturers. If you look at the bill, you will see several pages

of amendments which take out of the Code statutes which have been placed in the Code in previous years by well-meaning legislators in regard to agriculture and business and we take all of these out in less than one hour of debate. I believe this is a dangerous precedent. Actions as serious as this deserve more than one hour of debate.

I believe this bill, has by far, the most far-reaching affect of any bill which has been passed in my terms in the legislature. I don't believe anyone knows exactly what this bill really does.

This bill, I feel, will have a very great impact on the economy of Iowa and very little good. In my opinion, April 16, 1980, will long be remembered by the citizens of Iowa.

BERL E. PRIEBE

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2492 passed the Senate on April 16, 1980.

PATRICK J. DELUHERY

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5745 to Senate amendment H—5879 to House File 2492 on April 16, 1980.

PATRICK J. DELUHERY

MR. PRESIDENT: I move to reconsider the vote by which House File 2492 passed the Senate on April 16, 1980.

EDGAR H. HOLDEN

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Delmer A. Nelson, Spirit Lake, Dickinson County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for the regular four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

SUE YENGER, Chairperson
IRVIN L. BERGMAN
ARTHUR A. SMALL, JR.
TOM SLATER
JOHN N. NYSTROM

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Charles H. Pelton, Clinton, Clinton County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
NORMAN J. GOODWIN
LOWELL L. JUNKINS
CHARLES P. MILLER
W. R. BILL HANSEN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. H. Ronald Frogley, Davenport, Scott County, Iowa, for reappointment to the State Board of Chiropractic Examiners pursuant to Section 147.14, 1979 Code of Iowa, for a regular three-year term commencing July 1, 1980, and ending June 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROLF V. CRAFT, Chairperson
JAMES CALHOON
PATRICK J. DELUHERY
JULIA B. GENTLEMAN
ARTHUR L. GRATIAS

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Dr. H. Ronald Frogley be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

ARTHUR A. SMALL, JR.

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Branstad, in accordance with Section 2.32, Code 1979, announced the appointment of the following Senators to an investigating committee:

As a member of the Public Employment Relations Board:

Krenio (Kay) Polydoran Wright, Des Moines, Polk County, Iowa, for appointment to an unexpired portion of a term ending June 30, 1980, and a regular four-year term commencing July 1, 1980, and ending June 30, 1984.

Senator DeKoster, Chairperson
Senator Priebe

Senator Rodgers
Senator Readinger
Senator Comito

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	136	Rules and Administration
H.F.	2567	Ways and Means
H.F.	2571	Ways and Means
H.F.	2578	Ways and Means
H.F.	2579	Ways and Means

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Vera H. Shivvers, now Mrs. Wallace McKee, former member of the Senate from Marion County, who was present in the Senate chamber.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-five students from Nesco Community School, Zearing, Iowa. Senators Miller of Marshall and Nystrom.

Forty-one students from St. John's of Bancroft School, Bancroft, Iowa, accompanied by Al Dole, Sister Jean Ann, Madeline Summitt and Clark Koob. Senator Priebe.

Forty-four students from Columbus High School, Waterloo, Iowa. Senators Comito and Hansen.

Seventy-five students from Glick Elementary School, Marshalltown, Iowa, accompanied by Dave Brintnall. Senator Miller of Marshall.

Fifty-four students from West Harrison Elementary School, Risgah, Iowa, accompanied by Darlene Hime. Senator Hester.

Twenty-five students from Webster City High School, Webster City, Iowa, accompanied by Mr. Niggemeyer. Senator Nystrom.

Forty students from Readlyn Community Lutheran School, Readlyn, Iowa, accompanied by Mr. Miller and Mrs. Rich. Senator Craft.

Thirty-eight students from Oakland Jr.-Sr. High School, Oakland, Iowa, accompanied by Kathy Govener. Senators Hester and Hultman.

Thirty-five students from Rockwell-Swaledale Community School, Rockwell, Iowa, accompanied by Mr. Fredrickson. Senator Miller of Cerro Gordo.

Seventy-five students from Rockford Senior High School, Rockford, Iowa, accompanied by Dennis Haller. Senator Gratias.

Thirty-five students from Bellevue Community High School, Bellevue, Iowa, accompanied by Mr. Marion Junk. Senator Bisenius.

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: April 17, 1980, 12:00 noon.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Baugher, Gentleman, Ramsey, Scott and Slater.

Members Absent: Rush, Ranking Member; Briles, Coleman, Hansen, Murray, and Deluhery.

Final Action: SENATE FILE 2370, a bill for an act relating to the term of office of certain county supervisors.

Recommendation: DO PASS.

Final Vote: Ayes, 7: DeKoster, Kudart, Baugher, Gentleman, Ramsey, Scott and Slater. Nays, none. Absent or not voting, 6: Briles, Coleman, Hansen, Murray, Rush and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:10 p.m.

WAYS AND MEANS*

*A report of this meeting was also recorded on page 1507 of the April 16, 1980, Senate Journal.

Convened: April 16, 1980, 8:20 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Hultman, Ramsey, Hutchins, Rush, Scott, Van Gilst and Junkins (arrived 8:40 a.m.).

Members Absent: Holden.

Final Action: SENATE FILE 2372, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for furnishing of labor and materials for a fixed price.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Ramsey, Hutchins, Rush, Scott, Van Gilst, Hultman and Junkins. Nays, none. Absent or not voting, 1: Holden.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2373, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Baugher, Hester, Ramsey, Hutchins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 5: Comito, Drake, Holden, Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed SSB 2298, and House File 2511—no final action taken; assigned SSB 2305 to subcommittee.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: April 17, 1980, 4:00 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden, Hultman, Hutchins, Junkins, Ramsey, Rush, Scott and Van Gilst.

Members Absent: none.

Final Action: HOUSE FILE 2511, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Craft, Rodgers, Baugher, Comito, Drake, Hester, Holden, Hultman, Hutchins, Junkins, Ramsey, Rush, Scott and Van Gilst. Nays, 1: Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2577, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund and making the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Craft, Readinger, Rodgers, Baugher, Comito, Drake, Hester, Holden, Hultman, Hutchins, Junkins, Ramsey, Rush, Scott and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB 2304 dealing with tax on gasohol was discussed and deferred.

Adjourned: 4:40 p.m.

AMENDMENTS FILED

S—5757	H.F.	2561	Dale L. Tieden
S—5758	H.F.	2561	Dale L. Tieden
S—5759	S. F.	2148	Cloyd E. Robinson
S—5760	S. F.	2148	Cloyd E. Robinson
S—5761	H.F.	2561	Lucas J. DeKoster Richard R. Ramsey
S—5762	H.F.	2561	C. W. Hutchins Arthur L. Gratias
S—5763	H.F.	2561	Dale L. Tieden
S—5764	H.F.	2561	Dale L. Tieden Berl E. Priebe
S—5765	H.F.	2561	Richard R. Ramsey Dale L. Tieden
S—5767	S. F.	2192	Ray Taylor Berl E. Priebe
S—5768	S. F.	2370	Gary L. Baugher John W. Jensen

Tom Slater
Robert M. Carr
Bob Rush
George R. Kinley
William D. Palmer
Ray Taylor
Richard Comito
Rolf V. Craft
Richard R. Ramsey
John Scott
C. Joseph Coleman
Arthur A. Small, Jr.
Joe Brown
Berl E. Priebe
Arthur L. Gratias
Cloyd E. Robinson
Bass Van Gilst
James E. Briles
Clarence Carney

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:06 p.m., until 9:00 a.m., Friday, April 18, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 18, 1980

The Senate met in regular session at 9:14 a.m., President Branstad presiding.

Prayer was offered by the Honorable Arthur L. Gratias, member of the Senate from Floyd County, Nora Springs, Iowa.

The Journal of Thursday, April 17, 1980, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gallagher for the day on request of Senator Junkins and Senator Nystrom 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 April 17, 1980, insisted on its amendment to Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, and that the members of the conference committee on the part of the House are: The Representative from Woodbury, Mr. Johnson, Chair; the Representative from Taylor, Mr. Daggett; the Representative from O'Brien, Mr. Menke; the Representative from Greene, Mr. Perkins; and the Representative from Lee, Mr. Spear.

BRUCE GRAHAM, Assistant Chief Clerk

POINT OF ORDER

Senator Junkins rose on a point of order to question if the amendment to be filed by the committee on Education to House File 2551 will be in order since the Education Committee did not have possession of the bill at the time the amendment was approved.

Senator Junkins withdrew his point of order.

BILLS RETURNED TO COMMITTEE

Senator Murray asked and received unanimous consent that **House File 2520** and **Senate File 2367** be returned from the Appropriations Calendar to the committee on **Appropriations**.

HOUSE AMENDMENTS CONSIDERED

Senate File 2197

Senator Miller of Marshall called up for consideration Senate File 2197, a bill for an act relating to the sale of wine and creating a license therefor, amended by the House by House amendment S—5756 filed April 17, 1980, and found on pages 1513-1514 of the Senate Journal.

Senator Miller of Marshall offered amendment S—5769 filed by her from the floor to House amendment S—5756 and moved its adoption.

Amendment S—5769 was adopted by a voice vote.

Senator Miller of Marshall moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in House amendment as amended.

Senator Miller of Marshall 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. 2197) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott

Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 3:

DeKoster	Holden	Taylor

Absent or not voting, 5:

Gallagher	Hansen	Jensen	Nystrom
Robinson			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2282

Senator Holden called up for consideration Senate File 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section, amended by the House, and moved that the Senate concur in House amendment S—5766 filed April 17, 1980, and found on pages 1523-1524 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Holden 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. 2282) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Priebe	Ramsey	Readinger

Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Palmer

Absent or not voting, 6:

Gallagher	Hansen	Jensen	Nystrom
Orr	Robinson		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SENATE INSISTS

House File 2475

Senator Carney called up for consideration House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, amended by the Senate, and moved that the Senate recedes from its amendment.

A record roll call was requested.

On the question "Shall the motion to recede be adopted?" (H.F. 2475) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Bergman	Briles	Carney	Craft
DeKoster	Deluhery	Drake	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Junkins	Kudart	Murray
Orr	Ramsey	Readinger	Schwengels
Scott			

Nays, 24:

Baugher	Bisenius	Brown	Calhoon
Carr	Coleman	Comito	Gentleman
Hutchins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Palmer	Priebe	Rodgers

Rush	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Absent or not voting, 5:

Gallagher	Hansen	Jensen	Nystrom
Robinson			

The motion lost and the Senate **insisted on** its amendment.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2370.

Senate File 2370

On motion of Senator Scott, Senate File 2370, a bill for an act relating to the term of office of certain county supervisors, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey asked and received unanimous consent to withdraw amendment S—5768 filed by Senators Baugher, et al., on April 17, 1980, to strike everything after the enacting clause of the bill.

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. 2370) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Gallagher	Hansen	Jensen	Nystrom
Robinson	Small		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2370** and **House File 2561** be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2372.

Senate File 2372

On motion of Senator Holden, Senate File 2372, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price, was taken up for consideration.

Senator Priebe asked and received unanimous consent that action on **Senate File 2372** be **deferred.**

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2373.

Senate File 2373

On motion of Senator Craft, Senate File 2373, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes, was taken up for consideration.

Senator Craft moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2373) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Scott
Slater	Small	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 1:

Tieden

Absent or not voting, 7:

Gallagher	Gratias	Hansen	Jensen
Nystrom	Robinson	Schwengels	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent to take up out of order House File 2554.

House File 2554

On motion of Senator Baugher, House File 2554, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Craft offered amendment S—5771 filed by the committee on Ways and Means from the floor to pages 1 through 3 of the bill.

Senator Junkins asked and received unanimous consent that action on **House File 2554** and amendment S—5771 be **deferred.**

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take

up for consideration Senate Resolution 111.

Senate Resolution 111

On motion of Senator Yenger, Senate Resolution 111, a resolution urging the United States Environmental Protection Agency to reevaluate all sulfur air quality studies and standards affecting Iowa, filed April 8, 1980, and found on pages 1320-1321, with report of committee recommending passage, was taken up for consideration.

Senator Yenger moved the adoption of Senate Resolution 111, which motion prevailed by a voice vote.

UNFINISHED BUSINESS
(Pending April 15, 1980)
(Steering Calendar)

House File 485

The Senate resumed consideration of House File 485, a bill for an act to require fiscal notes on proposed legislation and administrative rules which impose increased expenditures or fiscal liability, or reduce the revenues, of the political subdivisions of this state, and to provide for delayed effective dates, and amendment S—5715 by Senator Readinger to strike everything after the enacting clause and the title page of the bill, offered and pending on April 15, 1980; and amendments S—3669, S—3505, S—3389 and S—3668, reconsidered and deferred on April 15, 1980.

Senator Gentleman asked and received unanimous consent that action on **House File 485** and amendment S—5715 be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2369.

Senate File 2369

On motion of Senator Van Gilst, Senate File 2369, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive, was taken up for consideration.

Senator Rush offered amendment S—5772 filed by Senators Rush and Van Gilst from the floor to page 1 of the bill and moved its adoption.

Amendment S—5772 was adopted by a voice vote.

Senator Bisenius asked and received unanimous consent that action on **Senate File 2369** be **deferred.**

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **Senate File 108** on the part of the Senate: Senators Gratias, Chairperson; Jensen, Briles, Brown and Palmer.

The Chair announced the following conference committee on **House File 2475** on the part of the Senate: Senators Carney, Chairperson; Waldstein, Miller of Marshall, Orr and Carr.

Senator Bisenius took the chair at 11:50 a.m.

President Branstad took the chair at 12:01 p.m.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2492

Senator Deluhery withdrew the motion to reconsider House File 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, filed by him on April 17, 1980, and found on page 1526 of the Senate Journal.

Senator Deluhery withdrew the motion to reconsider the vote by which the Senate concurred in House amendment S—5745 to Senate amendment H—5879 to House File 2492 on April 16, 1980, filed by him on April 17, 1980, and found on page 1526 of the Senate Journal.

Senator Holden withdrew the motion to reconsider House File 2492, filed by him on April 17, 1980, and found on page 1526 of the Senate Journal.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE CONCURRENT RESOLUTION 134

Rules and Administration
Hultman, Chairperson
Hansen
Kinley

SENATE CONCURRENT RESOLUTION 135

Rules and Administration
Hultman, Chairperson
Hulse
Junkins

HOUSE FILE 701

Appropriations
DeKoster, Chairperson
Hultman
Readinger
Carr
Small

HOUSE FILE 2116

Appropriations
Appropriations Subcommittee on Education

HOUSE FILE 2577

Ways and Means
Holden, Chairperson
Scott
Comito

HOUSE CONCURRENT RESOLUTION 117

Rules and Administration
Hultman, Chairperson
Hulse
Kinley

SSB 2302

Ways and Means
Craft, Chairperson
Rush
Hultman

SSB 2304

Ways and Means
Comito, Chairperson
Rodgers
Ramsey

SSB 2305

Ways and Means
Craft, Chairperson
Rodgers
Hester

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Steven H. Jacobs, Davenport, Scott County, Iowa, for appointment as a member of the State Board of Tax Review pursuant to Section 421.1, 1979 Code of Iowa, for a regular six-year term commencing July 1, 1979, and ending June 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROLF V. CRAFT, Chairperson
RICHARD COMITO

EDGAR H. HOLDEN
ROBERT M. CARR

MOTIONS TO RECONSIDER

MR.PRESIDENT: I move to reconsider the vote by which Senate File 2197 passed the Senate on April 18, 1980.

STEPHEN W. BISENIUS

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5756 to Senate File 2197 on April 18, 1980.

STEPHEN W. BISENIUS

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: SENATE CONCURRENT RESOLUTION 137, a resolution concerning interim studies.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Hansen, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: April 17, 1980, 8:00 a.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Carney, DeKoster, Jensen, Orr, Small and Taylor.

Members Absent: Calhoon.

Other Business: Discussed proposed amendment to House File 2551.

Adjourned: 9:00 a.m.

EDUCATION

Convened: April 17, 1980, 4:10 p.m.

Members Present: Hansen, Chairperson; Gratias, Vice Chairperson; Brown, Ranking Member; Carney, DeKoster, Jensen, Orr and Taylor.

Members Absent: Calhoon and Small.

Other Business: Adopted proposed amendment to House File 2551.

Adjourned: 5:00 p.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-students from Lakota High School, Lakota, Iowa, accompanied by Patricia Dawson and Jackie Hartman. Senator Priebe.

Thirty students from Lincoln High School, Des Moines, Iowa, accompanied by Mr. Hickey. Senator Kinley.

One hundred students from Carlisle High School, Carlisle, Iowa, accompanied by Gary Sinclair. Senator Brown.

Forty-five students from Magnolia Elementary School, Magnolia, Iowa, accompanied by Mrs. Kirkpatrick and Mrs. McGinn. Senator Hester.

Twenty-six students from Lucas Elementary School, Chariton, Iowa, accompanied by Mary Richmond. Senator Van Gilst.

AMENDMENTS FILED

S—5769	S. F.	2197	Elizabeth R. Miller
S—5770	H.F.	2551	Education Committee
S—5771	H.F.	2554	Ways and Means Committee
S—5772	S. F.	2369	Bob Rush Bass Van Gilst
S—5773	H.F.	485	David M. Readinger Julia B. Gentleman
S—5774	S. F.	2197	Stephen W. Bisenius

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:20 p.m., until 10:00 a.m., Monday, April 21, 1980.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 21, 1980

The Senate met in regular session at 10:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Allan B. Jones, pastor of the United Methodist Church, Vincent, Iowa.

The Journal of Friday, April 18, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C.W. Beckman, Kalona, 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 17, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

ALSO: That the members of the conference committee on the part of the House to consider the differences between the House and Senate concerning House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, appointed April 18, 1980, are: The Representative from O'Brien, Mr. Hansen, Chair; the Representative from Black Hawk, Mr. Diemer; the Representative from Buena Vista, Mr. Groth; the Representative from Boone, Mrs. Lonergan; and the Representative from Calhoun, Mr. Maulsby.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 2443

S—5775

1 Amend the Senate amendment H—5900 to House File
2 2443 as amended, passed and reprinted by the House

as follows:

1. Page 1, line 9, by striking the words "may establish" and inserting in lieu thereof the words "shall establish".

2. Page 1, line 10, by inserting after the word "standards" the words "requiring at least thirty hours of instruction".

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2511.

House File 2511

On motion of Senator Baugher, House File 2511, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services, with report of committee recommending passage, was taken up for consideration.

Senator Baugher moved that the bill 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. 2511) the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Palmer	Priebe
Robinson	Rodgers	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein			

Nays, 6:

Gallagher	Orr	Ramsey	Readinger
Rush	Small		

Absent or not voting, 3:

Hansen	Holden	Yenger

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Gentleman asked and received unanimous consent that **Senate File 265** be withdrawn from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED
(Deferred April 17, 1980)

Senate File 2230

The Senate resumed consideration of Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, and House amendment S—5748, deferred on April 17, 1980.

Senator Small offered amendment S—5776 filed by him from the floor to House amendment S—5748.

Senator Taylor raised the point of order that amendment S—5776 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5776 in order.

Senator Priebe called for a division of amendment S—5776: lines 4 and 5 and 8 and 9 as division S—5776A; lines 6 and 7 as division S—5776B.

Senator Small moved the adoption of division S—5776A to House amendment S—5748.

A record roll call was requested.

On the question "Shall division S—5776A to House amendment S—5748 be adopted?" (S.F. 2230) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Brown	Carr	Comito	DeKoster
Deluhery	Drake	Gentleman	Kinley
Kudart	Murray	Nystrom	Orr

Palmer	Ramsey	Readinger	Rush
Slater	Small	Waldstein	

Nays, 28:

Baugher	Bergman	Bisenius	Calhoon
Carney	Coleman	Craft	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Miller, A.V.	Miller, C.P.	Miller, E.R.
Priebe	Robinson	Rodgers	Schwengels
Scott	Taylor	Tieden	Van Gilst

Absent or not voting, 3:

Briles	Hansen	Yenger

Division S—5776A lost.

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:38 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

UNFINISHED BUSINESS
(Deferred March 20, 1980)

Senate File 2192

The Senate resumed consideration of Senate File 2192, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy, amendment S—5366 by Senator Jensen and divisions S—5364B and S—5364C by Senator Taylor, deferred on March 13, 1980; and amendment S—5377 by Senators Waldstein, et al., deferred on March 20, 1980.

Senator Taylor asked unanimous consent to reconsider a second time the vote by which division S—5364A to Senate File 2192 was adopted by the Senate on March 13, 1980.

Objection was raised by Senator Rush.

The Chair ruled the following amendments out of order:

S—5485 filed by Senators Miller, et al., on March 20, 1980, to page 5 of the bill.

S—5767 filed by Senators Taylor and Priebe on April 17, 1980, to pages 1 through 17 and the title page of the bill.

Senator Waldstein offered amendment S—5490 filed by Senators Waldstein, et al., on March 21, 1980, to pages 3, 4 and 6 of the bill and called for a division: lines 2 through 7 as division S—5490A; lines 8 through 11 as division S—5490B; lines 12 through 14 as division S—5490C.

Senator Waldstein moved the adoption of division S—5490A.

A non record roll call was requested.

The ayes were 21, nays 26.

Division S—5490A lost.

Senator Hultman offered amendment S—5784 filed by him from the floor to division S—5490B and moved its adoption.

Amendment S—5784 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on division S—5490B as amended be deferred.

Senator Carney took the chair at 2:43 p.m.

Senator Waldstein moved the adoption of division S—5490C.

A record roll call was requested.

On the question "Shall division S—5490C be adopted?" (S.F. 2192) the vote was:

Ayes, 27:

Baugher	Bergman	Bisenius	Briles

Carney	Coleman	Craft	DeKoster
Drake	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Miller, A.V.	Nystrom	Priebe	Ramsey
Robinson	Schwengels	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 21:

Brown	Calhoon	Carr	Comito
Deluhery	Gallagher	Gentleman	Hutchins
Junkins	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Orr	Readinger
Rodgers	Rush	Scott	Slater
Small			

Absent or not voting, 2:

Hansen	Palmer

Division S—5490C was adopted.

President Branstad took the chair at 3:04 p.m.

The Senate resumed consideration of division S—5490B as amended, previously deferred.

Senator Hutchins offered amendment S—5787 filed by him from the floor to division S—5490B.

Senator Gratias called for a division of amendment S—5787: lines 3 and 4 as division S—5787A; lines 5 through 7 as division S—5787B.

Senator Gratias withdrew his request for a division of amendment S—5787.

Senator Hutchins moved the adoption of amendment S—5787 to division S—5490B, which motion prevailed by a voice vote.

Senator Waldstein moved the adoption of division S—5490B as amended.

A record roll call was requested.

On the question "Shall division S—5490B as amended be adopted?" (S.F. 2192) the vote was:

Ayes, 28:

Bergman	Bisenius	Briles	Brown
Carney	Coleman	Craft	Drake
Gallagher	Gratias	Hester	Hulse
Hultman	Hutchins	Jensen	Miller, A.V.
Nystrom	Priebe	Ramsey	Robinson
Rodgers	Schwengels	Scott	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 20:

Baugher	Calhoon	Carr	Comito
DeKoster	Deluhery	Gentleman	Goodwin
Junkins	Kinley	Kudart	Miller, C.P.
Miller, E.R.	Murray	Orr	Palmer
Readinger	Rush	Slater	Small

Absent or not voting, 2:

Hansen	Holden

Division S—5490B as amended was adopted.

Senator Jensen withdrew amendment S—5366 filed by him on March 13, 1980, to pages 3 and 5 of the bill, deferred on March 13, 1980.

Senator Hultman offered amendment S—5786 filed by him from the floor to page 4 of the bill.

Senator Carney took the chair at 3:30 p.m.

Senator Hultman moved the adoption of amendment S—5786.

A record roll call was requested.

On the question "Shall amendment S—5786 be adopted?" (S.F. 2192) the vote was:

Ayes, 15:

Bisenius	Briles	Carney	Craft
Gratias	Hansen	Hester	Hulse
Hultman	Jensen	Murray	Robinson
Small	Taylor	Tieden	

Nays, 34:

Baugher	Bergman	Brown	Calhoon

Carr	Coleman	Comito	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Van Gilst
Waldstein	Yenger		

Absent or not voting, 1:

Holden

Amendment S—5786 lost.

Senator Jensen offered amendment S—5373 filed by Senators Jensen and Waldstein on March 13, 1980, to page 5 of the bill.

Senator Jensen offered amendment S—5791 filed by him from the floor to amendment S—5373 and moved its adoption.

Amendment S—5791 was adopted by a voice vote.

Senator Jensen asked and received unanimous consent that action on amendment S—5373 as amended be deferred.

President Branstad took the chair at 3:55 p.m.

Senator Priebe offered amendment S—5782 filed by him from the floor to page 5 of the bill.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 27, nays, 22.

Amendment S—5782 was adopted.

The Senate resumed consideration of division S—5364B by Senator Taylor, deferred on March 13, 1980.

Senator Taylor asked and received unanimous consent that action on division S—5364B be deferred for consideration of amendment S—5376.

Senator Rush offered amendment S—5376 filed by Senators Rush, Schwengels and Taylor on March 13, 1980, to page 6 of the bill and moved its adoption.

Amendment S—5376 was adopted by a voice vote.

With the adoption of amendment S—5376, the Chair ruled division S—5364B to page 6 of the bill, previously deferred, out of order.

(Senate File 2192 pending on adjournment).

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 139
By: Brown

Whereas, public and nonpublic school students of all ages in Iowa need to have appropriate access to printed and nonprinted learning materials; and

Whereas, the use of the learning materials is best facilitated through library media center organization practices; and

Whereas, the appropriate use of library media center materials and services depends on the knowledge and expertise of certified professionals; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the department of public instruction prepare a report which shall include the feasibility of requiring by statute a media specialist certified by the department of public instruction in every school building, in which a class for student instruction is held, of each school district in Iowa, the cost factor of the additional certified media specialists, the reviewed and recommended revisions of the standards based upon the student enrollment recommended by the state board of public instruction in accordance with section 252.25 of the Code, the reviewed and recommended revisions of the departmental rules in regards to library media center facilities and any additional recommendations by the department of public instruction; and

Be It Further Resolved, That the department of public instruction shall submit its findings to the general assembly convening in 1981.

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 April 18, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2580, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering the designated programs.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2580, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking peoples commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth

services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services.

Read first time and referred to the committee on **Appropriations.**

APPENDIX

PETITIONS

The following petitions favoring legislation requiring the inclusion of Reye's Syndrome as a reportable disease within the rules adopted by the state department of health were presented and placed on file by:

Senator Goodwin from two hundred sixty-seven residents of Iowa.

Senator Hansen from two hundred residents of Iowa and Rock Island, Illinois.

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

IOWA DEPARTMENT OF JOB SERVICE

A copy of the Actuarial Report of the Iowa Job Insurance System as of December 31, 1979, pursuant to Chapter 54, Section 39, 1977 Acts of the Sixty-seventh General Assembly. Additional copies are available from Department of Job Service, Actuarial Research Division.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 1980, the Governor approved and transmitted to the Secretary of the State the following bill:

H.F. 2305—To allow county conservation boards to exchange property.

STUDY BILLS RECEIVED

S.S.B. 2306 Ways and Means

Relating to definition of vehicles for interstate transportation.

S.S.B. 2307 Appropriations

Relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional

appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act.

S.S.B. 2308 Ways and Means

To impose an additional tax on the change in use of agricultural land, imposing penalties for violations and repealing the recapture of taxes provision.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on House File 2511, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

Had I been present, I would have voted "aye."

SUE YENGER

REPORTS OF INVESTIGATING COMMITTEES

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Robert S. Hansen, Ames, Story County, Iowa, for reappointment as a member of the Energy Policy Council pursuant to Section 93.2, 1979 Code of Iowa, for a four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

A. R. KUDART, Chairperson
JOHN S. MURRAY
CLOYD E. ROBINSON
GEORGE R. KINLEY
EDGAR H. HOLDEN

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Krenio (Kay) Polydoran Wright, Des Moines, Polk County, Iowa, for appointment as a member of the Public Employment Relations Board pursuant to Section 20.5, 1979 Code of Iowa, for an unexpired term ending June 30, 1980, and a regular four-year term commencing July 1, 1980, and ending June 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DE KOSTER, Chairperson
BERL E. PRIEBE
NORMAN G. RODGERS
DAVID M. READINGER
RICHARD COMITO

REPORT OF COMMITTEE

STATE GOVERNMENT

Final Action: SENATE FILE 2371, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Murray. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-one students from the Beaman-Conrad-Liscomb Jr.-Sr. High School, Conrad, Iowa, accompanied by Mrs. Pieper. Senator Jensen.

Twenty-seven students from the Lohrville High School, Lohrville, Iowa, accompanied by Mark Armstrong and Art Pixler. Senator Scott.

Twenty students from the Woodward-Granger High School, Woodward, Iowa, accompanied by Dale Barnhill. Senator Rodgers.

Forty students from Peet Junior High School, Cedar Falls, Iowa, accompanied by Carolyn Haurum. Senator Hansen.

Twenty-nine students from the West Bend Community-Rodman Middle School, Rodman, Iowa, accompanied by Connie Wendel and Greg Stewart. Senator Priebe.

Ten Cadet Girl Scouts from Maquoketa, Iowa, accompanied by Mrs. Joyce Till. Senator Bisenius.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5429 to Senate File 2192 was adopted by the Senate on March 20, 1980.

CALVIN O. HULTMAN

INTRODUCTION OF BILL

Senate File 2374, by Committee on Appropriations, a bill for an act appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

Read first time and **placed on calendar** under Senate Rule 28.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 21, 1980, 4:25 p.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst (arrived 4:30 p.m.).

Members Absent: Hultman and Junkins.

Final Action: SENATE FILE 2374, a bill for an act appropriating funds to designated agencies for the 1978-79 or 1979-80 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Nystrom, Readinger, Schwengels, Scott, Small, Van Gilst and Tieden. Nays, none. Absent or not voting, 2: Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2168, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none. Absent or not voting, 2: Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2500, a bill for an act relating to the compensation and expenses of the board of trustees of a sanitary sewer district.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none. Absent or not voting, 2: Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:40 p.m.

AMENDMENTS FILED

S—5776	S.F.	2230	Arthur A. Small, Jr.
S—5777	H.F.	2554	Lowell L. Junkins Gary L. Baugher
S—5778	S.F.	2369	Bob Rush
S—5779	S.F.	2369	Stephen W. Bisenius
S—5780	S.F.	2230	Arthur A. Small, Jr.
S—5781	H.F.	2554	C. W. Hutchins
S—5782	S.F.	2192	Berl E. Priebe
S—5783	H.F.	2551	Joe Brown
S—5784	S.F.	2192	Calvin O. Hultman
S—5785	S.F.	2372	Gary L. Baugher Berl E. Priebe William D. Palmer
S—5786	S.F.	2192	Calvin O. Hultman
S—5787	S.F.	2192	C. W. Hutchins
S—5788	H.F.	2486	Edgar H. Holden
S—5789	S.F.	2197	Stephen W. Bisenius
S—5790	S.F.	2192	Forrest V. Schwengels
S—5791	S.F.	2192	John W. Jensen
S—5792	S.F.	2192	Elizabeth R. Miller
S—5793	S.F.	2192	John W. Jensen

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:25 p.m., until 9:00 a.m., Tuesday, April 22, 1980.

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 22, 1980

The Senate met in regular session at 9:07 a.m., President Branstad presiding.

Prayer was offered by the Reverend Marvin L. Hulse, pastor of the Immanuel United Methodist Church, Des Moines, Iowa.

The Journal of Monday, April 21, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James H. Coddington, Humboldt, Iowa.

INTRODUCTION OF BILL

Senate File 2375, by Hultman and Junkins, a bill for an act repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act.

Read first time and **passed on file.**

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2343, a bill for an act exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit.

ALSO: That the House has on April 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2587, a bill for an act relating to the administration of motor fuel and special fuel tax laws.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2587, a bill for an act relating to the administration of the motor fuel and special fuel tax laws.

Read first time and referred to the committee on **Ways and Means.**

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2443

Senator Schwengels called up for consideration House File 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5775 to Senate amendment H—5900 filed April 21, 1980, and found on pages 1545-1546 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Schwengels 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. 2443) the vote was:

Ayes, 38:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Coleman	Comito
Deluhery	Drake	Gallagher	Goodwin
Gratias	Hansen	Hester	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Palmer	Priebe	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Yenger		

Nays, 6:

Craft	DeKoster	Gentleman	Hulse
Ramsey	Waldstein		

Absent or not voting, 6:

Brown	Calhoon	Holden	Nystrom
Orr	Readinger		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED
(Pending April 21, 1980)

Senate File 2230

The Senate resumed consideration of Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, House amendment S—5748 and division S—5776B to House amendment S—5748, pending on April 21, 1980.

Senator Small moved the adoption of division S—5776B to House amendment S—5748 and requested a record roll call.

On the question "Shall division S—5776B to House amendment S—5748 be adopted?" (S.F. 2230) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Carr	Comito	DeKoster	Deluhery
Gentleman	Hansen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Orr	Palmer	Ramsey
Rush	Scott	Slater	Small
Waldstein	Yenger		

Nays, 23:

Baugher	Bergman	Bisenius	Briles
Carney	Coleman	Craft	Drake
Gallagher	Goodwin	Gratias	Hester
Hulse	Hultman	Jensen	Miller, E.R.
Priebe	Robinson	Rodgers	Schwengels
Taylor	Tieden	Van Gilst	

Absent or not voting, 5:

Brown	Calhoon	Holden	Hutchins
Readinger			

Division S—5776B lost.

Senator Small offered amendment S—5780 filed by him on April 21, 1980, to House amendment S—5748 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5780 to House amendment S—5748 be adopted?" (S.F. 2230) the vote was:

Ayes, 15:

Brown	Carr	DeKoster	Deluhery
Kinley	Kudart	Murray	Orr
Palmer	Ramsey	Rush	Slater
Small	Waldstein	Yenger	

Nays, 33:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
Craft	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Hulse	Hultman	Hutchins	Jensen
Junkins	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Priebe	Robinson	Rodgers
Schwengels	Scott	Taylor	Tieden
Van Gilst			

Absent or not voting, 2:

Holden	Readinger

Amendment S—5780 lost.

Senator Scott filed the following motion to reconsider from the floor and moved its adoption:

"MR. PRESIDENT: I move to reconsider the vote by which division S—5776A to House amendment S—5748 to Senate File 2230 failed to be adopted by the Senate on April 21, 1980.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2230) the vote:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Baugher	Brown	Carr	Comito
DeKoster	Deluhery	Drake	Gentleman
Junkins	Kudart	Murray	Orr
Palmer	Ramsey	Readinger	Rush
Scott	Slater	Small	Waldstein
Yenger			

Nays, 29:

Bergman	Bisenius	Briles	Calhoon
Carney	Coleman	Craft	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Priebe	Robinson
Rodgers	Schwengels	Taylor	Tieden
Van Gilst			

The motion lost.

Senator Ramsey asked and received unanimous consent that action on **Senate File 2230** and House amendment S—5748 be **deferred.**

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)
(Deferred May 11, 1979)

The Senate resumed consideration of the appointment of Ronald O. Masters, D.C., as a member of the State Board of Chiropractic Examiners for a regular three-year term commencing July 1, 1978, and ending June 30, 1981. Action on this appointment was deferred by the Senate on May 11, 1979.

Senator Drake renewed his motion that the appointment of Ronald O. Masters, D.C., be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen

Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Tieden	Van Gilst
Yenger			

Nays, 8:

Briles	Brown	DeKoster	Holden
Miller, C.P.	Small	Taylor	Waldstein

Absent or not voting, 1:

Readinger

The Chair declared the appointment confirmed.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Schwengels called up the Report of Investigating Committee for Kristine K. Grimm as a member of the Transportation Regulation Board, filed March 25, 1980, found on page 1068 of the Senate Journal, and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Schwengels moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall be appointee be confirmed?" the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Ramsey
Readinger	Robinson	Rodgers	Schwengels
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 7:

Brown	Deluhery	Hutchins	Junkins
Palmer	Rush	Scott	

The Chair declared the appointment confirmed.

Senator Taylor called up the Report of Investigating Committee for Edward J. Stanek as Director of Energy Policy, filed April 8, 1980, found on page 1325 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Taylor moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 50:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

The Chair declared the appointment confirmed.

Senator Hultman called up the Report of Investigating Committee for Sister Mary Xavier Coens as a member of the State Board of Chiropractic Examiners, filed April 16, 1980, found on page 1509 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Hultman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Miller, C.P.	Small

The Chair declared the appointment confirmed.

Senator Craft called up the Report of Investigating Committee for Dr. H. Ronald Frogley as a member of the State Board of Chiropractic Examiners, filed April 17, 1980, found on page 1527 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator Craft moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 50:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

The Chair declared the appointment confirmed.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hultman called up the following Reports of Investigating Committees:

As a member of the State Board of Dental Examiners, Nancy Flood, filed April 15, 1980, and found on page 1469 of the Senate Journal.

As a member of the Board of Engineering Examiners, Bobbretta E. Williams, filed April 16, 1980, and found on pages 1507-1508 of the Senate Journal.

As a member of the Commission on Judicial Qualifications, George A. Shepley, filed April 16, 1980, and found on page 1508 of the Senate Journal.

As a member of the County Finance Committee, Sonia A. Johannsen, filed April 16, 1980, and found on page 1508 of the Senate Journal.

As a member of the State Board of Speech Pathology and Audiology Examiners, Marvin Pekny, filed April 16, 1980, and found on page 1509 of the Senate Journal.

As a member of the Energy Policy Council, Delmer A. Nelson, filed April 17, 1980, and found on page 1526 of the Senate Journal.

As a member of the Energy Policy Council, Charles H. Pelton, filed April 17, 1980, and found on page 1527 of the Senate Journal.

As a member of the State Board of Tax Review, Steven H. Jacobs, filed April 18, 1980, and found on pages 1542-1543 of the Senate Journal.

Senator Hultman asked and received unanimous consent to dispense with the reading of the Reports of Investigating Committees.

Senator Hultman moved the adoption of the Reports of Investigating Committees, which motion prevailed and the reports were adopted.

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the votes were:

Ayes, 50:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

The Chair declared the appointments confirmed.

BILL ASSIGNED TO COMMITTEE

President Branstad announced that **Senate File 2375** was assigned to the committee on **Commerce.**

INTRODUCTION OF BILL

Senate File 2376 by Committee on Ways and Means, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alcohol distilled from agricultural products, subject to penalties provided by law.

Read first time and **placed on calendar.**

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 140
By: Committee on Appropriations

Whereas, the general assembly appropriates funds

from the general fund of the state annually for the operation of the area schools, and for the fiscal year commencing July 1, 1980 the appropriated amount exceeded fifty million dollars; and

Whereas, the department of public instruction is given the responsibility of allocating the state funds to the various area schools; and

Whereas, the formula by which state funds are allocated to the fifteen merged area schools does not adequately reflect the actual financial pressures faced by the individual area schools; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the department of public instruction is directed to review the existing formula along with various alternative methods of allocation, and shall report its findings and recommendations to the appropriate joint legislative subcommittees of the committees on appropriations not later than January 15, 1981. Additional factors which the department shall consider in reviewing the formula are:

1. The differences between the base year enrollment figure as used in the formula and the current year actual enrollment figure.

2. The use of actual full-time equivalent enrollment cost per program at each of the merged area schools rather than a statewide average.

3. The allowance for program costs for programs unique to one or a small number of merged area schools.

4. Any inconsistency in allowable growth rates for the various levels of education (K-12, merged area, university).

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 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2586, a bill for an act to allow the department of revenue to credit tax refunds against outstanding taxes due.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2586, a bill for an act to allow the department of revenue to credit tax refunds against outstanding taxes due.

Read first time and referred to the committee on **Ways and Means**.

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:37 p.m., President Branstad presiding.

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 Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

UNFINISHED BUSINESS
(Pending April 9, 1980)
(Steering Calendar)

House File 2551

The Senate resumed consideration of House File 2551, a bill for an act relating to the calculation of the state percent of growth and basic allowable growth per pupil for school foundation aid purposes, and the request for unanimous consent by Senator Junkins to rerefer House File 2551 from the calendar to the committee on Education, pending on April 9, 1980.

Senator Junkins withdrew his request for unanimous consent.

Senator Ramsey took the chair at 2:43 p.m.

Senator Hansen asked and received unanimous consent that Diane Bolender, Legislative Service Bureau and Dave Ritchie, State Comptroller's office, be allowed on the Senate floor during debate of House File 2551.

Senator Hansen asked and received unanimous consent to withdraw amendment S—5770 filed by the committee on Education on April 18, 1980, to pages 1 through 3 and the title page of the bill.

With the withdrawal of amendment S—5770, the Chair ruled the following amendments out of order:

S—5783 filed by Senator Brown on April 21, 1980, to amendment S—5770.

S—5795 filed by Senator Slater from the floor to amendment S—5770.

Senator Holden offered amendment S—5716 filed by him on April 11, 1980, to page 1 of the bill.

Senator Rodgers raised the point of order that amendment S—5716 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5716 in order.

Senator Holden moved the adoption of amendment S—5716.

A record roll call was requested.

On the question "Shall amendment S—5716 be adopted?" (H.F. 2551) the vote was:

Ayes, 32:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Jensen
Kudart	Murray	Nystrom	Orr
Ramsey	Readinger	Schwengels	Slater
Taylor	Tieden	Waldstein	Yenger

Nays, 13:

Coleman	Hutchins	Junkins	Miller, A.V.

Miller, C.P.	Miller, E.R.	Palmer	Priebe
Robinson	Rodgers	Rush	Scott
Small			

Absent or not voting, 5:

Craft	Drake	Hultman	Kinley
Van Gilst			

Amendment S—5716 was adopted.

Senator Hansen offered amendment S—5797 filed by Senators Hansen, et al., from the floor to pages 1 through 3 and the title page of the bill and called for a division as follows:

Division S—5797A: Page 1, lines 2 through 10; page 8, lines 20 through 31; page 10, lines 32 through 50; pages 11, 12 and 13; page 14, lines 1 through 13.

Division S—5797B: Page 1, lines 11 through 50; page 2, lines 1 through 16; page 6, lines 29 through 50; page 7; page 8, lines 1 through 19 and lines 32 through 50; page 9, lines 1 and 2 and lines 36 through 50; page 10, lines 1 through 31.

Division S—5797C: Page 2, lines 17 through 50; page 3; page 4, lines 1 through 47.

Division S—5797D: Page 4, lines 48 through 50; page 5, lines 1 through 16.

Division S—5797E: Page 5, lines 17 through 50; page 6, lines 1 through 26; page 9, lines 3 through 17.

Division S—5797F: Page 6, lines 27 and 28.

Division S—5797G: Page 9, lines 18 through 35.

Division S—5797H: Page 14, lines 14 through 27.

Division S—5797I: Page 14, lines 28 through 41.

Senator Slater offered amendment S—5799 filed by him from the floor to division S—5797A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5799 to division S—5797A be adopted?" (H.F. 2551) the vote was:

Ayes, 17:

Brown	Calhoon	Carr	Deluhery
Gallagher	Hutchins	Junkins	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Rodgers	Rush	Scott	Slater
Small			

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Jensen	Kudart	Miller, E.R.	Nystrom
Ramsey	Readinger	Robinson	Schwengels
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 5:

Coleman	Hultman	Kinley	Murray
Van Gilst			

Amendment S—5799 lost.

Senator Slater offered amendment S—5800 filed by him from the floor to division S—5797A and moved its adoption.

Amendment S—5800 was adopted by a voice vote.

President Branstad took the chair at 3:23 p.m.

Senator Orr offered amendment S—5809 filed by her from the floor to division S—5797A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5809 to division S—5797A be adopted?" (H.F. 2551) the vote was:

Ayes, 17:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Junkins	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Rodgers	Rush	Scott	Slater
Small			

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Comito	Craft	DeKoster	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 7:

Carney	Drake	Gentleman	Kinley
Murray	Robinson	Van Gilst	

Amendment S—5809 lost.

Senator Hansen moved the adoption of division S—5797A as amended.

Division S—5797A as amended was adopted by a voice vote.

Senator Hansen moved the adoption of division S—5797B.

A record roll call was requested.

On the question "Shall division S—5797B be adopted?" (H.F. 2551) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Nays, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Robinson	Rodgers
Rush	Scott	Slater	Small

Absent or not voting, 1:

Van Gilst

Division S—5797B was adopted.

Senator Orr offered amendment S—5810 filed by her from the floor to division S—5797C and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5810 to division S—5797C be adopted?" (H.F. 2551) the vote was:

Ayes, 14:

Carr	Deluhery	Gallagher	Gentleman
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Rodgers
Rush	Slater		

Nays, 34:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Drake
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Robinson
Schwengels	Scott	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 2:

Small Van Gilst

Amendment S—5810 lost.

Senator Gratias offered amendment S—5805 filed by Senators Gratias and Orr from the floor to division S—5797C and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5805 to division S—5797C be adopted?" (H.F. 2551) the vote was:

Ayes, 18:

Bergman	Carney	Deluhery	Drake

Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Kudart
Murray	Orr	Rush	Small
Waldstein	Yenger		

Nays, 31:

Baugher	Bisenius	Briles	Brown
Calhoon	Carr	Coleman	Comito
Craft	DeKoster	Gallagher	Hansen
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Schwengels	Scott
Slater	Taylor	Tieden	

Absent or not voting, 1:

Van Gilst

Amendment S—5805 lost.

Senator Orr offered amendment S—5806 filed by her from the floor to division S—5797C.

Senator Carr asked and received unanimous consent that action on amendment S—5806 to division S—5797C be temporarily deferred.

Action on division S—5797C was temporarily deferred.

Senator Brown offered amendment S—5801 filed by him from the floor to division S—5797D and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5801 to division S—5797D be adopted?" (H.F. 2551) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Briles	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Robinson
Rodgers	Rush	Scott	Slater

Nays, 28:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Small
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 2:

Miller, E.R. Van Gilst

Amendment S—5801 lost.

Senator Brown withdrew amendment S—5802 filed by him from the floor to division S—5797D.

Senator Brown offered amendment S—5803 filed by him from the floor to division S—5797D and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5803 to division S—5797D be adopted?" (H.F. 2551) the vote was:

Ayes, 22:

Briles	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Robinson
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 27:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 1:

Miller, E.R.

Amendment S—5803 lost.

Senator Orr asked and received unanimous consent that action on division S—5797D be deferred.

Senator Small offered amendment S—5807 filed by him from the floor to division S—5797E and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5807 to division S—5797E be adopted?" (H.F. 2551) the vote was:

Ayes, 21:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Gratias	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Robinson
Rodgers	Scott	Slater	Small
Van Gilst			

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 3:

Miller, E.R.	Ramsey	Rush

Amendment S—5807 lost.

Senator Hutchins offered amendment S—5811 filed by him from the floor to division S—5797E and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5811 to division S—5797E be adopted?" (H.F. 2551) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Brown	Calhoon	Carr	Coleman

Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Robinson	Rodgers
Scott	Slater	Van Gilst	

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 5:

Drake	Miller, E.R.	Ramsey	Rush
Small			

Amendment S—5811 lost.

Senator Hutchins withdrew amendment S—5804 filed by him from the floor to division S—5797E.

Senator Hansen offered amendment S—5808 filed by him from the floor to division S—5797E.

Senator Hansen asked and received unanimous consent that action on amendment S—5808 to division S—5797E be deferred.

Action on division S—5797E was deferred.

The Senate resumed consideration of division S—5806C, previously deferred.

Senator Orr withdrew amendment S—5806 to division S—5797C, previously deferred.

Senator Hutchins offered amendment S—5818 filed by Senators Hutchins and Hansen from the floor to division S—5797C and moved its adoption.

Amendment S—5818 was adopted by a voice vote.

Senator Hansen moved the adoption of division S—5797C as amended.

Division S—5797C as amended was adopted.

The Senate resumed consideration of division S—5797D, previously deferred.

Senator Orr offered amendment S—5816 filed by her from the floor to division S—5797D and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5816 to division S—5797D be adopted?" (H.F. 2551) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 15:

Carr	Deluhery	Gallagher	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Robinson
Scott	Slater	Van Gilst	

Nays, 31:

Baugher	Bergman	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Nystrom	Ramsey
Readinger	Schwengels	Small	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 4:

Calhoon	Miller, E.R.	Rodgers	Rush

Amendment S—5816 lost.

Senator Hansen moved the adoption of division S—5797D.

A record roll call was requested.

On the question "Shall division S—5797D be adopted?" (H.F. 2551) the vote was:

Ayes, 26:

Baugher	Bergman	Briles	Carney
Comito	Craft	DeKoster	Drake

Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Waldstein	Yenger		

Nays, 19:

Brown	Carr	Coleman	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Scott	Slater
Small	Tieden	Van Gilst	

Absent or not voting, 5:

Bisenius	Calhoon	Miller, E.R.	Rodgers
Rush			

Division S—5797D was adopted.

The Senate resumed consideration of division S—5797E, previously deferred.

Senator Hansen withdrew amendment S—5808 to division S—5797E, previously deferred.

Senator Brown asked and received unanimous consent that action on division S—5797E be temporarily deferred.

Senator Hansen moved the adoption of division S—5797F, which motion prevailed by a voice vote.

Senator Hansen moved the adoption of division S—5797G.

A record roll call was requested.

On the question "Shall division S—5797G be adopted?" (H.F. 2551) the vote was:

Ayes, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Murray
Nystrom	Ramsey	Readinger	Schwengels
Tieden	Waldstein	Yenger	

Nays, 18:

Brown	Carr	Coleman	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Scott	Slater
Small	Van Gilst		

Absent or not voting, 5:

Calhoon	Miller, E.R.	Rodgers	Rush
Taylor			

Division S—5797G was adopted.

Senator Hansen moved the adoption of division S—5797H, which motion prevailed by a voice vote.

Senator Hansen moved the adoption of division S—5797I, which motion prevailed by a voice vote.

Senator Brown asked and received unanimous consent that action on **House File 2551** and division S—5797E be **deferred.**

BUSINESS PENDING

Senate File 2230

The Senate resumed consideration of Senate File 2230 and House amendment S—5748, previously deferred.

Senator Ramsey offered amendment S—5796 filed by him from the floor to House amendment S—5748.

Senator Hultman asked and received unanimous consent that action on **Senate File 2230**, House amendment S—5748 and amendment S—5796 to House amendment S—5748 be **deferred.**

BUSINESS PENDING

House File 2551

The Senate resumed consideration of House File 2551 and division S—5797E, previously deferred.

Senator Brown offered amendment S—5819 filed by him from the floor to division S—5797E and moved its adoption.

Amendment S—5819 was adopted by a voice vote.

Senator Hansen moved the adoption of division S—5797E as amended.

A record roll call was requested.

On the question "Shall division S—5797E as amended be adopted?" (H.F. 2551) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	Yenger

Nays, 20:

Brown	Carr	Coleman	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Absent or not voting, 2:

Calhoon	Miller, E.R.

Division S—5797E as amended 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?" (H.F. 2551) the vote was:

Ayes, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Murray

Nystrom	Ramsey	Readinger	Schwengels
Taylor	Waldstein	Yenger	

Nays, 21:

Brown	Carr	Coleman	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Tieden
Van Gilst			

Absent or not voting, 2:

Calhoon	Miller, E.R.

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 Hultman asked and received unanimous consent that **House File 2551** be immediately messaged to the House, which request was complied with.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2535, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2535, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

Read first time and referred to the committee on **Appropriations.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Murray presiding.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 107—Relating to the establishment of tuition rates for school districts.

S.F. 359—Relating to workers' compensation for occupational hearing loss.

S.F. 446—Relating to weighing and measuring.

S.F. 464—Relating to the final report of the personal representative of a decedent's estate.

S.F. 2006—To increase the estimated cost of a proposed public improvement above which a city must hold a public hearing, advertise and receive sealed bids.

S.F. 2183—Providing that the Iowa Corn Promotion Board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

S.F. 2267—To authorize certain trusts to be shareholders in a family farm corporation.

S.F. 2279—Relating to the dates for limitations of actions on title to real property.

S.F. 2285—To repeal the state residency requirement for employees of the Department of Social Services.

S.F. 2299—Permitting the establishment and use of common trust funds by banks having common ownership.

S.F. 2314—To legalize the proceedings of the Grinnell-Newburg Community School District relating to the sale of certain property.

S.F. 2331—To legalize the sale of certain property in Lee County.

H.F. 225—Relating to the licensing and regulations of the sale of eggs.

H.F. 357—Relating to the acceptance of checks by vendors of state liquor stores.

H.F. 402—Relating to attorney notices of subrogation to the Department of Social Services under the medical assistance program.

H.F. 690—Relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

H.F. 2163—Repealing the prohibition against advertising the sale of tobacco near public schools.

H.F. 2169—Relating to contracts for bridge or road construction on secondary roads.

H.F. 2245—Relating to the supply of dwelling houses, quarters, utilities, provisions and other goods and services for executive heads, assistant executive heads and employees of institutions under the Department of Social Services.

H.F. 2410—Relating to the Iowa Housing Finance Authority.

H.F. 2461—Relating to tort liability of regional boards of library trustees, soil conservation districts and their officers, employees, and agents.

H.F. 2478—Relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

H.F. 2479—Relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

H.F. 2488—Relating to the powers to be exercised by electors of school corporations at certain elections.

H.F. 2491—Authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81A et seq.

H.F. 2521—To increase the minimum cost of repairs to school buildings for which bid procedures are required.

H.F. 2522—To legalize and validate the proceedings whereby the community school district of Fremont-Mills in the Counties of Fremont and Mills sold two tracts of real estate.

H.F. 2529—Relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

H.F. 2540—Relating to the membership of the Board of Certification of Waterworks and Waste Waterworks Operators.

H.F. 2572—Relating to the lending and investment powers of savings and loan associations under Section Five Hundred Thirty-four point Nineteen (534.19) of the Code.

H.F. 2573—Authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Krenio (Kay) Wright be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

TOM SLATER
ROBERT M. CARR

COMMUNICATION FROM THE SECRETARY OF STATE

April 21, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 500, was published in the Muscatine Journal, Muscatine, Iowa, on April 8, 1980, and republished April 12, 1980, and published in the Carroll Daily Times-Herald, Carroll, Iowa, on April 2, 1980.

I further certify that Senate File 2241, was published in The Independent, Hawarden, Iowa, on April 10, 1980, and in the Oskaloosa Daily Herald, Oskaloosa, Iowa, on April 4, 1980.

I further certify that House File 2275, was published in The Kanawha Reporter, Kanawha, Iowa, on April 3, 1980, and in the West Des Moines Express, West Des Moines, Iowa, on April 3, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

STUDY BILL RECEIVED

S.S.B. 2309 Ways and Means

Creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S.C.R. 139 Education

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 108

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 108, a bill for an Act relating to the construction and maintenance of schoolhouses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, respectfully make the following report:

1. That the House recedes from its amendment, S—5694, to Senate File 108, as amended, passed, and reprinted by the Senate.

2. That Senate File 108, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 35, by striking the words "*and use*".

2. Page 1, by inserting after line 35 the following section:

"Sec. ____ . Section four hundred forty-two point thirteen (442.13), subsection seven (7), Code 1979, is amended to read as follows:

7. The committee may authorize a district to spend a reasonable and specified amount from its unexpended cash balance for the [sole] purpose or purposes of furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or a tax as provided in chapter 278 *and for major building repairs as defined in section two hundred ninety-seven point five (297.5) of the Code.* No other expenditure, including but not limited to expenditures for salaries or recurring costs, shall be authorized under this subsection. Expenditures authorized under this subsection shall not be included in allowable growth or district cost, and the portion of the unexpended cash balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of such amount which is not actually spent for the authorized purpose shall revert to its former status as part of the unexpended cash balance."

3. Amend the title, by striking lines 2, 3, and 4 and inserting in lieu thereof the words "houses by allowing the tax levied under section two hundred ninety-seven point five (297.5) of the Code and the unexpended cash balance of a school district to be spent for major building repairs."

4. By numbering and renumbering sections as necessary.

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
ARTHUR L. GRATIAS, Chairperson	WARREN E. JOHNSON, Chairperson
JAMES E. BRILES	HORACE DAGGETT

JOE BROWN
JOHN W. JENSEN
WILLIAM D. PALMER
LESTER D. MENKE
CARROLL PERKINS
CLAY SPEAR

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS*

*A report of this meeting was also recorded on pages 1559-1560 of the April 21, 1980, Senate Journal.

Convened: April 21, 1980, 4:25 p.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst (arrived 4:30 p.m.).

Members Absent: Hultman and Junkins.

Final Action: SENATE CONCURRENT RESOLUTION 140, a resolution instructing the department of public instruction to review the existing formula for methods of allocating state funds to schools.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none. Absent or not voting, 2: Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:40 p.m.

APPROPRIATIONS

Convened: April 22, 1980, 11:40 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst.

Members Absent: none.

Final Action: SENATE FILE 2072, a bill for an act appropriating funds from the road use tax fund to pay for special assessments relating to a paving project in the city of Boone, Iowa.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5812.

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:40 p.m.

APPROPRIATIONS

Convened: April 22, 1980, 6:50 p.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small and Tieden.

Members Absent: Van Gilst.

Final Action: HOUSE FILE 2580, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking peoples commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5821.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Scott, Small and Tieden. Nays, 1: Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 7:10 p.m.

COMMERCE

Convened: April 22, 1980, 1:05 p.m.

Members Present: Holden, Chairperson; Comito, Vice Chairperson; Bergman, Deluhery, Goodwin, Priebe (arrived 1:17 p.m.) and Rush.

Members Absent: Robinson, Ranking Member; Craft and Gentleman.

Final Action: SENATE FILE 2375, a bill for an act repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Holden, Comito, Bergman, Deluhery, Goodwin and Rush. Nays, 1: Priebe. Absent or not voting, 3: Robinson, Craft and Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:25 p.m.

RULES AND ADMINISTRATION

Convened: April 21, 1980, 4:30 p.m.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Kinley, Ranking Member; Ramsey, Hansen and Junkins.

Members Absent: none.

Other Business: Discussed personnel and the orderly adjournment of the session.

Adjourned: 4:40 p.m.

WAYS AND MEANS

Convened: April 22, 1980, 8:10 a.m.

Members Present: Craft, Chairperson; Rodgers, Ranking Member; Baugher, Comito, Drake, Hester, Holden (arrived 8:50 a.m.), Hultman, Hutchins, Junkins, Ramsey, Rush, Scott and Van Gilst.

Members Absent: Readinger, Vice Chairperson.

Final Action: SENATE FILE 2376, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alchohol distilled from agricultural products, subject to penalties provided by law.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Craft, Comito, Drake, Hester, Hultman, Hutchins, Junkins, Ramsey, Rodgers, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 3: Baugher, Holden and Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Discussed SSB 2309 relating to railroad bonding authority.

Adjourned: 9:00 a.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Ninety students from Johnston High School, Johnston, Iowa. Senator Readinger.

Fifteen students from the Trinity Lutheran School, Fort Dodge, Iowa, accompanied by Rev. Rudy O. Wendel. Senator Coleman.

Twenty-five students from the Bennett Jr.-Sr. High School, Bennett, Iowa, accompanied by Bill Hucksteadt. Senator Hulse.

Fifty-five students from Dowling High School, West Des Moines, Iowa, accompanied by Janet Downey. Senator Gentleman.

Forty students from Clegg Park Elementary School, West Des Moines, Iowa, accompanied by Mary True. Senator Gentleman.

Thirty-five students from St. Rose of Lima School, Denison, Iowa, accompanied by Jean Scott. Senator Scott.

Students from Adel-DeSoto Community School, Adel, Iowa, accompanied by Deanna Emmerson. Senator Rodgers.

Forty-five students from North High School, Sioux City, Iowa, accompanied by Larry Twait and John Hyhal. Senators Carney and Calhoon.

AMENDMENTS FILED

S—5794	H.F.	2486	Edgar H. Holden
S—5795	H.F.	2551	Tom Slater
S—5796	S. F.	2230	Richard R. Ramsey
S—5797	H.F.	2551	W. R. Bill Hansen Arthur L. Gratias Clarence Carney Lucas J. DeKoster John W. Jensen Ray Taylor
S—5798	H.F.	2580	Bob Rush Lowell L. Junkins
S—5799	H.F.	2551	Tom Slater
S—5800	H.F.	2551	Tom Slater
S—5801	H.F.	2551	Joe Brown
S—5802	H.F.	2551	Joe Brown
S—5803	H.F.	2551	Joe Brown
S—5804	H.F.	2551	C. W. Hutchins
S—5805	H.F.	2551	Arthur L. Gratias Joann Orr
S—5806	H.F.	2551	Joann Orr
S—5807	H.F.	2551	Arthur A. Small, Jr.
S—5808	H.F.	2551	W. R. Bill Hansen
S—5809	H.F.	2551	Joann Orr
S—5810	H.F.	2551	Joann Orr
S—5811	H.F.	2551	C. W. Hutchins
S—5812	S. F.	2072	Appropriations Committee
S—5813	S. F.	2072	John S. Murray
S—5814	H.F.	2580	Bob Rush
S—5816	H.F.	2551	Joann Orr
S—5817	S. F.	2192	Berl E. Priebe Arne Waldstein Dale L. Tieden James Calhoon Norman G. Rodgers
S—5818	H.F.	2551	C. W. Hutchins W. R. Bill Hansen
S—5819	H.F.	2551	Joe Brown
S—5820	S. F.	2230	Arthur A. Small, Jr.
S—5821	H.F.	2580	Appropriations Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 7:13 p.m., until 9:00 a.m., Wednesday, April 23, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 23, 1980

The Senate met in regular session at 9:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Don Johnson, pastor of the Hope United Methodist Church, Marshalltown, Iowa.

The Journal of Tuesday, April 22, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William H. Steinbeck, Keystone, 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 22, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 358, a bill for an act relating to the licensing of ophthalmic dispensers, and making penalties.

ALSO: That the House has on April 22, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 432, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties.

ALSO: That the House has on April 22, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 435, a bill for an act relating to the establishment of historical preservation districts in cities.

ALSO: That the House has on April 22, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 2090, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes.

ALSO: That the House has on April 22, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2247, a bill for an act relating to the indexing of the state individual income tax.

ALSO: That the House has on April 22, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2306, a bill for an act providing that magistrates and judges may receive actual and necessary expenses in an amount not exceeding a maximum set by supreme court.

ALSO: That the House, on April 22, 1980, insisted on its amendment to Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, and that the members of the Conference Committee on the part of the House are: The Representative from Pottawattamie, Mr. Schroeder, Chair; the Representative from Decatur, Mr. Hullinger; the Representative from Scott, Mr. Schnekloth; the Representative from Winneshiek, Mr. Tofte; and the Representative from Polk, Mr. Woods.

ALSO: That the House has on April 22, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2583, a bill for an act relating to the duties of the county finance committee and making an appropriation.

ALSO: That the House has on April 22, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2584, a bill for an act relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2583, a bill for an act relating to the duties of the county finance committee amd making an appropriation.

Read first time and referred to the committee on **Appropriations.**

House File 2584, a bill for an act relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa.

Read first time and referred to the committee on **Appropriations.**

HOUSE AMENDMENT TO SENATE FILE 2247

S—5823

Amend Senate File 2247 as passed by the Senate as follows:

1. Page 1, line 12, by striking the words "*However, beginning with*" and inserting in lieu thereof the word "*For*".

2. Page 1, lines 12 and 13, by striking the words "*and for subsequent calendar years*".

3. Page 1, lines 22 and 23, by striking the words "consumer price index produced by the bureau of labor statistics" and inserting in lieu thereof the words "[consumer price index produced by the bureau of labor statistics] *implicit price deflator for the gross national product computed for the whole calendar year or for the second quarter of the calendar year, in the case of the annual inflation factor for the 1981 calendar year, by the bureau of economic analysis*".

4. Page 1, line 23, by striking the word "labor" and inserting in lieu thereof the words "[labor] *commerce*".

5. Page 1, by striking line 24 and inserting in lieu thereof the words "add [one fourth for the 1979 calendar year and] two-fourths".

6. Page 1, line 25, by striking the word "*subsequent*" and inserting in lieu thereof the figure "*1981*".

7. Page 1, by striking lines 26 through 28 and inserting in lieu thereof the following: "change to one hundred percent[, except that the amount of the percent change added to the one hundred percent shall not exceed the greater of zero or the difference between]".

8. Page 1, line 29, by striking the words "*by which* the percent change [and] *exceeds* three percent" and inserting in lieu thereof the following: "[the percent change and three percent]".

7. Page 1, line 29, by inserting after the period

the words "*The annual inflation factor for the 1979 calendar year is one hundred two point three percent.*"

8. Page 2, by inserting after the period in line 5 the words "*For calendar years beginning on or after January 1, 1982, the cumulative inflation factor shall be one hundred percent.*"

9. Page 2, lines 17 and 18, by striking the words "*however, beginning with*" and inserting in lieu thereof the words ". *However, for*".

10. Page 2, line 18, by striking the words "*and for subsequent calendar years*".

11. Page 3. by inserting after line 30 the following:

"Sec. ____. This Act is retroactive to January

Page 2

1, 1980 for tax years beginning on or after January 1, 1980 and to this extent is retroactive."

12. By numbering as is necessary.

HOUSE AMENDMENT TO SENATE FILE 2306

S—5822

Amend Senate File 2306, as passed by the Senate, as follows:

1. Page 2, line 8, by striking the word "Where" and inserting in lieu there of the words "[Where] *Except as provided in section six hundred eighty-four point fifty-three (684.53) of the Code, where*".

2. Page 2, by inserting after line 15 the following new sections:

"Sec. ____. *NEW SECTION.*

1. As used in this Act, unless the context otherwise requires:

a. 'Hearing impaired person' means a person whose hearing is impaired so that the person cannot understand oral communication when spoken in a normal conversational tone and also includes a person who, because of a speech or other physical impairment, is unable to orally communicate with other persons and therefore relies primarily on sign language to communicate.

b. 'Interpreter' means an interpreter who is fluent in sign language pursuant to rules on qualifications of interpreters applying to the proceeding.

c. 'Administrative agency' means any department,

board, commission or agency of the state or any political subdivision of the state.

2. The supreme court, after consultation with the department of health, shall adopt rules governing the qualifications and compensation of interpreters appearing in a proceeding before a court, grand jury or administrative agency under this Act. However, an administrative agency which is subject to chapter seventeen A (17A) of the Code may adopt rules differing from those of the supreme court governing the qualifications and compensation of interpreters appearing in proceedings before that agency.

Sec. _____. *NEW SECTION.* If a hearing impaired person is a party to, or a witness at, a proceeding before a grand jury, court or administrative agency of this state, the court or administrative agency shall appoint an interpreter without expense to the hearing impaired person to interpret or translate the proceedings to the hearing impaired person and to interpret to translate his or her testimony unless the hearing impaired person waives the right to an interpreter.

Sec. _____. *NEW SECTION.* When a hearing impaired person is entitled to an interpreter the hearing impaired person shall notify the presiding official within three days after receiving notice of the

Page 2

proceeding, stating the disability and requesting the services of an interpreter. If the hearing impaired person receives notification of an appearance less than five days prior to the proceeding, that person shall notify the presiding official requesting an interpreter as soon as practicable or may apply for a continuance until an interpreter is appointed.

Sec. _____. *NEW SECTION.* The service program for the deaf of the state department of health shall prepare and continually update a listing of qualified and available interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for hearing impaired persons as furnished by the state department of health. The service program for the deaf shall maintain information on the qualifications of interpreters which is confidential except to a court, administrative agency or interested parties to an action using the services of such interpreter.

Sec. _____. *NEW SECTION.* Before participating in a proceeding, an interpreter shall take an oath that

the interpreter will make a true interpretation in an understandable manner to the person for whom the interpreter is appointed and that the interpreter will interpret or translate the statements of the hearing impaired person to the best of the interpreter's skills and judgment.

Sec. _____. *NEW SECTION.* Communication between a hearing impaired person and a third party which is privileged under chapter six hundred twenty-two (622) of the Code in which the interpreter participates as an interpreter shall be privileged to the interpreter.

Sec. _____. *NEW SECTION.* An interpreter appointed under this Act is entitled to a reasonable fee and expenses as determined by the rules applying to that proceeding. This schedule shall be furnished to all courts and administrative agencies and maintained by them. If the interpreter is appointed by the court, the fee and expenses shall be paid out of the court expense fund and if the interpreter is appointed by an administrative agency, the fee and expenses shall be paid out of funds available to the administrative agency. If a hearing impaired person is not a party to the action, the fees and expenses of an interpreter shall be charged to costs.

Sec. _____. *NEW SECTION.* On motion of a party or on its own motion, a court or administrative agency shall inquire into the qualifications and integrity of an interpreter. A court or administrative agency

Page 3

may disqualify for good reason any person from serving as an interpreter in that proceeding. If an interpreter is disqualified, the court or administrative agency shall appoint another interpreter.

Sec. _____. Section six hundred twenty-two A point two (622A.2), Code 1979, is amended to read as follows:

622A.2 WHO ENTITLED TO INTERPRETER. Every person who cannot speak or understand the English language[, or every person who because of hearing, speaking or other impairment has difficulty in communicating with other persons,] and who is a party to any legal proceeding or a witness therein, shall be entitled to an interpreter to assist such person throughout the proceeding."

3. Title page, by striking lines 1 through 5 and inserting in lieu thereof the following: "An Act relating to court personnel including magistrates,

judges of the district court, judges of the court of appeals, supreme court justices and court appointed interpreters and to the compensation and expenses thereof.

UNFINISHED BUSINESS
(Deferred April 18, 1980)

Senate File 2369

The Senate resumed consideration of Senate File 2369, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive, deferred on April 18, 1980.

Senator Rush withdrew amendment S—5778 filed by him on April 21, 1980, to page 1 of the bill.

Senator Bisenius offered amendment S—5779 filed by him on April 21, 1980, to page 1 of the bill.

Senator Craft raised the point of order that amendment S—5779 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5779 out of order.

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. 2369) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Schwengels	Scott	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 3:

Carr	Rush	Slater

Absent or not voting, 3:

Murray Orr Rodgers

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 18, 1980)

House File 2554

The Senate resumed consideration of House File 2554, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child, and amendment S—5771 by the committee on Ways and Means, deferred on April 18, 1980.

Senator Craft asked and received unanimous consent to withdraw amendment S—5754 filed by the committee on Ways and Means on April 16, 1980, to pages 1, 2 and 3 of the bill.

The Senate resumed consideration of amendment S—5771 by the committee on Ways and Means to pages 1, 2 and 3 of the bill, deferred on April 18, 1980.

Senator Hutchins offered amendment S—5781 filed by him on April 21, 1980, to amendment S—5771 and moved its adoption.

Amendment S—5781 was adopted by a voice vote.

Senator Baugher offered amendment S—5777 filed by Senators Junkins and Baugher on April 21, 1980, to amendment S—5771 and moved its adoption.

Amendment S—5777 was adopted by a voice vote.

Senator Craft moved the adoption of amendment S—5771 as amended, which motion prevailed by a voice vote.

Senator Baugher moved that the bill 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. 2554) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Ramsey

Absent or not voting, 2:

Briles Murray

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 CONSIDERED

Senator Bisenius called up the motion to reconsider Senate File 2197 filed by him on April 18, 1980, found on page 1543 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2197) the vote was:

Ayes, 27:

Baugher	Bisenius	Briles	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Hutchins
Kinley	Kudart	Miller, C.P.	Nystrom
Palmer	Ramsey	Readinger	Robinson
Rodgers	Rush	Slater	Small
Taylor	Waldstein	Yenger	

Nays, 21:

Bergman	Brown	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen

Hester	Holden	Hulse	Hultman
Jensen	Junkins	Miller, A.V.	Miller, E.R.
Priebe	Schwengels	Scott	Tieden
Van Gilst			

Absent or not voting, 2:

Murray	Orr

The motion prevailed.

Senator Bisenius moved to reconsider the vote by which Senate File 2197 went to its last reading, which motion prevailed.

Senate File 2197

On motion of Senator Miller of Marshall, Senate File 2197, a bill for an act relating to the sale of wine and creating a license therefor, was taken up for reconsideration.

Senator Bisenius called up the motion to reconsider the vote by which the Senate concurred in House amendment S—5756 to Senate File 2197 on April 18, 1980, filed by him on April 18, 1980, found on page 1543 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—5756 was taken up for reconsideration.

Senator Bisenius withdrew amendment S—5774 filed by him on April 18, 1980, to House amendment S—5756.

Senator Bisenius offered amendment S—5789 filed by him on April 21, 1980 to House amendment S—5756 and moved its adoption.

Amendment S—5789 was adopted by a voice vote.

Senator Miller of Marshall moved that the Senate concur in House amendment S—5756 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Miller of Marshall 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. 2197) the vote was:

Ayes, 40:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Tieden	Waldstein	Yenger

Nays, 6:

Bergman	DeKoster	Holden	Miller, E.R.
Taylor	Van Gilst		

Absent or not voting, 4:

Craft	Murray	Orr	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate Concurrent Resolution 137.

Senate Concurrent Resolution 137

On motion of Senator Hultman, Senate Concurrent Resolution 137, a resolution referring interim studies to the Legislative Council for authorization of such studies, filed April 17, 1980, and found on pages 1516-1517 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman moved the adoption of Senate Concurrent Resolution 137, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2371.

Senate File 2371

On motion of Senator Briles, Senate File 2371, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions, with report of committee recommending passage, was taken up for consideration.

Senator Carr asked and received unanimous consent that action on **Senate File 2371** be **deferred.**

UNFINISHED BUSINESS
(Deferred April 10, 1980)
(Steering Calender)

House File 2486

The Senate resumed consideration of House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code, deferred on April 10, 1980.

Senator Holden offered amendment S—5788 filed by him on April 21, 1980, to pages 1 and 2 of the bill.

Senator Holden offered amendment S—5794 filed by him on April 22, 1980, to amendment S—5788.

Senator Hutchins raised the point of order that amendment S—5794 was not germane to the bill.

Senator Hutchins withdrew his point of order.

Senator Holden asked and received unanimous consent that action on **House File 2486,** amendment S—5788 and amendment S—5794 to amendment S—5788 be **deferred.**

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hultman called up the following Report of Investigating Committee:

As a member of the Energy Policy Council, Dr. Robert S. Hansen, filed April 21, 1980, and found on page 1557 of the Senate Journal.

Senator Hultman asked and received unanimous consent to dispense with the reading of the Report of Investigating Committee.

Senator Hultman moved the adoption of the Report of Investigating Committee, which motion prevailed and the report was adopted.

Senator Hultman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 1:

Murray

The Chair declared the appointment confirmed.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2168.

House File 2168

On motion of Senator Taylor, House File 2168, a bill for an act to provide for the reimbursement of expenses incurred by the county

and city members of the state functional classification review board and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Taylor moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2168) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Jensen	Murray	Small

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2500

On motion of Senator Readinger, House File 2500, a bill for an act relating to the compensation and expenses of the board of trustees of a sanitary sewer district, with report of committee recommending passage, was taken up for consideration.

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. 2500) the vote was:

Ayes, 49:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr

Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 1:

Jensen

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2375.

Senate File 2375

On motion of Senator Holden, Senate File 2375, a bill for an act repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act, with report of committee recommending passage, was taken up for consideration.

Senator Taylor took the chair at 11:30 a.m.

Senator Holden moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2375) the vote was:

Ayes, 34:

Baugher	Bergman	Briles	Brown
Calhoon	Carr	Craft	DeKoster

Deluhery	Gallagher	Gentleman	Gratias
Hansen	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Orr	Palmer	Priebe	Ramsey
Readinger	Rush	Schwengels	Scott
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 11:

Bisenius	Carney	Comito	Drake
Goodwin	Hester	Holden	Hulse
Hultman	Robinson	Taylor	

Voting present, 2:

Coleman	Rodgers

Absent or not voting, 3:

Jensen	Miller, E.R.	Nystrom

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2371

The Senate resumed consideration of Senate File 2371, previously deferred.

Senator Carr offered amendment S—5827 filed by Senators Carr, et al., from the floor to page 2 of the bill and moved its adoption.

Amendment S—5827 was adopted by a voice vote.

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. 2371) the vote was:

Ayes, 40:

Bergman	Bisenius	Briles	Calhoon
Carney	Carr	Coleman	Craft
DeKoster	Drake	Gallagher	Gentleman

Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, C.P.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 10:

Baugher	Brown	Comito	Deluhery
Jensen	Miller, A.V.	Miller, E.R.	Nystrom
Robinson	Scott		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that the following bills be immediately messaged to the House:

S.F.	2197
S.F.	2369
S.F.	2371
S.F.	2375
S.C.R.	137
H.F.	2168
H.F.	2500
H.F.	2554

INTRODUCTION OF BILLS

Senate File 2377, by Committee on Ways and Means, a bill for an act to exempt from the use tax certain vehicles which are purchased for use under contract to haul outside the state where its subsequent use in this state is in interstate commerce or interstate transportation.

Read first time and **placed on calendar.**

Senate File 2378, by Committee on Ways and Means, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation.

Read first time and referred to the committee on **Appropriations.**

RECESS

On motion of Senator Hultman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:40 p.m., President pro tempore Hansen presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2374

On motion of Senator Murray, Senate File 2374, a bill for an act appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes, 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. 2374) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Priebe
Ramsey	Readinger	Rodgers	Schwengels

Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	

Nays, 3:

Gallagher	Holden	Rush

Absent or not voting, 4:

Brown	Palmer	Robinson	Yenger

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 18, 1980)

Senate File 2372

The Senate resumed consideration of Senate File 2372, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price, deferred on April 18, 1980.

Senator Baugher offered amendment S—5785 filed by Senators Baugher, Priebe and Palmer on April 21, 1980, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 24, nays, 23.

Amendment S—5785 was adopted.

Senator Holden moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2372) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito

Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hultman	Junkins	Kudart
Nystrom	Ramsey	Readinger	Slater
Taylor	Tieden	Van Gilst	Yenger

Nays, 19:

Brown	Carr	Deluhery	Gallagher
Hulse	Hutchins	Jensen	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Orr
Priebe	Rodgers	Rush	Schwengels
Scott	Small	Waldstein	

Absent or not voting, 3:

Murray	Palmer	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 108

Senator Gratias called up the conference committee report on Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, filed April 22, 1980, found on pages 1590-1591 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator Gratias moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 108) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden

Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Orr
Priebe	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 1:

Robinson

Absent or not voting, 4:

Drake	Murray	Palmer	Ramsey

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Resolution 104

On motion of Senator Hultman, Senate Resolution 104, a resolution amending the permanent rules of the Senate, filed January 31, 1980, and found on pages 243-244 of the Senate Journal, was taken up for consideration.

President Branstad took the chair at 2:20 p.m.

Senator Hultman moved the adoption of Senate Resolution 104, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 140.

Senate Concurrent Resolution 140

On motion of Senator Nystrom, Senate Concurrent Resolution 140, a resolution instructing the department of public instruction to review the existing formula for methods of allocating state funds to area schools, filed April 22, 1980, and found on pages 1570-1571 of the Senate Journal, was taken up for consideration.

Senator Nystrom moved the adoption of Senate Concurrent Resolution 140, which motion prevailed by a voice vote.

SPECIAL GUEST

President Branstad presented Wang Li-teh, Secretary of the Coordination Council for North American Affairs Office in Chicago, Illinois, who was visiting the Senate and the guest of Senator Bisenius. Mr. Li-teh addressed the Senate briefly and stated what gains the Republic of China had made in the last one and a half years and the relationship between the United States and the Republic of China.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2072.

Senate File 2072

On motion of Senator Taylor, Senate File 2072, a bill for an act appropriating funds from the road use tax fund to pay for special assessments relating to a paving project in the city of Boone, Iowa, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Taylor offered amendment S—5812 filed by the committee on Appropriations on April 22, 1980, to page 1 of the bill and moved its adoption.

Amendment S—5812 was adopted by a voice vote.

Senator Taylor offered amendment S—5813 filed by Senator Murray on April 22, 1980, to the title page of the bill and moved its adoption.

Amendment S—5813 was adopted by a voice vote.

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. 2072) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Craft	Drake	Murray

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

BUSINESS PENDING

House File 2486

The Senate resumed consideration of House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code, amendment S—5788 by Senator Holden and amendment S—5794 by Senator Holden to amendment S—5788, previously deferred.

Senator Holden asked and received unanimous consent that action on amendment S—5788 and amendment S—5794 to amendment S—5788 be deferred.

Senator Holden offered amendment S—5834 filed by him from the floor to pages 1 through 3 of the bill.

Senator Hultman asked and received unanimous consent that action on **House File 2486**, and amendments S—5788, S—5794 to S—5788 and S—5834 be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2376.

Senate File 2376

On motion of Senator Hester, Senate File 2376, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alcohol distilled from agricultural products, subject to penalties provided by law, was taken up for consideration.

Senator Holden offered amendment S—5835 filed by him from the floor to pages 1 and 6 of the bill and called for a division: lines 2 through 7 as division S—5835A; lines 8 through 36 as division S—5835B.

Senator Holden moved the adoption of division S—5835A.

A record roll call was requested.

On the question "Shall division S—5835A be adopted?" (S.F. 2376) the vote was:

Ayes, 15:

Baugher	Bisenius	Comito	DeKoster
Deluhery	Drake	Gentleman	Holden
Jensen	Kinley	Murray	Readinger
Robinson	Rush	Small	

Nays, 34:

Bergman	Briles	Brown	Calhoon
Carr	Coleman	Craft	Gallagher
Goodwin	Gratias	Hansen	Hester
Hulse	Hultman	Hutchins	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Nystrom	Orr	Palmer	Priebe
Ramsey	Rodgers	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 1:

Carney

Division S—5835A lost.

Action on division S—5835B was temporarily deferred.

Senator Holden offered amendment S—5842 filed by Senators Holden and Hutchins from the floor to page 2 of the bill and moved its adoption.

Amendment S—5842 was adopted by a voice vote.

The Senate resumed consideration of division S—5835B, previously deferred.

Senator Holden offered amendment S—5844 filed by him from the floor to division S—5835B and moved its adoption.

Amendment S—5844 was adopted by a voice vote.

Senator Holden moved the adoption of division S—5835B as amended, which motion prevailed by a voice vote.

Senator Craft offered amendment S—5838 filed by him from the floor to pages 2, 3 and 6 of the bill and moved its adoption.

Amendment S—5838 was adopted by a voice vote.

With the adoption of division S—5835B, the Chair ruled the following amendments out of order:

S—5836 filed by Senator Drake from the floor to page 6 of the bill.

S—5839 filed by Senator Drake from the floor to page 6 of the bill.

Senator Craft offered amendment S—5828 filed by him from the floor to page 6 of the bill and moved its adoption.

Amendment S—5828 was adopted by a voice vote.

Senator Hester moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2376) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman

Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 2:

Brown	Gallagher

Absent or not voting, 3:

Comito	Palmer	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that the following bills be immediately messaged to the House:

S.F.	108
S.F.	2072
S.F.	2372
S.F.	2374
S.F.	2376
S.C.R.	140

HOUSE AMENDMENT CONSIDERED

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2247.

Senate File 2247

Senator Craft called up for consideration Senate File 2247, a bill for an act relating to the indexing of the state individual income tax, amended by the House, and moved that the Senate concur in House amendment S—5823 filed April 23, 1980, and found on pages 1599-1600 of the Senate Journal.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2247) the vote was:

Ayes, 30:

Baugher	Bergman	Bisenius	Briles
Carney	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Priebe	Ramsey	Readinger
Robinson	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Nays, 19:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Rodgers	Rush	Scott
Slater	Small	Van Gilst	

Absent or not voting, 1:

Comito

The motion prevailed and the Senate concurred in the House amendment.

Senator Craft 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. 2247) the vote was:

Ayes, 31:

Baugher	Bergman	Carney	Craft
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Schwengels	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 16:

Brown	Calhoon	Carr	Coleman
DeKoster	Deluhery	Gallagher	Hutchins
Junkins	Miller, C.P.	Orr	Robinson
Rodgers	Rush	Scott	Slater

Absent or not voting, 3:

Bisenius Briles Comito

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 2247 passed the Senate on April 23, 1980.

ROLF V. CRAFT

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2337** on the part of the Senate: Senators Rush, Chairperson; Holden, Craft, Bergman and Carr.

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 113
By: Deluhery, Kinley, Readinger, Palmer, Baugher, Murray, Van Gilst, Rodgers, Coleman, Scott and Hutchins

Whereas, The Interfaith Church of the Land, at Living History Farms, Des Moines, was conceived as a constant reminder of our soil stewardship; and

Whereas, construction of the Church was given impetus by the visit of His Holiness, Pope John Paul II, at the Living History Farms, on October 4, 1979; and

Whereas, the appearance of Pope John Paul II, drawing an estimated 340,000 persons, constituted an endorsement of soil stewarship; and

Whereas, it was an invitation by an Iowa farmer which help lead to the Papal visit and the out-pouring of support for soil stewardship; and

Whereas, ground breaking for The Interfaith Church of the Land is scheduled for May 3, 1980, and dedication anticipated on the anniversary of Pope John Paul II's visit, October 4, 1980; and

Whereas, one-quarter of the estimated $200,000.00 required for completion of the church has been raised; *Now Therefore*,

Be It Resolved by the Senate, That the Iowa Senate urges support for The Interfaith Church of the Land by private donations to Living History Farms.

Read first time and **passed on file.**

SENATE CONCURRENT RESOLUTION 141
By: Priebe, Waldstein, Bergman and Coleman

Whereas, it has been reported that grain moisture testing has been conducted with inaccurate moisture meters and inaccurate moisture shrink factors, and because of such inaccuracies grain sellers receive inconsistent and unfair discount rates on grain sold; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create a study committee consisting of three members of the Senate Agriculture Committee and three members of the House Agriculture Committee to undertake a study during the 1980-81 legislative interim of moisture meters and grain grading procedures in the state as those procedures relate to moisture shrink factors and discount rates; and

Be It Further Resolved, That the study committee report to the legislative council and to the general assembly convening in 1981 the results of its study, including any recommendations for legislation.

Read first time and **passed on file.**

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2361, a bill for an act relating to transportation and making technical corrections.

ALSO: That the House has on April 23, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2483, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued for the purpose of including facilities to be used for the sanitary disposal or recycling of solid waste.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2483, a bill for an act redefining the types of projects

for which industrial revenue bonds may be issued under chapter four hundred nineteen (419) of the Code for the purpose of including facilities to be used for the sanitary disposal or recycling of solid waste.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE FILE 2361

S—5841

Amend Senate File 2361 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred seven point twelve (307.12), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states."

2. Page 3, by inserting before line 4 the following:

"*NEW SUBSECTION.* HANDICAPPED PLATES. The owner of a motor vehicle subject to registration pursuant to section three hundred twenty-one point one hundred nine (321.109), subsection one (1), of the Code, light delivery truck, panel delivery truck or pickup who is a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code, may upon written application to the department, order special registration plates designed by the department bearing the international symbol of accessibility. The application shall be approved by the department and the special registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the special plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped

or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code. The special registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code."

3. Page 3, line 13, by striking the words "of transportation".

4. Page 3, lines 14 and 15, by striking the words "of transportation".

Page 2

5. Page 3, line 18, by striking the words "of transportation".

6. Page 3, line 22, by inserting after the word "dollars" the words "which shall be in addition to the regular annual registration fee".

7. Page 3, line 23, by striking the words "of transportation".

8. Page 3, line 32, by striking the words "of transportation".

9. Page 3, line 33, by striking the words "of transportation".

10. Page 4, lines 1 and 2, by striking the words "of transportation".

11. Page 4, line 5, by inserting after the word "shall" the words "be five dollars which shall".

12. Page 4, by striking lines 6 and 7 and inserting in lieu thereof the following: "be in addition to the regular annual registration fee. The department shall validate the special plates in the same".

13. Page 5, by inserting after line 19 the following:

"Sec. _____. Section three hundred twenty-one point fifty-seven (321.57), Code 1979, is amended by inserting the following new unnumbered paragraph after unnumbered paragraph one (1):

NEW UNNUMBERED PARAGRAPH. In addition, while a service customer is having his or her own vehicle serviced or repaired by the dealer, the service customer of the dealer may operate upon the highways a motor vehicle owned by the dealer, except a motor truck or truck tractor, upon which there is displayed a special plate issued to the dealer, provided all of the requirements of this section are complied with."

14. Page 8, by inserting before line 30 the following:

"Sec. _____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section as section three hundred twenty-one point one hundred nineteen (321.119) of the Code:

NEW SECTION. 321.119 CHURCH BUSES. For motor vehicles designed to carry nine passengers or more which are owned and used exclusively by a church or religious organization to transport passengers to and from activities of or sponsored by the church or religious organization and not operated for rent or hire for purposes unrelated to the activities of the church or religious organization, the annual fee shall be twenty-five dollars. At the initial registration and at every other annual registration

Page 3

thereafter, the county treasurer shall not register a motor vehicle under this section unless there is affixed to the motor vehicle a valid certificate of inspection issued for the motor vehicle within the last sixty days."

15. Page 10, by inserting after line 25 the following:

"Sec. _____. Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1979, is amended to read as follows:

1. To any person, as an operator, who is under the age of eighteen years, without his or her first having successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194 or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. The department may issue a license restricted only for use for motorized bicycles as provided in section 321.189, subsection 2[, to any person fourteen years of age or older who has successfully completed a written examination on the rules of the road and a vision test]."

16. Page 11, by inserting before line 7 the following:

"Sec. _____. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 1, 1981, a person under the age of eighteen applying for a motor vehicle license valid for the operation of a

motorcycle shall be required to successfully complete a motorcycle education course approved and established by the department of public instruction or successfully complete an approved motorcycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction.

Sec. _____. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. The department may issue a motorized bicycle license to [any] *a* person [fourteen] *sixteen* years of age or older who has passed a vision test and a written examination on the rules of the road. *After July 1, 1981, persons under the age of eighteen applying*

Page 4

for a motorized bicycle license shall also be required to successfully complete a mortorized bicycle education course approved and established by the department of public instruction or successfully complete an approved mortorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license [shall entitle] *entitles* the licensee to operate a motorized bicycle *upon the highway* while having the license in *the licensee's* immediate possession [on the highways of the state for a period of two years.] *The license is valid for a period of two years, subject to termination or cancellation as provided in this section."*

17. Page 12, line 17, by striking the word "two" and inserting in lieu thereof the words "[two] *one*".

18. Page 12, lines 18 and 19, by striking the words "shall revoke" and inserting in lieu thereof the words "[shall revoke] *may suspend*".

19. Page 12, line 20, by inserting after the word "for" the words *"one violation and shall revoke the license upon receiving a record of conviction for"*.

20. Page 14, by striking lines 18 through page 16, line 12 and inserting in lieu thereof the following:

"Sec. 22. Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1979, is amended by striking the section and inserting in lieu

thereof the following:

321.275 OPERATION OF MOTORCYCLES AND MOTORIZED BICYCLES.

1. GENERAL. The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.

2. RIDERS.

a. MOTORIZED BICYCLES. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle.

b. MOTORCYCLES. A person shall not operate or ride a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle

Page 5

operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

3. SITTING POSITION. A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.

4. USE OF TRAFFIC LANES. Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.

5. HEADLIGHTS ON. A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the highways without displaying at least one lighted headlamp of the type

described in section three hundred twenty-one point four hundred nine (321.409) of the Code. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.

6. PACKAGES. The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

7. HANDLEBARS. A person shall not operate a motorcycle or motorized bicycle with handlebars more than fifteen inches in height above that portion of the seat occupied by the operator.

8. PARADES. The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from local authorities."

21. Page 16, by inserting before line 13 the following:

"Sec. ____ . Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. FLAGS REQUIRED ON MOTORIZED BICYCLES. A motorized bicycle shall not be operated

Page 6

unless a red flag or cloth at least eight inches square is attached to a flexible pole mounted on the rear of the vehicle. The flag or cloth shall be displayed at a sufficient height so as to be clearly visible in both the front and back of the vehicle during its operation."

22. Page 20, by striking lines 34 and 35.

23. Page 21, by striking lines 1 through 4.

24. Page 21, by striking lines 5 through 11.

25. Page 22, by inserting after line 32 the following new sections:

"Sec. ____ . Section six hundred one E point six (601E.6), subsection two (2), Code 1979, is amended to read as follows:

2. A [city or other] political subdivision *of the state* which provides on-street parking areas or off-street parking facilities shall in all cases where so required by chapters 103A and 104A, and may in all other cases, set aside special parking places designated only for parking motor vehicles displaying a special identification device issued under this section. The use of parking spaces which are so designated and are located on public property by a motor vehicle not displaying such a device, or by

a motor vehicle displaying such a device but not being used as operator or passenger by the individual to whom the device has been issued or another individual physically handicapped to the extent described by this section, shall be a misdemeanor for which a fine [not to exceed one hundred dollars] may be imposed *upon the owner of the motor vehicle. The fine for the first violation within a twelve month period shall be ten dollars, for the second violation, twenty-five dollars, and for the third or subsequent violations within a twelve month period, one hundred dollars.* Proof of conviction of three or more [such] violations involving improper use of the same special identification device [shall be] *is* grounds for revocation by the department of the holder's privilege to use the device.

Sec. ____ . Chapter six hundred one E (601E), Code 1979, is amended by adding the following new section.

NEW SECTION. HANDICAPPED PARKING SPACE. A handicapped parking space shall be at least one hundred forty-four inches wide, or, if two or more spaces are adjacent to each other, each space shall be at least one hundred twenty inches wide with at least a forty-eight inch walkway between the spaces."

26. Page 24, by inserting before line 14 the following:

Page 7

"Sec. ____ . The director of transportation shall investigate the inspection requirements imposed by other states on Iowa vehicles displaying a valid certificate of inspection issued in Iowa. The director may recommend to the Sixty-ninth General Assembly, 1981 Session, legislation to encourage other states to afford equitable treatment to motor vehicles displaying a valid certificate of inspection issued in Iowa."

27. Page 24, by inserting after line 18 the following:

"Sec. ____ . Section three hundred twenty-one point one hundred nineteen (321.119) of the Code takes effect December first following enactment of this Act for vehicles registered for the 1981 or succeeding calendar years.

Sec. ____ . The minimum age requirement of section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph a, Code 1979, as amended by this Act, does not apply to persons who, as of July 1, 1980, possess valid motorized

bicycle licenses issued under that paragraph, provided the licenses are not terminated or canceled. The education requirement of that paragraph does not apply to persons who, as of July 1, 1981, possess valid motorized bicycle licenses issued under that paragraph, provided the licenses are not terminated or canceled.

Sec. ____. Sections one (1), eleven (11) and thirty-eight (38) of this Act, being deemed of immediate importance, take effect from and after their publication in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa, and in The Humboldt Independent, a newspaper published in Humboldt, Iowa."

28. Renumbering sections as necessary.

29. Title page, by inserting after line 19 the following: "setting the registration fee for church buses, relating to motor vehicle inspections, relating to special registration plates issued to motor vehicle dealers, relating to the age of persons licensed to operate motorized bicycles, providing for the issuance of special registration plates to handicapped persons, providing for special handicapped parking spaces,".

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2371, the following technical corrections were made in Senate amendment S—5827:

1. Page 1, line 6, "contigency" was changed to "contingency".

2. Page 1, line 6, "1" was changed to "one (1)".

FRANK J. STORK, Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 2310 Ways and Means

To provide for a temporary one-year delay in the phaseout of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980.

S.S.B. 2311 Appropriations

Relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act.

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 22, 1980, when the final vote was taken on House File 2551.

Had I been present, I would have voted "nay" on passage of the amended bill.

The amended version of this bill will be detrimental to the school districts and property taxpayers I represent in the 26th district.

JAMES CALHOON

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 18, 1980.

Had I been present, I would have voted "aye" on Senate Files 2197, 2282, 2370, 2373 and House File 2475.

W. R. BILL HANSEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 21, 1980, when the final vote was taken on House File 2511.

Had I been present, I would have voted "aye" on this bill.

W. R. BILL HANSEN

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 344

To the President of the Senate and the Speaker of the House.

We, the undersigned members of the Second Conference Committee appointed to consider the differences between the House and the Senate on Senate File 344, a bill for an act relating to access to and use of solar energy respectfully make the following report:

1. That the House recede from its amendment S—3561 to Senate File 344 as passed by the Senate.

2. That Senate File 344 as passed by the Senate be amended as follows:

1. Page 1, lines 8 through 10, by striking the words "protecting the right of access to incident sunlight through voluntary solar easements" and inserting in lieu thereof the words "providing access to incident sunlight through solar easements".

2. Page 1, by striking lines 13 through 18 and inserting in lieu thereof the following:

"1. 'Solar energy system' means any of the following:

a. A system of equipment capable of collecting and converting incident solar energy into heat, mechanical or electrical energy and transforming those forms of energy by a separate apparatus to a point of storage or end use.

b. Structural and operable components of a structure that are designed to heat or cool the structure by using the solar energy by means of conduction, convention, radiation or evaporation.

c. A greenhouse."

3. Page 1, lines 19 and 20, by striking the words "developed and recorded pursuant to section four (4) of this Act" and inserting in lieu thereof the words "acquired by agreement or eminent domain".

4. Page 1, by inserting after line 24 the following:

"4. 'Dominant estate' means that parcel of land to which the benefits of the solar easement apply.

5. 'Servient estate' means that parcel of land burdened by the solar easement."

5. Page 1, by striking lines 25 through page 2, line 15 and inserting in lieu thereof the following:

"Sec. 4. *NEW SECTION.* SOLAR EASEMENTS. A solar easement is subject to the same recording and conveyance requirements as other easements. A solar easement shall be created in writing and may include, but the contents are not limited to the following:

1. The legal description of the dominant and servient estates.

2. A description of the space which must remain unobstructed with reference to the solar energy system.

3. Any limitations on the growth of existing and future vegetation or the height of buildings or other potential obstructions of the solar energy system.

4. Terms or conditions under which the solar easement may be abandoned or terminated.

5. Provisions for compensating the owner of the dominant estate in the event of interference with the enjoyment of the solar easement, or for compensating the owner of the servient estate for maintaining that easement."

6. Page 2, by inserting after line 15 the following:

"Sec. 5. *NEW SECTION.* EMINENT DOMAIN. A landowner may exercise the power of eminent domain as provided in chapter four hundred seventy-two (472) of the Code to acquire a solar easement to provide access to sunlight to operate a solar energy system if the following conditions are satisfied:

1. The dominant estate and the servient estate are unzoned, zoned exclusively for agricultural use, or zoned exclusively for detached one or one and two family residential use.

2. The airspace to be included in the solar easement is unimproved and the servient estate owner has not, at least six months prior to the filing of the application, made a substantial financial commitment to build a structure in that airspace that will shade the solar energy system.

3. The solar energy system provides or would provide significant amounts of energy in a manner that diminishes or would diminish the dominant estate owner's use of other forms of energy."

7. Page 3, line 1, by striking the word "and" and inserting in lieu thereof the words "[and] *which is*".

8. Page 3, line 6, by inserting after the word "*system;*" the words "*to promote the conservation of energy resources;*".

9. Page 5, line 2, by striking the word "and" and inserting in lieu thereof the words "[and] *which is*".

10. Page 5, line 7, by inserting after the word "*system;*" the words "*to promote the conservation of energy resources*".

11. Page 5, by inserting after line 16 the following:

"Sec. 14. *NEW SECTION.* ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE PUBLIC. The energy policy council shall make available information and guidelines to assist local government bodies and the public to understand and use the provisions of this Act. The information and guidelines shall include model solar easements, model restrictive covenants, and instructions and aids for establishing and recording solar easements."

12. Page 5, by striking lines 17 and 18.

13. By renumbering and correcting internal references to conform with this amendment.

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
EDGAR H. HOLDEN, Chairperson	JOHN PELTON, Chairperson
STEPHEN W. BISENIUS	CHARLES H. BRUNER
PATRICK H. DELUHERY	JAMES O'KANE
W.R. BILL HANSEN	DOUGLAS RITSEMA
ARTHUR A. SMALL, JR.	DOUGLAS R. SMALLEY

PRESENTATION OF VISITORS

President Branstad welcomed Paul Murphy, Handicapped Iowan of the Year, who was present in the Senate chamber and the guest of Senator Goodwin.

President Branstad welcomed the Honorable Homer L. Warren, former state legislator from Decatur County, who was present in the Senate chamber.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from the foreign student club at Grundy Center High School, Grundy Center, Iowa, accompanied by Keith Hall. Senator Jensen.

Fifty students from St. Edwards School, Waterloo, Iowa accompanied by Don Sullivan, Judy Sinnwell and Joan Craig. Senators Comito and Hansen.

Twenty students from Jack M. Logan Junior High School, Waterloo, Iowa, accompanied by David Miller and Jackie Gerstbauer. Senators Comito and Hansen.

Seventy-five students from Clinton Community School, Clinton, Iowa, accompanied by Margaret Dihlmann. Senator Goodwin.

Seventy-five students from Forest City High School, Forest City, Iowa, accompanied by Cliff Howlett and Ron Sanderson. Senator Priebe.

Forty students from Holy Spirit School, Carroll, Iowa, accompanied by Sister Marian. Senator Hutchins.

INTRODUCTION OF BILL

Senate File 2379, by Committee on Appropriations, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act.

Read first time and **placed on the calendar** under Senate Rule 28.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 23, 1980, 6:20 p.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Scott, Small, Tieden, Van Gilst and Junkins.

Members Absent: none.

Final Action: SENATE FILE 2378, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small and Van Gilst. Nays, 1: Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2379, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for the fiscal year 1980-1981, and restoring funds for the fiscal year 1981-82 for capital improvements reduced by this Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Scott, Small and Tieden. Nays, 2: Junkins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2535, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 15, Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 7:10 p.m.

WAYS AND MEANS

Convened: April 23, 1980, 8:05 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Baugher, Comito, Drake, Hester, Holden, Hultman, Hutchins, Ramsey, Rush, Scott and Van Gilst.

Member Absent: Rodgers, Ranking Member and Junkins.

Final Action: SENATE FILE 2377, a bill for an act to exempt from the use tax certain vehicles which are purchased for use under contract to haul outside the state where its subsequent use in this state is in interstate commerce or interstate transportation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Craft, Readinger, Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Scott and Van Gilst. Nays, 1: Rush. Absent or not voting, 3: Rodgers, Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2378, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Craft, Readinger, Baugher, Drake, Hester, Holden, Ramsey, Hutchins, Rush, Scott and Van Gilst. Nays, none. Absent or not voting, 4: Rodgers, Comito, Hultman and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:00 a.m.

AMENDMENTS FILED

S—5824	H.F.	2580	William D. Palmer
S—5825	H.F.	2580	Sue Yenger
S—5826	H.F.	2580	Lucas J. DeKoster John S. Murray
S—5827	S. F.	2371	Robert M. Carr James E. Briles Richard R. Ramsey Lowell L. Junkins
S—5828	S. F.	2376	Rolf V. Craft

S—5829	S. F.	2148	Cloyd E. Robinson
S—5830	S. F.	2230	Arthur A. Small, Jr.
S—5831	H.F.	2577	Edgar H. Holden
S—5832	S. F.	2378	Richard F. Drake
			C. W. Hutchins
			John Scott
			Rolf V. Craft
			Bass Van Gilst
			Bob Rush
S—5833	S. F.	2230	Arthur A. Small, Jr.
S—5834	H.F.	2486	Edgar H. Holden
S—5835	S. F.	2376	Edgar H. Holden
S—5836	S. F.	2376	Richard F. Drake
S—5837	S. F.	190	Arthur A. Small, Jr.
			Stephen W. Bisenius
S—5838	S. F.	2376	Rolf V. Craft
S—5839	S. F.	2376	Richard F. Drake
S—5840	H.F.	2580	Berl E. Priebe
S—5842	S. F.	2376	Edgar H. Holden
			C. W. Hutchins
S—5843	S. F.	431	W. R. Bill Hansen
			Berl E. Priebe
S—5844	S. F.	2376	Edgar H. Holden
S—5845	H.F.	2486	C. Joseph Coleman
			Arne Waldstein
			Irvin L. Bergman
S—5846	H.F.	2535	John W. Jensen
S—5847	H.F.	2580	Tom Slater
			Richard Comito
			John W. Jensen
			Sue Yenger
			W.R. Bill Hansen
			Robert M. Carr
			Charles P. Miller
			James E. Briles
			Stephen W. Bisenius
			Richard F. Drake
			Arne Waldstein

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:55 p.m., until 9:00 a.m., Thursday, April 24, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 24, 1980

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by the Reverend William Temple, pastor of the First Baptist Churches in Leon and Grand River, Iowa.

The Journal of Wednesday, April 23, 1980, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone, 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 23, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 736, a bill for an act to permit distributors and dealers to purchase fuel from other than the franchisor.

ALSO: That the House has on April 23, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2537, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts.

ALSO: That the House has on April 23, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2546, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

ALSO: That the House has on April 23, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2551, a bill for an act relating to the calculation of the state percent of growth and basic allowable growth per pupil for school foundation aid purposes.

ALSO: That the House has on April 23, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2581, a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2581, a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

Read first time and referred to the committee on **Ways and Means.**

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 736

S—5849

Amend the Senate amendment H—6116, to House File 736, as amended, passed, and reprinted by the House as follows:

1. Page 1, by striking lines 28 and 29, and inserting in lieu thereof the following: "asserted by a user on which the claimant prevails and in which the court determines that motor fuel not acquired from the franchisor was the proximate cause of the injury."

2. Page 1, line 30, by inserting after the figure "12" the words ", and inserting in lieu thereof the following: 'Purchases of motor fuel in accordance with this section are not good cause for termination of a franchise'."

3. Page 1, line 34, by inserting after the word "into" the words "or renewed".

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2537

S—5850

Amend the Senate amendment H—6002 to House File

2537 as follows:

1. Page 1, by striking lines 3 through 20 and inserting in lieu thereof the following:

"1. Page 6, by inserting after line 7 the following unnumbered paragraph:

If payment will not be made for services performed by a chiropractor acting within the scope of his or her license when those services would be compensable if performed by a medical doctor, then a statement that services performed by a chiropractor are not compensable shall be included in the outline of coverage."

2. Page 9, by inserting after line 17 the following new section:

"Sec. 12. Section five hundred fourteen B point five (514B.5), subsection three (3), Code 1979, is amended to read as follows:

3. The health maintenance organization provides or arranges for the provision of basic health care services on a prepaid basis, except that the health maintenance organization may impose deductible and coinsurance charges *subject to approval by the commissioner* [which might be required to be paid by persons on whose behalf the federal government contracts with the health maintenance organization for health care services.] *The commissioner has the authority to promulgate rules pursuant to Chapter seventeen A (17A) establishing reasonable maximum deductible and coinsurance charges which may be imposed by health maintenance organizations."*

3. Title page, by inserting after line 2 the words "relating to deductible and coinsurance provisions of contracts with health maintenance organizations,".

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2546

S—5848

Amend the Senate amendment H—6085 to House File 2546, as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 34 through 38 and inserting in lieu thereof the following: "the following: 'Warranties shall be implied to the person who is conducting the auction only if the disclosure contains representations which he or she knew or had reason to know were untrue.' "

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 Branstad presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 2580

On motion of Senator Murray, House File 2580, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking peoples commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community based corrections, legal assistance program, substance

abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murray offered amendment S—5821 filed by the committee on Appropriations on April 22, 1980, to pages 1, 3, 12 through 14, 21, 22, 25, 29, 32, 34 and 35 of the bill and called for a division:

Division S—5821A: Page 1, line 3 through page 8, line 18.

Division S—5821B: Page 8, lines 19 and 20.

Division S—5821C: Page 8, lines 21 through 23.

Division S—5821D: Page 8, line 24.

Division S—5821E: Page 8, lines 25 and 26.

Division S—5821F: Page 8, lines 27 through 30.

Division S—5821G: Page 8, line 31; page 9, lines 1 through 10.

Division S—5821H: Page 9, lines 11 through 15.

Division S—5821I: Page 9, line 16.

Division S—5821J: Page 9, lines 17 through 19.

Division S—5821K: Page 9, lines 20 through 22.

Division S—5821L: Page 9, lines 23 through 26.

Senator Ramsey asked and received unanimous consent that action on division S—5821A be deferred.

Senator Murray moved the adoption of division S—5821B.

A non record roll call was requested.

The ayes were 36, nays 10.

Division S—5821B was adopted.

The Chair ruled amendment S—5876 filed by Senator Coleman from the floor to division S—5821C, out of order.

Senator Murray moved the adoption of division S—5821C.

A non record roll call was requested.

The ayes were 26, nays 22.

Division S—5821C was adopted.

Senator Murray moved the adoption of division S—5821D.

A record roll call was requested.

On the question "Shall division S—5821D be adopted?" (H.F. 2580) the vote was:

Ayes, 14:

Briles	Craft	DeKoster	Gentleman
Goodwin	Gratias	Hansen	Hultman
Miller, E.R.	Murray	Ramsey	Readinger
Tieden	Yenger		

Nays, 33:

Baugher	Bergman	Brown	Calhoon
Carney	Carr	Coleman	Comito
Deluhery	Drake	Gallagher	Hester
Holden	Hulse	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Orr	Palmer	Priebe
Robinson	Rush	Schwengels	Scott
Slater	Small	Taylor	Van Gilst
Waldstein			

Absent or not voting, 3:

Bisenius	Kudart	Rodgers

Division S—5821D lost.

Senator Slater withdrew amendment S—5862 filed by him from the floor to division S—5821D.

Senator Murray moved the adoption of division S—5821E, which motion prevailed by a voice vote.

Senator Murray moved the adoption of division S—5821F, which motion prevailed by a voice vote.

Senator Murray moved the adoption of division S—5821G, which motion prevailed by a voice vote.

Senator Murray moved the adoption of division S—5821H, which motion prevailed by a voice vote.

Senator DeKoster moved the adoption of division S—5821I, which motion prevailed by a voice vote.

Senator DeKoster moved the adoption of division S—5821J.

A record roll call was requested.

On the question "Shall division S—5821J be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 43:

Baugher	Bergman	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Scott	Slater
Small	Van Gilst	Yenger	

Nays, 4:

Bisenius	Taylor	Tieden	Waldstein

Absent or not voting, 3:

Drake	Gratias	Schwengels

Division S—5821J was adopted.

Senator DeKoster moved the adoption of division S—5821K, which motion prevailed by a voice vote.

Senator DeKoster moved the adoption of division S—5821L.

A record roll call was requested.

On the question "Shall division S—5821L be adopted?" (H.F. 2580) the vote was:

Ayes, 41:

Baugher	Bergman	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Hansen	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Scott
Slater	Small	Van Gilst	Waldstein
Yenger			

Nays, 5:

Bisenius	Hester	Jensen	Taylor
Tieden			

Absent or not voting, 4:

Craft	Drake	Gratias	Schwengels

Division S—5821L was adopted.

Senator Slater offered amendment S—5890 filed by him from the floor to page 3 of the bill.

Senator Ramsey raised the point of order that amendment S—5890 was not germane to the bill.

Senator Ramsey withdrew his point of order.

Senator Slater moved the adoption of amendment S—5890.

A record roll call was requested.

On the question "Shall amendment S—5890 be adopted?" (H.F. 2580) the vote was:

Ayes, 19:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Van Gilst	

Nays, 27:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 4:

Briles	Gallagher	Hester	Small

Amendment S—5890 lost.

(House File 2580 and division S—5821A pending on recess.)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2475

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 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
INGWER L. HANSEN, Chairperson	CLARENCE CARNEY, Chairperson
MARVIN E. DIEMER	ROBERT M. CARR
RUHL MAULSBY	ELIZABETH R. MILLER
	JOANN ORR
	ARNE WALDSTEIN

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 24, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2373, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

ALSO: That the House has on April 24, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 695, a bill for an act relating to the date requirements for calling a special election for the issuance of certain general obligation bonds for school districts.

ALSO: That the members of the second conference committee to consider the differences between the House and Senate concerning House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, appointed April 24, 1980, are: The Representative from Polk, Mrs. Thompson, Chair; the Representative from Taylor, Mr. Daggett; the Representative from Linn, Mr. Horn; the Representative from Appanoose, Mr. Jay; and the Representative from Wapello, Mrs. Larsen.

ALSO: That the House has on April 23, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2562, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

ALSO: That the House has on April 24, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2568, a bill for an act relating to the information which shall be included in notices prior to budget hearings by a political subdivision.

ALSO: That the House has on April 24, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2591, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2568, a bill for an act relating to the information which shall be included in notices prior to budget hearings by a political subdivision.

Read first time and **passed on file.**

House File 2591, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 2562

S—5879

Amend the Senate amendment H—6079 to House File 2562 as follows:

1. Page 1, by striking lines 22 through 38 and inserting in lieu thereof the following:

"Sec. 2. Section five hundred ninety-eight point seventeen (598.17), unnumbered paragraph three (3), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 3. Section five hundred ninety-eight point twenty-one (598.21), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

598.21 ORDERS FOR DISPOSITION AND SUPPORT.

1. Upon every judgment of annulment, dissolution or separate maintenance the court shall divide the property of the parties and transfer the title of the property accordingly. The court may protect and promote the best interests of children of the parties by setting aside a portion of the property of the parties in a separate fund or conservatorship for the support, maintenance, education and general welfare of the minor children. The court shall divide all property, except inherited property or gifts received by one party, equitably between the parties after considering all of the following:

a. The length of the marriage.

b. The property brought to the marriage by each party.

c. The contribution of each party to the marriage,

giving appropriate economic value to each party's contribution in homemaking and child care services.

d. The age and physical and emotional health of the parties.

e. The contribution by one party to the education, training or increased earning power of the other.

f. The earning capacity of each party, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage.

g. The desirability of awarding the family home or the right to live in the family home for a reasonable period to the party having custody of any children.

h. The amount and duration of an order granting support payments to either party pursuant to subsection two (2) of this section and whether the property

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division should be in lieu of such payments.

i. Other economic circumstances of each party, including pension benefits, vested or unvested, and future interests.

j. The tax consequences to each party.

k. Any written agreement made by the parties concerning property distribution.

l. The provisions of any antenuptial agreement.

m. Other factors that court may determine to be relevant in an individual case.

2. Property inherited by either party or gifts received by either party prior to or during the course of the marriage is the property of that party and is not subject to a property division under this section except upon a finding that refusal to divide the property is inequitable to the other party or to the children of the marriage.

3. Upon every judgment of annulment, dissolution or separate maintenance, the court may grant an order requiring support payments to either party for a limited or indefinite length of time after considering all of the following:

a. The length of the marriage.

b. The age and physical and emotional health of the parties.

c. The distribution of property made pursuant to subsection one (1) of this section.

d. The educational level of each party at the time of marriage and at the time the action is commenced.

e. The earning capacity of the party seeking maintenance, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children and the time and expense necessary to acquire sufficient education or training to enable the party to find appropriate employment.

f. The feasibility of the party seeking maintenance becoming self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage, and the length of time necessary to achieve this goal.

g. The tax consequences to each party.

h. Any mutual agreement made by the parties concerning financial or service contributions by one party with the expectation of future reciprocation or compensation by the other party.

i. The provisions of an antenuptial agreement.

j. Other factors the court may determine to be relevant in an individual case.

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4. Upon every judgment of annulment, dissolution or separate maintenance, the court may order either parent or both parents to pay an amount reasonable and necessary for support of a child. Consideration shall be given to the child's need for close contact with both parents and recognition of joint parental responsibility for the welfare of a minor child. In any order requiring payments for support of a minor child the court shall consider the following:

a. The financial resources of the child.

b. The financial resources of both parents.

c. The standard of living the child would have enjoyed had there not been an annulment, dissolution or separate maintenance.

d. The desirability that the custodian remain in the home as a full-time parent.

e. The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.

f. The physical and emotional health needs of the child.

g. The child's educational needs.

h. The tax consequences to each party.

i. Other factors the court may determine to be relevant in an individual case.

5. The court may protect and promote the best interests of a minor child by setting aside a portion of the child support which either party is ordered to pay in a separate fund or conservatorhsip for the support, education and welfare of the child.

6. The court may provide for joint custody of the children by the parties. Orders relating to custody of a child are subject to the provisions of chapter five hundred ninety-eight A (598A) of the Code.

7. Orders made pursuant to this section need mention only those factors relevant to the particular case for which the orders are made.

8. The court may subsequently modify orders made under this section when there is a substantial change in circumstances. Any change in child support because of alleged change in circumstances shall take into consideration each parent's earning capacity, economic circumstances and cost of living. Modifications of orders pertaining to child custody shall be made pursuant to chapter five hundred ninety-eight A (598A) of the Code.

Sec. 4. Section five hundred ninety-eight point twenty-two (598.22), unnumbered paragraphs one (1)

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and two (2), Code 1979, are amended to read as follows:

All orders or judgments providing for temporary or permanent support payments shall direct the payment of such sums to the clerk of the court for the use of the person for whom the [same] *payments* have been awarded.

Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings, or trust income to the clerk of court for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the ocurt shall not exceed the amounts set forth in 15 U.S.C. s. 1673b (Supp. 1979). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings, or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk. The payor may deduct from

each payment a sum not exceeding one dollar as a reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

PARAGRAPH DIVIDED. An order or judgment entered by the court for temporary or permanent support *or for an assignment* shall be filed with the court clerk. Such orders shall have the same force and effect as judgments when entered in the judgment docket and lien index and shall be a record open to the public. The clerk shall disburse the payments received pursuant to such orders or judgments. All moneys received or disbursed under this section shall be entered in a record book kept by the clerk, which shall be open to inspection by the parties to the action and their attorneys.

If the sums ordered to be paid *in a support payment order* are not paid to the clerk at the time provided in [said] *the* order or judgment, the clerk shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

Sec. 5. Section five hundred ninety-eight point twenty-three (598.23), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The court may, as an alternative to punishment for contempt, make an order directing the defaulting party to assign, *trust income or* a sufficient amount in salary or wages due, or to become due in the future, from an employer or successor employers, to the clerk

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of the court where the order or judgment was granted for the purpose of paying the sums in default as well as those to be made in the future. [The] *Where the assignment is of salary or wages due, the amount assigned shall not exceed the amount set forth in 15 U.S.C. s. 1673b (Supp. 1979) and the* assignment order shall be binding upon the employer only for those amounts that represent child support and only upon receipt by the employer of a copy of the order, signed by the employee. For each payment deducted in compliance with such request, the [employer shall receive one dollar to cover the expense created by the deduction, which amount shall be deducted from the money due the employee] *payor may deduct a sum not exceeding one dollar as a reimbursement for costs.* Compliance by [an employer] *a payor* with the court's [request] *order* shall operate as a discharge of his *or her* liability to the [employee] *payee* as to the

affected portion of the [employee's] *payee's* wages *or trust income."*

2. Page 1, by striking lines 49 and 50.

3. By renumbering and correcting internal references as made necessary by this amendment.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **House File 2475** on the part of the Senate: Senators Gratias, Chairperson; Gentleman, Hansen, Scott and Brown.

RECESS

On motion of Senator Hultman, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:03 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F. 2568	Ways and Means
H.F. 2591	Judiciary

BUSINESS PENDING

House File 2580

The Senate resumed consideration of House File 2580 and division S—5821A, pending on recess.

Senator Rush offered amendment S—5798 filed by Senators Rush and Junkins on April 22, 1980, to page 4 of the bill.

Senator Murray raised the point of order that amendment S—5798 was not germane to the bill

The Chair ruled the point well taken and amendment S—5798 out of order.

Senator Scott offered amendment S—5886 filed by Senators Scott, et al., from the floor to page 4 and the title page of the bill .

Senator Murray raised the point of order that amendment S—5886 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5886 out of order.

Senator Orr offered amendment S—5864 filed by her from the floor to page 4 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5864 be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Rodgers	Rush	Scott
Slater	Small		

Nays, 26:

Baugher	Bisenius	Carney	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Robinson	Schwengels	Taylor
Waldstein	Yenger		

Absent or not voting, 6:

Bergman	Briles	Hester	Hutchins
Tieden	Van Gilst		

Amendment S—5864 lost.

Senator Gentleman offered amendment S—5878 filed by Senators Gentleman and Readinger from the floor to page 5 of the bill and moved its adoption.

Amendment S—5878 was adopted by a voice vote.

Senator Slater offered amendment S—5847 filed by Senators Slater, et al., on April 23, 1980, to pages 6, 29, 40 and the title page of the bill.

Senator Gentleman called for a division of amendment S—5847.

Senator Gentleman withdrew her request for a division.

Senator Ramsey raised the point of order that amendment S—5847 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5847 out of order.

Senator Carr offered amendment S—5868 filed by him from the floor to page 6 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5868 be adopted?" (H.F. 2580) the vote was:

Ayes, 17:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Robinson	Rush	Scott	Slater
Small			

Nays, 25:

Baugher	Bisenius	Briles	Carney
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Waldstein
Yenger			

Absent or not voting, 8:

Bergman	Comito	Hester	Hutchins
Orr	Rodgers	Tieden	Van Gilst

Amendment S—5868 lost.

Senator Slater asked and received unanimous consent to withdraw amendment S—5857 filed by Senators Slater and Deluhery from the floor to page 7 of the bill.

Senator Slater offered amendment S—5889 filed by Senators Slater and Deluhery from the floor to page 7 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5889 be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Gentleman	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Robinson	Rodgers
Rush	Scott	Slater	Small

Nays, 24:

Baugher	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Goodwin	Gratias	Hansen	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Schwengels	Waldstein	

Absent or not voting, 6:

Bergman	Hester	Hutchins	Tieden
Van Gilst	Yenger		

Amendment S—5889 lost.

Senator Coleman offered amendment S—5882 filed by Senators Coleman and Carr from the floor to page 10 of the bill.

Senator Carney took the chair at 2:45 p.m.

Senator Coleman moved the adoption of amendment S—5882.

A record roll call was requested.

On the question "Shall amendment S—5882 be adopted?" (H.F. 2580) the vote was:

Ayes, 22:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Orr	Palmer	Priebe	Robinson
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	Yenger

Amendment S—5882 lost.

Senator Scott offered amendment S—5884 filed by him from the floor to pages 11 and 22 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5884 be adopted?" (H.F. 2580) the vote was:

Ayes, 22:

Baugher	Brown	Carr	Coleman
Deluhery	Gallagher	Gratias	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Robinson	Rodgers	Scott	Slater
Small	Van Gilst		

Nays, 28:

Bergman	Bisenius	Briles	Calhoon

Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Kudart	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Rush	Schwengels
Taylor	Tieden	Waldstein	Yenger

Amendment S—5884 lost.

Senator Hutchins offered amendment S—5898 filed by him from the floor to page 11 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5898 be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Brown	Calhoon	Carr	Coleman
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Orr
Palmer	Priebe	Robinson	Rush
Scott	Slater	Van Gilst	

Nays, 29:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Murray	Nystrom	Ramsey	Readinger
Schwengels	Small	Taylor	Tieden
Waldstein			

Absent or not voting, 2:

Rodgers	Yenger

Amendment S—5898 lost.

Senator DeKoster withdrew amendment S—5860 filed by him from the floor to pages 1 through 5 of the bill.

Senator DeKoster withdrew amendment S—5881 filed by him from the floor to division S—5821A of the bill.

Senator Small withdrew amendment S—5901 filed by him from the floor to page 1 of the bill.

Senator Slater withdrew amendment S—5863 filed by him from the floor to page 33 of the bill.

Senator Slater withdrew amendment S—5865 filed by him from the floor to page 34 of the bill.

President Branstad took the chair at 3:15 p.m.

Senator Priebe offered amendment S—5858 filed by him from the floor to page 12 of the bill.

Senator Murray raised the point of order that amendment S—5858 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5858 out of order.

Senator Van Gilst offered amendment S—5880 filed by him from the floor to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5880 be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Ramsey	Schwengels
Taylor	Tieden	Waldstein	

Absent or not voting, 1:

Yenger

Amendment S—5880 lost.

Senator Hutchins offered amendment S—5853 filed by him from the floor to page 15 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5853 be adopted? (H.F. 2580) the vote was:

Ayes, 31:

Baugher	Bergman	Briles	Calhoon
Carr	Coleman	Craft	Gallagher
Gratias	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rush	Schwengels
Scott	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 16:

Bisenius	Carney	Comito	DeKoster
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Taylor

Absent or not voting, 3:

Brown	Deluhery	Rodgers

Amendment S—5853 was adopted.

President pro tempore Hansen took the chair at 4:00 p.m.

Senator Coleman withdrew amendment S—5875 filed by him from the floor to page 39 of the bill.

Senator Miller of Des Moines withdrew amendment S—5874 filed by him from the floor to page 37 of the bill.

Senator Palmer offered amendment S—5824 filed by him on April 23, 1980, to pages 15 through 18 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5824 be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Bergman	Calhoon	Carr	Coleman
Craft	DeKoster	Gallagher	Hester
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Rush	Schwengels	Scott	Van Gilst
Waldstein			

Nays, 25:

Baugher	Bisenius	Carney	Comito
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hansen	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Ramsey	Readinger
Slater	Small	Taylor	Tieden
Yenger			

Absent or not voting, 4:

Briles	Brown	Robinson	Rodgers

Amendment S—5824 lost.

Senator Yenger withdrew amendment S—5825 filed by her on April 23, 1980, to pages 27 and 28 of the bill.

Senator Scott withdrew amendment S—5887 filed by him from the floor to page 22 of the bill.

Senator Scott offered amendment S—5899 filed by him from the floor to page 22 of the bill.

Senator Murray raised the point of order that amendment S—5899 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5899 out of order.

Senator Taylor offered amendment S—5900 filed by Senators Taylor, et al., from the floor to page 22 of the bill.

President Branstad took the chair at 4:34 p.m.

Senator Junkins raised the point of order that amendment S—5900 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5900 out of order.

Senator Schwengels offered amendment S—5894 filed by Senators Schwengels and Taylor from the floor to pages 23 and 26 of the bill.

Senator Rush called for a division of amendment S—5894: Page 1 and page 2, lines 1 through 20 and lines 45 through 47 as division S—5894A; page 2, lines 21 through 44 as division S—5894B.

Senator Rush asked and received unanimous consent that action on divisions S—5894A and S—5894B be deferred.

Senator Hutchins offered amendment S—5870 filed by him from the floor to page 27 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5870 be adopted?" (H.F. 2580) the vote was:

Ayes, 18:

Baugher	Calhoon	Carr	Coleman
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Orr
Palmer	Priebe	Scott	Slater
Small	Van Gilst		

Nays, 26:

Bisenius	Carney	Comito	Craft
DeKoster	Deluhery	Drake	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Murray	Nystrom	Ramsey	Readinger
Rush	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 6:

Bergman	Briles	Brown	Gratias
Robinson	Rodgers		

Amendment S—5870 lost.

Senator DeKoster offered amendment S—5826 filed by Senators DeKoster and Murray on April 23, 1980, to pages 29 through 31 of the bill.

Senator Gentleman offered amendment S—5888 filed by Senators Gentleman, Baugher and Readinger from the floor to amendment S—5826 and moved its adoption.

A non record roll call was requested.

The ayes were 7, nays 38.

Amendment S—5888 lost.

Senator Slater offered amendment S—5908 filed by Senators Slater and Palmer from the floor to amendment S—5826 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5908 to amendment S—5826 be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Baugher	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Gentleman
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Readinger	Robinson	Rodgers	Rush
Scott	Slater	Small	Taylor
Van Gilst	Yenger		

Nays, 22:

Bergman	Bisenius	Briles	Comito
Craft	DeKoster	Drake	Goodwin
Gratias	Hansen	Hester	Holden

Hulse	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Ramsey	Schwengels
Tieden	Waldstein		

Absent or not voting, 2:

Carney	Hultman

Amendment S—5908 was adopted.

Senator DeKoster moved the adoption of amendment S—5826 as amended, which motion prevailed by a voice vote.

Senator Rush offered amendment S—5814 filed by him on April 22, 1980, to page 30 of the bill and moved its adoption.

Amendment S—5814 was adopted by a voice vote.

Senator Rush offered amendment S—5909 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—5909 was adopted by a voice vote.

Senator Rush withdrew the following amendments filed by him from the floor to page 40 of the bill: S—5852, S—5871, S—5872, S—5873 and S—5906.

Senator Miller of Des Moines offered amendment S—5869 filed by him from the floor to page 34 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5869 be adopted?" (H.F. 2580) the vote was:

Ayes, 21:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Miller, E.R.	Orr
Palmer	Priebe	Robinson	Rodgers
Rush	Scott	Slater	Small
Van Gilst			

Nays, 25:

Baugher	Bergman	Bisenius	Comito
Craft	DeKoster	Drake	Gentleman

Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Jensen	Kudart
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 4:

Briles	Carney	Gallagher	Hultman

Amendment S—5869 lost.

Senator Yenger offered amendment S—5883 filed by Senators Yenger and Carr from the floor to page 34 of the bill.

Senator Murray raised the point of order that amendment S—5883 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5883 out of order.

Senator Slater offered amendment S—5867 filed by him from the floor to page 35 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5867 be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 2:

Carney	Gallagher

Amendment S—5867 lost.

Senator Slater offered amendment S—5859 filed by him from the floor to page 37 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5859 be adopted?" (H.F. 2580) the vote was:

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Priebe	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Readinger	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 3:

Carney	Gallagher	Ramsey

Amendment S—5859 lost.

Senator Orr offered amendment S—5877 filed by her from the floor to page 38 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5877 be adopted?" (H.F. 2580) the vote was:

Ayes, 14:

Brown	Carr	Coleman	Hutchins

Junkins	Kinley	Miller, A.V.	Orr
Palmer	Robinson	Rodgers	Scott
Slater	Van Gilst		

Nays, 32:

Baugher	Bergman	Bisenius	Briles
Calhoon	Comito	Craft	DeKoster
Deluhery	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rush	Schwengels	Small
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 4:

Carney	Drake	Gallagher	Miller, C.P.

Amendment S—5877 lost.

Senator DeKoster offered amendment S—5856 filed by him from the floor to page 39 of the bill and moved its adoption.

Amendment S—5856 was adopted by a voice vote.

Senator Slater withdrew amendment S—5866 filed by him from the floor to page 39 of the bill.

Senator Rush offered amendment S—5910 filed by him from the floor to page 40 of the bill.

Senator Carr called for a division of amendment S—5910: line 3 as division S—5910A; lines 4 through 8 as division S—5910B; line 9 as division S—5910C.

Senator Rush moved the adoption of division S—5910A.

A record roll call was requested.

On the question "Shall division S—5910A be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Brown	Calhoon	Carr	Coleman
Comito	Deluhery	Gallagher	Hutchins

Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Orr	Palmer	Priebe
Ramsey	Robinson	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 25:

Baugher	Bergman	Bisenius	Briles
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Nystrom	Readinger
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 1:

Carney

Division S—5910A lost.

Action on divisions S—5910B and S—5910C was temporarily deferred.

Senator Drake offered amendment S—5893 filed by him from the floor to page 40 of the bill and moved its adoption.

Amendment S—5893 was adopted by a voice vote.

Senator Rush moved the adoption of division S—5910B, previously deferred.

A record roll call was requested.

On the question "Shall division S—5910B be adopted?" (H.F. 2580) the vote was:

Ayes, 20:

Calhoon	Carr	Coleman	Comito
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 26:

Baugher	Bergman	Bisenius	Craft
DeKoster	Drake	Gentleman	Goodwin

Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 4:

Briles	Brown	Carney	Robinson

Division S—5910B lost.

Senator Rush moved the adoption of division S—5910C, previously deferred.

A record roll call was requested.

On the question "Shall division S—5910C be adopted?" (H.F. 2580) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Calhoon	Carr	Coleman	Deluhery
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Readinger
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 26:

Baugher	Bergman	Bisenius	Briles
Craft	DeKoster	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Murray	Nystrom
Priebe	Ramsey	Schwengels	Taylor
Tieden	Waldstein		

Voting present, 1:

Comito

Absent or not voting, 5:

Brown	Carney	Drake	Robinson
Yenger			

Division S—5910C lost.

Senator Slater withdrew amendment S—5916 filed by him from the floor to page 39 of the bill.

Senator Priebe offered amendment S—5840 filed by him on April 23, 1980, to page 40 of the bill and moved its adoption.

Amendment S—5840 was adopted by a voice vote.

Senator Yenger offered amendment S—5913 filed by her from the floor to page 22 of the bill.

Senator Small raised the point of order that amendment S—5913 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5913 out of order.

The Senate resumed consideration of division S—5894A and S—5894B to pages 23 and 26 of the bill, previously deferred.

Senator Schwengels asked and received unanimous consent to withdraw the division of amendment S—5894.

Senator Schwengels offered amendment S—5911 filed by Senators Schwengels, Taylor and Rush from the floor to amendment S—5894 and moved its adoption.

A non record roll call was requested.

The ayes were 22, nays 22.

The Chair voted "aye" to break the tie and amendment S—5911 was adopted.

Senator Schwengels moved the adoption of amendment S—5894 as amended.

A record roll call was requested.

On the question "Shall amendment S—5894 as amended be adopted?" (H.F. 2580) the vote was:

Ayes, 36:

Baugher	Bisenius	Calhoon	Carr
Coleman	Comito	DeKoster	Deluhery

Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hutchins	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Taylor	Van Gilst	Waldstein	Yenger

Nays, 9:

Bergman	Craft	Gentleman	Jensen
Kinley	Orr	Palmer	Small
Tieden			

Absent or not voting, 5:

Briles	Brown	Carney	Hultman
Robinson			

Amendment S—5894 as amended was adopted.

The Senate resumed consideration of division S—5821A to page 1 of the bill, previously deferred.

Senator Murray raised the point of order that division S—5821A was not germane to the bill.

The Chair ruled the point well taken and division S—5821A out of order.

The Chair ruled the following amendments out of order:

S—5885 filed by Senators Yenger and Carr from the floor to division S—5821A.

S—5897 filed by Senator DeKoster from the floor to division S—5821A.

Senator Palmer was recognized for a point of information concerning the ruling of the chair on division S—5821A.

The Chair explained its ruling.

Senator Small was recognized for a point of information concerning the ruling of the chair on division S—5821A.

The Chair explained its ruling.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

House File 2580

The Senate resumed consideration of House File 2580.

Senator Palmer asked unanimous consent to suspend the rules on germaneness of division S—5821A in order for it to be considered by the Senate.

Objection was raised by Senator Hultman.

Senator Small asked unanimous consent that action on House File 2580 be deferred until the Appropriations Committee met for further consideration.

Senator Small withdrew his request.

Senator DeKoster offered amendment S—5903 filed by him from the floor to page 1 of the bill.

Senator Junkins moved to suspend the ruling on germaneness of amendment S—5903 for its consideration by the Senate.

A record roll call was requested.

On the question "Shall the motion to suspend the rules be adopted?" (H.F. 2580) the vote was:

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Rodgers	Rush
Scott	Slater	Small	Van Gilst

Nays, 28:

Baugher	Bergman	Bisenius	Briles
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Miller, E.R.	Murray
Nystrom	Ramsey	Readinger	Schwengels
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 2:

Carney	Robinson

The motion lost.

Senator Brown raised the point of order that amendment S—5903 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5903 out of order.

The Chair ruled the following amendments out of order:

S—5904 filed by Senator Small from the floor to amendment S—5903.

S—5907 filed by Senator Bisenius from the floor to amendment S—5903.

Senator Hultman filed the following motion to reconsider from the floor and moved its adoption.

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5880 to House File 2540 failed to pass the Senate on April 24, 1980.

The motion prevailed by a voice vote and amendment S—5880 was taken up for reconsideration.

Senator Van Gilst moved the adoption of amendment S—5880 to page 4 of the bill.

A record roll call was requested.

On the question "Shall amendment S—5880 be adopted?" (H.F. 2580) the vote was:

Ayes, 31:

Briles	Brown	Calhoon	Carr

Coleman	Craft	Deluhery	Gallagher
Gratias	Hansen	Hultman	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Tieden	Van Gilst	Yenger	

Nays, 17:

Baugher	Bergman	Bisenius	Comito
DeKoster	Drake	Gentleman	Goodwin
Hester	Holden	Hulse	Jensen
Kudart	Murray	Ramsey	Taylor
Waldstein			

Absent or not voting, 2:

Carney	Small

Amendment S—5880 was adopted.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2580) the vote was:

Ayes, 31:

Baugher	Bergman	Bisenius	Briles
Coleman	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Robinson	Schwengels	Taylor
Tieden	Waldstein	Yenger	

Nays, 18:

Brown	Calhoon	Carr	Deluhery
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Orr	Palmer
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Absent or not voting, 1:

Carney

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2580** be immediately messaged to the House, which request was complied with.

INTRODUCTION OF BILLS

Senate File 2380, by Committee on Ways and Means, a bill for an act restricting state appropriations.

Read first time and **placed on calendar.**

Senate File 2381, by Committee on Ways and Means, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Read first time and **placed on calendar.**

Senate File 2382, by Committee on Ways and Means, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980.

Read first time and **placed on calendar.**

Senate File 2383, by Hultman and Junkins, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

Read first time and referred to the committee on **Judiciary.**

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 114
By: Committee on Ethics

Be It Resolved by the Senate, That the Senate rules governing lobbyists be amended by adding the following new rules:

18. As used in these rules, the word "gift" and the phrases "immediate family member" and "public disclosure" have the meaning provided in Acts of the Sixty-eighth General Assembly, 1980 Session, House File six hundred eighty-seven (687), section six (6).

The reports required to be filed under rules 19 and 20 of these rules shall be filed not later than the fifteenth day of a month for gifts made or received during the preceding month.

19. Persons who have made gifts to a senator, senate employee, or an immediate family member of a senator or senate employee shall file a report with the secretary of the senate which includes:

(1) A list of senators, senate employees, or their immediate family members for whom a gift which has a value in excess of fifteen dollars was made on any one occurrence, the date of the occurrence, and the nature and amount of the gift.

(2) A monthly total of all gifts made by persons and their employer or employers to senators, senate employees, and their immediate family members, including the following:

(a) Food and refreshment.

(b) Entertainment, including the cost of a hospitality room.

(c) Travel.

(d) Recreation expense.

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(e) Lodging expense.

(f) Other (including the nature of the gift).

(3) The amount of an honorarium for speaking paid to a senator, senate employee, or immediate family member of a senator or senate employee. The amount listed shall include reimbursement for or payment of actual expenses incurred for public speaking engagements or other formal public appearances.

(4) If a gift is made to two or more members of

the general assembly, employees of the general assembly, or their immediate families which cannot be precisely attributed to each recipient, the report shall average the cost of the gift upon all those upon whom the gift is given if the cost of the gift exceeds fifteen dollars per recipient. The fact that averaging was used shall be disclosed.

20. Senators and employees of the senate shall file a report with the secretary of the senate of the acceptance of a gift made to them or their immediate family members which exceeds fifteen dollars in value on any one occurrence. The report shall list the nature, amount, date and donor of the gift. All honoraria for speaking paid to a senator, senate employee, or immediate family member of a senator or senate employee shall be listed. The amount listed shall include reimbursement for or payment of actual expenses incurred for public speaking engagements or other formal appearances; and

Be It Further Resolved, That the senate committee on ethics is directed to conduct a study during the

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legislative interim to determine whether the senate rules governing lobbyists need further amendment or clarification as they relate to chapter sixty-eight B (68B) of the Code. The committee on ethics shall report its recommendations accompanied by legislative drafts to implement its recommendations.

Read first time and **placed on calendar.**

HOUSE CONCURRENT RESOLUTION 127
By: Van Maanen, Daggett and Doyle

Whereas, there is an increasing number of handicapped and elderly Iowans eligible for assistance under Titles XIX and XX; and

Whereas, the state of Iowa under federal match requirements will be paying part of this assistance in addition to payments under existing state programs for the handicapped and elderly; and

Whereas, the cost to the state and Iowa taxpayer will continue to increase as the number of handicapped and elderly Iowans eligible for such assistance increases; and

Whereas, there exists in Iowa relatives of these handicapped and elderly who wish to provide for them in

their homes but are hindered by the cost to them and the possible reduction in assistance to their handicapped and elderly relatives; and

Whereas, the state of Iowa could save itself money and reduce the ever increasing cost to the Iowa taxpayer if more Iowans would provide for the handicapped and elderly in their homes; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is requested to create a joint house and senate ways and means subcommittee consisting of five members of the house of representatives and five members of the senate to study during the 1980 legislative interim the feasibility of and impact on revenues of providing tax relief to those who provide for the handicapped and elderly in their homes and the best method for providing such tax relief; and

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Be It Further Resolved, That the joint subcommittee report its findings, including suggested legislation, by January 15, 1981, to the legislative council, the general assembly convening in 1981 and the house and senate committees on ways and means.

Read first time and referred to **Rules and Administration.**

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 24, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2070, a bill for an act to allow multi-year professional and occupational licenses.

ALSO: That the House has on April 24, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2071, a bill for an act to provide that declarations of value shall be public information.

ALSO: That the House has on April 24, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2253, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

ALSO: That the House has on April 24, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2264, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

ALSO: That the House has on April 24, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2298, a bill for an act relating to the taxable status of property.

ALSO: That the House has on April 24, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2327, a bill for an act to provide or increase the penalty for failure to file or pay the state income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax.

ALSO: That the House has on April 24, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2374, a bill for an act appropriating funds to designated agencies for their budgets because of increased fuel or electricity costs.

ALSO: That the House has on April 24, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2375, a bill for an act repealing sections fifteen and sixteen of House File two thousand four hundred ninety-two.

ALSO: That the House has on April 24, 1980, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 103, a resolution proclaiming the ten years from 1980 through 1989 to be celebrated in Iowa as the Decade of the Family.

ALSO: That the House has on April 24, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 700, a bill for an act relating to the use of a license for the taking of fish and animals and providing penalties.

ALSO: That the House has on April 24, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 707, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly.

ALSO: That the House has on April 24, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2138, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area.

ALSO: That the House has on April 24, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2482, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

ALSO: That the House has on April 24, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2501, a bill for an act relating to the use of computers for the storage of court records.

ALSO: That the House has on April 24, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2550, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

ALSO: That the House has on April 24, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2592, a bill for an act relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health.

ALSO: That the House has on April 24, 1980, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 127, a resolution relating to the creation of an interim joint ways and means subcommittee to study tax relief for Iowans caring for the elderly and handicapped.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2592, a bill for an act relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health.

Read first time and referred to the committee on **Ways and Means.**

HOUSE AMENDMENT TO SENATE FILE 2070

S—5917

Amend Senate File 2070, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 4, by inserting after the word "[annually]" the words "*in multi-year intervals*".

2. Page 1, line 30, by inserting after the word "[annually]" the words "*in multi-year intervals*".

3. Page 2, line 34, by inserting after the words "shall expire" the words "*in multi-year intervals*".

4. Page 4, line 30, by inserting after the word "[annually]" the words "*in multi-year intervals*".

5. Page 5, line 5, by inserting after the word "[annually]" the words "*in multi-year intervals*".

6. Page 5, line 15, by inserting after the word "[annually]" the words "*in multi-year intervals*".

7. Page 6, line 7, by inserting after the word "[annually]" the words "*in multi-year intervals*".

8. Page 6, line 22, by inserting after the words "expire [annually]" the words "*in multi-year intervals*".

9. Page 7, line 7, by inserting after the word "expire" the words "*in multi-year intervals*".

10. Page 8, line 3, by inserting after the word "[annually]" the words "*in multi-year intervals*".

11. Page 8, line 12, by inserting before the word "*period*" the words "*multi-year*".

12. Page 11, line 28, by inserting after the word "[annually]" the words "*in multi-year intervals*".

13. Page 12, line 31, by inserting after the word "[annually]" the words "*in multi-year intervals*".

14. Page 13, line 33, by inserting after the word "[annually]" the words "*in multi-year intervals*".

15. Page 14, line 12, by inserting after the word "expire" the words "*in multi-year intervals*".

16. Page 14, by inserting after line 18 the following new section:

"Sec. 28. Section two hundred four point four hundred ten (204.410), Code 1979, is amended to read as follows:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver [a controlled substance] *marijuana*, if the prosecution proves that the defendant violated the provisions of section 204.401, subsection 1, [but fails to prove] *by proving* that the defendant delivered or possessed with intent to deliver [the controlled substance for the purpose of making a profit] *one ounce*

or less of marijuana, the defendant [shall be] is guilty of an accommodation offense and *rather than being sentenced as if convicted for a violation of section two hundred four point four hundred one (204.401). subsection one (1), paragraph b,* shall be sentenced

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as if convicted of a violation of section 204.401, subsection 3. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver [a controlled substance] *marijuana* in violation of section 204.401, subsection 1. *This section does not apply to hashish, hashish oil, or other derivatives of marijuana as defined in section two hundred four point one hundred one (204.101), subsection sixteen (16) of the Code."*

17. Page 14, line 28, by striking the words *"the period"* and inserting in lieu thereof the words *"the multi-year period"*.

18. Page 15, line 8, by insertying after the word "[annually]" the words *"in multi-year intervals"*.

19. Page 15, by inserting after line 14 the following new sections:

"Sec. 32. Section nine hundred seven point three (907.3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in subsections 1 and 2 of this section. However, this section shall not apply to a forcible felony [or a violation of section 204.401, subsection 1 or 2, to which section 204.409, subsection 2 is not applicable and which is not proved to be an accommodation offense under section 204.410.]

Sec. 33.

1. Practitioners licensed under chapters one hundred forty-eight (148), one hundred forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-five (155) and one hundred sixty-nine (169) of the Code shall be entitled to continue the practices with respect to dispensing of prescription drugs, including controlled substances, which those practitioners had followed under the laws of this state as amended to July 1, 1979, and as generally interpreted prior to July 5, 1979, notwithstanding the opinion of the attorney

general to the secretary of the board of pharmacy examiners rendered on that date, until legislation has been enacted to affirm or modify the attorney general's opinion.

2. The legislative council is directed to establish a special interim study committee to make a study of prevailing prescription drug dispensing practices, the laws governing those practices, and the opinion

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of the attorney general to the secretary of the board of pharmacy examiners rendered July 5, 1979, and submit a report to the first session of the Sixty-ninth General Assembly not later than January 12, 1981. The study committee shall include members of the committees on human resources of the senate and house of representatives, and one member each from the board of pharmacy examiners, the board of medical examiners, the board of dentistry examiners, the board of nursing examiners, the board of podiatry examiners, and the board of veterinary examiners, each designated by the respective boards to serve on the study committee. The nonlegislator members designated to serve on the study committee pursuant to this subsection shall serve without compensation from the funds of the general assembly."

20. Page 15, by inserting the following new section after line 14:

"Sec. _____. By June 30, 1981 all the licensing agencies referred to in this Act shall reduce their administrative costs to reflect the reduced workload due to a change from annual to multi-year licensing."

21. Page 15, line 15, by striking the words "This Act is" and inserting in lieu thereof the words "Sections one (1) through thirty-two (32) of this Act are".

22. Title page, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act relating to the powers of professional and occupational examining and licensing boards with respect to licenses and licensees and the dispensing of drugs and controlled substances by certain licensees and the criminal offense of delivery of certain controlled substances and the penalties therefor."

23. By renumbering and correcting internal references to conform with this amendment.

HOUSE AMENDMENT TO SENATE FILE 2298

S—5912

Amend Senate File 2298 as follows:

1. Page 1, line 22, by striking the word "assessment" and inserting in lieu thereof the words "[assessment] *fiscal*".

HOUSE AMENDMENT TO SENATE FILE 2327

S—5914

Amend Senate File 2327 as passed by the Senate as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred twenty-four point sixty-five (324.65), Code 1979, is amended to read as follows:

324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT OR PAY FUEL TAXES. If a licensee or other person fails to file a required report with the appropriate state agency on or before the due date, unless it is shown that [such] *the* failure was due to reasonable cause there shall be added to the amount required to be shown as tax due on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which [such] *the* failure continues, not exceeding twenty-five percent in the aggregate. If a licensee or other person fails to remit the tax due with the filing of the return on or before the due date or fails to pay any amount of the tax required to be shown on the return, *unless it is shown that the failure was due to reasonable cause,* there shall be added to the tax a penalty of five percent of the amount of the tax due, [unless it is shown that such failure was due to reasonable cause *if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate.* The taxpayer shall also pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. The appropriate state

agency shall not remit any part of a penalty for delinquent payment where the delinquency results from the fact that a check given in payment is not honored because of insufficient funds in the account upon which the check was drawn. [Provided, further, that] *However*, if it appears as a result of an investigation or from a preponderance of the evidence adduced at a hearing that there has been a deliberate attempt on the part of a licensee or other person to evade payment of fuel taxes there shall be added to the assessment against the offending person and collected a penalty of fifty percent of the tax due. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the

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return, the penalty provision for failure to file shall be in lieu of the penalty for failure to pay the tax due or required on the return, except in the case of a deliberate attempt on the part of the licensee or other person to evade payment of fuel taxes. Any report required of licensees or persons operating under divisions I, II and III, upon which no tax may be due, shall be subject to a penalty of ten dollars if [such] *the* report is not timely filed with the appropriate state agency."

2. Page 4, lines 32 and 33, by striking the words "monthly tax deposit or" and inserting in lieu thereof the words "[monthly tax deposit or]".

3. Page 5, line 4, by striking the words "monthly tax deposit or" and inserting in lieu thereof the words "[monthly tax deposit or]".

4. Page 5, lines 21 and 22, by striking the words "monthly tax deposit or" and inserting in lieu thereof the words "[monthly tax deposit or]".

5. Page 5, lines 23 and 24, by striking the words "monthly tax deposit or" and inserting in lieu thereof the words "[monthly tax deposit or]".

6. Page 5, lines 26 and 27, by striking the words "monthly tax deposit or" and inserting in lieu thereof the words "[monthly tax deposit or]".

7. Page 5, lines 30 and 31, by striking the words "monthly tax deposit or" and inserting in lieu thereof the words "[monthly tax deposit or]".

8. Page 5, by inserting after line 35 the following:

"Sec. ____. Section four hundred thirty-five point five (435.5), Code 1979, is amended to read as follows:

435.5 PENALTY. In case of failure to file a

return with the department on or before the due date, unless it is shown that [such] *the* failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on [such] *the* return five percent of the amount of [such] tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which [such] *the* failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit the tax due with the filing of the return on or before the due date, or fails to pay the total amount of the tax due as shown on the return, *unless it is shown that the failure was due to reasonable cause,* there shall be added to the tax a penalty of five percent of the tax due [unless it is shown that such failure was due to the reasonable cause, *if the*

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failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty above provided, there shall be added to the amount required to be shown as tax on [such] *the* return fifty percent of the amount of [such] tax. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with intent to evade tax."

9. Title page, line 2, by inserting after the word "state" the words "motor vehicle fuel, freight line and equipment car mileage,".

10. By numbering and renumbering as required by this amendment.

HOUSE AMENDMENT TO SENATE FILE 2375

S—5921

Amend Senate File 2375 as passed by the Senate as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section five hundred thirty-five point two (535.2), subsection four (4), Code 1979 Supplement is amended to read as follows:

4. *a.* Notwithstanding the provisions of subsection 3, with respect to any agreement which was executed prior to August 3, 1978, and which contained a provision for the adjustment of the rate of interest specified in that agreement, the maximum lawful rate of interest which may be imposed under that agreement shall be nine cents on the hundred by the year, and any excess charge shall be a violation of section 535.4.

b. Notwithstanding the limitation contained in paragraph a of this subsection, with respect to a written agreement for the repayment of money loaned, which was executed prior to August 3, 1978 and which provided for the payment of over fifty percent of the initial principal amount of the loan as a single payment due at the end of the term of the agreement, the interest rate may be adjusted after the effective date of this Act according to the terms of the agreement to any rate of interest permitted by the laws of this state as of the date an adjustment in interest is to be made. This paragraph does not authorize adjustment of interest in any manner other than that expressly permitted by the terms of the written agreement, and nothing contained in this paragraph authorizes the collection of additional interest with respect to any portion of a loan which was repaid prior to the effective date of an interest-rate adjustment.

Sec. 2. Section five hundred thirty-five point two (535.2), Code 1979 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. a. Notwithstanding the provisions of Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), with respect to any agreement which was executed on or after August 3, 1978 and prior to July 1, 1979, and which contained a provision for the adjustment of the rate of interest specified in the agreement, the maximum lawful rate of interest which may be imposed under that agreement shall be that rate which is two and one-half percentage points above the rate initially to be paid under the agreement, provided that the greatest interest-rate adjustment

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which may be made at any one time shall be one-half of one percent and an interest rate adjustment may not be made until at least one year has passed since the last interest rate adjustment, and any excess charge shall be a violation of section five hundred thirty-five point four (535.4) of the Code.

b. Notwithstanding the limitation contained in paragraph a of this subsection, with respect to a written agreement for the repayment of money loaned which was executed on or after August 3, 1978, and prior to July 1, 1979, and which provided for the payment of over fifty percent of the initial principal amount of the loan as a single payment due at the end of the term of the agreement, the interest rate may be adjusted after the effective date of this Act according to the terms of the agreement to any rate of interest permitted by the laws of this state as of the date an adjustment in interest is to be made. This paragraph does not authorize adjustment of interest in any manner other than that expressly permitted by the terms of the written agreement, and nothing contained in this paragraph authorizes the collection of additional interest with respect to any portion of a loan which was repaid prior to the effective date of an interest-rate adjustment.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16) are repealed. It is the intent of the general assembly that this section be retroactive to the effective date of House File two thousand four hundred ninety-two (2492) with the effect that sections fifteen (15) and sixteen (16) of that Act be void as if never enacted.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Quad City Times, a newspaper published in Davenport, Iowa, and in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa."

2. Amend the title, line 1, by inserting after the word "Act" the words "limiting the adjustment of rates of interest on certain closed-end loans executed prior to July 1, 1979, and in connection therewith".

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 700

S—5919

Amend the Senate amendment H—5777 to House File 700 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 4 and inserting in lieu thereof the following:

"Sec. 2. Chapter one hundred ten (110), Code 1979, is amended by adding the following new section:

NEW SECTION. If a bordering state does not extend reciprocity to the persons licensed by this state in the taking of fish, game, mussels or furbearing animals as provided in section one hundred nine point nineteen (109.19) of the Code, the residents of that state are not eligible to purchase a nonresident license in this state for the manner and subject of taking for which reciprocity is not extended by that state.

Sec. 3. Section one hundred ten point six (110.6),"

2. Page 1, by striking line 21 and inserting in lieu thereof the following: "by the state conservation commission.

Sec. 3. STEEL SHOT REQUIREMENTS.

1. The rule adopted by the Iowa state conservation commission, Iowa administrative code 290-105.3(3) filed for publication in the Iowa administrative bulletin on March 12, 1980, requiring the use of steel shot in the taking of migratory game birds in certain areas shall be enforced only on and within one hundred fifty yards of the following areas:

a. Those areas where the use of steel shot is required by federal rule.

b. Those public lands under the jurisdiction of the state conservation commission and those waters of this state under the jurisdiction of the state conservation commission, as defined in section one hundred six point one (106.1), subsection four (4), of the Code, where the commission has determined from the 1977, 1978 and 1979 mallard lead shot ingestion studies that the area has an ingestion rate of five percent or more.

2. The state conservation commission shall hold at least six public hearings at various locations in the state on the use of steel shot and make a report to the committees on natural resources of the house of representatives and the senate by February 1, 1982. This section is repealed on July 1, 1982."

3. Page 1, by striking line 22.

4. Page 1, by inserting after line 22 the following:

"_____. Title page, by striking lines 1 and 2, and inserting in lieu thereof the following: "An Act

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relating to conservation, including licenses, the trout license stamp, the use of steel shot and the reciprocity for licenses between states.' "

5. Renumbering the sections to conform with this amendment.

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 707

S—5902

Amend the Senate amendment H—6000 to House File 707, as amended, passed and reprinted by the House, as follows:

1. By striking all after page 1, line 2 and inserting in lieu thereof the following:

1. By striking page 1, line 1 and inserting in lieu thereof the following:

Section 1. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context requires otherwise:

1. "Chief election officer" means the state commissioner of elections as defined by section forty-seven point one (47.1) of the Code.

2. "Commission" means the temporary redistricting advisory commission established pursuant to this Act.

3. "Federal census" means the decennial census required by federal law to be conducted by the United States bureau of the census in every year ending in zero.

4. "Four selecting authorities" means:

a. The majority floor leader of the state senate.

b. The minority floor leader of the state senate.

c. The majority floor leader of the state house of representatives.

d. The minority floor leader of the state house of representatives.

5. "Plan" means a plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Act.

6. "Political party office" means an elective office in the national or state organization of a political party, as defined by section forty-three point two (43.2) of the Code.

7. "Partisan public office" means:

a. An elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government.

b. An elective office in the executive or legislative branch of the government of this state, or an office which is filled by appointment and is exempt from the merit system under section nineteen A point three (19A.3), subsection fourteen (14) of the Code.

c. An office of a county, city or other political subdivision of this state which is filled by an election process involving nomination and election of candidates on a partisan basis.

8. "Relative" means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother,

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father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather stepmother, stepson, stepdaugher, stepbrother, stepsister, half brother or half sister.

Sec. 2 *NEW SECTION.* PREPARATIONS FOR REDISTRICTING.

2. Page 1, line 6, by striking the words "the 1980 federal decennial" and inserting in lieu thereof the words "each federal".

3. Page 1, line 9, by striking the figures "31, 1980" and inserting in lieu thereof the words "thirty-first of each year ending in zero".

4. Page 1, line 12, by striking the figure "1980" and inserting in lieu thereof the word "federal".

5. Page 1, line 22, by striking the word and figure "three (3)" and inserting in lieu thereof the word and figure "four (4)".

6. Page 1, line 23, by striking the figures "1, 1981" and inserting in lieu thereof the words "first of each year ending in one".

7. Page 1, line 29, by striking the figure "1980" and inserting in lieu thereof the word "federal".

8. Page 1, line 33, by striking the word and figure "two (2)" and inserting in lieu thereof the word and figure "three (3)".

9. Page 1, by striking lines 34 and 35 and inserting in lieu thereof the following:

"Sec. 3. *NEW SECTION.* TIMETABLE FOR PREPARATION OF PLAN.

1. Not later than April first of each year ending in one, the legislative service".

10. Page 2, line 4, by striking the word and figure "three (3)" and inserting in lieu thereof the

word and figure "four (4)".

11. Page 2, line 8, by striking the words "bill is printed" and inserting in lieu thereof the words "report of the commission required by section six (6) of this Act is received".

12. Page 2, line 25, by striking the word and figure "three (3)" and inserting in lieu thereof the word and figure "four (4)".

13. Page 2, line 29, by striking the word and figure "three (3)" and inserting in lieu thereof the word and figure "four (4)".

14. Page 2, line 32, by striking the figures "1, 1981" and inserting in lieu thereof the words "first of the year ending in one,".

15. Page 3, line 3, by striking the words "within the same time and" and inserting in lieu thereof the words "not less than seven days after the bill is

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printed and made available to the members of the general assembly.".

16. Page 3, line 14, by striking the figures "1, 1981" and inserting in lieu thereof the words "first of the year ending in one,".

17. Page 3, line 23, by striking the words and figure "one (1) of this section and" and inserting in lieu thereof the words "two (2) of this section, but".

18. Page 3, line 27, by striking the figure and word "1980 decennial" and inserting in lieu thereof the word "federal".

19. Page 3, line 33, by striking the word and figure "three (3)" and inserting in lieu thereof the word and figure "four (4)".

20. Page 4, lines 12 and 13, by striking the figures "1, 1981" and inserting in lieu thereof the words "first of the year ending in one".

21. Page 4, line 15, by striking the figures and words "1, 1981 that the 1980" and inserting in lieu thereof the words "first of the year ending in one that the federal".

22. Page 4, by striking line 17 and inserting in lieu thereof the following:

"Sec. 4. *NEW SECTION.* REDISTRICTING STANDARDS."

23. Page 4, lines 29 and 30, by striking the words "absolute value of the total" and inserting in lieu thereof the words "total of the absolute values of the".

24. Page 6, line 14, by striking the figure "1980"

and inserting in lieu thereof the word "federal".

25. Page 8, line 35, by striking the words and figure "subparagraph one (1) of".

26. Page 9, line 19, by striking the word "districting".

27. Page 9, line 24, by striking the word "districting".

28. Page 9, lines 25 and 26, by striking the words "Sixty-ninth General Assembly" and inserting in lieu thereof the words "general assembly which takes office in the year ending in one".

29. Page 9, line 30, by striking the words "The bill shall also".

30. Page 9, by striking lines 31 and 32 and inserting in lieu thereof the following:

"8. Each bill embodying a plan drawn under this section shall include provisions for election of senators to the general assemblies which take office in the years ending in three and five, which shall be in conformity with article three (III), section

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six (6) of the Constitution of the State of Iowa. With respect to any plan drawn for consideration in the year 1981, those provisions shall be substantially".

31. By striking page 10, line 20 through page 11, line 10, and inserting in lieu thereof the following:

"Sec. 5. *NEW SECTION.* TEMPORARY REDISTRICTING ADVISORY COMMISSION.

1. Not later than February fifteenth of each year ending in one, a five member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by section six (6) of this Act.

a. Each of the four selecting authorities shall certify to the chief election officer his or her appointment of a person to serve on the commission. The certifications may be made at any time after the majority and minority floor leaders have been selected for the general assembly which takes office in the year ending in one, even though that general assembly's term of office has not actually begun.

b. Within thirty days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February fifteenth of the year ending in one,

the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member, who shall serve as chairperson.

c. A vacancy on the commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

d. Members of the commission shall receive a per diem of forty dollars, travel expenses at the rate provided by section seventy-nine point nine (79.9) of the Code, and reimbursement for other necessary expenses incurred in performing their duties under this section and section six (6) of this Act. The per diem and expenses shall be paid from funds appropriated by section two point twelve (2.12) of the Code.

2. No person shall be appointed to the commission who:

a. Is not an eligible elector of the state at the time of selection.

b. Holds partisan public office or political party office.

c. Is a relative of or is employed by a member

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of the general assembly or of the United States congress, or is employed directly by the general assembly or by the United States congress.

Sec. 6. *NEW SECTION.* DUTIES OF COMMISSION. The functions of the commission shall be as follows:

1. If, in preparation of plans as required by this Act, the legislative service bureau is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section four (4) of this Act, the bureau may submit a written request for direction to the commission.

2. Prior to delivering any plan and the bill embodying that plan to the secretary of the senate and the chief clerk of the house of representatives in the accordance with section three (3) of this Act, the legislative service bureau shall provide to persons outside the bureau staff only such information regarding the plan as may be required by policies agreed upon by the commission. This subsection does not apply to population data furnished to the legislative service bureau by the United States bureau of the census.

3. Upon each delivery by the legislative service bureau to the general assembly a bill embodying

a plan, pursuant to section three (3) of this Act, the commssion shall at the earliest feasible time make available to the public the following information:

a. Copies of the bill deliverd by the legislative service bureau to the general assembly.

b. Maps illustrating the plan.

c. A summary of the standards prescribed by section four (4) of this Act for development of the plan.

d. A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

4. Upon the delivery by the legislative service bureau to the general assembly of a bill embodying an initial plan, as required by section three (3), subsection one (1) of this Act, the commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the state, on the plan embodied in the bill delivered by the legislative service bureau to the general assembly.

b. Following the hearings, promptly prepare and submit to the secretary of the senate and the chief clerk of the house a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include

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any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the commission.

Sec. 7. SPECIAL ARRANGEMENTS FOR 1980-1981."

32. Page 11, line 31, by striking the words and figure "Sec. 6. This Act" and inserting in lieu thereof the figure and words "3. This section".

APPENDIX

PROOF OF PUBLICATION

Published copy of House File 2591 and verified proof of publication of said bill in The Cedar Rapids Gazette, a newspaper printed and published in Cedar Rapids, Linn County, Iowa, on March 20, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

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 24th day of April, 1980.

Senate Files 28, 89, 185, 430, 439, 2002, 2015, 2051, 2102, 2114, 2123, 2154, 2189, 2219, 2238, 2269, 2272, 2275, 2311 and 2316.

FRANK J. STORK, Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. R.	113	Rules and Administration
S. C.R.	141	Rules and Adminstration
H.F.	2483	Ways and Means

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 23, 1980, when the final vote was taken on Senate File 2371.

Had I been present, I would have voted "aye" on this bill.

PATRICK J. DELUHERY

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 24, 1980, when the final vote was taken on amendment S—5853 to House File 2580.

Had I been present, I would have voted "aye" on this amendment.

PATRICK J. DELUHERY

MR. PRESIDENT: Had I been given the opportunity to vote on the two percent pay raise for public employees, I would have voted "yes" on division S—5821A to House File 2580.

JAMES V. GALLAGHER

MR. PRESIDENT: Had I been given the opportunity to vote on division S—5821A to House File 2580 on April 24, 1980, I would have voted "yes" to the two percent pay raise to state employees.

JOHN N. NYSTROM

MR. PRESIDENT: Had I been given the opportunity to vote on the two percent pay raise for public employees which was division S—5821A to House File 2580, I would have voted "aye".

JOE BROWN

REPORTS OF COMMITTEE MEETINGS

WAYS AND MEANS

Convened: April 18, 1980, 12:30 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Junkins, Rush, Scott and Van Gilst.

Members Absent: Rodgers, Ranking Member.

Other Business: Assigned bills to subcommittees; discussed SSBs 2298, 2304 and 2305—no final action taken.

Adjourned: 2:05 p.m.

WAYS AND MEANS

Convened: April 24, 1980, 8:10 a.m.

Members Present: Craft, Chairperson; Baugher, Comito, Drake, Hester, Holden, Hultman, Ramsey, Hutchins, Rush, Scott and Van Gilst.

Members Absent: Readinger, Vice Chairperson; Rodgers, Ranking Member and Junkins.

Final Action: HOUSE FILE 2586, a bill for an act to allow the department of revenue to credit tax refunds against outstanding taxes due.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Baugher, Craft, Comito, Drake, Hester, Ramsey, Scott and Van Gilst. Nays, 1: Holden. Absent or not voting, 6: Hultman, Hutchins, Junkins, Readinger, Rodgers and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2587, a bill for an act relating to the administration of the motor fuel and special fuel tax laws.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Baugher, Comito, Craft, Drake, Hester, Holden, Ramsey and Van Gilst. Nays, none. Absent or not voting, 7: Hultman, Hutchins, Junkins, Readinger, Rodgers, Rush and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: SSB 2304 and SSB 2305 ordered redrafted as amended for final approval as committee bills.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: April 24, 1980, 12:10 p.m.

Members Present: Craft, Chairperson, Readinger, Vice Chairperson; Rodgers, Ranking Member; Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Rush and Scott.

Members Absent: Drake, Hultman, Junkins and Van Gilst.

Final Action: SENATE FILE 2380, a bill for an act restricting state appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Baugher, Comito, Hester, Holden, Ramsey, Hutchins and Scott. Nays, 1: Rush. Absent or not voting, 4: Drake, Hultman, Junkins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2381, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual

assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Rush and Scott. Nays, none. Absent or not voting, 4: Hultman, Drake, Junkins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: SENATE FILE 2382, a bill for an act to provide for a temporary one-year delay in the phaseout of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Baugher, Comito, Craft, Drake, Hester, Holden, Hultman, Ramsey and Van Gilst. Nays, none. Absent or not voting, 6: Hutchins, Junkins, Readinger, Rodgers, Rush and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2578, a bill for an act relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5905.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Baugher, Comito, Hester, Holden, Ramsey, Hutchins, Rush and Scott. Nays, none. Absent or not voting, 4: Drake, Hultman, Junkins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2579, a bill for an act exempting from the real estate transfer tax transfers between members of a family and a family partnership or corporation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Craft, Readinger, Rodgers, Baugher, Hester, Ramsey, Hutchins, Rush and Scott. Nays, 2: Comito and Holden. Absent or not voting, 4: Drake, Hultman, Junkins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2581, a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Baugher, Hester, Holden, Ramsey, Hutchins, Rush, Comito and Scott. Nays, none. Absent or not voting, 4: Drake, Hultman, Junkins and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:30 p.m.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 205

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 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission, transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, respectfully submit the following recommendations:

1. That the Senate recede from its amendment to the House amendment.

2. That the House amendment, S—5253, to Senate File 205, as amended, passed and reprinted by the Senate, be amended as follows:

1. Page 1, by inserting after line 8 the following:

"_____. Page 3, line 8, by inserting after the date '1979,' the words 'as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section sixty-nine (69),'.

_____. Page 3, lines 14 and 15, by striking the words 'with the consent of two-thirds of the members of' and inserting in lieu thereof the words 'subject to confirmation by'."

2. Page 1, by striking lines 17 and 18 and inserting in lieu thereof the following:

"_____. Page 3, by striking lines 26 through 29 and inserting in lieu thereof the following: 'be appointed to four-year terms of office commencing and ending as provided in Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section three (3). Vacancies occurring'.

_____. By striking page 3, line 31 through page 4, line 2, and inserting in lieu thereof the following: 'the balance of the unexpired term subject to confirmation by the Senate. A commission'."

3. Page 1, by striking lines 34 through 40.

4. Page 2, by inserting after line 2 the following:

"_____. By striking page 14, line 25 through page 15, line 25."

5. Page 2, by inserting after line 35 the following:

"Sec. _____. Chapter four hundred fifty-five B (455B), Code 1979, is amended by adding the following new section to the new part of division four (IV) added by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred eleven (111):

NEW SECTION. ACQUISITION AND LEASE OF SITES. The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist the executive council in locating suitable sites for the location of a treatment or disposal facility. The commission may recommend to the executive council the purchase or condemnation of land to be leased for the operation of a treatment or disposal facility. The executive council may purchase or may condemn the land subject to chapter four hundred seventy-one (471) of the Code. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The executive council upon recommendation of the commission may lease land purchased under this section to any person except the state or a state agency. This section does not authorize the state to own or operate a hazardous waste treatment or disposal facility and the state shall not own or operate such a facility. The terms of the lease shall establish responsibility

for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law."

6. Page 4, by striking lines 14 through 19 and inserting in lieu thereof the following: "as applicable. Four of the members initially appointed to the environmental quality commission shall be appointed to terms of two years beginning and ending as provided in Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section three (3). The persons may be".

7. Page 4, by inserting after line 30 the following:

"_____ . Amend the title, line 10, by inserting before the word 'abolishing' the words 'authorizing the acquisition and lease of land for hazardous waste treatment or disposal;' ".

8. By numbering sections to conform to this amendment.

ON THE PART OF THE SENATE:

RICHARD F. DRAKE, Chairperson
PATRICK J. DELUHERY
ARTHUR L. GRATIAS
TOM SLATER
FORREST V. SCHWENGELS

ON THE PART OF THE HOUSE:

DELWYN STROMER, Chairperson
REID W. CRAWFORD
GREGORY D. CUSACK

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2337

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the House and the Senate on Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, respectfully make the following report:

1. That the House recede from its amendment S—5699 to Senate File 2337 as amended, passed and reprinted by the Senate.

2. That Senate File 2337, as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 18 through 23 and inserting in lieu thereof the words *"occurring on or after January 1, 1983, the amount of twenty thousand dollars because*

of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of fifteen thousand dollars".

2. Page 2, by striking lines 23 through 30 and inserting in lieu thereof the words "*of interest and costs, of not less than twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifteen thousand dollars because of injury to or".*

3. Page 3, by striking lines 23 through 33 and inserting in lieu thereof the following:

"(1) When twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.

(2) When, subject to the limit of twenty thousand dollars because of bodily injury to or death of one person, the sum of forty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

(3) When fifteen thousand dollars has been credited".

4. Page 4, by striking lines 22 through 27 and inserting in lieu thereof the words *"all accidents which occur on or after Janaury 1, 1983, twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifteen thousand dollars because of injury to or".*

5. Page 5, by striking lines 9 through 11 and inserting in lieu thereof the words " *fifty-five thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of fifty-five thousand dollars.* The state".

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
BOB RUSH, Chairperson	LAVERN W. SCHROEDER, Chairperson
EDGAR H. HOLDEN	ARLO HULLINGER
ROLF V. CRAFT	HUGO SCHNEKLOTH
IRVIN L. BERGMAN	SEMOR C. TOFTE
ROBERT M. CARR	JACK E. WOODS

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 2475

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 2475, a bill for an Act relating to the determination of the salaries for the area education agency administrators, respectfully submit the following report:

1. That the Senate recede from its amendment H—5903.

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
ARTHUR L. GRATIAS, Chairperson	PATRICIA L. THOMPSON, Chairperson
W.R. BILL HANSEN	HORACE DAGGETT
JOHN SCOTT	WALLY E. HORN
	SONJA LARSEN

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-five students from Dowling High School, West Des Moines, Iowa. Senator Gentleman.

Forty-two students from Jefferson Elementary School, Creston, Iowa, accompanied by Joyce Anderson. Senator Briles.

Fourteen students from Kanawha Community School, Kanawha, Iowa, accompanied by Barb and Doug Kraft and Alice Taylor. Senator Taylor.

Twenty-three students from St. John's Elementary School, Independence, Iowa, accompanied by Lucille McGrath. Senator Gallagher.

AMENDMENTS FILED

S—5851	S. F.	2378	John Scott C. W. Hutchins
S—5852	H.F.	2580	Robert M. Carr
S—5853	H.F.	2580	C. W. Hutchins
S—5854	S. F.	2230	Arthur A. Small, Jr.
S—5855	S. F.	2230	Arthur A. Small, Jr.
S—5856	H.F.	2580	Lucas J. DeKoster
S—5857	H.F.	2580	Tom Slater Patrick J. Deluhery
S—5858	H.F.	2580	Berl E. Priebe

S—5859	H.F.	2580	Tom Slater
S—5860	H.F.	2580	Lucas J. DeKoster
S—5861	H.F.	2535	Edgar H. Holden
S—5862	H.F.	2580	Tom Slater
S—5863	H.F.	2580	Tom Slater
S—5864	H.F.	2580	Joann Orr
S—5865	H.F.	2580	Tom Slater
S—5866	H.F.	2580	Tom Slater
S—5867	H.F.	2580	Tom Slater
S—5868	H.F.	2580	Robert M. Carr
S—5869	H.F.	2580	Charles P. Miller
S—5870	H.F.	2580	C. W. Hutchins
S—5871	H.F.	2580	Bob Rush
S—5872	H.F.	2580	Bob Rush
S—5873	H.F.	2580	Bob Rush
S—5874	H.F.	2580	Charles P. Miller
S—5875	H.F.	2580	C. Joseph Coleman
S—5876	H.F.	2580	C. Joseph Coleman
S—5877	H.F.	2580	Joann Orr
S—5878	H.F.	2580	Julia B. Gentleman David M. Readinger
S—5880	H.F.	2580	Bass Van Gilst
S—5881	H.F.	2580	Lucas J. DeKoster
S—5882	H.F.	2580	C. Joseph Coleman Robert M. Carr
S—5883	H.F.	2580	Sue Yenger Robert M. Carr
S—5884	H.F.	2580	John Scott
S—5885	H.F.	2580	Sue Yenger Robert M. Carr
S—5886	H.F.	2580	John Scott Bass Van Gilst Berl E. Priebe C. W. Hutchins
S—5887	H.F.	2580	John Scott
S—5888	H.F.	2580	Julia B. Gentleman Gary L. Baugher David M. Readinger
S—5889	H.F.	2580	Tom Slater Patrick J. Deluhery
S—5890	H.F.	2580	Tom Slater

S—5891	S. F.	2378	Joe Brown
S—5892	S. F.	2378	Joe Brown
S—5893	H.F.	2580	Richard F. Drake
S—5894	H.F.	2580	Forrest V. Schwengels Ray Taylor
S—5895	S. F.	2378	John N. Nystrom Cloyd E. Robinson John W. Jensen Joe Brown
S—5896	S. F.	2378	Cloyd E. Robinson
S—5897	H.F.	2580	Lucas J. DeKoster
S—5898	H.F.	2580	C. W. Hutchins
S—5899	H.F.	2580	John Scott
S—5900	H.F.	2580	Ray Taylor Stephen W. Bisenius Gary L. Baugher John W. Jensen Dale L. Tieden Arne Waldstein
S—5901	H.F.	2580	Arthur A. Small, Jr.
S—5903	H.F.	2580	Lucas J. DeKoster
S—5904	H.F.	2580	Arthur A. Small, Jr.
S—5905	H.F.	2578	Ways and Means Committee
S—5906	H.F.	2580	Bob Rush
S—5907	H.F.	2580	Stephen W. Bisenius
S—5908	H.F.	2580	Tom Slater William D. Palmer
S—5909	H.F.	2580	Bob Rush
S—5910	H.F.	2580	Bob Rush
S—5911	H.F.	2580	Forrest V. Schwengels Ray Taylor Bob Rush
S—5913	H.F.	2580	Sue Yenger
S—5915	H.F.	2486	Edgar H. Holden
S—5916	H.F.	2580	Tom Slater
S—5918	S. F.	2361	John W. Jensen
S—5920	S. F.	2378	Edgar H. Holden
S—5922	S. F.	2378	George R. Kinley William D. Palmer
S—5923	H.F.	2535	Tom Slater

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 9:31 p.m., until 8:00 a.m., Friday, April 25, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED THIRD CALENDAR DAY
SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 25, 1980

The Senate met in regular session at 8:05 a.m., President Branstad presiding.

Prayer was offered by the Honorable John W. Jensen, member of the Senate from Bremer County, Plainfield, Iowa.

The Journal of Thursday, April 24, 1980, was approved.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2247

Senator Craft withdrew the motion to reconsider Senate File 2247, a bill for an act relating to the indexing of the state individual income tax, filed by him on April 23, 1980, and found on page 1624 of the Senate Journal.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate Resolution 114.

Senate Resolution 114

On motion of Senator Ramsey, Senate Resolution 114, a resolution directing a study by the committee on ethics on the senate rules governing lobbyists, filed April 24, 1980, and found on pages 1681-1682 of the Senate Journal, was taken up for consideration.

Senator Ramsey moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2587.

House File 2587

On motion of Senator Drake, House File 2587, a bill for an act relating to the administration of the motor fuel and special fuel tax laws, with report of committee recommending passage, 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?" (H.F. 2587) the vote was:

Ayes, 34:

Bergman	Brown	Carr	Coleman
Comito	Craft	Drake	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Ramsey
Robinson	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 16:

Baugher	Bisenius	Briles	Calhoon
Carney	DeKoster	Deluhery	Gallagher
Hansen	Kinley	Miller, E.R.	Murray
Orr	Readinger	Rodgers	Rush

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

House File 2546

Senator Bergman called up for consideration House File 2546, a

bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5848 to Senate amendment H—6085 filed April 24, 1980, and found on page 1645 of the Senate Journal.

The motion prevailed by a voice vote 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. 2546) the vote was:

Ayes, 39:

Baugher	Bergman	Brown	Carr
Coleman	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Ramsey
Robinson	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 11:

Bisenius	Briles	Calhoon	Carney
Deluhery	Gallagher	Miller, E.R.	Murray
Orr	Readinger	Rodgers	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 700

Senator Gratias called up for consideration House File 700, a bill for an act relating to the use of a license for the taking of fish and animals and providing penalties, amended by the Senate, further amended by the House by House amendment S—5919 to Senate

amendment H—5777 filed April 24, 1980, and found on pages 1693-1695 of the Senate Journal.

Senator Junkins asked and received unanimous consent that action on **House File 700** and House amendment S—5919 to Senate amendment H—5777 be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2378.

Senate File 2378

On motion of Senator Drake, Senate File 2378, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Kinley offered amendment S—5922 filed by Senators Kinley and Palmer on April 24, 1980, to strike everything after the enacting clause of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5922 be adopted?" (S.F. 2378) the vote was:

Ayes, 11:

Brown	Gallagher	Holden	Hulse
Jensen	Kinley	Miller, C.P.	Nystrom
Palmer	Robinson	Tieden	

Nays, 39:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Hultman	Hutchins
Junkins	Kudart	Miller, A.V.	Miller, E.R.
Murray	Orr	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels

Scott	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Amendment S—5922 lost.

CONGRATULATORY ANNOUNCEMENT

President Branstad congratulated Barbara Leiser, a Senate Majority Research Analyst, and her husband, Burton, who were selected as Drake University Parents of the Year.

BUSINESS PENDING

Senate File 2378

The Senate resumed consideration of Senate File 2378.

Senator Drake offered amendment S—5832 filed by Senators Drake, et al., on April 23, 1980, to pages 1, 2, 5, 6, 7, 12 and 13 of the bill.

Senator Scott offered amendment S—5851 filed by Senators Scott and Hutchins on April 24, 1980, to amendment S—5832 and moved its adoption.

Amendment S—5851 was adopted by a voice vote.

Senator Drake moved the adoption of amendment S—5832 as amended, which motion prevailed by a voice vote.

Senator Priebe withdrew amendment S—5928 filed by him from the floor to page 3 of the bill.

Senator Small offered amendment S—5927 filed by him from the floor to pages 4 and 5 of the bill.

Senator Scott raised the point of order that with the adoption of amendment S—5851, amendment S—5927 was out of order.

The Chair ruled the point not well taken and amendment S—5927 in order.

Senator Small moved the adoption of amendment S—5927.

A record roll call was requested.

On the question "Shall amendment S—5927 be adopted?" (S.F. 2378) the vote was:

Ayes, 9:

Brown	Gallagher	Junkins	Kinley
Miller, C.P.	Orr	Robinson	Rush
Small			

Nays, 38:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kudart	Miller, A.V.	Miller, E.R.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Scott
Slater	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 3:

Comito	Hansen	Palmer

Amendment S—5927 lost.

Senator Priebe offered amendment S—5930 filed by him from the floor to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5930 be adopted?" (S.F. 2378) the vote was:

Ayes, 12:

Bergman	Brown	Coleman	Gratias
Jensen	Junkins	Kinley	Palmer
Priebe	Robinson	Scott	Tieden

Nays, 35:

Baugher	Bisenius	Calhoon	Carney
Carr	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Van Gilst	Waldstein	Yenger	

Absent or not voting, 3:

Briles	Miller, C.P.	Orr

Amendment S—5930 lost.

Senator Brown offered amendment S—5892 filed by him on April 24, 1980, to pages 4 and 13 of the bill and moved its adoption.

Amendment S—5892 lost by a voice vote.

The Chair ruled amendment S—5891 filed by Senator Brown on April 24, 1980, to pages 6 and 8 of the bill, out of order.

Senator Robinson offered amendment S—5896 filed by him on April 24, 1980, to page 6 of the bill and moved its adoption.

On the question "Shall amendment S—5896 be adopted?" (S.F. 2378) the vote was:

Ayes, 7:

Brown	Kinley	Nystrom	Palmer
Priebe	Robinson	Tieden	

Nays, 41:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Small	Taylor	Van Gilst	Waldstein
Yenger			

Absent or not voting, 2:

Hultman	Slater

Amendment S—5896 lost.

Senator Holden offered amendment S—5920 filed by him on April 24, 1980, to pages 8 and 10 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5920 be adopted?" (S.F. 2378) the vote was:

Ayes, 33:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	DeKoster
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Nystrom	Orr	Palmer	Priebe
Ramsey	Robinson	Rush	Schwengels
Small	Taylor	Tieden	Waldstein
Yenger			

Nays, 15:

Briles	Coleman	Craft	Deluhery
Drake	Gentleman	Hansen	Hutchins
Miller, A.V.	Miller, E.R.	Readinger	Rodgers
Scott	Slater	Van Gilst	

Absent or not voting, 2:

Comito	Murray

Amendment S—5920 was adopted.

The Chair ruled amendment S—5895 filed by Senators Nystrom, et al., on April 24, 1980, to pages 8 and 10 of the bill, out of order.

Senator Small offered amendment S—5926 filed by him from the floor to page 9 of the bill.

Senator Drake asked and received unanimous consent that action on amendment S—5926 be deferred.

Senator Small offered amendment S—5931 filed by him from the floor to page 13 of the bill and moved its adoption.

Amendment S—5931 was adopted by a voice vote.

Senator Hutchins offered amendment S—5924 filed by Senators Hutchins and Drake from the floor to page 13 of the bill and moved its adoption.

Amendment S—5924 was adopted by a voice vote.

Senator Priebe offered amendment S—5933 filed by him from the floor to pages 6 and 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5933 be adopted?" (S.F. 2378) the vote was:

Ayes, 13:

Bergman	Briles	Brown	Carr
Coleman	Kinley	Nystrom	Palmer
Priebe	Robinson	Rodgers	Tieden
Waldstein			

Nays, 34:

Baugher	Calhoon	Carney	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Orr
Ramsey	Readinger	Rush	Schwengels
Scott	Slater	Small	Taylor
Van Gilst	Yenger		

Absent or not voting, 3:

Bisenius	Comito	Holden

Amendment S—5933 lost.

The Senate resumed consideration of amendment S—5926, previously deferred.

Senator Small moved the adoption of amendment S—5926 to page 9 of the bill.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 15, nays 34.

Amendment S—5926 lost.

President pro tempore Hansen took the chair at 11:10 p.m.

Senator Robinson raised the point of order that Senate File 2378 be referred to the committee on State Government under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2378** was referred to the committee on **State Government** under Senate Rule 37.

INTRODUCTION OF BILL

Senate File 2384, by Hultman and Junkins, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract.

Read first time and referred to the committee on **Judiciary.**

PROOF OF PUBLICATION

Published copy of Senate File 2384 and verified proof of publication of said bill in The Messenger, a newspaper published in Fort Dodge, Iowa, on April 24, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

FRANK J. STORK, Secretary of the Senate

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: April 25, 1980, 11:15 a.m.

Members Present: Nystrom, Chairperson; Schwengels, Vice Chairperson; Slater, Ranking Member; Bisenius, Brown, Carr, Drake, Gratias, C. Miller, E. Miller, Murray and Rodgers.

Members Absent: Gallagher and Yenger.

Final Action: SENATE FILE 2378, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repairs of railway facilities, providing for the authority to issue revenue bonds and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Schwengels, Bisenius, Slater, Carr, Drake, Gratias, C. Miller, E. Miller, Murray and Rodgers. Nays, 1: Brown. Absent or not voting, 2: Gallagher and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 11:20 a.m.

CONSIDERATION OF BILL

Senate File 2378

On motion of Senator Drake, Senate File 2378, with report of committee on State Government recommending passage, was taken up for further 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. 2378) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 4:

Holden	Kinley	Nystrom	Palmer

Absent or not voting, 1:

Comito

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

H.F. 2581
S.F. 2382
H.F. 2577

CALVIN O. HULTMAN, Chairperson

HOUSE AMENDMENT CONSIDERED

Senate File 2361

Senator Jensen called up for consideration Senate File 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, amended by the House by House amendment S—5841 filed April 23, 1980, and found on pages 1626-1633 of the Senate Journal.

Senator Jensen offered amendment S—5918 filed by him on April 24, 1980, to House amendment S—5841.

Senator Rush called for a division of amendment S—5918:

Division S—5918A: lines 4 through 30 and line 34.

Division S—5918B: lines 31 and 32.

Division S—5918C: line 33.

(Senate File 2361 pending on recess.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 69, a bill for an act relating to the income requirement of a totally disabled person seeking a special assessment tax abatement.

ALSO: That the House has on April 25, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2281, a bill for an act providing for temporary allocation of farm-to-market road use funds.

ALSO: That the House has on April 25, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2368, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties.

ALSO: That the House has on April 25, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2370, a bill for an act relating to the term of office of certain county supervisors.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2425, a bill for an act relating to the educational requirements of schools.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2504, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2516, a bill for an act relating to the determination of the parent and child relationship.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2277

S—5937

Amend the Senate amendment H—5798 to House File 2277 as passed by the House as follows:

1. Page 1, by inserting after line 8 the following:

"____ . Title page, line 1, by inserting after the word 'misdemenants' the words 'and class "A" felons'."

RECESS

On motion of Senator Hultman, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:09 p.m., Senator Ramsey presiding.

QUORUM CALL

Senator Hultman 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 24, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 120, a resolution relating to a proposed interstate compact with Nebraska, Missouri and Kansas promoting barge traffic on the Missouri River.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 120
By: Pellett, Crabb, Danker, Pavich, Binneboese, Doyle, Anderson of Audubon, Daggett, Bennett, Johnson of Woodbury, Walter, DeGroot, Menke, Ritsema and Schroeder

Whereas, efforts have been initiated in the legislatures of Nebraska, Missouri, and Kansas to establish a compact between those states and this state for the purpose of promoting barge traffic on the Missouri River below Sioux City, Iowa; and

Whereas, the general assembly of this state desires to support the efforts to establish the compact; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the governor is requested to negotiate on behalf of the state of Iowa with the states of Nebraska, Missouri, and Kansas, and present a compact with those states to the next general assembly in form substantially as follows:

ARTICLE I

The purposes of this compact are to provide for planning for the most efficient use of the waters of the Missouri River below Sioux City, Iowa, to increase the amount of barge traffic on the Missouri River below Sioux City, Iowa which flows along or through the compact states, to take necessary steps to develop the Missouri River below Sioux City, Iowa and its banks to handle more barge traffic than is presently handled, to encourage the use of barges on the Missouri River below Sioux City, Iowa for transporting bulk goods, especially farm commodities, and to promote joint action between the compact parties to accomplish these purposes.

ARTICLE II

It is the responsibility of the four states to accomplish the purposes in article one (I) through the

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official in each state who is charged with the duty of administering the public waters and to collect and correlate through those officials the data necessary for the proper administration of the compact. Those officials may, by unanimous action, adopt rules and regulations to accomplish the purposes of this compact.

ARTICLE III

The states of Iowa, Missouri, Kansas, and Nebraska agree that within a reasonable time they shall fulfill the obligations of this compact and that each shall authorize the proper official or agency in its state to take the necessary steps to promote the use of barges and develop the Missouri River below Sioux City, Iowa for greater amounts of barge traffic.

ARTICLE IV

This compact does not limit the powers granted in any other act to enter into interstate or other agreements relating to the Missouri River below Sioux City, Iowa, alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions, or impair or affect any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, in, over, and to the waters of the Missouri River below Sioux City, Iowa. The adoption of this compact by the general assembly shall not require the state of Iowa to adopt any legislation or to appropriate funds for its implementation.

ARTICLE V

Unless this compact is entered into on or before July 1, 1981, the governor shall take no further action to secure the compact.

Read first time and referred to the committee on **Rules and Administration.**

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2535.

House File 2535

On motion of Senator Nystrom, House File 2535, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom offered amendment S—5925 filed by Senators Nystrom , Schwengels and Carr from the floor to pages 1, 2, 6, 14, 16, 17 and 23 of the bill and called for a division:

Division S—5925A: page 1, lines 3 through 20.

Division S—5925B: Page 1, lines 21 through 34.

Division S—5925C: Page 1, lines 35 through 48; page 3, lines 20 through 33.

Division S—5925D: Page 1, lines 49 and 50; page 2, lines 1 through 9; page 3, lines 34 through 44; page 4, lines 32 through 44.

Division S—5925E: Page 2, lines 10 through 46; page 3, lines 45 through 50; page 4, lines 1 through 31.

Division S—5925F: Page 2, lines 47 through 50; page 3, lines 1 through 9.

Division S—5925G: Page 3, line 10.

Division S—5925H: Page 3, lines 11 through 19.

Senator Schwengels moved the adoption of division S—5925A, which motion prevailed by a voice vote.

President Branstad took the chair at 1:35 p.m.

Senator Comito asked and received unanimous consent that action on **House File 2535** be **deferred.**

HOUSE AMENDMENT CONSIDERED

Senate File 431

Senator Gentleman called up for consideration Senate File 431, a bill for an act relating to complaints alleging violations of provisions relating to health care facilities, amended by the House by House amendment S—5730 filed April 15, 1980, and found on pages 1439-1444 of the Senate Journal.

Senator Hansen offered amendment S—5843 filed by Senators Hansen and Priebe on April 23, 1980, to House amendment S—5730.

Senator Hansen asked and received unanimous consent that action on **Senate File 431** be **deferred.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2385, by Committee on Appropriations, a bill for an act appropriating funds for reclassification and upgrading of employee positions, providing for salary increases, and transferring funds in the military service tax credit fund to the general fund and funding such credit from the general fund.

Read first time and **placed on calendar.**

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 142
By: Committee on Ways and Means

Whereas, the productivity formula is the basis for valuing and assessing agricultural property for property tax purposes in this state; and

Whereas, the department of revenue is currently developing a new productivity formula to be used for valuing and assessing agricultural property with the assistance of Iowa state university; and

Whereas, the productivity formula currently being developed has come under the close scrutiny of members of the general assembly and the citizens of this state; and

Whereas, members of the general assembly and the citizens of this state have expressed concern about the new productivity formula; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the department is hereby requested to submit the new productivity formula to the respective standing committees on ways and means for its review prior to the implementation of the new productivity formula for valuing and assessing agricultural property.

Read first time and **placed on calendar.**

REFUSAL OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator DeKoster called up the Report of Investigating Committee for Krenio (Kay) Polydoran Wright as a member of the Public Employment Relations Board, filed April 21, 1980, found on page 1557 of the Senate Journal, and moved its adoption.

The motion prevailed by a voice vote and the report was adopted.

Senator DeKoster moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 32:

Baugher	Bergman	Bisenius	Carney
Comito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Miller, E.R.
Murray	Nystrom	Orr	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Taylor	Tieden	Waldstein	Yenger

Nays, 16:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Miller, A.V.	Miller, C.P.	Palmer	Robinson
Scott	Slater	Small	Van Gilst

Voting present, 1:

Rush

Absent or not voting, 1:

Briles

The appointee not having received a two-thirds vote, the Chair declared the Senate **refused to confirm** the appointment of Krenio (Kay) Polydoran Wright as a member of the Public Employment Relations Board.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that

Senate File 2378 be immediately messaged to the House, which request was complied with.

BUSINESS PENDING

House File 2535

The Senate resumed consideration of House File 2535 and divisions S—5925B through S—5925H, previously deferred.

Senator Palmer asked and received unanimous consent that action on division S—5925B be deferred.

Senator Nystrom moved the adoption of division S—5925C.

A record roll call was requested.

On the question "Shall division S—5925C be adopted?" (H.F. 2535) the vote was:

Ayes, 41:

Baugher	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Deluhery	Drake	Gallagher	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Van Gilst
Waldstein			

Nays, 7:

Comito	Craft	DeKoster	Gentleman
Readinger	Tieden	Yenger	

Absent or not voting, 2:

Bergman	Hultman

Division S—5925C was adopted.

President pro tempore Hansen took the chair at 3:31 p.m.

Senator Carr moved the adoption of division S—5925D, which motion prevailed by a voice vote.

Senator Bisenius offered amendment S—5941 filed by him from the floor to division S—5925E and called for a division: lines 3 through 18 as division S—5941A; lines 19 through 34 as division S—5941B.

Senator Nystrom raised the point of order that amendment S—5941 was not divisible.

The Chair ruled the point not well taken and stated that division S—5941A was to division S—5925E and division S—5941B was to division S—5925F.

Senator Bisenius moved the adoption of division S—5941A to division S—5925E.

A record roll call was requested.

On the question "Shall division S—5941A to division S—5925E be adopted?" (H.F. 2535) the vote was:

Ayes, 6:

Bisenius	Craft	Gentleman	Taylor
Tieden	Yenger		

Nays, 43:

Baugher	Bergman	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Drake
Gallagher	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Van Gilst	Waldstein	

Absent or not voting, 1:

Hultman

Division S—5941A lost.

Action on division S—5925E was temporarily deferred.

Senator Bisenius withdrew division S—5941B to division S—5925F.

Senator Carr moved the adoption of division S—5925F, which motion prevailed by a voice vote.

Senator Nystrom moved the adoption of division S—5925G.

A non record roll call was requested.

The ayes were 21, nays 27.

Division S—5925G lost.

The Senate resumed consideration of division S—5925B, previously deferred.

Senator Palmer offered amendment S—5947 filed by Senators Palmer, Priebe and Gallagher from the floor to division S—5925B and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5947 to division S—5925B be adopted?" (H.F. 2535) the vote was:

Ayes, 27:

Briles	Brown	Calhoon	Coleman
Craft	Gallagher	Gentleman	Hansen
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Small
Van Gilst	Waldstein	Yenger	

Nays, 22:

Baugher	Bergman	Bisenius	Carney
Carr	Comito	DeKoster	Deluhery
Drake	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Murray	Slater
Taylor	Tieden		

Absent or not voting, 1:

Ramsey

Amendment S—5947 was adopted.

Senator Nystrom moved the adoption of division S—5925B as amended.

A record roll call was requested.

On the question "Shall division S—5925B as amended be adopted?" (H.F. 2535) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Baugher	Briles	Brown	Calhoon
Carr	Coleman	Deluhery	Gratias
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Orr	Palmer
Robinson	Rodgers	Rush	Scott
Slater	Van Gilst	Yenger	

Nays, 26:

Bergman	Bisenius	Carney	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Hansen	Hester
Holden	Hultman	Jensen	Kudart
Miller, E.R.	Murray	Priebe	Ramsey
Readinger	Schwengels	Small	Taylor
Tieden	Waldstein		

Absent or not voting, 1:

Hulse

Division S—5925B as amended lost.

The Senate resumed consideration of division S—5925E, previously deferred.

Senator Comito offered amendment S—5949 filed by him from the floor to division S—5925E and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5949 to division S—5925E be adopted?" (H.F. 2535) the vote was:

Ayes, 13:

Bisenius	Carney	Comito	Craft
Drake	Gentleman	Hester	Holden
Jensen	Priebe	Taylor	Tieden
Yenger			

Nays, 33:

Baugher	Bergman	Briles	Brown
Calhoon	Carr	Coleman	DeKoster
Deluhery	Gallagher	Goodwin	Gratias
Hansen	Hulse	Hutchins	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Van Gilst			

Absent or not voting, 4:

Hultman	Kinley	Ramsey	Waldstein

Amendment S—5949 lost.

Senator Slater withdrew amendment S—5923 filed by him on April 24, 1980, to page 16 of the bill.

Senator Carr moved the adoption of division S—5925E, which motion prevailed by a voice vote.

Senator Comito withdrew amendment S—5951 filed by him from the floor to division S—5925H.

Senator Orr asked and received unanimous consent that action on division S—5925H be deferred.

Senator Jensen offered amendment S—5846 filed by him on April 23, 1980, to pages 4, 5 and 16 of the bill.

Senator Kudart raised the point of order that amendment S—5846 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5846 in order.

Senator Jensen withdrew amendment S—5846.

Senator Palmer offered amendment S—5939 filed by Senators Palmer and Slater from the floor to pages 4 and 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5939 be adopted?" (H.F. 2535) the vote was:

Ayes, 16:

Brown	Carr	Deluhery	Gallagher
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Robinson
Rodgers	Rush	Scott	Slater

Nays, 31:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Coleman	Comito
DeKoster	Drake	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Nystrom	Orr	Readinger
Schwengels	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Absent or not voting, 3:

Craft	Gratias	Ramsey

Amendment S—5939 lost.

Senator Orr offered amendment S—5946 filed by her from the floor to pages 4, 9, 10 and 14 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5946 be adopted?" (H.F. 2535) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 12:

Brown	Calhoon	Carr	Junkins
Miller, A.V.	Miller, C.P.	Orr	Palmer
Rodgers	Rush	Scott	Slater

Nays, 35:

Baugher	Bergman	Bisenius	Briles
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Kinley	Kudart	Miller, E.R.	Murray

Nystrom	Priebe	Readinger	Robinson
Schwengels	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Absent or not voting, 3:

Gratias	Hutchins	Ramsey

Amendment S—5946 lost.

The Chair ruled amendment S—5936 filed by Senator Orr from the floor to pages 9 and 10 of the bill, out of order.

Senator Nystrom offered amendment S—5934 filed by him from the floor to page 11 of the bill and moved its adoption.

Amendment S—5934 was adopted by a voice vote.

Senator Slater asked and received unanimous consent to withdraw amendment S—5938 filed by Senators Slater and Palmer from the floor to page 14 of the bill.

Senator Holden offered amendment S—5861 filed by him on April 24, 1980, to page 16 of the bill.

Senator Carr raised the point of order that amendment S—5861 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5861 in order.

Senator Holden moved the adoption of amendment S—5861, which motion prevailed by a voice vote.

Senator Nystrom moved the adoption of division S—5925H, previously deferred.

A record roll call was requested.

On the question "Shall division S—5925H be adopted?" (H.F. 2535) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Bergman	Briles	Calhoon	Carney
Carr	Coleman	DeKoster	Deluhery

Drake	Gallagher	Goodwin	Hansen
Hester	Holden	Hulse	Hutchins
Jensen	Junkins	Miller, A.V.	Miller, C.P.
Miller, E.R.	Nystrom	Schwengels	Slater
Small	Taylor	Tieden	Van Gilst

Nays, 21:

Baugher	Bisenius	Brown	Comito
Craft	Gentleman	Hultman	Kinley
Kudart	Murray	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Scott	Waldstein
Yenger			

Absent or not voting, 1:

Gratias

Division S—5925H was adopted.

Senator Hutchins withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which division S—5925H to House File 2535 was adopted by the Senate on April 25, 1980.

Senator Jensen filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which division S—5925H to House File 2535 was adopted by the Senate on April 25, 1980.

The motion prevailed by a voice vote and division S—5925H was taken up for reconsideration.

Senator Nystrom moved the adoption of division S—5925H.

A non record roll call was requested.

The ayes were 10, nays 37.

Division S—5925H lost.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2535) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hutchins	Jensen	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Gratias	Hultman	Junkins	Ramsey

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, 1980, passed the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2019, a resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to nullify a rule of a state agency by a resolution approved by two-thirds of the members of each house of the general assembly.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 315, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2536, a bill for an act requiring cities to establish a housing code or be subject to the uniform housing code.

ALSO: That the House has on April 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2594, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGES CONSIDERED

House Joint Resolution 2019, a resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to nullify a rule of a state agency by a resolution approved by two-thirds of the members of each house of the general assembly.

Read first time and **passed on file.**

House File 2594, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract.

Read first time and **passed on file.**

REPORT OF COMMITTEE

JUDICIARY

Final Action: SENATE FILE 2383, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

Recommendation: DO PASS.

Final Vote: Ayes, 9: DeKoster, Kudart, Baugher, Coleman, Deluhery, Murray, Ramsey, Scott and Slater. Nays, none. Absent or not voting, 4: Rush, Briles, Gentleman and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

PROOF OF PUBLICATION

Proof of publication for Senate File 2383 can be found on page 1701 of the Senate

Journal as provided for in House File 2591.

FRANK J. STORK, Secretary of the Senate

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: April 25, 1980, 12:30 p.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Baugher, Coleman, Deluhery, Murray, Ramsey, Scott and Slater.

Members Absent: Rush, Ranking Member; Briles, Gentleman and Hansen.

Final Action: SENATE FILE 2384, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Kudart, Baugher, Coleman, Deluhery, Ramsey, Scott and Slater. Nays, 2: DeKoster and Murray. Absent or not voting, 4: Rush, Briles, Gentleman and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:50 p.m.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report that it has had the following bills under consideration and recommends they be placed on the steering calendar:

S.F. 2383
S.F. 2384

CALVIN O. HULTMAN, Chairperson

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Holden asked and received unanimous consent to take up for consideration Senate File 2383.

Senate File 2383

On motion of Senator Kudart, Senate File 2383, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, with report of committee recommending passage, was taken up for consideration.

Senator DeKoster asked and received unanimous consent that action on **Senate File 2383** be **deferred.**

Senator Holden asked and received unanimous consent to take up for consideration Senate File 2384.

Senate File 2384

On motion of Senator Coleman, Senate File 2384, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract, with report of committee recommending passage, was taken up for consideration.

Senator Coleman asked and received unanimous consent that **House File 2594** be substituted for **Senate File 2384.**

House File 2594

On motion of Senator Coleman, House File 2594, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract, was taken up for consideration.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2594) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles

Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hutchins
Jensen	Kinley	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 2:

DeKoster Ramsey

Absent or not voting, 5:

Gallagher	Gratias	Hultman	Junkins
Kudart			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2383

The Senate resumed consideration of Senate File 2383, previously deferred.

Senator DeKoster asked and received unanimous consent that **House File 2591** be substituted for **Senate File 2383**.

House File 2591

On motion of Senator Kudart, House File 2591, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, was taken up for consideration.

Senator Holden asked and received unanimous consent that action on **House File 2591** be **deferred**.

President Branstad took the chair at 6:05 p.m.

CONFERENCE COMMITTEE REPORT CONSIDERED

Senator Drake called up the conference committee report on Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, filed April 24, 1980, found on pages 1705-1707 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein 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. 205) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Schwengels	Taylor

Absent or not voting, 4:

Gallagher	Gratias	Kudart	Robinson

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 Hultman asked and received unanimous consent that **Senate File 205** and **House Files 2535** and **2594** be immediately messaged to the House, which request was complied with.

CONFERENCE COMMITTEE REPORT CONSIDERED

Senator Rush called up the conference committee report on Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, filed April 24, 1980, found on pages 1707-1708 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 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. 2337) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 1:

Carr

Absent or not voting, 2:

Gallagher Gratias

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 2591

The Senate resumed consideration of House File 2591, previously deferred.

Senator Kudart moved that the bill 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. 2591) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	Deluhery	Drake
Gentleman	Goodwin	Hansen	Hester
Holden	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

DeKoster Priebe

Absent or not voting, 4:

Briles	Gallagher	Gratias	Hulse

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2591** be immediately messaged to the House, which request was complied with.

WITHDRAWN

Senator Hultman asked and received unanimous consent that **Senate Files 2383** and **2384** be withdrawn from further consideration of the Senate.

BUSINESS PENDING

Senate File 2361

The Senate resumed consideration of Senate File 2361, House amendment S—5841 and divisions S—5918A, S—5918B and S—5918C to House amendment S—5841, pending on recess.

Senator Jensen asked and received unanimous consent to withdraw divisions S—5918A, S—5918B and S—5918C to House amendment S—5841, previously deferred.

Senator Jensen moved that the Senate concur in House amendment S—5841.

A non record roll call was requested.

The ayes were 1, nays 45.

The motion lost and the Senate **refused to concur** in the House amendment.

BUSINESS PENDING

Senate File 431

The Senate resumed consideration of Senate File 431, House amendment S—5730 and amendment S—5843 to House amendment S—5730, previously deferred.

Senator Hansen asked and received unanimous consent to withdraw amendment S—5843 to House amendment S—5730 previously deferred.

Senator Brown withdrew amendment S—5943 filed by him from the floor to House amendment S—5730.

Senator Carr moved that the Senate concur in House amendment S—5730.

The motion prevailed by a voice vote 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. 431) the vote was:

Ayes, 33:

Baugher	Bergman	Calhoon	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Drake	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hutchins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Readinger	Rodgers
Rush	Slater	Small	Waldstein
Yenger			

Nays, 12:

Bisenius	Brown	Hultman	Jensen
Junkins	Priebe	Ramsey	Schwengels
Scott	Taylor	Tieden	Van Gilst

Absent or not voting, 5:

Briles	Gallagher	Gratias	Palmer
Robinson			

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 2148

Senator Schwengels called up for consideration Senate File 2148, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act, amended by the House by House amendment S—5733 filed April 15, 1980, and found on pages 1444-1446 of the Senate Journal.

Senator Holden withdrew amendment S—5741 filed by him on April 16, 1980, to House amendment S—5733.

Senator Rush offered amendment S—5751 filed by him on April 16, 1980, to House amendment S—5733 and moved its adoption.

Amendment S—5751 was adopted by a voice vote.

Senator Rush offered amendment S—5752 filed by him on April 16, 1980, to House amendment S—5733, and moved its adoption.

Amendment S—5752 was adopted by a voice vote.

Senator Rush offered amendment S—5746 filed by him on April 16, 1980, to House amendment S—5733 and moved its adoption.

Amendment S—5746 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on **Senate File 2148** and House amendment S—5733 as amended be **deferred.**

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, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2596, a bill for an act providing a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor.

ALSO: That the House has on April 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2597, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2596, a bill for an act to provide a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor under section ninety-three point eight (93.8) of the Code or a declaration of an energy emergency by the president of the United States under Pub. L. No. 96.102.

Read first time and **passed on file.**

House File 2597, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics and providing for the reimbursement of each taxing district in an amount equal to the statement filed under section four hundred twenty-seven A point six (427A.6) of the Code.

Read first time and referred to the committee on **Ways and Means.**

HOUSE AMENDMENT CONSIDERED

Senate File 2070

Senator Gentleman called up for consideration Senate File 2070, a bill for an act to allow multi-year professional and occupational licenses, amended by the House by House amendment S—5917 filed April 24, 1980, and found on pages 1686-1688 of the Senate Journal.

Senator Hutchins withdrew amendment S—5940 filed by him from the floor to House amendment S—5917.

Senator Gentleman moved that the Senate concur in House amendment S—5917.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gentleman 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. 2070) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Coleman	Comito
DeKoster	Delnhery	Drake	Gallagher

Gentleman	Goodwin	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Scott	Slater
Small	Taylor	Van Gilst	Waldstein

Nays, 4:

Brown	Kudart	Rush	Tieden

Absent or not voting, 6:

Briles	Craft	Gratias	Miller, A.V.
Robinson	Yenger		

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 2562

Senator Murray called up for consideration House File 2562, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S—5879 to Senate amendment H—6079 filed April 24, 1980, and found on pages 1653-1658 of the Senate Journal.

A non record roll call was requested.

The ayes were 35, nays 12.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Murray 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. 2562) the vote was:

Ayes, 42:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Tieden
Waldstein	Yenger		

Nays, 6:

Baugher	Gallagher	Jensen	Kudart
Ramsey	Taylor		

Absent or not voting, 2

Gratias	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 Hultman asked and received unanimous consent that the following bills be immediately messaged to the House:

S. F. 2337
S. F. 2361
S. F. 2070
H.F. 2546
H.F. 2562
H.F. 2587
H.F. 2591

BUSINESS PENDING

Senate File 2148

The Senate resumed consideration of Senate File 2148 and House amendment S—5733 as amended, previously deferred.

The Chair ruled amendment S—5759 filed by Senator Robinson on April 17, 1980, to Senate File 2148, out of order.

Senator Robinson withdrew amendment S—5760 filed by him on April 17, 1980, to House amendment S—5733.

Senator Robinson offered amendment S—5829 filed by him on April 23, 1980, to House amendment S—5733 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5829 to House amendment S—5733 be adopted?" (S.F. 2148) the vote was:

Ayes, 33:

Bergman	Bisenius	Briles	Brown
Calhoon	Carney	Coleman	Craft
Drake	Gallagher	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Robinson	Rodgers
Schwengels	Taylor	Tieden	Van Gilst
Yenger			

Nays, 14:

Baugher	Carr	Deluhery	Hutchins
Junkins	Miller, A.V.	Orr	Ramsey
Readinger	Rush	Scott	Slater
Small	Waldstein		

Absent or not voting, 3:

Comito	DeKoster	Gratias

Amendment S—5829 was adopted.

Senator Schwengels moved that the Senate concur in House amendment S—5733 as amended.

The motion prevailed and the Senate concurred in the House amendment as amended.

Senator Schwengels 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. 2148) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Gallagher	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Briles	Drake	Gratias

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 23, 1980)
(Steering Calendar)

House File 2486

The Senate resumed consideration of House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code, and amendment S—5788 by Senator Holden, amendment S—5794 by Senator Holden to amendment S—5788 and amendment S—5834 by Senator Holden, deferred on April 23, 1980.

Senator Holden asked and received unanimous consent that action on amendment S—5788 be deferred.

Senator Holden asked and received unanimous consent that action on amendment S—5834 be deferred.

Senator Holden offered amendment S—5915 filed by him on April 24, 1980, to pages 1, 2 and 3 of the bill.

Senator Waldstein offered amendment S—5956 filed by Senators Waldstein, et al., from the floor to amendment S—5915 and moved its adoption.

A non record roll call was requested.

The ayes were 38, nays 8.

Amendment S—5956 was adopted.

Senator Holden moved the adoption of amendment S—5915 as amended.

Amendment S—5915 was adopted by a voice vote.

With the adoption of amendment S—5915 as amended, the Chair ruled the following amendments out of order:

S—5788 by Senator Holden to pages 1, 2, 3 and the title page of the bill, previously deferred.

S—5794 to amendment S—5788 by Senator Holden, deferred on April 23, 1980.

S—5834 by Senator Holden to pages 1 through 3 of the bill, previously deferred.

S—5845 filed by Senators Coleman, Waldstein and Bergman on April 23, 1980, to amendment S—5834.

Senator Holden moved that the bill 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. 2486) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe

Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Carr	Craft	Gratias	Kinley

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 190

Senator Ramsey called up for consideration Senate File 190, a bill for an act relating to the perfection and enforcement of a mechanic's lien, amended by the House by House amendment S—3599 filed April 24, 1979, and found on pages 1374-1376 of the 1979 Senate Journal.

Senator Small offered amendment S—5944 filed by Senators Small, Bisenius and Ramsey from the floor to House amendment S—3599 and moved its adoption.

Amendment S—5944 was adopted by a voice vote.

Senator Ramsey asked and received unanimous consent to withdraw amendment S—5958 filed by Senators Ramsey and Bisenius from the floor to House amendment S—3599.

With the adoption of amendment S—5944, the Chair ruled the following amendments to House amendment S—3599 out of order:

S—3622 filed by Senator Willits on April 25, 1979.

S—5001 filed by Senator Palmer on January 14, 1980.

S—5002 filed by Senator Ramsey on January 17, 1980.

S—5837 filed by Senators Small and Bisenius on April 23, 1980.

Senator Ramsey moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Ramsey 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. 190) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, 2:

Hultman	Miller, C.P.

Absent or not voting, 3:

Briles	Gratias	Kinley

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2306

Senator Coleman called up for consideration Senate File 2306, a bill for an act providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel, amended by the House, and moved that the Senate concur in House amendment S--5822 filed April 23, 1980, and found on pages 1600-1603 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Coleman moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2306) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 1:

Gallagher

Absent or not voting, 3:

Gratias	Hansen	Kinley

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2298

Senator Van Gilst called up for consideration Senate File 2298, a bill for an act relating to the taxable status of property, amended by the House, and moved that the Senate concur in House amendment S—5912 filed April 24, 1980, and found on page 1689 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Van Gilst moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2298) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Comito	DeKoster	Deluhery	Drake
Gallagher	Goodwin	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Yenger		

Nays, none.

Absent or not voting, 8:

Coleman	Craft	Gentleman	Gratias
Kinley	Kudart	Robinson	Waldstein

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2327

Senator Rush called up for consideration Senate File 2327, a bill for an act to provide or increase the penalty for failure to file or pay the state income, sales and use, or inheritance and estate taxes, amended by the House, and moved that the Senate concur in House amendment S—5914 filed April 24, 1980, and found on pages 1689-1691 of the Senate Journal.

The motion prevailed by a voice vote 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. 2327) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Yenger

Nays, 1:

Gallagher

Absent or not voting, 5:

Gratias	Kinley	Robinson	Van Gilst
Waldstein			

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Carney took the chair at 8:02 p.m.

Senate File 2375

Senator Holden called up for consideration Senate File 2375, a bill for an act repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16) and making such repeal retroactive to the effective date of that Act, amended by the House, and moved that the Senate concur in House amendment S—5921 filed April 24, 1980, and found on pages 1691-1693 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Holden 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. 2375) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Gratias	Junkins	Kinley	Nystrom

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 Hultman asked and received unanimous consent that the following bills be immediately messaged to the House:

S. F. 190
S. F. 2148
S. F. 2298
S. F. 2306
S. F. 2375
S. F. 2397
H.F. 2486

BUSINESS PENDING

House File 700

The Senate resumed consideration of House File 700 and House amendment S—5919 to Senate amendment H—5777, previously deferred.

Senator Tieden moved that the Senate concur in House amendment S—5919 to Senate amendment H—5777.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Tieden 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. 700) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	DeKoster	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hutchins	Jensen
Kudart	Miller, A.V.	Miller, E.R.	Murray
Orr	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 1:

Miller, C.P.

Absent or not voting, 9:

Craft	Deluhery	Drake	Gallagher
Hultman	Junkins	Kinley	Nystrom
Palmer			

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

House File 707

Senator Murray called up for consideration House File 707, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal

decennial census, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5902 to Senate amendment H—6000 filed April 24, 1980, and found on pages 1695-1700 of the Senate Journal.

A non record roll call was requested.

The ayes were 31, nays 16.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Murray 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.

President Branstad took the chair at 8:32 p.m.

On the question "Shall the bill pass?" (H.F. 707) the vote was:

Ayes, 45:

Bergman	Bisenius	Brown	Calhoon
Carney	Carr	Coleman	Comito
Craft	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Baugher	Briles	DeKoster	Kinley
Palmer			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 736

Senator Ramsey called up for consideration House File 736, a bill

for an act to permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor, and providing penalties for violations, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5849 to Senate amendment H—6116 filed April 24, 1980, and found on page 1644 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Ramsey 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. 736) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Brown
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 1:

Rodgers

Absent or not voting, 3:

Briles	Kinley	Robinson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2537

Senator Goodwin called up for consideration House File 2537, a bill for an act relating to the sale of individual policies of accident

and sickness insurance and subscriber contracts, and providing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5850 to Senate amendment H—6002 filed April 24, 1980, and found on pages 1644-1645 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Goodwin 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. 2537) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Comito	Kinley

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

CONSIDERATION OF BILL
(Steering Calendar)

House File 2581

On motion of Senator Ramsey, House File 2581, a bill for an act to authorize county boards of supervisors to levy a tax for support of

ambulance service, under certain circumstances, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2581) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Rodgers
Rush	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 2:

DeKoster Gentleman

Voting present, 1:

Junkins

Absent or not voting, 1:

Kinley

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 25, 1980, insisted on its amendment to Senate File 2361, a bill for an act relating to transportation and making technical corrections, and that the members of the Conference Committee on the part of the House are: The Representative from Ida, Mr. Bennett, Chair; the Representative from Story, Mrs. Egenes; the Representative from Appanoose, Mr. Jay; the Representative from Pottawattamie, Mr. Schroeder; and the Representative from Polk, Mr. Woods.

BRUCE GRAHAM, Assistant Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2361** on the part of the Senate: Senators Jensen, Chairperson, Drake, Comito, Robinson and Small.

REPORT OF COMMITTEE

WAYS AND MEANS

Final Action: HOUSE FILE 2597, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics and providing for the reimbursement of each taxing district in an amount equal to the statement filed under section four hundred twenty-seven A point six (427A.6) of the Code.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Craft, Readinger, Baugher, Comito, Drake, Hester, Holden, Ramsey and Van Gilst. Nays, none. Absent or not voting, 6: Rodgers, Hultman, Hutchins, Junkins, Rush and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration House File 2597.

House File 2597

On motion of Senator Craft, House File 2597, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics and providing for the reimbursement of each taxing district in an amount equal to the statement filed under section four hundred twenty-seven A point six (427A.6) of the Code, was taken up for consideration.

Senator Rodgers offered amendment S—5962 filed by him from the floor to pages 2 and 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5962 be adopted?" (H.F. 2597) the vote was:

Ayes, 16:

Brown	Coleman	Deluhery	Gallagher
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Miller, E.R.	Palmer	Priebe	Rodgers
Rush	Scott	Small	Van Gilst

Nays, 32:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Comito
Craft	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Jensen	Kudart
Murray	Nystrom	Orr	Ramsey
Readinger	Robinson	Schwengels	Slater
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 2:

Hultman	Kinley

Amendment S—5962 lost.

Senator Priebe offered amendment S—5963 filed by him from the floor to page 2 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5963 be adopted?" (H.F. 2597) the vote was:

Ayes, 35:

Baugher	Bergman	Briles	Calhoon
Carney	Coleman	Comito	Deluhery
Drake	Gallagher	Gentleman	Gratias
Hansen	Hulse	Hultman	Jensen
Miller, A.V.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels

Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 14:

Bisenius	Brown	Carr	Craft
DeKoster	Goodwin	Hester	Holden
Hutchins	Junkins	Kudart	Miller, C.P.
Orr	Scott		

Absent or not voting, 1:

Kinley

Amendment S—5963 was adopted.

President pro tempore Hansen took the chair at 9:33 p.m.

Senator Craft moved that the bill 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. 2597) the vote was:

Ayes, 32:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Comito	Craft
DeKoster	Drake	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Miller, C.P.	Murray	Nystrom	Orr
Ramsey	Readinger	Schwengels	Slater
Small	Taylor	Tieden	Yenger

Nays, 16:

Briles	Brown	Coleman	Deluhery
Gallagher	Hutchins	Junkins	Miller, A.V.
Miller, E.R.	Palmer	Priebe	Robinson
Rodgers	Rush	Van Gilst	Waldstein

Absent or not voting, 2:

Kinley	Scott

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

WITHDRAWN

Senator Holden asked and received unanimous consent that **Senate File 2382** be withdrawn from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Holden asked and received unanimous consent that the following bills be immediately messaged to the House:

S. F. 431
H.F. 700
H.F. 707
H.F. 736
H.F. 2537
H.F. 2581
H.F. 2597

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, 1980, adopted the conference committee report and passed Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy.

ALSO: That the House has on April 25, 1980, adopted the conference committee report and passed Senate File 205, a bill for an act relating to the reorganization of the department of environmental quality.

ALSO: That the House has on April 25, 1980, adopted the conference committee report and passed Senate File 2337, a bill for an act to increase financial requirements for auto liability insurance policies.

ALSO: That the House has on April 25, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2535, a bill for an act relating to the administration and funding of certain public retirement systems.

ALSO: That the House has on April 25, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2595, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, and making additional appropriations.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2595, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

Read first time and referred to the committee on **Appropriations.**

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 143
By: Gallagher

Whereas, coal is Iowa's most abundant energy resource; and

Whereas, thirteen million tons were used in Iowa in 1979 but only seven percent was Iowa coal; and

Whereas, the reevaluation of coal use could improve the state's economy and prevent the drain on the state and nation economies; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the legislative council is authorized to establish an interim study committee composed of members of the committees on natural resources of the senate and house of represenatives for the purpose of studying the implementation of monetary incentives to promote the use of Iowa among both private and public sectors and to examine the need for legislation relating to air quality, bidding for contracts, the production of synthetic fuels produced from Iowa coal and to make other recommendations regarding the production of Iowa coal; and

Be It Further Resolved, That the study committee make periodic reports to the legislative council and a final report to the general assembly meeting in the year 1981 accompanied by bill drafts designed to implement any recommendations of the study committee.

Read first time and referred to the committee on **Rules and Administration.**

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2535

Senator Nystrom called up for consideration House File 2535, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, 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 2535

S—5964

Amend the Senate amendment H—6403 to House File 2535 as amended, passed and reprinted by the House as follows:

1. By striking line 3, page 1 through line 45, page 2.

2. By striking line 49, page 2 through page 5, line 21.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2535) the vote was:

Ayes, 8:

Carney	Comito	Craft	Gentleman
Jensen	Rush	Taylor	Waldstein

Nays, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carr	Coleman
DeKoster	Deluhery	Drake	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Priebe	Ramsey	Readinger	Robinson
Rodgers	Schwengels	Scott	Slater
Small	Tieden	Van Gilst	Yenger

Absent or not voting, 2:

Kinley Palmer

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

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 25, 1980, adopted the second conference committee report and passed House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators.

BRUCE GRAHAM, Assistant Chief Clerk

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in preparing the Senate amendment to House File 2580, the following technical corrections were made:

1. Amendment S—5856, page 1, line 12, "assistant" was changed to "assistance".

2. Amendment S—5909, page 1, line 8, "Sec. ____ " was changed to *"NEW SECTION"*.

3. Amendment S—5821, page 8, lines 27 through 30, all language in quotes was underlined.

FRANK J. STORK, Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 24, 1980, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 2042—To authorize the State Conservation Commission to regulate dealers in American ginseng.

H.F. 2299—Relating to the dates on which school districts count special education students and report the county to the Department of Public Instruction.

H.F. 2458—Relating to the authority of reorganized school districts to levy the schoolhouse tax.

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Branstad announced the following appointment to a statutory committee:

EDUCATION COMMISSION OF THE STATES (Sec. 272B.2)

Senator Joe Brown to fill the unexpired portion of a term ending June 30, 1983, to replace Senator Joann Orr who resigned.

COMMUNICATION FROM THE SECRETARY OF THE STATE

April 25, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 2098, was published in The Red Oak Express, Red Oak, Iowa, on March 27, 1980, and in the Evening Democrat, Fort Madison, Iowa, on April 3, 1980.

I further certify that Senate File 2235, was published in The Boone News-Republican, Boone, Iowa, on April 16, 1980, and in The Daily Freeman-Journal, Webster City, Iowa, on April 17, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

STUDY BILLS RECEIVED

S.S.B. 2312 Appropriations

Appropriating funds for reclassification and upgrading of employee positions and transferring funds in the military service tax credit fund to the general fund and funding such credit from the general fund.

S.S.B. 2313 Appropriations

Providing for salary adjustments for state employees and employees of merged area schools, providing an employee reduction program, making funding adjustments by repealing the military service tax credit fund and funding the military service tax from the general fund of the state, and making appropriations to provide funds for the salary adjustments.

PROOF OF PUBLICATION

Published copy of House File 2594 and verified proof of publication of said bill in The Messenger, a newspaper published in Fort Dodge, Iowa, on April 24, 1980, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

EXPLANATIONS OF VOTES

MR. PRESIDENT: Due to parlimentary maneuvering and your ruling of germaneness of division S—5821A to House File 2580, I was denied the opportunity to vote on a two percent increase for state employees.

If the right to vote on this issue would not have been denied to me, I would have voted "aye" for the two percent increase.

JAMES CALHOON

MR. PRESIDENT: I was absent from the Senate chamber on April 25, 1980, when the vote was taken on Senate File 2378.

Had I been present, I would have voted "aye".

RICHARD COMITO

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 25, 1980, because of a leadership meeting when the final vote was taken on House File 2535.

Had I been present, I would have voted "aye".

LOWELL L. JUNKINS

MR. PRESIDENT: Had I been asked to sign the committee report on House File 2597, as is the normal common courtesy of the Senate, I would have signed "nay."

C. W. HUTCHINS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Christine A. Hansen, Davenport, Scott County, Iowa, for appointment as a member of the Iowa State Commerce Commission pursuant to Section 474.1, 1979 Code of Iowa, 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.

JACK W. HESTER, Chairperson
ALVIN V. MILLER
EDGAR H. HOLDEN
GEORGE R. KINLEY
MERLIN D. HULSE

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventeen students from Fonda Elementary School, Fonda, Iowa, accompanied by Tim Putney. Senator Scott.

Twenty students from Shellsburg High School, Shellsburg, Iowa. Senator Gallagher.

Thirty-four students from McKee Elementary School, Des Moines, Iowa. Senator Palmer.

Twenty-five students from Orient-Macksburg Elementary School, Orient, Iowa, accompanied by Randy Platt. Senators Ramsey and Rodgers.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 25, 1980, 12:00 noon.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Palmer, Ranking Member; Bisenius, Carr, DeKoster, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst.

Members Absent: Hultman.

Final Action: HOUSE FILE 2583, a bill for an act relating to the duties of the county finance committee and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none. Absent or not voting, 1: Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2584, a bill for an act relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none. Absent or not voting, 1: Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:25 p.m.

REPORTS OF COMMITTEES

APPROPRIATIONS

Final Action: SENATE FILE 2385, a bill for an act appropriating funds for reclassification and upgrading of employee positions, providing for salary increases, and transferring funds in the military service tax credit fund to the general fund and funding such credit from the general fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Murray, Palmer, Carr, DeKoster, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, 3: Taylor, Bisenius and Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

RULES AND ADMINISTRATION

Final Action: SENATE RESOLUTION 113, a resolution urging support for the Interfaith Church of the Land at the Living History Farms.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Hansen, Ramsey and Junkins. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE CONCURRENT RESOLUTION 120, a resolution requesting the Governor to negotiate on behalf of the state of Iowa regarding the Missouri River Compact.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Ramsey, Hansen, Kinley and Junkins. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

WAYS AND MEANS

Final Action: SENATE CONCURRENT RESOLUTION 142, a resolution requesting the department of revenue to submit a new productivity formula for valuing and assessing agricultural property to the committees on Ways and Means for review.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Craft, Readinger, Baugher, Comito, Hester, Hultman, Ramsey, Junkins and Van Gilst. Nays, none. Absent or not voting, 6: Rodgers, Drake, Holden, Hutchins, Rush and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Action: HOUSE FILE 2567, a bill for an act relating to the determination of actual and assessed value of property for tax purposes and defining that property which may not be included within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code and making the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Rodgers, Baugher, Comito, Drake, Hester, Holden, Ramsey, Hutchins, Junkins, Scott and Van Gilst. Nays, none. Absent or not voting, 3: Readinger, Hultman and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2243

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 2243, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenanct Act funds, respectfully make the following report:

1. That the House recedes from its amendment, S—5573, to Senate File 2243, as amended, passed and reprinted by the Senate.

2. That Senate File 2243, as amended, passed and reprinted by the Senate, be amended as follows:

1. Page 1, line 13, by inserting after the word "land" the words "which is or will be occupied by the beginning farmer".

2. Page 1, by inserting after line 24 the following:

"____. 'Depreciable agricultural property' means personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1954 as defined in section four hundred twenty-two point four (422.4) of the Code."

3. Page 2, by inserting after line 19, the following:

"____. 'Secured loan' means a financial obligation secured by a chattel mortgage, security agreement or other instrument creating a lien on an interest in depreciable agricultural property."

4. Page 3, line 1, by inserting after the word "improvements" the words "and depreciable agricultural property".

5. Page 3, line 3, by inserting after the word "of" the words "eleven members with".

6. Page 3, line 5, by inserting after the word "senate." the words "The treasurer of the state and the state secretary of agriculture are ex officio nonvoting members."

7. Page 3, line 12, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

8. Page 3, line 18, by striking the word "A" and inserting in lieu thereof the words "An appointed".

9. Page 3, line 22, by striking the word "A" and inserting in lieu thereof the words "An appointed".

10. Page 3, line 24, by striking the word "Five" and inserting in lieu thereof the word "Six".

11. Page 3, line 25, by inserting before the word "members" the word "voting".

12. Page 3, line 32, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

13. Page 4, line 2, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

14. Page 4, line 7, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

15. Page 4, line 29, by inserting after the word "improvements" the words "and depreciable agricultural property".

16. Page 6, line 4, by inserting after the word "real" the words "or depreciable".

17. Page 6, line 8, by inserting after the word "real" the words "or depreciable".

18. Page 6, line 19, by inserting after the word "land" the words "and improvements and depreciable agricultural property".

19. Page 7, line 4, by inserting after the word "mortgage" the words "and secured".

20. Page 7, line 11, by inserting after the word "mortgage" the words "or secured".

21. Page 7, line 15, by inserting after the word "mortgage" the words "or secured".

22. Page 8, line 15, by inserting after the word "land" the words "and property".

23. Page 8, line 33, by striking the words "general assembly" and inserting in lieu thereof the words "members of the general assembly as request it".

24. Page 8, line 34, by inserting after the word "complete" the words "and economically designed and reproduced".

25. Page 9, line 20, by inserting after the word "improvements" the words "and depreciable agricultural property".

26. Page 10, line 6, by inserting after the word "land" the words "and property".

27. Page 10, line 9, by inserting after the word "land" the words "and improvements and depreciable agricultural property".

28. Page 10, line 14, by inserting after the word "improvements" the words "and depreciable agricultural property".

29. Page 10, line 20, by inserting after the word "mortgage" the words "or secured".

30. Page 10, line 26, by inserting after the word "mortgage" the words "or secured".

31. Page 10, line 30, by inserting after the words "improvements" the words "or depreciable agricultural property".

32. Page 10, line 31, by striking the word "are" and inserting in lieu thereof the words "will be located".

33. Page 10, line 34, by inserting after the word "mortgage" the words "or secured".

34. Page 11, line 1, by inserting after the word "land" the words "and agricultural improvements".

35. Page 11, by striking line 2 and inserting in lieu thereof the words and figure "five hundred thousand (500,000) dollars in value or of depreciable agricultural property totaling no more than one hundred twenty-five thousand (125,000) dollars in value."

36. Page 11, by striking lines 3 and 4 and inserting in lieu thereof the following:

"e. If the loan is for the acquisition of agricultural land, the beginning farmer has or will have access to adequate working capital, farm equipment, machinery or livestock. If the loan is for the acquisition of depreciable agricultural property, the beginning farmer has or will have access to adequate working capital or agricultural land."

37. Page 11, by inserting after line 11 the following:

"h. The beginning farmer has not previously received financing under the program for the acquisition of property similar in nature to the property for which the loan is sought. However, this restriction shall not apply if the amount previously received plus the amount of the loan sought does not exceed five hundred thousand dollars in the case of agricultural land and improvements or one hundred twenty-five thousand dollars in the case of depreciable agricultural property."

38. Page 11, line 13, by inserting after the word "mortgage" the words "or secured".

39. Page 11, line 16, by inserting after the word "improvements" the words "or depreciable agricultural property may not be".

40. Page 11, line 23, by inserting after the period the words "However, the authority shall provide and state in a mortgage or secured loan that the authority has the power to raise the interest rate of the loan to the prevailing market rate if the mortgage or secured loan is assumed by a farmer who is already established in that field at the time of the assumption of the loan."

41. Page 11, line 34, by striking the word "MORTGAGE".

42. Page 11, line 35, by inserting after the word "mortgage" the words "or secured".

43. Page 12, line 1, by inserting after the word "mortgage" the words "or secured".

44. Page 12, line 5, by inserting after the word "improvements" the words "or depreciable agricultural property".

45. Page 12, line 6, by inserting after the word "mortgage" the words "or secured".

46. Page 12, line 12, by inserting after the word "mortgage" the words "or secured".

47. Page 12, line 29, by inserting after the word "mortgage" the words "or secured".

48. Page 12, line 31, by inserting after the word "mortgage" the words "or secured".

49. Page 13, line 3, by inserting after the word "mortgage" the words "or secured".

50. Page 13, line 9, by inserting after the word "mortgage" the words "or secured".

51. Page 15, line 7, by striking the word "MORTGAGE".

52. Page 15, line 9, by inserting before the word "loans" the words "or secured".

53. Page 15, line 11, by inserting after the word "mortgage" the words "or secured".

54. Page 15, line 14, by inserting before the word "loans" the words "or secured".

55. Page 15, line 15, by inserting after the word "mortgage" the words "or secured".

56. Page 15, line 19, by inserting before the word "loans" the words "or secured".

57. Page 15, line 20, by inserting after the word "mortgage" the words "or secured".

58. Page 15, line 21, by inserting after the word "mortgage" the words "or secured".

59. Page 15, line 24, by inserting before the word "loans" the words "or secured".

60. Page 15, line 28, by inserting before the word "loans" the words "or secured".

61. Page 15, line 33, by striking the word "mortgages" and inserting in lieu thereof the word "loans".

62. Page 15, line 34, by inserting after the word "mortgage" the words "or secured".

63. Page 16, line 5, by inserting after the word "mortgage" the words "or secured".

64. Page 16, line 7, by inserting after the word "mortgage" the words "or secured".

65. Page 16, line 12, by inserting before the word "loans" the words "or secured".

66. Page 16, line 18, by inserting after the words "of a mortgage" the words "or secured".

67. Page 16, line 25, by inserting after the word "mortgage" the words "or secured".

68. Page 17, line 7, by inserting after the words "renegotiate a mortgage" the words "or secured".

69. Page 17, line 9, by inserting after the words "of a mortgage" the words "or secured".

70. Page 17, line 10, by inserting after the word "mortgage" the words "or secured".

71. Page 17, line 14, by inserting after the word "mortgage" the words "or secured".

72. Page 17, line 31, by inserting after the word "hundred" the word "fifty".

73. Page 21, by inserting after line 5 the following:

"9. The authority shall publish a notice of intention to issue bonds or notes in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds or notes proposed to be issued, and in general, what net revenues will be pledged to pay the bonds or notes and interest thereon. An action shall not be brought questioning the legality of the bonds or notes or the power of the authority to issue the bonds or notes or to the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after sixty days from the date of publication of the notice."

74. Page 27, line 10, by inserting after the word "mortgage" the words "or secured".

75. Page 30, by inserting after line 8 the following:

"Sec. 35. Section four hundred nineteen point one (419.1), subsection two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section one (1), and chapter ninety (90), section one (1), is amended to read as follows:

2. 'Project' means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of issuance of the bonds issued under authority of this chapter, which shall be suitable for the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4, or of any private college or university, or any state institution governed under chapter 262, whether for the establishment or maintenance of such college or university, or of any industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though such processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and river-front improvements useful and convenient for the handling and storage of goods and products, or of a national, regional or divisional headquarters facility of a company that does multistate business, *or of a beginning businessperson for any purpose* or (b) pollution control facilities which shall be suitable for use by any industry, commercial enterprise or utility. 'Pollution control facilities' means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. 'Improve', 'improving' and 'improvements' shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including,without limiting the generality of the foregoing, rights-of-way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipelines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal or mixed property of every kind, whether above or below ground level.

Sec. 36. Section four hundred nineteen point one (419.1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section one (1), and chapter ninety (90), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. "Beginning businessperson" means an individual with an aggregate net worth of the individual and the individual's spouse and children of less than one hundred thousand dollars. Net worth means total assets minus total liabilities as determined in accordance with generally accepted accounting principles.

Sec. 37. Section four hundred nineteen point two (419.2), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section two (2), and chapter ninety-one (91), section one (1), is amended to read as follows:

5. To issue revenue bonds for the purpose of defraying the cost of any project and to secure payment of such bonds as provided in this chapter. *However, in the case of a project suitable for the use of a beginning businessperson, the bonds may not exceed the aggregate principal amount of five hundred thousand dollars.*

Sec. 38. Section five hundred two point two hundred two (502.202), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections five (5) and six (6), is amended by adding the following new subsection:

NEW SUBSECTION. Any security issued by the Iowa family farm development authority under sections one (1) through thirty-two (32) of this Act."

76. By striking the title and inserting in lieu thereof the words "An Act providing for assistance to beginning farmers and businesspersons by establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds and authorizing the issuance of revenue bonds under chapter four hundred nineteen (419) of the Code by municipalities for acquisition of land, buildings or improvements by beginning businesspersons."

77. By numbering and renumbering as necessary.

ON THE PART OF THE SENATE	ON THE PART OF THE HOUSE:
BASS VAN GILST, Chairperson	JAMES O. ANDERSON, Chairperson
IRVIN L. BERGMAN	WAYNE BENNETT
DALE L. TIEDEN	KENNETH DE GROOT
JACK W. HESTER	EMIL J. HUSAK
C. W. HUTCHINS	HERBERT C. HINKHOUSE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2361

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the Conference Committee appointed to consider the differences between the House and Senate on Senate File 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, respectfully make the following report:

1. That the House amendment S—5841 to Senate File 2361 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 3, by striking lines 42 through 50 and inserting in lieu thereof the following:

"Sec. ____ . Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2) paragraph a, Code 1979, is amended to read as follows:

a. The department may issue a motorized bicycle license to [any] *a* person fourteen years of age or older who has passed a vision test and a written examination on the rules of the road. *After July 1, 1981, persons under the age of sixteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction.* A motorized bicycle license [shall entitle] *entitles* the licensee to operate a motorized bicycle *upon the highway* while having the license in *the licensee's* immediate possession [on the highways of the state for a period of two years]. *The license is valid for a period of two years, subject to termination or cancellation as provided in this section.*"

2. Page 4, by striking lines 1 through 16.

3. Page 5, by striking lines 44 through 50.

4. Page 6, by striking lines 1 through 6.

5. Page 6, by striking lines 10 through 48.

6. Page 7, by striking lines 17 through 27.

7. Page 7, line 41, by striking the word "persons," and inserting in lieu thereof the word "persons.".

8. Page 7, by striking line 42.

ON THE PART OF THE SENATE:

JOHN W. JENSEN, Chairperson
RICHARD F. DRAKE
RICHARD COMITO
CLOYD E. ROBINSON
ARTHUR A. SMALL, JR.

ON THE PART OF THE HOUSE

WAYNE BENNETT, Chairperson
LAVERNE W. SCHROEDER
SONJA EGENES
JACK E. WOODS
DANIEL JAY

AMENDMENTS FILED

S—5924	S. F.	2378	C. W. Hutchins Richard F. Drake
S—5925	H.F.	2535	John N. Nystrom Forrest V. Schwengels Robert M. Carr
S—5926	S. F.	2378	Arthur A. Small, Jr.
S—5927	S. F.	2378	Arthur A. Small, Jr.
S—5928	S. F.	2378	Berl E. Priebe
S—5929	S. F.	2379	John Scott Bass Van Gilst C. W. Hutchins Berl E. Priebe
S—5930	S. F.	2378	Berl E. Priebe
S—5931	S. F.	2378	Arthur A. Small, Jr.
S—5933	S. F.	2378	Berl E. Priebe
S—5934	H.F.	2535	John N. Nystrom
S—5935	H.F.	2586	Bass Van Gilst
S—5936	H.F.	2535	Joann Orr
S—5938	H.F.	2535	Tom Slater William D. Palmer
S—5939	H.F.	2535	William D. Palmer Tom Slater
S—5940	S. F.	2070	C.W. Hutchins
S—5941	H.F.	2535	Stephen W. Bisenius
S—5942	H.C.R.	120	Clarence Carney
S—5943	S. F.	431	Joe Brown
S—5944	S. F.	190	Arthur A. Small, Jr. Stephen W. Bisenius Richard R. Ramsey

S—5945	S. F.	2385	Ray Taylor
S—5946	H.F.	2535	Joann Orr
S—5947	H.F.	2535	William D. Palmer Berl E. Priebe James V. Gallagher
S—5948	S. F.	2385	Arthur A. Small, Jr. Tom Slater Robert M. Carr Lowell L. Junkins
S—5949	H.F.	2535	Richard Comito
S—5950	S. F.	2385	Stephen W. Bisenius
S—5951	H.F.	2535	Richard Comito
S—5952	S. F.	2381	Norman G. Rodgers Rolf V. Craft
S—5953	S. F.	2230	Arthur A. Small, Jr.
S—5954	S. F.	2230	Arthur A. Small, Jr.
S—5955	S. F.	2230	Arthur A. Small, Jr.
S—5956	H.F.	2486	Arne Waldstein C. Joseph Coleman Irvin L. Bergman Berl E. Priebe
S—5957	H.F.	2584	John S. Murray
S—5958	S. F.	190	Richard R. Ramsey Stephen W. Bisenius
S—5959	S. F.	2385	W. R. Bill Hansen
S—5960	S. F.	2385	Ray Taylor Stephen W. Bisenius Dale L. Tieden Gary L. Baugher John W. Jensen Arne Waldstein
S—5961	S. F.	2385	Sue Yenger Robert M. Carr
S—5962	H.F.	2597	Norman G. Rodgers
S—5963	H.F.	2597	Berl E. Priebe

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 10:28 p.m., until 9:00 a.m., Saturday, April 26, 1980.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

JOURNAL OF THE SENATE

ONE HUNDRED FOURTH CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, April 26, 1980

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Honorable Elizabeth R. Miller, member of the Senate from Marshall County, Marshalltown, Iowa.

The Journal of Friday, April 25, 1980, was approved.

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 144
By: Drake

Whereas, railroad problems continue to exist in this state and the midwest; and

Whereas, rail service is vital to the economic and efficient movement of grain and other agricultural products from this state to ports for export; and

Whereas, rail service is also a very important mode of transportation for other segments of the state's economy; and

Whereas, the impact of bonding for railroad purposes should continue to be reviewed by the general assembly; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create an interim study committee composed of members of both houses representing both political parties from the respective committees on transportation to conduct a study during the 1980-1981 interim of the rail bonding and other railroad problems. The study committee shall submit a report, including bill drafts necessary to implement its recommendations, to the legislative council and to the general assembly convening in 1981.

Read first time and referred to the committee on **Rules and Administration.**

SENATE CONCURRENT RESOLUTION 145
By: Drake

Whereas, the federal government has decided to with-

hold some of the funds due to Iowa from the federal highway trust fund; and

Whereas, the increased sales of gasohol and the reduced travel by the citizens of this state has reduced revenues in the road use tax fund; and

Whereas, the increased construction costs have created financing problems for the state, counties, and cities in road construction and maintenance; and

Whereas, the general assembly must address this critical issue during the next session; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is requested to create an interim study committee composed of members of both houses representing both political parties from the respective committees on transportation to conduct a study during the 1980-1981 interim of the highway funding problems. The study committee shall submit a report, including bill drafts necessary to implement its recommendations, to the legislative council and to the general assembly convening in 1981.

Read first time and referred to the committee on **Rules and Administration.**

BILL ASSIGNED TO COMMITTEE

President Branstad announced that **House Joint Resolution 2019** was assigned to the committee on **State Government.**

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for consideration House Concurrent Resolution 120.

House Concurrent Resolution 120

On motion of Senator Hester, House Concurrent Resolution 120, a resolution requesting the Governor to negotiate on behalf of the state of Iowa regarding the Missouri River Compact, filed April 25, 1980, found on pages 1727-1728 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Carney withdrew amendment S—5942 filed by him on April 25, 1980, to pages 1 and 2 of the resolution.

Senator Hester moved the adoption of House Concurrent Resolution 120, which motion prevailed by a voice vote.

PRESENTATION OF GIFTS

Senators Murray and Holden escorted Senator Hultman to the rostrum where Senator Ramsey presented him with a golf bag on behalf of the Senate in recognition of his service as Majority Leader during the Sixty-eighth General Assembly.

Senator Hultman thanked the Senate with brief remarks.

Senators Rush and Hutchins escorted Senator Junkins to the rostrum and presented him a framed print of the State Capitol by Bill Wagner in recognition of his service as Minority Leader during the Sixty-eighth General Assembly.

Senator Junkins thanked the Senate with brief remarks.

Senators Hultman and Junkins excorted President pro tempore Hansen to the rostrum and President Branstad presented him with a briefcase on behalf of the Senate in recognition of his service as President pro tempore during the Sixty-eighth General Assembly.

President pro tempore Hansen thanked the Senate with brief remarks.

Senators Hultman and Junkins and President pro tempore Hansen appeared at the rostrum and presented Lieutenant Governor Branstad with a pair of Abraham Lincoln bookends on behalf of the Senate in recognition of his service as President of the Senate during the Sixty-eighth General Assembly.

President Branstad thanked the Senate with brief remarks.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2584.

House File 2584

On motion of Senator Murray, House File 2584, a bill for an act relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Murray offered amendment S—5957 filed by him on April 25, 1980, to page 2 of the bill and moved its adoption.

Amendment S—5957 was adopted by a voice vote.

Senator Readinger asked and received unanimous consent that action on **House File 2584** be **deferred.**

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2361

Senator Jensen called up the conference committee report on Senate File 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, filed April 25, 1980, and found on pages 1786-1788 of the Senate Journal.

Senator Coleman took the chair at 10:37 a.m.

Senator Hultman asked and received unanimous consent that action on **Senate File 2361** and the conference committee report be **deferred.**

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 26, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 2197, a bill for an act relating to the sale of wine and creating a license therefor.

ALSO: That the House has on April 26, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2371, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 717, a bill for an act relating to timber buyers and providing penalties.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2554, a bill for an act relating to the setoff against income tax refunds of certain liquidated debts assigned to the department of social services.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2277

Senator Yenger called up for consideration House File 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5937 to Senate amendment H—5798 filed April 25, 1980, and found on page 1726 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Yenger 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. 2277) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Jensen	Ramsey

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 April 26, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2125, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

ALSO: That the House has on April 26, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2229, a bill for an act establishing the office of state appellate defender.

ALSO: That the House has on April 26, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 130, a resolution amending the joint rules of the general assembly.

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 130
By: Committee on Ethics

Be It Resolved by the House of Representatives, the Senate Concurring, That the joint rules of the general assembly be amended by adding the following new rule:

19. The general assembly directs the legislative council and the other appointing authorities of legislative officers and employees who are not employed by the house of representatives or the senate to adopt rules governing those legislative officers and employees it appoints relating to the reporting of gifts made to those legislative officers and employees and their immediate family members as provided in Acts of the Sixty-eighth General Assembly, 1980 Session, House File six hundred eighty-seven (687), section seven (7).

Read first time and **passed on file.**

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 146
By: Carr, Robinson, Jensen, Gentleman, Tieden, Bisenius, Brown, Miller of Des Moines, Scott, Junkins, Hutchins, Miller of Cerro Gordo, Yenger, Comito, Rodgers, Bergman, Coleman, Small, Baugher, Calhoon, Readinger, Orr, Gallagher, Slater, Priebe and Waldstein

Whereas, the approved budgets of area education agencies have grown from a total of $26,452,545 for the school year beginning July 1, 1975 to a total of $53,328,689 for the school year beginning July 1, 1980; and

Whereas, the cost of the general administrative program of an area education agency in relation to the total expenditures of the respective area education agencies varies from 1.82% to 7.87% for the school year beginning July 1, 1979; and

Whereas, the budgets for special education support services will be reduced commencing with the school year beginning July 1, 1981 and it is important that

reductions in special education program personnel and services not take place while administrative personnel and services continue to grow; *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the legislative council is directed to establish a joint subcommittee composed of members of both political parties of the House and Senate committees on education to conduct a study of the administrative expenditures of the area education agencies as they relate to the programs and services provided to children and to study alternative ways of determining administrative costs; and

Be It Further Resolved, That the joint subcommittee shall report its findings and recommendations, accompanied by legislative bill drafts to implement the recommendations, to the house and senate committees on education, the legislative council and the general assembly convening in January of 1981.

Read first time and referred to the committee on **Rules and Administration.**

HOUSE AMENDMENT TO SENATE FILE 2125

S—5969

Amend Senate File 2125 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred six point five (106.5), subsection one (1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The owner of such vessel shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the vessel and shall be accompanied by a fee of eight dollars for each motorboat or sailboat, four dollars for any other vessel without sail or motor, and a writing fee of [fifty cents] *one dollar.* Upon applying for registration the owner shall surrender the certificate of origin to the county recorder. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter the same upon the records of [his] *the recorder's* office and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The

registration certificate shall bear [thereon] the number awarded to [such] *the* vessel, the passenger capacity of [such] *the* vessel and the name and address of the owner. In the use of all vessels except nonpowered sailboats, nonpowered canoes and commercial vessels the registration certificate shall be carried either in the vessel or on the person of the operator of [such] *the* vessel when in use. In the use of nonpowered sailboats, nonpowered canoes or commerical vessels, the registration certificate may be kept on shore in accordance with rules promulgated by the commission. The operator shall exhibit the certificate to any peace officer upon request, or, when involved in a collision or accident of any nature with another vessel or other personal property, to the owner or operator of the other vessel or personal property.

Sec. 2. Section one hundred six point fifty-three (106.53), Code 1979, is amended to read as follows:

106.53 AMOUNT OF WRITING FEES COLLECTED. In addition to the other fees provided by this chapter the county recorder shall collect from the boat owner, at the time of the transaction, the following writing fees:

1. For a new registration, [fifty cents] *one dollar.*

2. For renewal of a registration, [fifty cents] *one dollar.*

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3. For a duplicate registration, [twenty-five cents] *one dollar.*

4. For a new registration upon a change of address or a change of name, but only if the owner requests a new registration be issued [to him, twenty-five cents] *one dollar.*

Sec. 3. Section three hundred twenty-one G point four (321G.4), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The owner of such snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the snowmobile and shall be accompanied by a fee of twelve dollars and a writing fee of [fifty cents] *one dollar.* Proof of payment of Iowa sales or use tax must accompany all applications for registration. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter the same upon [his] *the recorder's* records and shall issue to the applicant

a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to [such] *the* snowmobile and the name and address of the owner. The registration certificate shall be carried either in the snowmobile or on the person of the operator of [such] *the* machine when in use. The operator of a snowmobile shall exhibit the registration certificate to any peace officer upon request or to the owner or operator of another snowmobile or to the owner of any other personal or real property when involved in a collision or accident of any nature with a snowmobile or the property of another person.

Sec. 4. Section three hundred thirty-one point twenty-two (331.22), Code 1979, is amended to read as follows:

331.22 COMPENSATION OF SUPERVISORS. The board of supervisors shall receive an annual salary or per diem compensation as provided in section 340A.6. The annual salary or per diem shall be in full payment for all services rendered to the county except that each member of the board is entitled to reimbursement for mileage expense incurred while engaged in the performance of official duties at the same rate as provided by law for state employees. The total mileage expense [for a member of the board of supervisors shall

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not exceed one thousand five hundred dollars per year unless the board of supervisors by resolution adjusts the maximum amounts payable to each of the members, but in any event the aggregate amount of mileage expense] for all members shall not exceed the product of [one thousand five hundred dollars] *the rate of mileage allowed by law for state employees* multiplied by the total number of members of the board of supervisors *times ten thousand.*

Sec. 5. Section three hundred thirty-three point fifteen (333.15), subsection one (1), Code 1979, is amended to read as follows:

1. For transfers made in the transfer books, [one dollar] *five dollars* for each separate parcel of real estate described in any deed, or transfer of title

certified by clerks of district courts[, provided, however]. *However*, if several parcels are described in any one [such] instrument and the parcels are contiguous or separated only by public streets or highways, the fee shall not exceed [five] *fifty* dollars. A parcel of real estate outside of the limits of cities shall be all the unplatted land described in any deed or transfer of title lying within one numbered section of land.

Sec. 6. Section three hundred thirty-five point fourteen (335.14), subsection one (1), Code 1979, is amended to read as follows:

1. For *filing or* recording each instrument, three dollars for each page or fraction [thereof] *of a page.*

Sec. 7. Section five hundred forty-seven point three (547.3), Code 1979, is amended to read as follows:

547.3 FEE FOR RECORDING. The county recorder shall be entitled to charge and receive a fee of [two] *three* dollars for each verified statement filed under the provisions of this chapter.

Sec. 8. Section three hundred thirty-seven point eleven (337.11), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

1. For serving a notice and making return thereof, for the first person served, [three] *six* dollars, and each additional person, [three] *six* dollars except the fee for serving additional persons in the same household shall be [one dollar] *three dollars* for each additional service.

2. For each warrant served, [three] *six* dollars, and the repayment of necessary expenses incurred, in executing [such] *the* warrant, as sworn to by the sheriff; if service of the warrant cannot be made, the repayment of all necessary expenses actually

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incurred by the sheriff while attempting in good faith to serve [such] *the* warrant.

3. For serving and returning a subpoena, for each person served, [three] *six* dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or insane process.

Sec. 9. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Winterset Madisonian, a newspaper published in Winterset, Iowa, and in the Bettendorf News, a newspaper published in Bettendorf, Iowa."

2. Amend the title, by striking all of the title

after the word "Act" in line 1 and inserting in lieu thereof the words "relating to fees by increasing the transfer fees of county auditors, increasing sheriff's fees for service of warrants, original notices and subpoenas, increasing county recorder's fees relating to filing of instruments and writing fees for boat and snowmobile registrations, and eliminating restrictions on travel expenses for county boards of supervisors."

HOUSE AMENDMENT TO SENATE FILE 2229

S—5968

Amend Senate File 2229 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Sections two (2) through six (6) of this Act shall not be codified and are effective only for the fiscal year beginning July 1, 1980 for the purpose of establishing a pilot program contingent upon the receipt of funds other than a direct appropriation for the fiscal year 1980-1981. The first session of the Sixty-ninth General Assembly shall review the operations of the program and determine the feasibility of its continuance.

Sec. 2. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. 'Appellate defender' means the state appellate defender.

2. 'Indigent' means a person found by the trial court to be unable to retain legal counsel without prejudicing the person's financial ability to provide economic necessities for the person and the person's dependents.

Sec. 3. CREATION OF OFFICE. The office of state appellate defender is established as a pilot program for the fiscal year beginning July 1, 1980. The governor shall appoint the state appellate defender and establish the appellate defender's salary.

Sec. 4. QUALIFICATIONS OF APPELLATE DEFENDER. Only persons admitted to practice law in this state shall be appointed appellate defender or assistant appellate defender.

Sec. 5. DUTIES OF APPELLATE DEFENDER. The appellate defender shall represent indigents on appeal in criminal cases and in proceedings to obtain postconviction relief when appointed to do so by the district court in which the judgment or order was issued and shall not engage in the private practice

of law. The court may, upon the application of the indigent or the indigent's trial attorney, or on its own motion, appoint the appellate defender to represent the indigent on appeal or in postconviction proceedings.

Sec. 6. STAFF. The appellate defender may appoint assistant appellate defenders who, subject to the direction of the appellate defender, shall have the same duties as the appellate defender and shall not engage in the private practice of law. The salaries of the staff shall be fixed by the appellate defender. The appellate defender and his or her staff shall receive actual and necessary expenses, including travel at the state rate set forth in section eighteen

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point one hundred seventeen (18.117) of the Code.

Sec. 7. This Act is repealed June 30, 1981."

HOUSE AMENDMENT CONSIDERED
(Deferred April 22, 1980)

Senate File 2230

The Senate resumed consideration of Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, House amendment S—5748 and amendment S—5796 to House amendment S—5748, deferred on April 22, 1980.

Senator Ramsey withdrew amendment S—5796 to House amendment S—5748, deferred on April 22, 1980.

Senator Small withdrew the following amendments filed by him to House amendment S—5748:

S—5820 filed April 22, 1980.

S—5830 filed April 23, 1980.

S—5833 filed April 23, 1980.

S—5854 filed April 24, 1980.

S—5855 filed April 24, 1980.

S—5953 filed April 25, 1980.

S—5954 filed April 25, 1980.

S—5955 filed April 25, 1980.

Senator Taylor moved that the Senate concur in House amendment S—5748.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Taylor 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. 2230) the vote was:

Ayes, 40:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Comito	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Robinson
Schwengels	Scott	Slater	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 8:

Carr	Craft	DeKoster	Deluhery
Kudart	Orr	Rush	Small

Absent or not voting, 2:

Murray	Rodgers

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 58, Senator Hultman called up the following Report of Investigating Committee:

As a member of the Iowa State Commerce Commission, Christine A. Hansen, filed April 25, 1980, and found on page 1777 of the Senate Journal.

Senator Hester asked and received unanimous consent to dispense with the reading of the Report of Investigating Committee.

Senator Hester moved the adoption of the Report of Investigating Committee, which motion prevailed by a voice vote and the report was adopted.

Senator Hester moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Robinson	Rush	Schwengels	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 4:

Brown	Orr	Rodgers	Scott

The Chair declared the appointment confirmed.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2583.

House File 2583

On motion of Senator Bisenius, House File 2583, a bill for an act relating to the duties of the county finance committee and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Bisenius moved that the bill 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. 2583) the vote was:

Ayes, 44:

Bergman	Bisenius	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Robinson	Rodgers	Rush
Schwengels	Scott	Slater	Small
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Baugher	Briles	Calhoon	Comito
Kudart	Taylor		

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 26, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors and authorizing the levying of a tax by watershed funding districts.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 2357

S—5973

1 Amend Senate File 2357, as amended, passed and
2 reprinted by the Senate, as follows:

1. By striking page 1, line 33 through page 3, line 6 and inserting in lieu thereof the following:

"2. The board of directors of a conservancy district which has been divided into wards under subsection one (1) of this section shall consist of one director from each ward so established, who shall be elected as provided by subsection three (3) of this section. Each director shall serve a term of three years beginning on the first day of January, following that director's election, which is not a Sunday or a holiday. When a proposal for establishment of wards in a conservancy district has been approved by the state soil conservation committee, the members of the first elected board shall be chosen as provided by subsection three (3) of this section except that the election shall be held not more than one hundred eighty days after the date of approval of the proposal for establishment of wards. The first elected board of directors shall take office on a day specified by the state soil conservation committee, which shall be not more than thirty days after election of the directors is completed. Upon taking office, the first elected board shall divide itself by lot into three classes as nearly equal in size as possible. Thereafter, successors to members of the first class shall be elected in the first succeeding calendar year, successors to members of the second class shall be elected in the second succeeding calendar year, and successors to members of the third class shall be elected in the third succeeding calendar year after the year in which the first elected board takes office.

3. Each member of a conservancy district board of directors shall be elected at a ward convention attended by delegates chosen by and from among the commissioners of the respective soil conservation districts located entirely or partially within that ward.

a. A convention shall be held for each ward not earlier than October first nor later than November thirtieth of each year in which a director is to be elected from that ward. Each ward convention shall be called and its location shall be determined by the board of directors of the conservancy district of which the ward is a part. The conventions shall be held within the boundaries of the respective wards, and may be held in conjunction with other meetings attended by soil conservation district commissioners where doing so will avoid or reduce expense for travel

Page 2

and for use of convention sites. Notice of the time, date and place of a ward convention shall be published by the conservancy district board of directors, at least thirty days prior to the convention date, in at least one newspaper of general circulation in the ward. The cost of publication shall be paid by the conservancy district.

b. The commissioners of each separate soil conservation district located entirely or partially within a conservancy district ward shall jointly cast a single, weighted vote for director of the conservancy district from that ward. The weight of the vote cast by the commissioners of each soil conservation district shall be based upon the ratio that the population of the soil conservation district, or portion of the district, bears to that of the entire ward. The population of each soil conservation district, or portion of a district, shall be certified by the department of soil conservation.

c. A candidate for election to the conservancy district board from a ward may file a statement of candidacy with the secretary of the conservancy district board at least ten days before the date of that ward's convention. The statement of candidacy shall state the candidate's name and address and shall indicate the soil conservation district within which the candidate resides. The list of candidates in each ward where an election is to occur shall be sent by ordinary mail to the commissioners of each soil conservation district located entirely or partially within the ward, immediately after the last day for filing. The filing of a statement of candidacy shall not be a prerequisite for election as a conservancy district director. A delegate to a ward convention shall not be bound by the soil conservation district commissioners to pledge his or her vote to any candidate prior to the date of the convention."

2. Page 3, line 10, by inserting after the word "board." the words "A conservancy district board member need not be a soil conservation district commissioner, but the same individual may hold both offices concurrently."

3. Page 3, lines 19 and 20, by striking the words "as provided by section sixty-nine point twelve (69.12) of the Code".

4. By striking page 3, line 21 through page 4, line 5.

5. Page 5, line 6, by striking the word "July"

and inserting in lieu thereof the word "January".

6. By striking page 6, line 8 through page 14,

Page 3

line 28.

7. By striking page 19, line 16 through page 21, line 18, and inserting in lieu thereof the following:

"Sec. ____. Section four hundred sixty-seven A point thirteen (467A.13), Code 1979, is amended to read as follows:

467A.13 PURPOSE OF SUBDISTRICTS. Subdistricts of a soil conservation district may be formed as hereinafter provided for the [purpose] *purposes of cooperating with conservancy districts and* of carrying out watershed protection and flood prevention programs within the subdistrict but may not be formed solely for the purpose of establishing or taking over the operation of an existing drainage district.

Sec. ____. Section four hundred sixty-seven A point twenty-four (467A.24), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The amount of benefit appraised to each forty acres of land within the subdistrict shall be determined by the improvements within said subdistrict based upon the work plan as agreed upon by the subdistrict [and furnished by the United States soil conservation service."]

8. Title, by striking lines 2 through 7 and inserting in lieu thereof the words "district boards of directors, and adjusting the statutory boundaries of certain conservancy".

IMMEDIATELY MESSAGED

Senator Holden asked and received unanimous consent that the following bills be immediately messaged to the House:

S. F. 2230
H.F. 2277
H.F. 2583
H.C.R. 120

RECESS

On motion of Senator Holden, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:03 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

UNANIMOUS CONSENT

Senator Junkins asked and received unanimous consent that the Pages wishing to leave the Senate prior to adjournment in order to attend their respective school proms be allowed to do so.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 26, 1980, 10:45 a.m.

Members Present: Murray, Chairperson; Taylor, Vice Chairperson; Bisenius, Carr, DeKoster, Hultman, Junkins, Schwengels, Scott, Small, Tieden and Van Gilst.

Members Absent: Palmer, Ranking Member; Nystrom and Readinger.

Final Action: HOUSE FILE 2595, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Murray, Taylor, Bisenius, Carr, DeKoster, Hultman, Junkins, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none. Absent or not voting, 3: Palmer, Nystrom and Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 10:50 a.m.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2595.

House File 2595

On motion of Senator Murray, House File 2595, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council, with report of committee recommending passage, was taken up for consideration.

Senator Scott offered amendment S—5970 filed by Senators Scott, et al., from the floor to page 2 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5970 be adopted?" (H.F. 2595) the vote was:

Ayes, 23:

Bisenius	Brown	Calhoon	Carr
Coleman	Deluhery	Drake	Gallagher
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Nystrom	Orr	Priebe	Rush
Schwengels	Scott	Slater	Small
Taylor	Van Gilst	Yenger	

Nays, 26:

Baugher	Bergman	Briles	Carney
Comito	Craft	DeKoster	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Kinley
Kudart	Miller, E.R.	Murray	Palmer
Ramsey	Readinger	Robinson	Rodgers
Tieden	Waldstein		

Absent or not voting, 1:

Jensen

Amendment S—5970 lost.

Senator Scott offered amendment S—5965 filed by him from the floor to pages 2, 4 and 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5965 be adopted?" (H.F. 2595) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Brown	Calhoon	Carr	Coleman
Deluhery	Gallagher	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Robinson	Rush
Scott	Slater	Small	Taylor

Nays, 27:

Baugher	Bergman	Bisenius	Briles
Carney	Comito	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Miller, E.R.
Murray	Ramsey	Readinger	Schwengels
Tieden	Waldstein	Yenger	

Absent or not voting, 3:

Nystrom	Rodgers	Van Gilst

Amendment S—5965 lost.

(Action on House File 2595 pending.)

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 26, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2369, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the act retroactive.

ALSO: That the House has on April 26, 1980, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2378, a bill for an act creating the Iowa railway finance authority to aid in the construction and renovation of railway facilities.

ALSO: That the House has on April 26, 1980, insisted on its amendment to House File 2535, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, and that the members of the Conference Committee on the part of the House are: The Representative from Story, Mr. Crawford, Chair; the Representative from Black Hawk, Miss Brandt; the Representative from Polk, Mr. Byerly; the Representative from O'Brien, Mr. Hansen; and the Representative from Hancock, Mr. Stromer.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 2378

S—5977

Amend Senate File 2378 as amended, passed and reprinted as follows:

1. Page 4, line 28, by striking the words "a majority of the" and inserting in lieu thereof the words "at least three".

2. Page 7, line 18, by striking the words "or operate".

3. Page 7, by inserting after line 23 the following:

"19. Temporarily operate a railway facility under this Act if sufficient need exists or there is an emergency situation as determined by a majority of the board."

4. Page 8, by striking lines 3 through 6.

5. Page 8, by striking line 15 and inserting in lieu thereof the words:

"10. Provide an economically designed and reproduced annual report to the members of the general assembly who request it con-".

6. Page 10, line 15, by inserting after the word "Act" the words ", and judgments based on contract or tort arising from the activities of the authority or persons acting on its behalf,".

7. Page 10, line 20, by inserting after the word "bonds" the words "or judgments, or for the idemnification of a person subject to a judgment arising from that person's actions on the authority's behalf".

8. Page 12, line 30, by inserting after the word "provisions" the words ", except section twenty-five A point eleven (25A.11) of the Code,"

9. Page 12, line 31, by inserting after the period

the words "Any awards to a claimant under chapter twenty-five A (25A) of the Code resulting from actions involving the board or a person acting in the board's behalf shall be payable solely from funds of the authority and funds received from the state shall not be used to pay such awards."

10. Page 13, lines 8 and 9, by striking the word "chapter" and inserting in lieu thereof the word "Act".

11. Page 13, by striking lines 12 through 15 and inserting in lieu thereof the following:

"Sec. 19. The governor shall appoint all members of the governing board under section six (6) of this Act within eight weeks from the effective date of this Act."

12. Page 14, by inserting after line 10 the following:

"3. Upon the acquisition by the department of

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payment from the railway company in full liquidation of the delinquent taxes including payment by means of transfer of title to rights of way or other real estate, any tax lien existing prior to such acquisition on the property on which the taxes were delinquent shall be null and void and the department shall not pay any of those delinquent taxes to the county treasurer."

13. Title page, line 3, by inserting after the word "bonds" the words "and providing for the collection of delinquent property taxes of railway companies by the department of transportation".

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2535** on the part of the Senate: Senators Nystrom, Chairperson; Schwengels, Comito, Slater and Carr.

BUSINESS PENDING

House File 2595

The Senate resumed consideration of House File 2595.

Senator Carr asked and received unanimous consent to withdraw amendment S—5967 filed by Senators Carr, et al., from the floor to pages 6 and 7 of the bill.

President pro tempore Hansen took the chair at 2:20 p.m.

Senator Carr offered amendment S—5976 filed by Senators Carr and Palmer from the floor to pages 6 and 7 of the bill and called for a division: lines 3 through 24 as division S—5976A; lines 25 through 30 as division S—5976B.

Senator Carr moved the adoption of division S—5976A.

A record roll call was requested.

On the question "Shall division S—5976A be adopted?" (H.F. 2595) the vote was:

Ayes, 16:

Brown	Calhoon	Carr	Deluhery
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Orr	Palmer	Priebe	Robinson
Rush	Scott	Slater	Van Gilst

Nays, 31:

Baugher	Bergman	Bisenius	Briles
Carney	Coleman	Comito	Craft
DeKoster	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kudart	Miller, E.R.	Murray
Ramsey	Readinger	Small	Taylor
Tieden	Waldstein	Yenger	

Absent or not voting, 3:

Nystrom	Rodgers	Schwengels

Division S—5976A lost.

Senator Carr asked and received unanimous consent to withdrawn division S—5976B.

Senator Slater offered amendment S—5966 filed by Senators Slater, et al., from the floor to page 7 of the bill.

(Action on House File 2595 pending.)

RESOLUTION ASSIGNED TO COMMITTEE

President pro tempore Hansen announced the assignment of **House Concurrent Resolution 130** to the committee on **Rules and Administration.**

BUSINESS PENDING

House File 2595

The Senate resumed consideration of House File 2595 and amendment S—5966.

Senator Slater moved the adoption of amendment S—5966.

A non record roll call was requested.

The ayes were 22, nays 27.

Amendment S—5966 lost.

Senator Coleman offered amendment S—5971 filed by him from the floor to page 8 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 27.

Amendment S—5971 lost.

Senator Priebe offered amendment S—5972 filed by Senators Priebe, Van Gilst and Slater from the floor to page 9 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5972 be adopted?" (H.F. 2595) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Baugher	Brown	Calhoon	Carr
Coleman	Deluhery	Gallagher	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Orr	Palmer	Priebe
Robinson	Rush	Scott	Slater
Van Gilst			

Nays, 24:

Bergman	Bisenius	Briles	Carney
Craft	DeKoster	Drake	Gentleman

Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Kudart
Miller, E.R.	Murray	Ramsey	Readinger
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 5:

Comito	Nystrom	Rodgers	Schwengels
Small			

Amendment S—5972 lost.

President Brandstad took the chair at 3:30 p.m.

Senator Ramsey offered amendment S—5979 filed by Senators Ramsey, et al., from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5979 be adopted?" (H.F. 2595) the vote was:

Ayes, 29:

Baugher	Bisenius	Briles	Brown
Calhoon	Coleman	Deluhery	Gallagher
Gratias	Hansen	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rush	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Yenger			

Nays, 16:

Bergman	Carney	Craft	DeKoster
Drake	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Miller, E.R.	Murray	Waldstein

Absent or not voting, 5:

Carr	Comito	Nystrom	Rodgers
Schwengels			

Amendment S—5979 was adopted.

Senator Bisenius asked and received unanimous consent to

withdraw amendment S—5980 filed by Senators Bisenius, et al., from the floor to page 2 of the bill.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2595) the vote was:

Ayes, 33:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Jensen	Kudart
Miller, C.P.	Miller, E.R.	Murray	Orr
Priebe	Ramsey	Readinger	Robinson
Slater	Taylor	Tieden	Waldstein
Yenger			

Nays, 12:

Brown	Coleman	Hultman	Hutchins
Junkins	Kinley	Miller, A.V.	Palmer
Rush	Scott	Small	Van Gilst

Absent or not voting, 5:

Carr	Comito	Nystrom	Rodgers
Schwengels			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2595** be immediately messaged to the House, which request was complied with.

BUSINESS PENDING

House File 2584

The Senate resumed consideration of House File 2584, previously deferred.

Senator Readinger offered amendment S—5978 filed by Senators Readinger and Rush from the floor to pages 2, 4, 6 and 7 of the bill and moved its adoption.

Amendment S—5978 was adopted by a voice vote.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2584) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Coleman
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rush	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Carr	Comito	Rodgers	Schwengels

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2584** be immediately messaged to the House, which request was complied with.

BUSINESS PENDING

Senate File 2361

The Senate resumed consideration of Senate File 2361 and the conference committee report, previously deferred.

Senator Jensen moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Jensen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2361) the vote was:

Ayes, 42:

Baugher	Bergman	Bisenius	Briles
Calhoon	Carney	Carr	Coleman
DeKoster	Deluhery	Drake	Gallagher
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Robinson	Schwengels
Slater	Small	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 5:

Brown	Craft	Gentleman	Rush
Scott			

Absent or not voting, 3:

Comito	Rodgers	Tieden

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 2361** be immediately messaged to the House, which request was complied with.

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2243

Senator Van Gilst called up the conference committee report on Senate File 2243, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, filed April 25, 1980, found on pages 1780-1786 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein 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. 2243) the vote was:

Ayes, 47:

Baugher	Bergman	Bisenius	Briles
Brown	Calhoon	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hansen	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Robinson
Rodgers	Rush	Schwengels	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

Comito	Miller, E.R.	Readinger

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 Hultman asked and received unanimous consent that **Senate File 2243** be immediately messaged to the House, which request was complied with.

SECOND CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 344

Senator Holden called up the second conference committee report on Senate File 344, a bill for an act relating to access to and use of solar energy, filed April 23, 1980, found on pages 1635-1637 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 344) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bergman	Bisenius	Briles	Brown
Calhoon	Carr	Craft	Deluhery
Gallagher	Gentleman	Goodwin	Hansen
Holden	Junkins	Miller, C.P.	Murray
Nystrom	Orr	Rush	Scott
Slater	Small	Van Gilst	Yenger

Nays, 24:

Baugher	Carney	Coleman	Comito
DeKoster	Drake	Gratias	Hester
Hulse	Hultman	Hutchins	Jensen
Kudart	Miller, A.V.	Miller, E.R.	Priebe
Ramsey	Readinger	Robinson	Rodgers
Schwengels	Taylor	Tieden	Waldstein

Absent or not voting, 2:

Kinley	Palmer

The Chair voted "aye" to break the tie and the conference committee report was adopted.

Senator Holden moved that the bill be read 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, 22:

Bergman	Bisenius	Brown	Calhoon
Carr	Craft	Deluhery	Gallagher
Gentleman	Goodwin	Holden	Junkins
Kudart	Miller, C.P.	Murray	Orr
Rodgers	Rush	Scott	Slater
Small	Van Gilst		

Nays, 25:

Baugher	Carney	Coleman	Comito
DeKoster	Drake	Gratias	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Miller, A.V.	Miller, E.R.	Nystrom
Priebe	Ramsey	Readinger	Robinson
Schwengels	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 3:

Briles	Kinley	Palmer

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

CONSIDERATION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 142.

Senate Concurrent Resolution 142

On motion of Senator Craft, Senate Concurrent Resolution 142, a resolution requesting the department of revenue to submit a new productivity formula for valuing and assessing, agricultural property to the committees on Ways and Means for review, filed April 25, 1980, and found on page 1730 of the Senate Journal, was taken up for consideration.

Senator Craft moved the adoption of Senate Concurrent Resolution 142, which motion prevailed by a voice vote.

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 26, 1980, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 190, a bill for an act relating to the perfection and enforcement of a mechanic's lien.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2580, a bill for an act relating to appropriations to various state agencies for supplemental appropriations.

ALSO: That the House has on April 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2593, a bill for an act relating to certain administrative and financial procedures of certain public schools.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2597, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics and providing for the reimbursement of each taxing district in an amount equal to the statement filed under section four hundred twenty-seven A point six (427A.6) of the Code.

ALSO: That the House has on April 26, 1980, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 126, a resolution relating to autistic children.

ALSO: That the House has on April 26, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 128, a resolution relating to jurisdictional transfers of roads or streets.

ALSO: That the House has on April 26, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 134, a resolution pertaining to a freeze on hiring of new employees for the legislature, restriction of out-of-state legislative travel and reduction of interim costs.

ALSO: That the House has on April 26, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 138, a resolution urging the citizens of Iowa to participate in and achieve the goals of Iowa Freedom Day.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 2593, a bill for an act relating to certain administrative and financial procedures of certain public schools.

Read first time and referred to the committee on **Appropriations.**

HOUSE CONCURRENT RESOLUTION 128
By: Danker, Clark of Lee, Binneboese, Branstad, Bruner, Clark of Cerro Gordo, Connolly, Dieleman, Doyle, Gettings, Hanson of Delaware, Howell, Hullinger, Johnson of Howard, Johnson of Linn, Lageschulte, Oxley, Schnekloth, Shull, Smalley, Swearingen, Tofte, Welsh and Tyrrell

Whereas, the implementation of functional classification has taken place as of July 1, 1979 as directed by Chapter 1108 of the Acts of the sixty-seventh general assembly; and

Whereas, such implementation involves the transfer of various highways and streets among the three jurisdictions; and

Whereas, fuel tax increases and jurisdictional percentage allocations from the road use tax fund as provided in Chapter 1108 of the Acts of the sixty-seventh general assembly were based, in part, on the functional classification in effect on January 1, 1973, on the number of miles of highways and streets which were candidates for transfer under that classification and on the highway and street needs assigned to those transfers for each jurisdiction, as for example, effective January 1, 1973 the counties would have a net gain of 431 miles of former primary highways at an assigned annual increase in needs of $10.9 million; and

Whereas, since the passage of Chapter 1108 of the Acts of the sixty-seventh general assembly, the diminution in the road use tax fund has resulted in increased revenues to the three jurisdictions of only about 50% of the amount

anticipated and, at the same time, the dollar needs' amounts assigned to the transferred highways and streets has increased dramatically due to inflation; while appeals of the 1973 functional classifications that have already been filed and are proposed to be filed could more than double the net mileage of primary roads for which the counties would be benefited than was envisioned during consideration of Chapter 1108 of the Acts of the sixty-seventh general assembly; and

Whereas, the financial circumstances and the mileages

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involved have changed substantially since Chapter 1108 of the Acts of the sixty-seventh general assembly was passed to the point that those jurisdictions receiving a net increase in mileage will find it very difficult to provide necessary and desired services to their respective systems of highways and streets; *Now Therefore*,

Be It Resolved by the House of Representatives, The Senate Concurring, That jurisdictional transfers of roads of streets as required by Chapter 1108 of the Acts of the sixty-seventh general assembly be restricted to classifications of record as of January 1, 1973 until the enactment of legislation which compensates state, county and municipal jurisdictions for additional highway, road or street needs resulting from such transfers; and

Be It Further Resolved, That notwithstanding the foregoing, future transfers of jurisdiction should take place if agreements are entered into by the jurisdictional divisions of government involved in the transfer of such roads and streets.

Read first time and **passed on file.**

HOUSE CONCURRENT RESOLUTION 134
By: Committee on Appropriations

Whereas, the state revenue projections for the current fiscal year and for the 1981 fiscal year require a prompt response of cost-saving measures; and

Whereas, the governor has announced a series of actions designed to save state funds within the executive branch; and

Whereas, the legislature has previously taken a responsive approach to hold down the legislative costs during the session and interim by adopting resolutions

which establish budget guidelines; *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the administration committees in the house of representatives and the senate be directed to establish a freeze on the hiring of new employees and that requests to fill vacant positions be carefully reviewed; and

Be It Further Resolved, That the speaker of the House and the president of the senate be urged to restrict out-of-state travel for legislators and staff unless they determine that the failure to authorize the travel will impair the ability of the general assembly to fulfill its functions; and

Be It Further Resolved, That each member of the general assembly make every effort to reduce interim costs of travel, copying, telephone and postage as his or her individual effort to reduce the costs of the operation of the legislature and maintain the general fund.

Read first time and **passed on file.**

HOUSE CONCURRENT RESOLUTION 138
By: Pelton, DeGroot, Howell, Krewson, Gettings, Walter, Hibbs, Bruner, McKean, Ritsema, Hullinger, Pellett, O'Kane, Rapp, Poffenberger, Larsen, Mullins, Perkins, Binneboese, Danker, Lind, Smalley, Van Maanen, Sherzan, Cusack, Renken, Conlon, Johnson of Linn and Kirkenslager

Whereas, the governor of Iowa has proclaimed Wednesday, May 14, 1980 as Iowa Freedom Day; and

Whereas, this day has been designated to demonstrate our potential for conserving gasoline by exercising our transportation options; and

Whereas, the citizens of Iowa will not lose their mobility or effectiveness to do business by carpooling or ridesharing or using public transportation or riding bicycles or mopeds or motorcycles or walking or using the telephone in place of unnecessary travel; and

Whereas, the goal of Iowa Freedom Day is to reduce consumption of gasoline by fifty percent or two million gallons of that normally used in motor vehicles in Iowa on any given day in the month of May; and

Whereas, the reduction in consumption of gasoline by fifty percent on this day will thereby cut imports of foreign oil by over fifty thousand barrels and keep one point five million dollars in Iowa's economy which otherwise would be lost; and

Whereas, this reduction is for gasoline only and will

not affect fuels needed by Iowa's farmers in order to plant crops; and

Whereas, this one day effort is for the common good of Iowa and the nation, *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa general assembly supports and hereby urges our citizens to wholeheartedly participate in, and achieve the stated goals of, Iowa Freedom Day.

Read first time and **passed on file.**

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2580

S—5981

Amend the Senate amendment H—6362 to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, line 39, by striking the words *"at Terrace Hill"*.

2. Page 4, by striking line 15.

3. Page 5, by striking lines 31 through 34 and inserting in lieu thereof the following:

"21. Page 40, line 6 by striking the words 'drugs, podiatry' and inserting in lieu thereof the word 'drugs.'.

22. Page 40, by striking line 7."

4. Page 6, by inserting after line 2 the following:

"____. Second title page, by striking line 15 and inserting in lieu thereof the following: 'services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under chapter two hundred forty-nine A (249A) of the Code, and appropriating funds for the merit employment commission and the older Iowans' legislature.' "

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate Concurrent Resolution 142** be immediately messaged to the House, which request was complied with.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2378

Senator Drake called up for consideration Senate File 2378, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation, amended by the House, and moved that the Senate concur in House amendment S—5977 filed April 26, 1980, and found on pages 1812-1813 of the Senate Journal.

The motion prevailed by a voice vote 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. 2378) the vote was:

Ayes, 38:

Baugher	Bisenius	Calhoon	Carney
Coleman	Craft	DeKoster	Deluhery
Drake	Gallagher	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Orr	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Scott
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 3:

Gentleman	Kinley	Palmer

Absent or not voting, 9:

Bergman	Briles	Brown	Carr

Comito Hultman Nystrom Schwengels
Slater

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

ADOPTION OF RESOLUTION

Senator Junkins asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 115
By: Junkins and Hultman

Whereas, Senator Cloyd Robinson has decided that he will not again seek re-election to the Iowa General Assembly after serving two terms in the Iowa Senate; and

Whereas, Senator Cloyd Robinson has served honorably as a member of the Iowa Senate; and

Whereas, Senator Cloyd Robinson has served with notable distinction as the chairperson of both the Committee on Transportation and the Committee on Labor and Industrial Relations and on various other committees; and

Whereas, Senator Cloyd Robinson has demonstrated considerable knowledge and understanding in the areas of transportation, industrial relations and legislative ethics; and

Whereas, Senator Cloyd Robinson's participation in the legislative process and his efforts in making legislation fair and reasonable are appreciated by his fellow legislators and by the people of this state; *Now Therefore*,

Be It Resolved by the Senate, That the members of the Senate of the Sixty-eighth General Assembly recognize Senator Cloyd Robinson for his efforts and accomplishments in the legislature; and

Be It Further Resolved, That the members of the Senate of the Sixty-eighth General Assembly extend their sincerest gratitude to Senator Cloyd Robinson for his years of devoted service to the General Assembly and to the people of Iowa; and

Be It Further Resolved, That a copy of this resolution certified by the Secretary of the Senate of the State of Iowa be forwarded to Senator Cloyd Robinson.

Senator Junkins moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

Senator Robinson addressed the Senate with brief remarks.

HOUSE AMENDMENT CONSIDERED

Senate File 2357

Senator Schwengels called up for consideration Senate File 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment of watershed funding districts and for the board of directors of the conservancy district within which a watershed funding district is established to act as the governing board of the watershed funding district, and authorizing the levying of a tax by watershed funding districts, amended by the House, and moved the Senate concur in House amendment S—5973 filed April 26, 1980, and found on pages 1805-1808 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Schwengels 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. 2357) the vote was:

Ayes, 48:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Robinson	Rodgers	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Briles	Brown

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

BILL ASSIGNED TO COMMITTEE

President Branstad announced that **House File 2596** was assigned to the committee on **Judiciary.**

HOUSE AMENDMENTS CONSIDERED

Senate File 2229

Senator DeKoster called up for consideration Senate File 2229, a bill for an act establishing the office of state appellate defender, amended by the House, and moved that the Senate concur in House amendment S—5968 filed April 26, 1980, and found on pages 1801-1802 of the Senate Journal.

The motion prevailed by a voice vote 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. 2229) the vote was:

Ayes, 46:

Baugher	Bergman	Bisenius	Calhoon
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Miller, E.R.	Murray	Nystrom	Orr
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 4:

Briles	Brown	Robinson	Schwengels

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2125

Senator Miller of Des Moines called up for consideration Senate File 2125, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor, amended by the House by House amendment S—5969 filed April 26, 1980, and found on pages 1797-1801 of the Senate Journal.

Senator Coleman took the chair at 6:17 p.m.

Senator Miller of Des Moines moved that the Senate concur in House amendment S—5969.

A non record roll call was requested.

The ayes were 27, nays 18.

The motion prevailed and the Senate concurred in the House amendment.

Senator Miller of Des Moines 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. 2125) the vote was:

Ayes, 28:

Bergman	Bisenius	Coleman	Craft
Drake	Gentleman	Goodwin	Gratias
Hansen	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Priebe	Readinger
Schwengels	Small	Van Gilst	Waldstein

Nays, 15:

Baugher	Carney	Carr	DeKoster
Deluhery	Gallagher	Holden	Orr
Palmer	Ramsey	Rush	Scott
Slater	Tieden	Yenger	

Absent or not voting, 6:

Briles	Brown	Calhoon	Comito
Robinson	Rodgers	Taylor	

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

ADOPTION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 117
By: Hultman and Junkins

Whereas, Senator Elizabeth Miller has decided that she will not again seek re-election to the Iowa General Assembly after serving two terms in the Iowa Senate and two terms in the Iowa House of Representatives; and

Whereas, Senator Elizabeth Miller has served honorably as a member of the Iowa General Assembly and with notable distinction as the chairperson of the Committee on Natural Resources and on various other committees, including Agriculture, State Government and County Government; and

Whereas, Senator Elizabeth Miller has demonstrated considerable knowledge and understanding in many areas of legislative concern particularly in agricultural matters and land use; and

Whereas, Senator Miller began to urge the mandatory return of bottles when she first came to the Senate, and has finally seen the fruition of her efforts with the enactment of Senate File 388; and

Whereas, Senator Miller has been an active member of the National Association of Women Legislators and has always shown concern for women who were less independent-thinking and liberated than she, and has accordingly helped sponsor bills for women, such as the Displaced Homemaker legislation; and

Whereas, Senator Elizabeth Miller's participation in the legislative process and her efforts in making legislation fair and reasonable are appreciated by her fellow legislators and by the people of this state; *Now Therefore*,

Be It Resolved by the Senate, That the members of the Senate of the Sixty-eighth General Assembly recognize Senator Elizabeth Miller for her efforts and accomplishments in the legislature; and

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Be It Further Resolved, That the members of the Senate of the Sixty-eighth General Assembly extend their sincerest gratitude to Senator Elizabeth Miller for her years of devoted service to the General Assembly and to the people of Iowa;

and

Be It Further Resolved, That a copy of this resolution certified by the Secretary of the Senate of the State of Iowa be forwarded to Senator Elizabeth Miller.

Senator Hultman moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

Senator Miller of Marshall addressed the Senate with brief remarks.

REPORT OF COMMITTEE

APPROPRIATIONS

Final Action: HOUSE FILE 2593, a bill for an act relating to certain administrative and financial procedures of certain public schools.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Murray, Taylor, Bisenius, Carr, DeKoster, Hultman, Nystrom, Readinger, Schwengels, Scott, Small, Tieden, and Van Gilst. Nays, none. Absent or not voting, 2: Palmer and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration House File 2593.

House File 2593

On motion of Senator Gratias, House File 2593, a bill for an act relating to certain administrative and financial procedures of certain public schools, was taken up for consideration.

Senator Gratias moved that the bill 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. 2593) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Carney
Carr	Coleman	Comito	Craft
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hansen	Hester

Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Ramsey
Readinger	Robinson	Rush	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 6:

Briles	Brown	Calhoon	DeKoster
Priebe	Rodgers		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SECOND CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2475

Senator Gratias called up the second conference committee report on House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, filed April 24, 1980, found on pages 1708-1709 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 2475) the vote was:

Ayes, 32:

Baugher	Bergman	Carney	Comito
Craft	DeKoster	Deluhery	Drake
Goodwin	Gratias	Hansen	Hester
Holden	Hulse	Hultman	Jensen
Junkins	Miller, C.P.	Miller, E.R.	Murray
Nystrom	Orr	Priebe	Ramsey
Readinger	Robinson	Rush	Scott
Slater	Small	Taylor	Van Gilst

Nays, 13:

Bisenius	Carr	Gallagher	Gentleman

Hutchins	Kinley	Kudart	Miller, A.V.
Palmer	Schwengels	Tieden	Waldstein
Yenger			

Absent or not voting, 5:

Briles	Brown	Calhoon	Coleman
Rodgers			

The motion prevailed.

Senator Gratias moved that the bill 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. 2475) the vote was:

Ayes, 32:

Bergman	Carney	Craft	DeKoster
Deluhery	Drake	Goodwin	Gratias
Hansen	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Priebe	Ramsey	Readinger
Robinson	Rush	Schwengels	Scott
Slater	Taylor	Van Gilst	Yenger

Nays, 12:

Baugher	Bisenius	Carr	Gallagher
Gentleman	Hutchins	Kinley	Kudart
Palmer	Small	Tieden	Waldstein

Absent or not voting, 6:

Briles	Brown	Calhoon	Coleman
Comito	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 April 26, 1980, passed the following bill in which the concurrence of the Senate is asked:

House File 2598, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 2598, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

Read first time and referred to the committee on **Appropriations.**

ADOPTION OF RESOLUTIONS

Senator Junkins asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 116
By: Junkins and Hultman

Whereas, Senator Joann Orr has decided that she will not again seek re-election to the Iowa General Assembly after serving two terms in the Iowa Senate; and

Whereas, Senator Joann Orr has served honorably as a member of the Iowa Senate; and

Whereas, Senator Joann Orr has served with notable distinction as the chairperson of both the Committee on Education and the Appropriations Subcommittee on Regulatory and Finance and on various other committees; and

Whereas, Senator Joann Orr has demonstrated considerable knowledge and understanding in the areas of education, school finance, and human resources; and

Whereas, Senator Joann Orr's participation in the legislative process and her efforts in making legislation fair and reasonable are appreciated by her fellow legislators and by the people of this state; *Now Therefore*,

Be It Resolved by the Senate, That the members of the Senate of the Sixty-eighth General Assembly recognize Senator Joann Orr for her efforts and accomplishments in the legislature; and

Be It Further Resolved, That the members of the Senate of the Sixty-eighth General Assembly extend their sincerest gratitude to Senator Joann Orr for her years of devoted service to the General Assembly and to the people of Iowa; and

Be It Further Resolved, That a copy of this resolution certified by the Secretary of the Senate of the State of Iowa be forwarded to Senator Joann Orr.

Senator Junkins moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

Senator Orr addressed the Senate with brief remarks.

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 119
By: Hultman and Junkins

Whereas, Senator Irvin L. Bergman has decided that he will not again seek re-election to the Iowa General Assembly after serving two terms in the Iowa Senate and three terms in the Iowa House of Representatives; and

Whereas, Senator Irvin L. Bergman has served honorably as a member of the Iowa General Assembly for many years; and

Whereas, Senator Irvin L. Bergman has served with notable distinction as the chairperson of the Committee on Agriculture and on other committees, with long and dedicated service on the Social Services Appropriations Subcommittee and on various committees which are concerned with the needs of the elderly; and

Whereas, Senator Irvin L. Bergman has demonstrated considerable knowledge and understanding in the areas of agriculture and commerce; and

Whereas, Senator Bergman has had an early and continued interest in land use and local control of land use and has worked diligently for improvements in usury rates, insurance legislation for grain dealers, and warehouse legislation and

Whereas, Senator Bergman has long been interested in banking regulations so that he, too, may bank in Iowa instead of Minnesota; and

Whereas, Senator Irvin L. Bergman's participation in the legislative process and his efforts in making legislation fair and reasonable are appreciated by his fellow legislators and by the people of this state; *Now Therefore*,

Be It Resolved by the Senate, That the members of the Senate of the Sixty-eighth General Assembly recognize Senator Irvin L. Bergman for his efforts and accomplishments in the

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legislature; and

Be It Further Resolved, That the members of the Senate of the Sixty-eighth General Assembly extend their sincerest gratitude to Senator Irvin L. Bergman for his years of devoted service to the General Assembly and to the people of Iowa;

and
Be It Further Resolved, That a copy of this resolution certified by the Secretary of the Senate of the State of Iowa be forwarded to Senator Irvin L. Bergman.

Senator Hultman moved the adoption of Senate Resolution 119, which motion prevailed by a voice vote.

Senator Bergman addressed the Senate with brief remarks.

REPORT OF COMMITTEE

JUDICIARY

Final Action: HOUSE FILE 2596, a bill for an act to provide a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor under section ninety-three point eight (93.8) of the Code or a declaration of an energy emergency by the president of the United States under Pub. L. No. 96.102.

Recommendation. DO PASS.

Final Vote: Ayes, 9: DeKoster, Kudart, Baugher, Coleman, Gentleman, Murray, Ramsey, Scott and Slater. Nays, 2: Rush and Deluhery. Absent or not voting, 2: Briles and Hansen.

Fiscal Note. NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration House File 2596.

House File 2596

On motion of Senator Ramsey, House File 2596, a bill for an act to provide a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor under section ninety-three point eight (93.8) of the Code or a declaration of an energy emergency by the president of the United States under Pub. L. No. 96.102, was taken up for consideration.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2596) the vote was:

Ayes, 42:

Baugher	Bisenius	Briles	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Miller, E.R.	Murray	Nystrom
Orr	Palmer	Priebe	Ramsey
Readinger	Schwengels	Scott	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 3:

Holden	Kudart	Rush

Absent or not voting, 5:

Bergman	Brown	Calhoon	Robinson
Rodgers			

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 2580

Senator Murray called up for consideration House File 2580, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking peoples commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy

council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5981 to Senate amendment H—6362 filed April 26, 1980, and found on page 1827 of the Senate Journal.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Murray 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. 2580) the vote was:

Ayes, 45:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley

Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Scott	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Brown	Calhoon	Hester	Robinson
Rodgers			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2567.

House File 2567

On motion of Senator Craft, House File 2567, a bill for an act relating to the determination of actual and assessed value of property for tax purposes and defining that property which may not be included within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code and making the act retroactive, with report of committee recommending passage, was taken up for consideration.

Senator Craft moved that the bill 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. 2567) the vote was:

Ayes, 44:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.

Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Schwengels
Scott	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Yenger

Nays, 2:

Craft	Rush

Absent or not voting, 4:

Brown	Calhoon	Robinson	Rodgers

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Steering Calendar)

House File 2577

On motion of Senator Holden, House File 2577, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund and making the act retroactive, with report of committee recommending passage, was taken up for consideration.

Senator Holden withdrew amendment S—5831 filed by him on April 23, 1980, to page 1 of the bill.

Senator Holden moved that the bill 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. 2577) the vote was:

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hansen	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, E.R.	Murray
Nystrom	Orr	Palmer	Priebe
Ramsey	Readinger	Rush	Scott
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Brown	Calhoon	Hester	Miller, C.P.
Robinson	Rodgers	Schwengels	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate Resolution 113.

Senate Resolution 113

On motion of Senator Deluhery, Senate Resolution 113, a resolution urging support for The Interfaith Church of the Land by private donations to Living History Farms, filed April 23, 1980, and found on page 1624 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

UNFINISHED BUSINESS
(Deferred April 11, 1980)
(Steering Calendar)

House File 2509

The Senate resumed consideration of House File 2509, a bill for an act to allow certain school districts to raise an additional school district operation amount following approval at an election, deferred on April 11, 1980.

Senator Carney asked unanimous consent to withdraw amendment S—5647 filed by the committee on Education on April 3, 1980, to page 1 of the bill.

Objection was raised by Senator Orr.

Senator Carney moved to withdraw amendment S—5647.

Senator Carney withdrew his motion.

Senator Orr withdrew her objection.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5983 filed by Senators Priebe, Hutchins and Tieden from the floor to pages 1 and 2 of the bill.

Senator Taylor asked and received unanimous consent to withdraw amendment S—5708 filed by Senators Taylor and Priebe on April 10, 1980, to page 1 of the bill.

Senator Bisenius withdrew amendment S—5982 filed by him from the floor to page 1 of the bill.

Senator Hultman asked and received unanimous consent that action on **House File 2509** be **deferred.**

ADOPTION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 118
By: Hultman and Junkins

Whereas, Senator Willard R. Hansen has decided that he will not again seek re-election to the Iowa General Assembly after serving two terms in the Iowa Senate and two terms in the Iowa House of Representatives; and

Whereas, Senator Willard R. Hansen has served honorably as a member of the Iowa General Assembly for many years; and

Whereas, Senator Willard R. Hansen has served with notable distinction as the President Pro Tempore of the Senate for the 1979 and 1980 Sessions of the Sixty-eighth General Assembly, as well as Assistant Minority Leader during the Sixty-sixth and Sixty-seventh General Assemblies, and as chairperson of the Committee on Education and on various other committees, including the Legislative Council; and

Whereas, Senator Willard R. Hansen has demonstrated considerable knowledge and understanding in the area of school finance, curriculum and other issues in the area of education; and

Whereas, Senator Willard R. Hansen's participation in the legislative process and his efforts in making legislation fair and reasonable are appreciated by his fellow legislators and by the people of this state; *Now Therefore*,

Be It Resolved by the Senate, That the members of the Senate of the Sixty-eighth General Assembly recognize Senator

Willard R. Hansen for his efforts and accomplishments in the legislature; and

Be It Further Resolved, That the members of the Senate of the Sixty-eighth General Assembly extend their sincerest gratitude to Senator Willard R. Hansen for his years of devoted service to the General Assembly and to the people of Iowa; and

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Be It Further Resolved, That a copy of this resolution certified by the Secretary of the Senate of the State of Iowa be forwarded to Senator Willard R. Hansen.

Senator Hultman moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

Senator Hansen addressed the Senate with brief remarks.

REPORT OF COMMITTEE

APPROPRIATIONS

Final Action: HOUSE FILE 2598, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Murray, Taylor, Palmer, Bisenius, Carr, DeKoster, Hultman, Junkins, Nystrom, Readinger, Schwengels, Scott, Small, Tieden and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration House File 2598.

House File 2598

On motion of Senator Nystrom, House File 2598, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2598) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 43:

Baugher	Bergman	Bisenius	Briles
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hansen
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Miller, E.R.
Murray	Nystrom	Orr	Palmer
Priebe	Ramsey	Readinger	Schwengels
Slater	Small	Taylor	Tieden
Van Gilst	Waldstein	Yenger	

Nays, 2:

Rush Scott

Absent or not voting, 5:

Brown	Calhoon	Coleman	Robinson
Rodgers			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Action: SENATE RESOLUTION 120, a resolution establishing the budget for the Iowa Senate for the fiscal year beginning July 1, 1980, and ending June 30, 1981.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hultman, Hulse, Junkins, Ramsey, Hansen and Kinley. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ADOPTION OF RESOLUTIONS

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 120
By: Committee on Rules and Administration

Whereas, the legislative authority of this State is vested in the general assembly consisting of the Senate and the House of Representatives; and

Whereas, the Senate necessarily incurs substantial expenses for its daily operations; and

Whereas, the Senate is authorized to expend funds from the state treasury necessary to pay for its expenses and for expenses incurred jointly by the Senate and House of Representatives; and

Whereas, it is deemed advisable and proper for the Senate to make expenditures in accordance with a budgetary plan; *Now Therefore*,

Be It Resolved by the Senate of the State of Iowa,

Section 1. Expenditures of the Senate payable pursuant to Iowa Code sections 2.10 through 2.14 inclusive for the fiscal year beginning July 1, 1980 and ending June 30, 1981, are budgeted to be as follows:

A. Session expenses including members' and temporary staff compensation and other current expenses in an amount not to exceed $1,502,000.

B. Interim expenses including members' and staff compensation and other current expenses in an amount not to exceed $141,000.

C. Fixed expenses, including permanent employees' compensation and equipment in an amount not to exceed $541,000.

D. Joint session and interim expenses in an amount not to exceed $62,500.

Sec. 2. The secretary of the Senate shall

Page 2

immediately provide written notice to the majority and minority leaders of the senate and to the chair and ranking member of the Senate appropriations committee if actual expenditures payable pursuant to Iowa Code sections 2.10 through 2.14 inclusive exceed the maximum amount allocated to any category of the budget provided by section one (1) of this resolution. The written notice shall specify the amount of and reasons for any excess expenditure.

Sec. 3. The expenditures referred to in section two (2) of this resolution shall consist only of those sums required for payment of the various expenses of the general assembly including such items as legis-

lative printing expenses, unpaid expenses incurred during the interim between sessions of the general assembly, joint expenses, expenditures incurred pursuant to resolutions, expenses for renovation and remodeling of the legislative chamber or offices, expenses for purchases of legislative equipment and supplies necessary to carry out the functions of the general assembly, and expenses incurred during any special session.

Senator Hultman moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 121
By: Hultman and Junkins

Whereas, Frank J. Stork has faithfully served the Iowa Senate and its members as the Secretary of the Senate for the Sixty-eighth General Assembly; and

Whereas, Frank Stork has contributed to the documentation of the history of the Legislature and the legislative process by publishing two books; and

Whereas, the members of the Iowa Senate are indebted to Frank Stork for the impartial manner in which he has administered the Iowa Senate during his tenure as Secretary; and

Whereas, it is proper that Frank Stork be honored for his service to the State and Senate of Iowa; *Now Therefore*,

Be It Resolved by the Senate, That this resolution express to Frank Stork the appreciation of the members and staff of the Iowa Senate and wish for success in his new endeavor; and

Be It Further Resolved, That a copy of this resolution certified by the Lieutenant Governor of the State of Iowa be given to Frank Stork.

Senator Hultman moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

President Branstad presented Mr. Stork with a pair of eagle bookends on behalf of the Senate in recognition of his service as Secretary of the Senate during the Sixty-eighth General Assembly. He was also given an enrolled copy of Senate Resolution 121.

Mr. Stork addressed the Senate with brief remarks.

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, 1980, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 140, a resolution resolving that the Sixty-eighth General Assembly adjourn sine die April 26, 1980.

BRUCE GRAHAM, Assistant Chief Clerk

HOUSE MESSAGE CONSIDERED

HOUSE CONCURRENT RESOLUTION 140
By: Halvorson of Clayton and Avenson

Be It Resolved by the House of Representatives,
The Senate Concurring, That the Sixty-eighth
General Assembly adjourn sine die Saturday, April 26,
1980.

Read first time and **passed on file.**

ADOPTION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 140.

Senator Hultman moved the adoption of House Concurrent Resolution 140, which motion prevailed by a voice vote.

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 26, 1980, passed the following bill in which the concurrence of the House was asked:

Senate File 2072, a bill for an act appropriating funds from the road use tax fund to pay for special assessments relating to a paving project in the city of Boone.

ALSO: That the House has on April 26, 1980, adopted the conference committee report and passed Senate File 2243, a bill for an act establishing the Iowa family farm development authority and prescribing its powers and duties.

ALSO: That the House has on April 26, 1980, adopted the conference committee report and passed Senate File 2361, a bill for an act relating to transportation, making technical corrections and providing penalties.

ALSO: That the House has on April 26, 1980, passsed the following bill in which the concurrence of the House was asked:

Senate File 2376, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products.

ALSO: That the House has on April 26, 1980, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 142, a resolution requesting the department of revenue to submit the new productivity formula to the standing committee on ways and means.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 733, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of property occurs.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2584, a bill for an act relating to claims against the state of Iowa.

ALSO: That the House has on April 26, 1980, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2595, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly.

BRUCE GRAHAM, Assistant Chief Clerk

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2375

Commerce
Holden, Chairperson
Bergman
Robinson

SENATE FILE 2378

Appropriations
Hultman, Chairperson
Readinger
Scott

SENATE CONCURRENT RESOLUTION 136

Rules and Administration
Hultman, Chairperson
Hulse
Kinley

SENATE CONCURRENT RESOLUTION 138

Rules and Administration
Hultman, Chairperson
Ramsey
Junkins

SENATE CONCURRENT RESOLUTION 142

Ways and Means
Craft, Chairperson
Van Gilst
Hester

SENATE RESOLUTION 112

Rules and Administration
Hultman, Chairperson
Hulse
Kinley

HOUSE FILE 2483

Ways and Means
Craft, Chairperson
Ramsey
Van Gilst

HOUSE FILE 2535

Appropriations
Nystrom, Chairperson
Carr
Schwengels

HOUSE FILE 2567

Ways and Means
Craft, Chairperson
Rush
Hester

HOUSE FILE 2571

Ways and Means
Hester, Chairperson
Van Gilst
Comito

HOUSE FILE 2578

Ways and Means
Rush, Chairperson
Holden
Comito

HOUSE FILE 2579

Ways and Means
Craft, Chairperson
Rodgers
Hultman

HOUSE FILE 2581

Ways and Means
Ramsey, Chairperson
Craft
Hultman

HOUSE FILE 2583

Appropriations
Bisenius, Chairperson
Taylor
Van Gilst

HOUSE FILE 2586

Ways and Means
Van Gilst, Chairperson
Hester
Baugher

HOUSE FILE 2587

Ways and Means
Drake, Chairperson
Van Gilst
Hultman

HOUSE FILE 2597

Ways and Means
Craft, Chairperson
Ramsey
Van Gilst

SSB 2309

Ways and Means
Drake, Chairperson
Hutchins
Craft

SSB 2310

Ways and Means
Craft, Chairperson
Hultman
Rodgers

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber when final votes were taken on Senate File 2125 and House Files 2567, 2577, 2580, 2593, 2596 and 2598.

Had I been present, I would have voted "aye" on final passage of these bills.

JAMES CALHOON

PETITIONS

The following petitions were presented and placed on file by:

Senator Calhoon from twenty-five residents of Woodbury County favoring legislation calculating the state percent of growth and basic allowable growth per pupil for school foundation aid purposes and opposing any changes weakening that legislation.

Senator Calhoon from fifty residents of Woodbury County favoring legislation relating to property tax exemptions for wetlands, recreational lakes, forest cover, rivers and streams, river and stream banks and open prairies.

Senator Gentleman from one thousand ninety-four residents of Iowa favoring legislation appropriating funds pursuant to the recommendations of the Department of Public Instruction for the Des Moines Area Community College and other community colleges in the state.

REPORT OF COMMITTEE

STATE GOVERNMENT

Final Action: HOUSE JOINT RESOLUTION 2019, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to nullify a rule of a state agency by a resolution approved by two-thirds of the members of each house of the general assembly.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Schwengels, Slater, Bisenius, Brown, Carr, Drake, Gallagher, Gratias, C. Miller, E. Miller, Rodgers and Yenger. Nays, none. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

AMENDMENTS FILED

S—5965	H.F.	2595	John Scott
S—5966	H.F.	2595	Tom Slater Lowell L. Junkins Robert M. Carr John Scott
S—5967	H.F.	2595	Robert M. Carr John Scott William D. Palmer
S—5970	H.F.	2595	John Scott Bass Van Gilst C. W. Hutchins Berl E. Priebe
S—5971	H.F.	2595	C. Joseph Coleman
S—5972	H.F.	2595	Berl E. Priebe Bass Van Gilst Tom Slater
S—5974	S.F.	2385	Sue Yenger Robert M. Carr
S—5975	S.F.	2385	John S. Murray
S—5976	H.F.	2595	Robert M. Carr William D. Palmer
S—5978	H.F.	2584	David M. Readinger Bob Rush
S—5979	H.F.	2595	Richard R. Ramsey

			Bob Rush
			W.R. Bill Hansen
			Lowell L. Junkins
S—5980	H.F.	2595	Stephen W. Bisenius
			Bass Van Gilst
			John Scott
			Forrest V. Schwengels
			Sue Yenger
			Joe Brown
			James V. Gallagher
S—5982	H.F.	2509	Stephen W. Bisenius
S—5983	H.F.	2509	Berl E. Priebe
			C.W. Hutchins
			Dale L. Tieden

RECESS

On motion of Senator Hultman, the Senate recessed at 8:12 p.m., until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 431, the following technical correction was made:

1. Page 4, line 44 of the House amendment S—5730, the word "terminiated" was changed to "terminated".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2378, the following technical correction was made:

1. Page 1, line 26 of the House amendment S—5977, the word "idemnification" was changed to "indemnification".

FRANK J. STORK, Secretary of the Senate

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 26th day of April, 1980.

Senate Files 69, 108, 190, 205, 358, 431, 432, 435, 2070, 2071, 2072, 2090, 2125, 2197, 2229, 2230, 2243, 2247, 2253, 2264, 2281, 2282, 2298, 2306, 2320, 2327, 2337, 2343, 2357, 2361, 2368, 2369, 2370, 2371, 2373, 2374, 2375, 2376 and 2378.

FRANK J. STORK, Secretary of the Senate

NOTIFICATION TO THE GOVERNOR

Senator Hultman moved that Senator Schwengels be appointed by the President of the Senate to notify the Governor that the Senate was ready to adjourn in accordance with House Concurrent Resolution 140.

The motion prevailed by a voice vote and the President appointed Senator Schwengels.

NOTIFICATION TO THE HOUSE

Senator Hultman moved that Senator Coleman be appointed by the President of the Senate to notify the House that the Senate was ready to adjourn in accordance with House Concurrent Resolution 140.

The motion prevailed by a voice vote and the President appointed Senator Coleman.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Branstad presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn.

REPORT OF NOTIFICATION TO THE HOUSE

Senator Coleman reported that he had performed his duty and notified the House that the Senate was ready to adjourn.

The report was received.

REPORT OF NOTIFICATION TO THE GOVERNOR

Senator Schwengels reported that he had performed his duty and notified the office of the Governor that the Senate was ready to adjourn, and that the Governor had sent the following message:

The Honorable Terry Branstad
President of the Senate
Sixty-eighth General Assembly
State Capitol
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

As you return today to adjourn the Second Session of the Sixty-eighth General Assembly, it is apparent that the attention of our Iowans is centered on both Washington, D.C. and Tehran—with growing and anxious concerns for a worsening national recession and an anguishing international crisis.

At the same time, Iowa, a state with a tradition of deciding, not ducking, tough issues, met several problems of real concern to our people. The 1980 legislature, to its credit, extended that tradition. This legislature confronted, coped with, and concluded a number of current issues in a constructive way.

Each legislature has its own set of obstacles to overcome, and legislators meeting in this first year of the new decade had more than their share. The predictable partisan differences in a political year paled in comparison to the unpredictable and sudden drop experienced in state revenues. Iowa, like our neighbors, is a state buffeted by a volatile, uncertain economy. Interest rates, inflation, and job layoffs are running far beyond anyone's expectations just a few short months ago. Farmers, business people, families—and yes, state government, are all scrambling to make ends meet. This legislature also faced the unanticipated elimination of federal revenue sharing and reductions in other federal assistance.

I want to give credit to legislators who responded quickly to changing economic conditions and positively to my Special Message of April 9. You followed my requests to keep a balanced budget, provide support for important government services to people, continue tax relief, and ensure a treasury balance for needed cash flow.

In addition to the difficult decisions to limit state expenditures, this legislature successfully adopted a number of key measures which will benefit Iowans now and in the future. Some significant accomplishments include:

—Tax relief to owners of commercial property with additional homestead and ag land tax credits, with indexing of the Iowa income tax strengthened.

—Additional energy-saving measures, such as increased speeding fines, heavier trucks, and a conservation ethic for public utilities.

—An innovative bonding plan with the potential to rebuild critical railroad mainlines.

—Stepped up state support for deaf services, assistance to cities and counties, and maintenance of vital human services programs such as Medicaid, ADC, Title XX, and eldercare.

—Several priority items to improve state government: reorganization of the Department of Environmental Quality, bipartisan reapportionment, and multi-year professional licensing.

—Adjusted interest limitations to reflect the rapidly changing business climate and to assure Iowans continued access to credit.

—Increased bonding for the Iowa Housing Finance Authority to assist low-income Iowans and stimulate the home construction industry, and to make funds available for solar energy improvements.

—Increased IPERS benefits for present and future public employee retirees.

At a time when the federal government seems to have turned its back on the American farmer, you took positive steps to assist Iowa agriculture. The Family Farm Development Authority holds the promise of aiding beginning farmers. You wisely boosted state funding for soil conservation cost-share efforts and implemented the innovative Iowa Soil 2000 program. Producers, buyers and sellers of livestock will benefit from revisions of the implied warranty law. These actions, coupled with last year's legislation to make 100 percent productivity permanent and to restrict the purchase of farm land by aliens, mark a legislature and state government concerned with the advancement of agriculture.

Other measures that I had hoped would cross my desk for signature were not successful. At the beginning of the session, some legislators said I had given them an extremely ambitious program, so it does not come as a surprise that certain decisions remain to be made. We were unable to agree upon mental health reorganization. The road fund remains underfinanced. "Fair Play" for local governments has not yet been adopted although the purpose of the bill is being served by its promotion. And, better enforcement of Iowa's drunk driving laws was not secured.

Several important and cost-cutting Governor's Economy Committee '79 recommendations met the resistance and inertia that often greet new proposals when first introduced. While I regret that more of these thoughtful approaches were not adopted, I hope they will be achievements one year from now. I expect the legislature to pursue these proposals during the interim, just as we will continue to implement many practical suggestions to save tax dollars in the executive branch.

The work of the Sixty-eighth General Assembly in my estimation was made less difficult and hectic by your willingness to employ the new rules designed to limit the length of the legislative session. I have been impressed by the orderly fashion you have concluded your business this year and last, especially in contrast to the all-night, marathon sessions used to wind down previous legislatures. Your new procedures have proved effective and give hope that we can retain a "citizens legislature".

Many of you will be facing the electorate this fall. In addition to legislative races, our Iowa voters will be deciding the fate of the proposed State Equal Rights Amendment, a measure the large majority of you favored. In the campaign season ahead, you will have the opportunity to provide the voters with good and accurate information on the issues so that they, too, can make wise decisions.

Challenges and problems lie ahead. But so do opportunities and ideas. On balance, the work of this Second Session of the General Assembly, coupled with the productive efforts of the First Session, deserves to be judged well by our Iowans, as it is by me.

Best regards.

Sincerely,
ROBERT D. RAY
Governor

The report was received.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 140, duly adopted, President Branstad declared the 1980 Regular Session of the Sixty-eighth General Assembly adjourned sine die.

Note: For explanation of brackets and italics, see page 50 of the Senate Journal.

AMENDMENTS FILED

During The

Sixty-eighth General Assembly

1980 Regular Session

S—5001

Amend House amendment S—3599 to Senate File 190 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 40, by striking the word *"writing"* and inserting in lieu thereof the words *"written authority"*.

2. Page 1, line 44, by striking the words *"authority contained"* and inserting in lieu thereof the words *"written authorization."*.

3. Page 1, by striking line 45 and inserting in lieu thereof the following: *"The written authority must contain the following"*.

WILLIAM D. PALMER

S—5002

Amend House amendment S—3599 to Senate File 190 as follows:

1. Page 1, line 33 by inserting after the word *"express"*, the word *"written"*.

RICHARD R. RAMSEY

S—5003

Amend Senate Resolution 101 as follows:

1. Page 3 by striking lines 23 through 24 and inserting in lieu thereof the following: "shall be in writing and filed with the Secretary of the Senate [anytime]. *A motion to reconsider an amendment to a main motion or main question shall be taken up for consideration only* prior to the".

LOWELL L. JUNKINS
GEORGE R. KINLEY

S—5004

Amend Senate Resolution 101 as follows:

1. Page 4 by inserting after line 19 the following new paragraph:

"A motion to reconsider shall be treated as unfinished business for the purpose of joint rule 18."

LOWELL L. JUNKINS
GEORGE R. KINLEY

S—5005

Amend Senate File 2023 as follows:

1. Page 1, line 6, by inserting after the words *"fire chief"* the words *"who will be unable to complete fifteen years of service before attaining the age of fifty-five years"*.

EDGAR H. HOLDEN

S—5006

Amend House amendment S—3570 to Senate File 464 as follows:

1. Page 1, by striking lines 7 through 12 and inserting in lieu thereof the following:

"NEW SUBSECTION. Upon the request of the personal representative, an itemized statement of services performed by the personal representative's attorney for all estates of decedents dying after January 1, 1981."

RICHARD R. RAMSEY

S—5007

Amend Senate Concurrent Resolution 101 as follows:

1. Page 5, line 7 by inserting after the word *"bill"* the words *"or resolution"*.

LOWELL L. JUNKINS
GEORGE R. KINLEY

S—5008

Amend Senate Concurrent Resolution 101 as follows:

1. Page 5, by striking lines 6 through 11 and inserting in lieu thereof the following:

"6. A motion to reconsider shall be considered as unfinished business for the purpose of joint rule 18."

LOWELL L. JUNKINS

S—5009

Amend Senate Concurrent Resolution 101 as follows:

1. Page 5, by striking lines 10 through 11 and inserting in lieu thereof the following: *"filing the motion or by the majority leader. After the deadline motions to reconsider are subject to the applicable house or senate rules."*

LOWELL L. JUNKINS

S—5010

Amend Senate Concurrent Resolution 101 as follows:
1. Page 5, line 4, by inserting after the word *"to"* the words *"the same or"*.

RICHARD R. RAMSEY
CALVIN O. HULTMAN
LOWELL L. JUNKINS

S—5011

Amend Senate File 2051 as follows:
1. Page 1, line 16, by striking the word "ten" and inserting in lieu thereof the words "[ten] *five*".
2. Page 1, line 22, by striking the word "ten" and inserting in lieu thereof the words "[ten] *five*".
3. Page 1, line 27, by striking the word *"ten"* and inserting in lieu thereof the word *"five"*.
4. Page 1, line 33, by striking the word *"ten"* and inserting in lieu thereof the word *"five"*.
5. Page 2, line 5, by striking the word "ten" and inserting in lieu thereof the words "[ten] *five*".
6. Page 2, line 8, by striking the word "ten" and inserting in lieu thereof the words "[ten] *five*".
7. Page 2, line 11, by striking the word "ten" and inserting in lieu thereof the words "[ten] *five*".

EDGAR H. HOLDEN
C.W. HUTCHINS

S—5012

Amend Senate Concurrent Resolution 101 as follows:
1. Page 2, by striking lines 3 through 6 and inserting in lieu thereof the following: "fiscal director with the secretary of the senate or the chief clerk of the house. The legislative fiscal".

C.W. HUTCHINS
WILLIAM D. PALMER

S—5013

Amend House File 2072 as amended, passed, and reprinted by the House as follows:

DIVISION S—5013B

1. Page 1, by inserting before line 1, the following new section:

"Section 1. Section twenty-four point forty-eight (24.48), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section one (1), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For property tax budgets based upon property valuations established as of January 1, 1979 and each year thereafter, a political subdivision shall be allowed an increase in its property tax levy for the general fund equal in dollars to the amount of the preceding year's property taxes actually levied for the general fund plus five percent of that amount. If the property tax levy for the general fund, as computed under this section with the allowable five percent increase exceeds any statutory property tax levy limitations, the political subdivision shall be allowed to exceed the statutory property tax levy limitations without appealing to the state appeal board, or in the case of a city, to the city finance committee. However, where a political subdivision of the state exceeds any statutory property tax levy limitations and is not required to appeal, the political subdivision shall file a report with the state appeal board, or in the case of a city, with the city finance committee, that the political subdivision will exceed the statutory property tax levy limitations on its general fund."

DIVISION S—5013A

2. Page 8, line 8, by striking the word "ten" and inserting in lieu thereof the word "eight".

3. Page 8, line 16, by striking the word "Property" and inserting in lieu thereof the words "For valuations established as of January 1, 1980, and each year thereafter, property".

4. Page 11, line 26, by striking the words "In any case where, in trans-".

5. Page 11, by striking lines 27 through 32 and inserting in lieu thereof the words "The county auditor shall list the aggregate actual value and the aggregate taxable value of all taxable property within the county and each political subdivision on the tax list".

6. Page 11, line 33, by striking the words "onto the tax list".

DIVISION S—5013C

7. Page 12, by inserting after line 18 the

following:
"Sec. ____. Section four hundred forty-four point

Page 2

DIVISION S—5013C (cont'd.)

three (444.3), Code 1979, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. Beginning with the 1981 fiscal year, if the governing body of a city or county in the state wishes to raise in a fiscal year additional real property tax revenues for a specific purpose or its general fund in excess of the statutory levy limit for that purpose or the general fund, it may present the question of exceeding the applicable statutory levy limit at a referendum held for that purpose. The governing body of the city or county shall direct the county commissioner of elections to submit the question of whether to exceed the applicable levy limit to the qualified electors of the city or county at a referendum to be held in November of the fiscal year preceding the fiscal year in which the levy limit is to be exceeded. The ballot shall specify the levy limit that is to be exceeded and the figure by which it will be exceeded. If more than fifty percent of those voting favor exceeding the specified levy limit, the governing body may exceed the specified levy limit for the next fiscal year by at most the amount specified on the ballot. The authorization to exceed the specified levy limit shall only apply for the fiscal year requested. The procedure to exceed a statutory levy limit provided in this paragraph is in addition to other procedures provided by law."

DIVISION S—5013A (cont'd.)

8. Page 14, line 20, by striking the word and figure "fourteen (14)" and inserting in lieu thereof the word and figure "thirteen (13)".
9. Page 14, line 24, by striking the word and figure "fourteen (14)" and inserting in lieu thereof the word "thirteen (13)".

DIVISION S—5013D

10. Amend the title page, line 7, by inserting after the word "purposes" the words ", by providing a procedure to exceed levy limits".

DIVISION S—5013A (cont'd.)

11. Renumber sections and correct internal references as are necessary in accordance with this amendment.

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5014

Amend Senate File 360 as follows:

1. Page 2, by inserting after line 6 the following new sections:

"Sec. ____ . Section three hundred twenty-one point two hundred ten (321.210), Code 1979, is amended by adding the following new subsection as subsection eight (8):

NEW SUBSECTION. 8. Has been convicted of possession of marijuana while operating a motor vehicle. Suspension pursuant to this subsection shall be for sixty days.

Sec. ____ . Section three hundred twenty-one point two hundred ten (321.210), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

Prior to a suspension taking effect under subsections 2, 3, 4, 5, [or] 7 *or eight (8),* the licensee shall have received twenty days advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, the filing of a petition for judicial review shall operate to stay the suspension pending the determination by the district court."

2. By renumbering remaining sections to conform with this amendment.

3. Amend the title, line 5, by striking the word "and".

4. Amend the title, line 7, by inserting after the word "offenses" the words "; and providing that the license to drive of a person convicted of possession of marijuana while operating a motor vehicle may be suspended".

JOHN W. JENSEN

S—5015

Amend Senate File 5 as follows:

1. Page 1, by striking lines 31 through 33 and inserting in lieu thereof the following:

"Sec. 2. This Act is effective for tax years beginning with January 1, 1979."

EDGAR H. HOLDEN

S—5016

For the text of this House amendment, see pages 198-205 of the Senate Journal.

S—5017

Amend the Gentleman amendment, S—3446, to Senate File 360 as follows:

1. Page 1, line 28, by striking the word "simple" and inserting in lieu thereof the word "serious".

ARTHUR A. SMALL, JR.

S—5018

For the text of this House amendment, see pages 217-218 of the Senate Journal.

S—5019

Amend Senate File 2068 as follows:

1. By striking page 8, line 34 through page 9, line 11, and inserting in lieu thereof the following:

"a. In computing the compensation to be allowed a volunteer [fireman] *firefighter*, [his] *the volunteer firefighter's* earnings as a [fireman] *firefighter* shall be disregarded and [he] *the volunteer firefighter* shall be paid [the maximum compensation allowable under the workers' compensation law] *one hundred forty percent of the statewide average weekly wage as determined by the Iowa department of job service.*"

2. Title page, line 5, by striking the word "firemen" and inserting in lieu thereof the word "firefighters".

RICHARD F. DRAKE
CLOYD E. ROBINSON

S—5020

Amend Senate File 2040 as follows:

1. Page 4, by striking lines 6 through 12.

2. Page 6, by striking lines 11 and 12 and inserting in lieu thereof the following:

"AXLE, TANDEM AXLE AND GROUPS OF AXLES WEIGHT VIOLATIONS"

3. Page 6, line 24, by striking the word "six"

and inserting in lieu thereof the word "seven".

4. Page 6, line 26, by striking the figure "250" and inserting in lieu thereof the figure "200".

5. Page 6, line 26, by striking the word "seven" and inserting in lieu thereof the word "ten".

6. Renumber sections and correct internal references as are necessary in accordance with this amendment.

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5021

Amend Senate File 2101 as follows:

1. Page 1, line 31, by striking the words "if the purchase of that good or" and inserting in lieu thereof the words "for his or her personal use.".

2. Page 1, by striking line 32 through page 2, line 1.

EDGAR H. HOLDEN

S—5022

Amend the committee on Ways and Means amendment, S—5013, to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 28 the following:

"____. Page 13, by inserting after line 10 the following new section:

'Sec. ____. If this Act delays the preparation of the tax lists and the collection of the taxes and the delay requires a political subdivision of this state to issue warrants, the state shall reimburse the political subdivision for the amount of interest paid on warrants issued. However, before the provisions of this section shall apply, the state comptroller shall determine that any warrants were required to be issued and that the warrants would not have been issued but for the delays in the collection of taxes following the implementation of this Act. There is appropriated to the state comptroller from the general fund of the state an amount sufficient to carry out the provisions of this section.' "

2. Page 2, by inserting after line 37 the following:

"____. Amend the title page, line 9, by inserting

after the word 'making' the words 'an appropriation and making'."

C.W. HUTCHINS

S—5023

Amend Senate File 460 as follows:

1. Page 2, line 1, by striking the words "he *or she*" and inserting in lieu thereof the words "[he] *the commissioner*".

2. Page 2, line 3, by striking the words "he *or she*" and inserting in lieu thereof the words "[he] *the commissioner*".

3. Page 2, line 7, by striking the words "he *or she*" and inserting in lieu thereof the words "[he] *the commissioner*".

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS
MERLIN D. HULSE, Chairperson

S—5024

Amend Senate File 108 as follows:

1. Page 1, line 9, by striking the words *"One-half of the funds"* and inserting in lieu thereof the words *"An amount not exceeding twenty-seven cents per thousand dollars of assessed valuation shall be"*.

2. Page 1, line 10, by striking the word *"shall"* and inserting in lieu thereof the word *"to"*.

3. Page 1, lines 12 and 13, by striking the words *"the remaining one-half"* and inserting in lieu thereof the words *"an amount not exceeding twenty-seven cents per thousand dollars of assessed value"*.

4. Page 1, line 13, by inserting after the word *"be"* the words *"deposited in the schoolhouse fund to be"*.

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5025

Amend House File 2072 as passed and reprinted by the House as follows:

DIVISION S—5025A

1. Page 12, by inserting after line 18, the following:

"Sec. 13. Section four hundred forty-four point seven (444.7), Code 1979, is amended to read as follows:

444.7 EXCESSIVE TAX PROHIBITED.

1. It is [hereby made] a simple misdemeanor for the board of supervisors to authorize[,] or the county auditor to carry upon the tax lists for any year[,] an amount of tax for any public purpose in excess of the amount certified or authorized as provided by law. The state comptroller shall prescribe and furnish the county auditors forms and instructions to aid them in determining the legality and authorized amount of tax levies. In the case of an excessive levy, [it shall be the duty of] the county auditor [to] *shall* reduce it to the maximum amount authorized by law, and in any event not in excess of the amount certified; and in case of an illegal levy the county auditor shall not enter or carry any tax on the tax lists for such levy.

2. The maximum amount of real property tax on a parcel of real property that shall be raised annually by the consolidated levy shall not exceed one percent of the actual value of that real property. If the consolidated levy would raise an amount or real property tax in excess of one percent of the actual value of a parcel of real property, the county auditor shall lower the consolidated levy by an amount so that the property tax raised equals one percent of the actual value of the real property. Each district within the county shall receive its proportionate amount of the real property tax raised based upon the ratio of its levy to the consolidated levy before adjustment. For purposes of this subsection, the actual value of the real property is the actual value used in determining the assessed value upon which the consolidated levy is to be imposed. In determining if the consolidated levy would raise an amount of real property tax in excess of one percent of the actual value of a parcel of real property in a county which contains a special charter city which levies and collects its own taxes, the rate of levy of that special charter city shall be added to the consolidated levy. If such a county must reduce its consolidated levy, the special charter city shall also reduce its levy by the same percent.

3. The limitation provided in subsection two (2)

of this section shall not include the amount of real property taxes raised by a special assessment or other levy to pay the principal and interest on indebtedness approved by the voters."

2. Page 13, by inserting after line 29 the following:

"Sec. ____. The provisions of section thirteen (13) of this Act take effect January first following enactment for taxes levied and collected for fiscal years beginning after the effective date."

DIVISION S—5025B

3. Page 13, by striking lines 30 through 35 and inserting in lieu thereof the following:

"NEW SECTION. There shall be created a special bipartisan task force to study the entire issue of property tax. The membership of the committee shall be determined and appointed by the legislative council and the governor. The class of residential, agricultural, commercial and industrial property shall each be represented by at least one member, at least one member shall be an official from a state, city, county and school board and one member shall be from the comptroller's office. The members of the task force who are not state employees shall be entitled to receive forty dollars per diem for each day devoted to the duties as members. All members shall receive reimbursement for actual and necessary expenses incurred in the discharge of these duties. There is appropriated from the general fund an amount sufficient to meet the expenses of the task force. Staff assistance shall be provided by the legislative service bureau. The study shall".

4. Page 14, by inserting after line 11 the following:

"6. Recommendations for alternate financing of budgets for those political subdivisions currently dependent upon property taxation for that financing."

5. Page 14, line 18, by striking the figure "12" and inserting in lieu thereof the figure "15".

DIVISION S—5025A (cont'd.)

6. Title page, line 9, by inserting after the word "plant" the words ", by limiting the amount of property taxes that can be raised, making an appropriation".

STEPHEN W. BISENIUS

S—5026

Amend amendment S—5025 to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, line 26, by inserting after the word *"exceed"* the words *"two percent in the 1981 fiscal year and in fiscal years thereafter shall not exceed"*.

2. Page 1, line 29, by striking the word *"one"* and inserting in lieu thereof the words *"the allowable"*.

3. Page 1, line 32, by striking the word *"one"* and inserting in lieu thereof the words *"the allowable"*.

4. Page 1, line 42, by striking the word *"one"* and inserting in lieu thereof the words *"the allowable"*.

STEPHEN W. BISENIUS

S—5027

Amend the committee on Ways and Means amendment, S—5013, to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, lines 12 through 17, by striking the words "political subdivision shall be allowed an increase in its property tax levy for the general fund equal in dollars to the amount of the preceding year's property taxes actually levied for the general fund plus five percent of that amount" and inserting in lieu thereof the words "county or city shall be allowed the amount of the preceding year's property taxes actually levied for the general fund plus five percent of that amount".

2. Page 1, lines 20 and 21, by striking the words "political subdivision" and inserting in lieu thereof the words "county or city".

3. Page 1, line 25, by striking the words "political subdivision of the state" and inserting in lieu thereof the words "county or city".

4. Page 1, line 27, by striking the words "political subdivision" and inserting in lieu thereof the words "county".

5. Page 1, line 30, by striking the words "political subdivision" and inserting in lieu thereof the word "county or city".

NORMAN G. RODGERS
ROLF V. CRAFT

S—5028

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 35.

2. Page 2, by striking lines 1 through 23, and inserting in lieu thereof the following new section:

"Sec. ____. Chapter twenty-four (24), Code 1979, is amended by adding the following new section:

NEW SECTION. Beginning with valuations established as of January 1, 1979, and each year thereafter, each political subdivision of the state shall compute the levy for the property tax budget for its general fund on the market value of the commercial property, industrial property, and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code and the assessed value of other property as provided by law. However, the property tax budget for its general fund shall not exceed the levy limitations provided by law. Beginning with valuations established as of January 1, 1979, and each year thereafter, each political subdivision shall also compute the levy for its property tax budget for its general fund on the basis of the assessed value of all property within the political subdivision as provided by law. Upon the completion of its budget process and the determination of its final property tax budget for its general fund, each political subdivision shall certify to the state comptroller the amount of the levy and its property tax budget for its general fund computed on the assessed value of all property as provided by law and the levy and the property tax budget for its general fund computed on the market value of the commercial property, industrial property, and property valued by the department pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437) and four hundred thirty-eight (438) of the Code. The difference shall be the amount of reimbursement the city or county shall receive from the state each year. On or before December first of each year, the state comptroller shall issue warrants to each political subdivision in the state in the amount of the reimbursement determined pursuant to this section."

WILLIAM D. PALMER

S—5029

Amend the committee on Ways and Means amendment, S—5013, to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 3 through 31 and inserting in lieu thereof the following:

"___. Page 1, by striking lines 1 through 35.

___. Page 2, by striking lines 1 through 23, and inserting in lieu thereof the following new section:

'Sec. ___. Chapter twenty-four (24), Code 1979, is amended by adding the following new section:

NEW SECTION. Beginning with valuations established as of January 1, 1979, and each year thereafter, each political subdivision of the state shall compute the levy for the property tax budget for its general fund on the market value of the commercial property, industrial property, and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code and the assessed value of other property as provided by law. However, the property tax budget for its general fund shall not exceed the levy limitations provided by law. Beginning with valuations established as of January 1, 1979, and each year thereafter, each political subdivision shall also compute the levy for its property tax budget for its general fund on the basis of the assessed value of all property within the political subdivision as provided by law. Upon the completion of its budget process and the determination of its final property tax budget for its general fund, each political subdivision shall certify to the state comptroller the amount of the levy and its property tax budget for its general fund computed on the assessed value of all property as provided by law and the levy and the property tax budget for its general fund computed on the market value of the commercial property, industrial property, and property valued by the department pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437) and four hundred thirty-eight (438) of the Code. The difference shall be the amount of reimbursement the city or county shall receive from the state each year. On or before December first of each year, the

state comptroller shall issue warrants to each political subdivision in the state in the amount of

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the reimbursement determined pursuant to this section.' "

WILLIAM D. PALMER

S—5030

Amend House File 454 as follows:

1. Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"Section 1. Section five hundred fifteen point fifty-two (515.52), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding this section and sections five hundred fifteen point fifty-three (515.53) through five hundred fifteen point sixty-one (515.61) of the Code, if the law of another state does not require the countersignature of a licensed agent who resides in that state for insurance contracts and endorsements written, issued or placed in that state by a licensed agent who resides in this state, the countersignature of a licensed agent who resides in this state is not required for insurance contracts and endorsements written, issued, or placed in this state by a licensed agent who resides in that other state."

LUCAS J. DE KOSTER

S—5031

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 3, by inserting after line 2 the following new section:

"Sec. ____ . Section four hundred forty-one point twenty-one (441.21), subsection five (5), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section five (5), is amended to read as follows:

5. For valuations established as of January 1, 1979, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section. The dividend for each

class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus six percent of the amount so determined. However, if the difference between the dividend so determined for either class of property and the dividend for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is less than six percent, the 1979 dividend for the other class of property shall be the dividend as determined for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus a percentage of the amount so determined which is equal to the percentage by which the dividend as determined for the other class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors

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on the abstracts of assessment for 1978, is increased in arriving at the 1979 dividend for the other class of property. The divisor for each class of property shall be the total actual value of all such property in the state in the preceding year, as reported by the assessors on the abstracts of assessment submitted for 1978, plus the amount of value added to said total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section 441.49. The director shall utilize information reported on abstracts of assessment

submitted pursuant to section 441.45 in determining such percentage. For valuations established as of January 1, 1980, and each year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided herein including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue[, except that any references to six percent in this subsection shall be four percent]."

2. Page 4, line 32, by striking the word "four" and inserting in lieu thereof the word "six".

3. Page 6, lines 1 and 2, by striking the words ", except that any references to six percent in this subsection shall be four percent".

4. Page 7, by inserting after line 5 the following new section:

"Sec. ____. Section four hundred forty-one point twenty-one (441.21), subsection eight (8), Code 1979, as amended by acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section eight (8), is amended to read as follows:

8. For valuations established as of January 1, 1979, against which taxes will be levied for the fiscal year beginning in the 1979 calendar year by any special charter city that levies and collects its own taxes, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the valuation for each class of property for valuations established as of January 1, 1978, and upon which any special charter city levied its taxes in 1978, adjusted by the product

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obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessor on the abstract of assessment for 1978, plus six percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in the city

in the preceding year, as reported by the assessor on the abstract of assessment submitted for 1978, plus the amount of value added to said total actual value by the revaluation of existing properties in 1979. However, if the estimated statewide growth in assessed valuation is less than six percent for either class of property for 1979, the director shall estimate the percentages by which the statewide valuation of residential and agricultural property will increase in 1979. The lower percentage shall be used in lieu of six percent for both classes of property in calculating the percentages at which agricultural and residential property shall be assessed. The percentage at which agricultural and residential property shall be assessed will be certified by the director on or before May 31, 1979 to the appropriate city official in special charter cities that levy and collect their own taxes. The percentage so certified shall be applicable only to those valuations against which the special charter city levies its own tax. For valuations established as of January 1, 1980, and each year thereafter for any special charter city that levies and collects its own taxes, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided herein adjusted to include the applicable and current values as equalized by the director of revenue[, except that any references to six percent in this subsection shall be four percent]. The assessor shall provide valuation information to the director of revenue sufficient for the computation of the assessment percentage by May fifteenth of each year on forms prescribed by the director of revenue."

5. Page 7, line 24, by striking the word "four" and inserting in lieu thereof the word "six".

6. Page 9, lines 12, 13, and 14, by striking the words ", except that any references to six percent in this subsection shall be four percent".

7. Amend the title, line 4, by striking the word

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"agricultural structures" and inserting in lieu thereof the words "residential property, agricultural land and structures".

8. Renumber sections and correct internal references as are necessary in accordance with this

6 amendment.

DAVID M. READINGER
NORMAN G. RODGERS

S—5032

1 Amend House File 2072 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 23 the following
4 new section:
5 "Sec. ____ . Chapter four hundred twenty-six (426),
6 Code 1979, is amended by adding the following new
7 section:
8 *NEW SECTION.* SOIL LOSS LIMITS—CREDIT LIMITED
9 FOR NONCOMPLYING LAND.
10 1. It is the intent of the general assembly to
11 begin at once to work toward the goal of bringing
12 erosion of soil from all land in this state within
13 applicable soil loss limits established under law
14 by the respective soil conservation districts at
15 levels which will permit regeneration of topsoil,
16 so that the fertility of the land is maintained and
17 preserved for future generations. This section is
18 enacted as a first step toward that goal.
19 2. Notwithstanding any other provision of this
20 chapter, a tract of agricultural land as defined in
21 section four hundred twenty-six point two (426.2)
22 of the Code is not eligible after July 1, 1980 for
23 agricultural land tax credit for a fiscal year in
24 an amount greater than that tract would receive if
25 the total of all appropriations made for the
26 agricultural land tax credit for that fiscal year
27 was fixed at forty-two million dollars, unless the
28 soil conservation district commissioners certify to
29 the county auditor that the tract is being operated
30 so that erosion from the land does not exceed two
31 times the applicable soil loss limit established under
32 section four hundred sixty-seven A point forty-four
33 (467A.44) of the Code. Once a tract has been so
34 certified to the county auditor by the soil
35 conservation district commissioners, that certification
36 shall remain valid until the commissioners notify
37 the county auditor that the tract is no longer in
38 compliance with the provisions of this section. If
39 a tract is not so certified, or a former certification
40 becomes invalid, the amount of the agricultural land
41 tax credit received by that tract shall revert to
42 the maximum permitted by this section for uncertified
43 land, effective with the next computation by the

auditor under section four hundred twenty-six point six (426.6) of the Code."

JOANN ORR

S—5033

Amend the committee on Ways and Means amendment, S—5013, to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, line 31, by inserting after the period the words "The provisions of this paragraph shall apply only to cities with a population of two thousand or less."

LOWELL L. JUNKINS

S—5034

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 6, by striking line 33 and inserting in lieu thereof the words "as of January 1, 1981, such agricultural structures and".

2. Page 7, by striking lines 1 and 2 and inserting in lieu thereof the words "and agricultural structures and agricultural dwellings shall each constitute a separate class of *property. Agricultural dwellings shall be valued as rural*".

JOANN ORR
NORMAN G. RODGERS

S—5035

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 23, the following new sections:

"Sec. ____ . Section four hundred twenty-seven point three (427.3), subsection four (4), Code 1979, is amended to read as follows:

4. The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value of any honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged soldier, sailor, marine, or nurse of the second World War from December 7, 1941 to December 31, 1946, army of occupation in Germany November 12, 1918, to July 11, 1923, American expeditionary forces in Siberia November 12, 1918, to April 30, 1920, second Nicaraguan campaign

with the navy or marines in Nicaragua or on combatant ships 1926-1933, second Haitian suppressions of insurrections 1919-1920, navy and marine operations in China 1937-1939 and Yangtze service with navy and marines in Shanghai or in the Yangtze Valley 1926-1927 and 1930-1932 or of the [Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or those who served on active duty during the Vietnam Conflict beginning August 5, 1964, and ending] *period beginning with the Korean Conflict on June 25, 1950 and ending with the Vietnam Conflict on* June 30, 1973, both dates inclusive, and as defined in section 35C.2.

Sec. ____. Section four hundred twenty-seven point three (427.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The property, not to exceed the amount in taxable value specified in subsection four (4) of this section, of any soldier, sailor, marine or nurse who is in active service in the armed forces of the United States on the date on which the claim for exemption is filed and who would qualify under subsection four (4) of this section if the person was discharged, separated, retired, furloughed to a reserve or placed on inactive status as of the date the claim for exemption is filed.

Sec. ____. Section four hundred twenty-seven point four (427.4), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

[No more than] *Only* one tax exemption shall be allowed under this section or section 427.3 in the name of any [honorably discharged] soldier, sailor, marine, or nurse.

Sec. ____. Section four hundred twenty-seven point

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five (427.5), Code 1979, is amended to read as follows:

427.5 REDUCTION—DISCHARGE OF RECORD —OATH. Any person named in section 427.3, provided he or she is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption to be made from any property owned by such person and so designated by proceeding as hereafter provided. In order to be eligible to receive [said] *the* exemption or reduction the person [claiming same] *named in subsections one (1) through four (4) of section four hundred twenty-seven point three (427.3) of the Code* shall have [had] recorded in the office of the county recorder of the county in which he or she shall claim

exemption or reduction, the military certificate of satisfactory service, order transferring to inactive status, reserve, retirement, or order of separation from service, or honorable discharge of the person claiming or through whom is claimed [said] *the* exemption; in the event [said] *the* evidence of satisfactory service, separation, retirement, furlough to reserve, inactive status, or honorable discharge is lost the claimant may record in lieu of the same, a certified copy thereof. *In the case of a person named in section two (2) of this Act, to be eligible to receive the exemption or reduction the person shall have recorded in the office of the county recorder of the county in which he or she shall claim exemption or reduction an affidavit signed by his or her commanding officer stating that the person served in the armed forces during the required time and is presently on active duty in the year the claim is to be filed.*

PARAGRAPH DIVIDED. [Said] *The* person shall file with the city or county assessor, as the case may be, the claim for exemption or reduction in taxes under oath, which claim shall set out the fact that [said] *the* person is a resident of and domiciled in the state of Iowa, *or in the case of a person named in section two (2) of this Act, the person is a resident of the state of Iowa and his or her spouse or dependent children are domiciled in this state* and a person within the terms of section 427.3, and, *if applicable,* give the volume and page on which the certificate of satisfactory service, order of separation, retirement, furlough to reserve, inactive status, or honorable discharge or certifed copy thereof is recorded in the office of the county recorder, and may include the designation of the property from which [said] *the* exemption or reduction is to be made, and shall further state that the claimant is the equitable and legal owner of the

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property designated therein. The assessor shall tabulate and deliver or file [said] *the* claims with the county auditor, having the assessor's recommendations for allowance or disallowance endorsed thereon. In case the owner of the property is in active service in any of the armed forces of the United States or of this state, including the nurses corps of the state or of the United States, [said] *the* claim may be executed and delivered or filed by the owner's spouse, parent, child, brother, or sister,

or by any person who may represent the owner under power of attorney. In all cases where the owner of the property is married, the spouse may execute and deliver or file [said] *the* claim for exemption. A person may not claim a reduction or exemption in more than one county of the state, and if a designation is not made the exemption shall apply to the homestead, if any."

2. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

JOE BROWN

S—5036

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. *NEW SECTION.* AUTHORIZATION—ELECTION--IMPOSITION.

1. A city, two or more cities acting jointly, or a county may impose local taxes authorized by sections one (1) through fourteen (14) of this Act, subject to this section.

2. A local tax may be imposed originally or after a period of discontinuance, only after an election at which a majority of those voting on the question favors imposition, and shall then be imposed for a minimum period of four years.

3. Subject to subsection four (4) of this section, a city council may direct the county commissioner of elections to submit the question of imposition of an authorized local tax to the qualified electors of the city on its own motion, and shall do so within sixty days from the date of receipt of a petition which is valid under section three hundred sixty-two point four (362.4) of the Code and which requests imposition of a specified type and rate of authorized local tax.

4. Before a city council submits the question of imposition of a local tax, it shall send written notice by regular mail to the board of supervisors of each county in which a part of the city is located, describing the type and rate of tax proposed. Within thirty days of the date of mailing the notice, the board of supervisors may supersede city action by directing the county commissioner of elections to submit the question of imposition of the same type

and rate of tax countywide.

5. Subsequent to a period during which a local tax has been imposed following an election:

a. A city council or board of supervisors, as applicable, may continue to impose the same type and rate of tax for one-year periods, may discontinue the tax, or may direct the county commissioner of elections to resubmit the question to the qualified electors of the city or county.

b. A city council shall direct the county commissioner of elections to resubmit the question upon receipt of a petition which is valid under section three hundred sixty-two point four (362.4) of the Code.

6. The county commissioner of elections shall submit the question of imposition of a local tax only

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at a special election which may not be held within thirty days of a general election.

7. In a city election, or an election held by two or more cities acting jointly, if a majority of those voting in any city favors imposition of a local tax, the council of that city shall impose the tax.

8. In a countywide election:

a. If a majority of those voting in the entire county favors imposition of a local tax, the board of supervisors shall impose the tax in the entire county, including all cities in the county.

b. If a majority of those voting in the entire county does not favor imposition of the tax, but a majority of those voting in the unincorporated area of the county favors imposition, the board of supervisors shall impose the tax only in the unincorporated area of the county.

c. If a majority of those voting in the entire county does not favor imposition of the tax, but a majority of those voting in any city in the county favors imposition, the council of that city shall impose the tax in that city.

9. A local tax shall be imposed or discontinued only by ordinance of a city council or by resolution of a board of supervisors.

10. If a majority of those voting in a city election does not favor imposition of a local tax, the city council shall not direct submission of the question of imposition of the same type of local tax within one year of the date of the election, and if a majority of those voting in a countywide election

does not favor the imposition of a local tax, the board of supervisors shall not submit the question of imposition of the same type of local tax countywide within one year of the date of the election. If a countywide election fails, the city council of any city in which a majority of those voting did not favor the tax shall not direct submission of the question of the same type of local tax within one year of the date of the election.

11. More than one of the authorized local taxes may be submitted at a single election and the votes on the different taxes shall be separately implemented as provided in this section if a majority of those voting in a city, county or unincorporated area of a county favors one and not another.

12. Except when a tax is imposed countywide, if a majority of those voting in a city or the unincorporated area of a county votes against a local tax, that city or unincorporated area is not entitled

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to any property tax reduction or other benefit which may otherwise be extended to a city or unincorporated area in which a majority of those voting favors the imposition of that local tax.

Sec. 2 *NEW SECTION.* LOCAL SALES, SERVICES AND USE TAX. A local sales, services and use tax at the rate determined by the election imposing the tax may be imposed by a city or county on the gross receipts taxed by the state under chapter four hundred twenty-two (422), division four (IV), of the Code, or the uses taxed under chapter four hundred twenty-three (423) of the Code. A local sales, services and use tax shall be imposed on the same basis as the state sales, services and use tax and may not be imposed on the sale or use of any property or on any service not taxed by the state. A local sales, services and use tax is applicable only to transactions within the territorial limits of the city, unincorporated area of the county, or county imposing it, and shall be collected by all persons required to collect state gross receipts or use taxes.

The amount of the sale, for purposes of determining the amount of the local sales, services and use tax, does not include the amount of any state gross receipts or use taxes.

No tax permit other than the state tax permit required under section four hundred twenty-two point fifty-three (422.53) of the Code may be required by

local authorities.

Sec. 3. *NEW SECTION.* ADMINISTRATION. A local sales, services and use tax may be imposed either January first or July first following a favorable election.

The director of revenue shall administer the provisions of a local sales, services and use tax as nearly as possible in conjunction with the administration of state gross receipts and use tax laws. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting local sales, services and use tax liability.

An ordinance of a city council or resolution of a county board of supervisors imposing a local sales, services and use tax shall adopt by reference the applicable provisions of the appropriate sections of chapter four hundred twenty-two (422), division four (IV), of the Code and chapter four hundred twenty-three (423) of the Code, and all powers of the director to administer the state gross receipts and use tax law are applicable to the administration of a local sales, services and use tax law. Local officials

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shall confer with the director of revenue for assistance in drafting the ordinance or resolution imposing a local sales, services and use tax. A certified copy of the ordinance or resolution imposing a local sales, services and use tax shall be filed with the director as soon as possible after passage.

The director, in consultation with local officials, shall collect and account for a local sales, services and use tax. The director shall retain for the use of the department of revenue one percent of all local sales, services and use tax receipts, to cover administrative expense, and shall credit remaining local sales, services and use tax receipts to a local sales, services and use tax fund hereby established in the office of the treasurer of state.

Sec. 4. *NEW SECTION.* PAYMENT TO LOCAL GOVERNMENTS. The treasurer of state shall remit quarterly to the cities and counties which have imposed a local sales, services and use tax, and which have qualified under sections five (5) or six (6) of this Act, their share of the balance in the local sales, services and use tax fund. The local sales, services and use tax fund is appropriated for this purpose.

Sec. 5. *NEW SECTION.* CITY PROPERTY TAX RELIEF. All local sales, services and use tax, vehicle tax

and income tax moneys received by a city may be expended for any lawful municipal purpose. However, the city treasurer, or another city official designated by the council, shall credit three-fourths of all local sales, services and use tax, vehicle tax and income tax moneys received to a special account for property tax relief. Before the levies authorized under section three hundred eight-four point one (384.1) of the Code are certified to the county auditor, the certifying official shall subtract from the total amount computed in dollars, as provided in section four hundred forty-four point two (444.2) of the Code, an amount equal to the amount credited to the special account for property tax relief during the last preceding twelve-month period, and shall certify only the net amount to the county auditor and board of supervisors. The county auditor shall base the levies authorized under section four hundred forty-four point three (444.3) of the Code upon the net amount so computed. In order for a city to be qualified to receive remittances from the treasurer of state under sections one (1) through fourteen (14) of this Act, the city clerk, before July fifteenth of each year, shall certify to the treasurer of state that the required reduction in the amount certified

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to the county auditor and board of supervisors for city taxes has been made.

Sec. 6. *NEW SECTION.* COUNTY PROPERTY TAX RELIEF. All local sales, services and use tax, vehicle tax and income tax moneys received by a county may be expended for any lawful county government purpose applicable to the unincorporated area of the county. However, the county treasurer shall credit three-fourths of all local sales, services and use tax, vehicle tax and income tax moneys received to a special account for property tax relief. Before the levies authorized under section four hundred forty-four point nine (444.9) of the Code are made, the board of supervisors shall subtract from the total amount computed in dollars, as provided in section four hundred forty-four point two (444.2) of the Code, an amount equal to the amount credited to the special account for property tax relief during the last preceding twelve-month period, and shall base the levies authorized under section four hundred forty-four point nine (444.9) of the Code upon the net amount so computed. In order for a county to be

qualified to receive remittances from the treasurer of state under sections one (1) through fourteen (14) of this Act, the board of supervisors, before July fifteenth of each year, shall certify to the treasurer of state that the required reduction has been made.

Sec. 7. *NEW SECTION.* JOINT SHARES. If two or more cities impose an authorized local tax jointly, the treasurer of state shall credit the receipts to a joint account in the appropriate local tax fund, and shall remit to each qualified city a pro rata share of the joint account, according to population figures determined by the most recent certified federal census.

Sec. 8. *NEW SECTION.* COUNTYWIDE SHARES. If an authorized local tax is imposed countywide, the treasurer of state shall credit the receipts to a joint account in the appropriate local tax fund, and shall remit to each qualified city in the county a pro rata share of the joint account, based upon the percentage of its population to the total population of the county, and to the board of supervisors, when the county is qualified, a pro rata share of the joint account based upon the percentage of population in the county outside of cities, all according to the population determined by the most recent certified federal census.

Sec. 9. *NEW SECTION.* LOCAL VEHICLE TAX. An annual local vehicle tax at the rate per axle

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determined by the election imposing the tax may be imposed by a city or county on every vehicle which is required to be registered by the state, and is registered to either of the following:

1. A person residing within the city, unincorporated area of a county, or county which has imposed the tax, at the time of registration of the vehicle.

2. Any person, if the vehicle is usually kept, garaged, or stored during the night and on weekends and holidays within the limits of the city, unincorporated area of a county, or county which has imposed the tax.

A person subject to tax under subsection one (1) of this section shall receive a credit for tax paid for that year under subsection two (2) of this section.

For the purpose of the tax authorized by this section, "person" means the same as defined in section three hundred twenty-one point one (321.1), subsection

thirty-five (35), of the Code, "vehicle" means any self-propelled vehicle subject to registration under section three hundred twenty-one point eighteen (321.18) of the Code, and "axle" means the assembly of housing and axle shafts which supports and propels either a pair of wheels or one wheel only.

Sec. 10. *NEW SECTION.* ADMINISTRATION. A local vehicle tax may be imposed January first following a favorable election.

Local officials shall confer with the director of the department of transportation for assistance in drafting the ordinance or levy imposing a local vehicle tax. A certified copy of the ordinance or levy imposing a local vehicle tax shall be filed with the director as soon as possible after passage. The director shall inform the appropriate county treasurers and in cooperation with them shall collect and account for all local vehicle taxes, crediting local vehicle tax receipts to a local vehicle tax fund hereby established in the office of the treasurer of state. The treasurer of state shall remit annually at the beginning of each fiscal year to the cities and counties which have imposed a local vehicle tax and which have qualified under section five (5) or six (6) of this Act their share of the balance in the local vehicle tax fund. The local vehicle tax fund is appropriated for this purpose.

Sec. 11. *NEW SECTION.* PAYMENT. Taxpayers shall pay a local vehicle tax to the county treasurer or to the department of transportation at the time of application for registration of the vehicle under

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the provisions of section three hundred twenty-one point twenty (321.20), three hundred twenty-one point twenty-three (321.23), three hundred twenty-one point twenty-five (321.25), three hundred twenty-one point forty (321.40), three hundred twenty-one point forty-six (321.46), or three hundred twenty-one point forty-seven (321.47) of the Code. County treasurers and the department of transportation shall require a person applying for registration of a vehicle to state such person's residence and where the vehicle is usually kept, garaged, or stored during the night and on weekends and holidays, and shall not issue a state registration certificate to the owner of a vehicle on which a local vehicle tax is due, until the local vehicle tax is paid.

Payment of a local vehicle tax shall be evidenced

by a stamp on the state registration certificate and by issuance of a sticker, decal, or tag. The director of the department of transportation shall prescribe by rule the form of the sticker, decal, or tag, a reasonable method of prorating local vehicle taxes on vehicles originally registered for part of a year only, and a reasonable method for refunding part of local vehicle taxes when a refund of a state registration fee is due under section three hundred twenty-one point one hundred twenty-six (321.126) of the Code.

Unpaid local vehicle taxes are a lien upon the vehicle on which they are due. Penalties for late payment which are comparable to the penalties for late payment of state registration fees shall be imposed by the ordinance or levy imposing a local vehicle tax. Willful violation of a local vehicle tax ordinance is a simple misdemeanor.

Sec. 12. *NEW SECTION.* LOCAL INCOME TAX. An annual local income tax may be imposed on every individual resident taxpayer at the rate determined by the election imposing the tax of the taxpayer's computed state individual income tax for the tax year.

Sec. 13. *NEW SECTION.* ADMINISTRATION. A local income tax shall be imposed January first and any discontinuance of the tax shall be as of December thirty-first.

The director of revenue shall administer the provisions of a local income tax as nearly as possible in conjunction with the administration of state income tax laws. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting local income tax liability.

An ordinance of a city council or resolution of

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a county board of supervisors imposing a local income tax shall adopt by reference the applicable provisions of the appropriate sections of chapter four hundred twenty-two (422), division one (I) of the Code. All powers of the director and requirements of the director in administering the state income tax law are applicable to the administration of a local income tax, as applicable, including but not limited to powers to impose interest and penalties, and requirements for hearing and appeal. Local officials shall confer with the director of revenue and obtain the director's assistance in drafting the ordinance or resolution imposing a local income tax. A certified

copy of the ordinance or resolution imposing a local income tax shall be filed with the director as soon as possible after passage.

The director, in consultation with local officials, shall collect and account for a local income tax. The director shall retain for the use of the department of revenue one percent of all local income tax, to cover administrative expense, and shall credit remaining local income taxes to a "local income tax fund" for that city hereby established in the office of the treasurer of state.

Sec. 14. *NEW SECTION.* PAYMENT TO LOCAL GOVERNMENTS. The treasurer of state shall remit quarterly to the cities and counties which have imposed a local income tax and which have qualified under section five (5) or six (6) of this Act their share of the amount of revenue in the local income tax fund. The local income tax fund is appropriated for this purpose.

Sec. 15. Section three hundred twenty-one point thirty (321.30), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. If any local vehicle taxes due have not been paid.

Sec. 16. Section three hundred twenty-one point one hundred thirty (321.130), Code 1979, is amended to read as follows:

321.130 FEES IN LIEU OF TAXES. The registration fees imposed by this chapter upon private passenger motor vehicles or semitrailers shall be in lieu of all *state* taxes[, general or] *and* local *personal property taxes based upon assessed valuation*, to which motor vehicles or semitrailers may be subject, and if a motor vehicle or semitrailer [shall have *has* been registered at any time under this chapter it shall not thereafter be subject to a personal property tax *based upon assessed valuation*, unless [such] *the* motor

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vehicle or semitrailer [shall have] *has* been in storage continuously as an unregistered motor vehicle or semitrailer during the preceding registration year.

Sec. 17. Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-four (94), section two (2), is amended to read as follows:

1. It shall be unlawful for the director, or any person having an administrative duty under this

chapter, or any present or former officer or other employee of the state authorized by the director to examine returns, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation under this chapter of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law. However, the director may authorize examination of [such] state returns and other state information which is confidential under this section, if a reciprocal arrangement exists, by tax officers of another state or the federal government. The director may, by rules adopted pursuant to chapter 17A, authorize examination of state information and returns by other officers or employees of this state *or by Iowa city or county officials, if the city or county has imposed a local tax,* to the extent required by their official duties and responsibilities. Disclosure of state information to tax officers of another state shall be limited to those disclosures which have a tax administrative purpose and only to officers of those states which have laws that are as strict as the laws of this state protecting the confidentiality of [such] *the* returns and information. The director shall place upon the state tax form a notice to the taxpayer that state tax information may be disclosed to tax officials of another state or of the United States for tax administrative purposes. The department shall not authorize the examination of tax information by officers and employees of this state, another state, *or by Iowa city or county officials, if the city or county has imposed a local tax,* or of the United States if the officers or employees would otherwise be required

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to obtain a judicial order to examine the information if it were to be obtained from another source, and if the purpose of the examination is other than for tax administration. Nothing in this subsection shall prevent the department from authorizing the examination of state returns and state information when provided under the provisions of section 252B.9. This

subsection shall prevail over the provisions of any general law of this state relating to public records."

2. Amend the title page, line 1, by inserting after the word "taxation" the words "by providing property tax relief through local option taxes,".

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

LOWELL L. JUNKINS

S—5037

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section four hundred twenty-one point thirty (421.30), Code 1979, is amended to read as follows:

421.30 REASSESSMENT EXPENSE FUND.

1. There is created in the office of the treasurer of state a 'reassessment expense fund' for the purpose of providing [loans] *funds* to a city and county conference board for conducting reassessments of property. There is appropriated to the reassessment expense fund from the general fund of the state from any unappropriated funds in the general fund of the state such funds as are necessary to carry out the provisions of this section, section 421.17, subsection 20, and the last paragraph of section 441.19, subject to the approval of the state comptroller. Repayment of loans *made for reassessments completed on or before July 1, 1980* shall be credited to the fund. *The reassessment expense fund shall pay all costs of reassessments completed after July 1, 1980.*

2. There is created a reassessment expense fund committee composed of the director of revenue, the state comptroller, and the chairperson of the state board of tax review. The committee shall maintain and administer the reassessment expense fund created pursuant to subsection 1.

3. Within sixty days of the receipt of an order of the director to reassess all or part of the property in an assessing jurisdiction, the conference board and assessor of the assessing jurisdiction shall submit to the director a detailed proposal for complying with the order. The proposal shall contain specifications for the completion of the reassessment project[, the financial condition of the assessing

jurisdiction,] and any other information deemed necessary by the director.

4. Each proposal submitted pursuant to subsection 3 shall be reviewed by the director to determine if the proposal will result in compliance with the reassessment order. The director shall approve or disapprove each proposal and shall notify the appropriate conference board and assessor of the decision. If the director determines the proposal will not result in compliance with the reassessment order, the notice shall contain the reasons for the director's determination and an explanation as to how the proposal shall be corrected in order to be

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approved by the director.

5. If the notice to the conference board and the assessor states that the director has determined that the proposal will result in compliance with the reassessment order, the conference board [may, if it lacks the financial resources] *shall proceed* to comply in all respects with the reassessment order[,] *and* file with the committee an application for [a loan] *the necessary funds* from the reassessment expense fund. The [loan] *funds provided* to the conference board [may] *shall* be for all [or part] of the funds required to comply with the reassessment order. [The committee shall approve, amend and approve, or reject each application and notify the conference board and assessor of its decision. If the application is amended or rejected, the notice shall contain the committee's reasons for the amendment or rejection.]

6. Upon the committee's approval of [the advancement of] funds from the reassessment expense fund, the committee shall certify to the appropriate conference board and assessor a schedule for disbursing the [loan] *funds* to the assessing jurisdiction's appraiser fund authorized by section 441.50. The schedule shall provide for the disbursement of funds over the period of the reassessment project, except that ten percent of the funds shall not be disbursed until the project is completed. [The conference board shall at its next opportunity levy pursuant to section 441.50 sufficient funds for purposes of repaying the loan made from the reassessment expense fund. The amount levied shall be sufficient to repay the loan in semiannual installments during the course of the reappraisal project as specified by a repayment schedule established by the committee. The repayment schedule

shall provide for repayment of the loan not later than one year following the completion of the reassessment. Semiannual repayments of the proceeds of the loan shall be made on or before December 1 and May 1 of each year.]

7. Any reassessment of property order by the director, [whether or not] undertaken with funds provided in this section, shall be conducted by the assessor in accordance with the Iowa real property appraisal manual issued under authority of section 421.17, subsection 18, the assessment laws of this state, and any reassessment order issued by the director under authority of this chapter. The conference board may employ appraisers or other expert help to assist the assessor in completing the reassessment, except that no conference board receiving funds under this

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section shall enter into a contract for the reassessment of property until the board's proposal for completing the reassessment is approved. The director shall supervise the conduct of all reassessments of property and issue to the assessor or conference board such instructions, directives, or orders as are necessary to ensure compliance with the provisions of this section and the assessment laws of this state.

8. The assessor of each assessing jurisdiction receiving funds under this section shall submit to the director, in the form and manner prescribed by the director, reports showing the progress of the reassessment. If the director determines that a reassessment undertaken with funds provided in this section is not being conducted in accordance with the proposal submitted pursuant to subsection 3, the director shall notify the appropriate conference board and assessor and the committee of the director's determination. The notice shall contain an explanation as to how the deficiencies in the reassessment may be corrected. If the deficiencies noted by the director are not corrected within sixty days of the date the assessor and conference board are notified of their existence, the committee shall suspend payments from the reassessment expense fund until the director notifies the committee that the deficiencies have been corrected.

9. Funds obtained under this section shall be

used only to conduct reassessments of property as approved and conducted pursuant to this section."

C.W. HUTCHINS
NORMAN G. RODGERS

S—5038

Amend the Bisenius amendment, S—5025, to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, line 25 by inserting after the word *"property"* the words *"except agricultural property"*.

STEPHEN W. BISENIUS

S—5039

Amend Senate File 458 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter two hundred eighty (280), Code 1979, is amended by adding the following new section:

NEW SECTION. ORIGIN OF HUMANKIND. Whenever the origin of humankind or the origin of the earth is alluded to or taught in the educational program of the public school corporations of this state, the concept of creation as supported by scientific evidence may be included."

COMMITTEE ON EDUCATION
W. R. BILL HANSEN, Chairperson

S—5040

Amend House File 2072 as amended, passed, and reprinted by the House as follows:

1. Page 14, by inserting after line 11 the following new section:

"6. The impact of tax exempt state property within political subdivisions and the feasibility of a tax reimbursement program to compensate political subdivisions for the loss of tax revenues because of the tax exempt status of state property."

ARTHUR A. SMALL, JR.

S—5041

Amend House File 2072 as amended, passed, and

reprinted by the House as follows:

1. Page 13, by inserting after line 10 the following new sections:

"*Sec.* _____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), sections four (4) and five (5), are amended to read as follows:

SEC. 4. There is appropriated from the general fund of the state to the county government assistance fund, established in section three hundred thirty-four A point one (334A.1) of the Code, for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for state assistance to counties, with distribution in accordance with section three hundred thirty-four A point two (334A.2) of the Code.

1979-1980	1980-1981
Fiscal Year	*Fiscal Year*
$5,000,000	$[5,000,000]
	5,500,000

SEC. 5. There is appropriated from the general fund of the state to the municipal assistance fund, established in section four hundred five point one (405.1) of the Code, for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for state assistance to municipalities, with distribution in accordance with section four hundred five point one (405.1) of the Code.

1979-1980	1980-1981
Fiscal Year	*Fiscal Year*
$13,000,000	$[13,000,000]
	15,000,000"

2. Amend the title, line 9, by inserting after the word "plant" the words", appropriating moneys to the county assistance and municipal assistance funds,".

BOB RUSH
ROBERT M. CARR
TOM SLATER
JOANN ORR

S—5042

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following:

Section 1. Chapter four hundred twenty-two (422), Code 1979, is amended by adding sections two (2)

through thirteen (13) of this Act as a new division.

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this division unless the context otherwise requires:

1. "Income" means the sum of Iowa net income as defined in section four hundred twenty-two point seven (422.7) of the Code, plus all the following to the extent not already included in Iowa net income: Capital gains, alimony, child support money, cash public assistance and relief, the gross amount of any pension or annuity, including but not limited to railroad retirement benefits, all payments received under the federal Social Security Act, and all military retirement and veterans' disability pensions, interest received from the state or federal government or any of its instrumentalities, workers' compensation and the gross amount of disability income or "loss of time" insurance. "Income" does not include gifts from nongovernmental sources, or surplus foods or other relief in kind supplied by a governmental agency or renter's relief granted under this division.

2. "Household" means a claimant, spouse, and any person related to the claimant or spouse by blood, marriage, or adoption and living with the claimant for more than six months during the tax year. "Living with" refers to domicile and does not include a temporary visit.

3. "Household income" means all income of the claimant and the claimant's spouse in a household and actual monetary contributions received from any other household member during their respective twelve-month income tax accounting periods ending with or during the tax year.

4. "Homestead" means the dwelling located in this state which is rented and actually used as a home by the claimant during all or part of the tax year or the last dwelling rented and actually used as a home by the claimant in the tax year, and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It does not include personal property except that a mobile home may be a homestead. Any dwelling or a part of a multidwelling or

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multipurpose building which is exempt from property taxation shall not qualify as a homestead under the provisions of this division.

5. "Claimant" means a person filing a claim for credit under this division who has attained the age of eighteen years on or before the last day of the tax year, has not been or will not be claimed as a dependent by another person on a state or federal income tax return filed for any part of the tax year and was domiciled in this state during the entire tax year and is domiciled in this state at the time the claim is filed. "Claimant" does not include any person who has previously received or has filed for any part of the tax year a claim for a credit for property taxes due or a claim for reimbursement for rent constituting property taxes paid under sections four hundred twenty-five point sixteen (425.16) through four hundred twenty-five point thirty-nine (425.39) of the Code. The claimant shall have rented a dwelling actually used as a home by the claimant for more than six months during any part of the tax year. When two persons of a household are able to meet the qualifications for a claimant, they may determine between them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue not later than the time required for filing a claim for credit under this division and the director's decision shall be final.

6. "Tax year" means the tax year as defined in section four hundred twenty-two point four (422.4) of the Code.

Sec. 3. *NEW SECTION.* CREDIT AND REIMBURSEMENT. Subject to the limitations provided in this division, a claimant may file claim for an income tax credit for the renting of the claimant's homestead during the tax year. After audit or certification by the director, the credit shall be deducted from the claimant's income tax liability for that tax year. If the credit allowed exceeds the claimant's tax liability, any excess shall be paid to the claimant in the same manner as individual income tax refunds are paid under this chapter. Any payments made pursuant to this section shall be from the state general fund.

Sec. 4. *NEW SECTION.* FILING DATE. A claim for an income tax credit for the renting of the claimant's homestead shall not be allowed unless the claim is filed with the claimant's income tax return for the tax year and within the time required for the filing of such return as provided in section four hundred

twenty-two point twenty-one (422.21) of the Code.

If an income tax return is not required to be filed, then the claim shall be filed within the time required for the filing of income tax returns for the tax year as provided in section four hundred twenty-two point twenty-one (422.21) of the Code.

Sec. 5. *NEW SECTION.* ONE CLAIMANT PER HOUSEHOLD. Only one claimant per household per year is entitled to a credit under this Act.

Sec. 6. *NEW SECTION.* SCHEDULE FOR CLAIMS FOR CREDIT. The amount of any claim for an income tax credit shall be determined in accordance with the following schedule:

If the household income is:	Amount allowed as an income tax credit:
$ .00 - 3,999.99	$100
4,000 - 4,999.99	90
5,000 - 5,999.99	80
6,000 - 6,999.99	60
7,000 - 7,999.99	40
8,000 - 8,999.99	30
9,000 - 9,999.99	25
10,000 - 15,000.00	20

Sec. 7. *NEW SECTION.* ADMINISTRATION. The director of revenue shall make available suitable forms with instructions for claimants or provide on regular individual income tax returns for the filing of a claim under this division.

Sec. 8. *NEW SECTION.* AUDIT OF CLAIM. If on the audit of any claim for credit under this division, the director determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, the director shall recalculate the claim and notify the claimant of the recalculation or denial and the reasons for it. The director shall not adjust any claim after the period provided in section four hundred twenty-two point twenty-five (422.25) of the Code. If the claim for credit has resulted in a payment to the claimant, the amount so paid may be recovered in the same manner that income taxes are assessed and collected under sections four hundred twenty-two point twenty-five (422.25), four hundred twenty-two point twenty-six (422.26) and four hundred twenty-two point thirty (422.30) of the Code. The recalculation of the claim is final unless appealed as provided in section eleven (11) of this Act. The provisions of section four hundred twenty-two point seventy (422.70) of the Code are applicable with respect to this division.

Sec. 9. *NEW SECTION.* FALSE CLAIM—PENALTY. A

Page 4

person making a false claim for the purpose of obtaining the credit provided for in this division or who knowingly receives a payment under this division without being legally entitled to it is guilty of a simple misdemeanor. The claim for credit shall be disallowed in full and if the claim for credit has resulted in a payment to the claimant, the amount so paid may be recovered by assessment in the manner that income taxes are assessed pursuant to sections four hundred twenty-two point twenty-six (422.26) and four hundred twenty-two point thirty (422.30) of the Code. The director of revenue shall send a notice of disallowance of the claim.

Sec. 10. *NEW SECTION.* NOTICES. Section four hundred twenty-two point twenty-five (422.25), subsection one (1) of the Code applies to all notices under this division.

Sec. 11. *NEW SECTION.* APPEALS. A person aggravated by an act or decision of the director of revenue or the department of revenue under this division has the same rights of appeal and review as provided in sections four hundred twenty-one point one (421.1) and four hundred twenty-two point twenty-nine (422.29) of the Code and the rules of the department of revenue.

Sec. 12. *NEW SECTION.* DISALLOWANCE OF CERTAIN CLAIMS. A claim for credit shall be disallowed if the department finds that the claimant is renting his or her homestead primarily for the purpose of receiving benefits under this division.

Sec. 3. *NEW SECTION.* RULES. The director of revenue shall adopt rules in accordance with chapter seventeen A (17A) of the Code for the interpretation and proper administration of this division, including rules to prevent and disallow duplication of benefits and to prevent an unreasonable hardship or advantage to any person.

Sec. 14. Section four hundred twenty-two point twelve (422.12), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section six (6), is amended to read as follows:

There shall be deducted from but not to exceed the tax, *except as provided in section fifteen (15) of this Act,* after the same shall have been computed as provided in this division, the following:

Sec. 15. Section four hundred twenty-two point

twelve (422.12), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979

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Session, chapter ninety-three (93), section six (6), is amended by adding the following new subsection:

NEW SUBSECTION. The renter's credit provided for under the provisions of sections two (2) through thirteen (13) of this Act. This credit shall be deducted after the deduction of the credits in subsections one (1) and two (2) of this section. If the deduction of this credit exceeds the tax liability, the excess shall be paid to the individual in the same manner as individual income tax refunds are paid under this chapter.

2. Page 11, by inserting after line 11 the following:

Sec. 23. Section four hundred forty-two point fifteen (442.15), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section thirteen (13), is amended to read as follows:

The school district income surtax shall be imposed on the state individual income tax for the calender year during which the school's budget year begins, or for a taxpayer's fiscal year ending during the second half of that calender year or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section 422.5, less the deductions allowed in *subsections one (1) and two (2) of* section 422.12.

Sec. 24. Section four hundred forty-two point eighteen (442.18), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

The director of revenue shall deposit all moneys received *or computed, whichever amount is greater,* as school district income surtax to the credit of each district from which the moneys are received *or computed,* in a "school district income surtax fund" which is established in the office of the treasurer of state.

Effective July 1, 1980, the director of revenue shall deposit all school district income surtax moneys received *or computed* on or before November [1] *first* of the year following the close of the school budget

year for which the surtax is imposed to the credit of each district from which the moneys are received *or computed* in the school district income surtax fund. All school district surtax moneys received, *computed* or refunded after November [1] *first* of the year

Page 6

following the close of the school budget year for which the surtax is imposed shall be deposited in or withdrawn from the general fund of the state and shall be considered part of the cost of administering the school district surtax.

Sec. 25. Section four hundred forty-two point twenty-six (442.26), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section fifteen (15), is amended to read as follows:

442.26 APPROPRIATIONS. There is hereby appropriated each year from the general fund of the state an amount necessary to pay the state school foundation aid *and an amount equal to the difference between the amount of the school district income surtax as computed and the amount actually received, if the amount computed is greater, for each school district in the state which has imposed a school district income surtax.*

3. Page 13, by inserting after line 10 the following:

"Sec. _____. Sections one (1) through fifteen (15) and twenty-three (23) through twenty-five (25) of this Act are retroactive to January 1, 1980 for tax years beginning on or after January 1, 1980 and to this extent are retroactive."

4. Title page, line 9, by inserting after the word "plant" the words ", by providing a renter's credit".

5. Renumbering and changing internal references as required by this amendment.

BOB RUSH
JOANN ORR
JOE BROWN
TOM SLATER
JAMES CALHOON
ROBERT M. CARR
ALVIN V. MILER
JAMES V. GALLAGHER

CHARLES P. MILLER
PATRICK J. DELUHERY
C. W. HUTCHINS
ARTHUR A. SMALL, JR.
LOWELL L. JUNKINS
JOHN SCOTT
GEORGE R. KINLEY
WILLIAM D. PALMER

S—5044

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 12, by inserting after line 28 the following new sections:

"Sec. 14. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. 'Political subdivision' means a political subdivision of this state that has the power to certify or levy a property tax.

2. 'State property' means real estate owned by the state or a department agency of the state.

Sec. 15. *NEW SECTION.* PROPERTY TAX REIMBURSEMENT FOR STATE PROPERTY.

1. If the assessed value of state property within a political subdivision is ten percent or more of the total assessed value of all taxable real estate within that political subdivision, the state shall provide funds to replace the tax revenue which would be levied and collected if the state property was not tax exempt. The amount of tax reimbursement shall be equal to that part of the total budget of a political subdivision to be raised from property taxation multiplied by the percentage that the assessed value of the state property is of the total assessed value of all taxable real estate in the political subdivision.

2. The state comptroller shall administer the property tax reimbursement program. The state comptroller shall determine the amount of tax funds which would be available to the eligible political subdivisions if the state property was not tax exempt and shall determine the amount of reimbursement to which each political subdivision is entitled. The state comptroller shall prepare warrant checks payable to the eligible political subdivisions entitled to the funds after making the determinations required by this section.

3. Upon determining the amount of tax reimbursement payable to each eligible political subdivision, the state comptroller shall certify a list of the eligible

political subdivisions and the amount of tax reimbursement to be paid to the county auditor of the county in which the political subdivision is located. The county auditor shall reduce that part of the total budget of the eligible political subdivision to be raised from property taxation by the amount of the tax reimbursement.

Sec. 16. *NEW SECTION.* APPROPRIATIONS. There is appropriated from the general fund of the state to the state comptroller, out of any funds not

Page 2

otherwise appropriated, a sum sufficient to make the tax reimbursement payments provided under this Act to the eligible political subdivisions during the fiscal year beginning July 1, 1980 and each succeeding fiscal year."

2. Page 13, by inserting after line 29 the following new section:

"Sec. _____. The provisions of sections fourteen (14), fifteen (15), and sixteen (16) of this Act are effective January first following its enactment."

3. Amend the title, line 9, by inserting after the word "plant" the words ", by providing property tax reimbursement to political subdivisions in which the assessed valuation of state property is ten percent or more of the assessed valuation of all taxable real estate in the political subdivision, making an appropriation,".

4. Renumber sections and correct internal references as are necessary in accordance with this amendment.

ARTHUR A. SMALL, JR.

S—5045

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, line 7, by striking the words "four thousand [five] *eight* hundred *fifty* dollars" and inserting in lieu thereof the words "[four] *five* thousand [five hundred] dollars".

2. Page 1, lines 10 and 11, by striking the words "four thousand [five] *eight* hundred *fifty* dollars" and inserting in lieu thereof the words "[four] *five* thousand [five hundred] dollars".

3. Page 2, lines 1 and 2, by striking the words *"four thousand eight hundred fifty* dollars" and inserting in lieu thereof the words *"five thousand*

dollars".

4. Page 2, line 6, by striking the words *"four thousand eight hundred fifty* dollars" and inserting in lieu thereof the words *"five thousand* dollars".

BOB RUSH
ROBERT M. CARR
TOM SLATER
LOWELL L. JUNKINS
JOHN SCOTT
CHARLES P. MILLER
GEORGE R. KINLEY
C.W. HUTCHINS
JAMES CALHOON
WILLIAM D. PALMER
JOANN ORR
JAMES V. GALLAGHER
ALVIN V. MILLER
C. JOSEPH COLEMAN
PATRICK J. DELUHERY

S—5046

Amend the committee on Ways and Means amendment, S—5013, to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, line 4, by striking the word "section" and inserting in lieu thereof the word "sections".

2. Page 1, by inserting after line 4 the following:

"Sec. ____. Section twenty-four point seventeen (24.17), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The local budgets of the various political subdivisions shall be certified by the chairman of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than March 15 of each year *unless a city or county holds a special levy election, in which case certification shall not be later than fourteen days following the special levy election,* on blanks prescribed by the state board, and according to the rules and instruction which shall be furnished all certifying and levying boards in printed form by the state board *or city finance committee in the case of cities."*

3. Page 1, by inserting after line 31 the following:

"Sec. ____. Section twenty-four point forty-eight (24.48), Code 1979, as amended by Acts of the Sixty-

eighth General Assembly, 1979 Session, chapter twenty-five (25), section one (1), is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March fifteenth.

NEW UNNUMBERED PARAGRAPH. The state appeals board shall have officially notified any county of its approval, modification or rejection of the county's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March fifteenth.

Sec. ____. Section three hundred eighty-four point twelve (384.12), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A tax that exceeds any tax levy limit within this chapter, provided; the question has been submitted at a special levy election and received a simple majority of the votes cast on the proposition to authorize the enumerated levy limit

Page 2

to be exceeded for the proposed budget year.

a. The election may be held as specified herein if notice is given by the city council, not later than February fifteenth, to the county commissioner of elections that the election is to be held.

b. An election under this subsection shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

c. The proposition to be submitted shall be substantially in the following form:

Vote for *only one* of the following:

(1) Shall the city of _____ levy a
(name of city)
tax for the purpose of _____
(state purpose of levy election)
at a rate of _____ which will provide $_____
(rate) (amount)

(2) The city of _____ shall continue under the maximum rate of _____ providing $_____
(amount)

d. The commissioner of elections conducting the election shall notify the city officials and other

county auditors where applicable, of the results within two days of the canvass which shall be held beginning at one o'clock on the second day following the special levy election.

e. Notice of the election shall be published twice in accordance with the provisions of section three hundred sixty-two point three (362.3) of the Code, except that the first such notice shall be given at least two weeks before the election.

f. The cost of the election shall be borne by the city.

g. The election provisions of this subsection shall supersede other provisions for elections only to the extent necessary to comply with the provisions hereof.

h. The provisions of this subsection apply to all cities, however organized, including special charter cities which may adopt ordinances where necessary to carry out these provisions.

i. The council shall certify the city's budget with the tax askings not exceeding the amount approved by the special levy election."

4. By striking page 1, line 50 to page 2, line 28 and inserting in lieu thereof the following:

"Sec. ____. Section four hundred forty-four point nine (444.9), subsection two (2), Code 1979, is amended

Page 3

by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any county may exceed a tax levy limit contained in this chapter, provided; the proposition has been submitted at a special levy election and received a simple majority of the votes cast on the proposition to authorize the enumerated levy limit rate to be exceeded. The following provisions shall prevail for special levy elections.

1. The election may be held as specified herein if notice is given by the board of supervisors, not later than February fifteenth, to the county commissioner of elections that the election is to be held.

2. An election under this subsection shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

3. The proposition to be submitted shall be substantially in the following form:

Vote for *only one* of the following:

(1) Shall the county of _____ levy a
(name of county)

tax for the purpose of _____
(state purpose of levy election)
at a rate of _____ which will provide $_____
(rate) (amount)
(2) The county of _____ shall continue under the maximum rate of _____ providing $_____
(amount)

4. The commissioner of elections conducting the election shall notify the board of supervisors of the results within two days of the canvass which shall be held beginning at one o'clock on the second day following the special levy election.

5. Notice of the special levy election shall be published at least twice in a newspaper having general circulation in the county prior to the date of the special levy election. The first notice shall appear as early as practicable after the county has decided to seek a special levy.

6. Election provisions conflicting with the provisions of the subsection shall not apply to a special levy election."

RICHARD F. DRAKE
RICHARD COMITO

S—5047

Amend the committee on Ways and Means amendment, S—5013, to House File 2072 as amended, passed and reprinted by the House as follows:

1. By striking page 1, line 48 through page 2, line 28 and inserting in lieu thereof the following:

" ___. Page 12, by inserting after line 18 the following:

'Sec. ___. Section twenty-four point seventeen (24.17), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The local budgets of the various political subdivisions shall be certified by the chairman of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than March 15 of each year *unless a city or county holds a special levy election, in which case certification shall not be later than fourteen days following the special levy election,* on blanks prescribed by the state board, and according to the rules and instruction which shall be furnished all certifying and levying boards in printed form by the state board *or city finance committee in the case*

of cities.

Sec. ____. Section twenty-four point forty-eight (24.48), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section one (1), is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March fifteenth.

NEW UNNUMBERED PARAGRAPH. The state appeals board shall have officially notified any county of its approval, modification or rejection of the county's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March fifteenth.

Sec. ____. Section three hundred eighty-four point twelve (384.12), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A tax that exceeds any tax levy limit within this chapter, provided; the question has been submitted at a special levy election and received a simple majority of the votes cast on the proposition to authorize the enumerated levy limit to be exceeded for the proposed budget year.

a. The election may be held as specified herein

Page 2

if notice is given by the city council, not later than February fifteenth, to the county commissioner of elections that the election is to be held.

b. An election under this subsection shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

c. The proposition to be submitted shall be substantially in the following form:

Vote for *only one* of the following:

Shall the city of _____ levy a
(name of city)
tax for the purpose of _____
(state purpose of levy election)
at a rate of _____ which will provide $_____
(rate) (amount)
The city of _____ shall continue
under the maximum rate of _____ providing
$_____
(amount)

d. The commissioner of elections conducting the election shall notify the city officials and other county auditors where applicable, of the results within two days of the canvass which shall be held beginning at one o'clock on the second day following the special levy election.

e. Notice of the election shall be published twice in accordance with the provisions of section three hundred sixty-two point three (362.3) of the Code, except that the first such notice shall be given at least two weeks before the election.

f. The cost of the election shall be borne by the city.

g. The election provisions of this subsection shall supersede other provisions for elections only to the extent necessary to comply with the provisions hereof.

h. The provisions of this subsection apply to all cities, however organized, including special charter cities which may adopt ordinances where necessary to carry out these provisions.

i. The council shall certify the city's budget with the tax askings not exceeding the amount approved by the special levy election.

Sec. ____. Section four hundred forty-four point nine (444.9), subsection two (2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any county may exceed a tax levy limit contained in this chapter, provided; the proposition has been submitted at a special levy

Page 3

election and received a simply majority of the votes cast on the proposition to authorize the enumerated levy limit rate to be exceeded. The following provisions shall prevail for special levy elections.

1. The election may be held as specified herein if notice is given by the board of supervisors, not later than February fifteenth, to the county commissioner of elections that the election is to be held.

2. An election under this subsection shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

3. The proposition to be submitted shall be substantially in the following form:

Vote for *only one* of the following:

Shall the county of _____ levy a
(name of county)
tax for the purpose of _____
(state purpose of levy election)
at a rate of _____ which will provide $_____
(rate) (amount)
The county of _____ shall continue
under the maximum rate of _____ providing
$_____
(amount)

4. The commissioner of elections conducting the election shall notify the board of supervisors of the results within two days of the canvass which shall be held beginning at one o'clock on the second day following the special levy election.

5. Notice of the special levy election shall be published at least twice in a newspaper having general circulation in the county prior to the date of the special levy election. The first notice shall appear as early as practicable after the county has decided to seek a special levy.

6. Election provisions conflicting with the provisions of the subsection shall not apply to a special levy election.' "

RICHARD F. DRAKE

S—5048

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 23 the following:

"Sec. ____. Section four hundred forty-one point twenty-one (441.21), subsection one (1), unnumbered paragraph two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section three (3), is amended by striking the paragraph.

Sec. ____. Section four hundred forty-one point twenty-one (441.21), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), sections three (3) and four (4), is amended by inserting after unnumbered paragraph six (6) the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of this section, the actual value of residential property, commercial property, industrial property, and property valued by the

department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be determined solely on the basis of productivity and net earning capacity of that property on the basis of its use as property of the class in which it is assessed capitalized at a rate bearing the same ratio that the seven percent capitalization rate for agricultural property bears to the actual capitalization rate of agricultural property."

2. Title page, line 4, by inserting after the word "valuation" the words "based upon productivity and earning capacity".

JOANN ORR

S—5049

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Amend the title, line 7, by inserting after the word "purposes," the words "by establishing agricultural dwellings as one class of property and combining agricultural buildings with agricultural land into another class of property,".

NORMAN G. RODGERS

S—5050

Amend House amendment S—5016 to Senate File 278 as amended, passed and reprinted by the Senate as follows:

1. Page 1, lines 18 and 19, by striking the words "the fifth day of each month" and inserting in lieu thereof the words "December first of each year".

JOHN W. JENSEN

S—5051

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 13, by striking lines 30 through 34 and inserting in lieu thereof the following:

"*NEW SECTION.* The legislative council is directed to create a tax study committee to be composed of the following members: The Lieutenant Governor is to serve as chairman of this committee and the legislative

council shall appoint four members of the Senate and four members of the House, two from each political party, to serve on this committee. Twelve members shall be appointed from the public at large, two from each of Iowa's Congressional Districts. One member from each Congressional District shall be appointed by the Governor and one member from each Congressional District shall be appointed by the chairman of the Democratic State Party. This committee shall conduct a comprehensive study".

WILLIAM D. PALMER

S—5052

Amend House File 2072 as amended, passed and reprinted by the House as follows:

DIVISION S—5052A

1. Page 13, by striking lines 30 through 35 and inserting in lieu thereof the following:

"*NEW SECTION.* The governor is directed to appoint a committee of twelve members knowledgeable about the question of taxes to make a comprehensive study and recommend changes to the general assembly by January, 1981. The study shall".

DIVISION S—5052B

2. Page 14, by inserting after line 15 the following new subsection:

"6. The impact of the failure to index the income tax to adjust for inflation."

ARTHUR A. SMALL, JR.

S—5053

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 13, by inserting after line 10 the following:

"Sec. ____. Notwithstanding the time limit provisions of section twenty-four point seventeen (24.17), unnumbered paragraph one (1), section twenty-four point forty-eight (24.48), section three hundred eighty-four point twelve (384.12), and section four hundred forty-four point nine (444.9), subsection two (2), of the Code as amended by this Act, a city or county wishing to exceed a tax levy limit for the

fiscal year beginning July 1, 1980, shall notify the county commissioner of elections not later than thirty days following the effective date of this Act that a special levy election is to be held and the city or county holding such an election shall certify the local budget to the county auditor not later than fourteen days following the special levy election."

RICHARD F. DRAKE

S—5054

Amend Senate File 360 as follows:

1. Page 1, by striking lines 1 through 22.

EDGAR H. HOLDEN

S—5055

Amend the Palmer amendment, S—5051, to House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 13 through 17 and inserting in lieu thereof the following: "each of Iowa's congressional districts. The governor shall appoint two members from each congressional district from lists submitted by the chair of the republican state party and the chair of the democratic state party. This committee shall conduct".

GEORGE R. KINLEY
BERL E. PRIEBE

S—5056

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 14, by inserting after line 11 the following new section:

"6. The impact of tax exempt property within political subdivisions and the feasibility of a tax reimbursement program to compensate political subdivisions for the loss of tax revenues because of the tax exempt status of property."

JOANN ORR

S—5057

Amend Senate File 439 as follows:

1. Page 1, lines 4 and 5 by striking the words *more than one-half of one percent of".*

2. Page 1, line 5 by striking the words *"by volume"*.

ARTHUR L. GRATIAS

S—5058

Amend Senate File 2015 as follows:

1. Page 1, by striking lines 9 and 10 and inserting in lieu thereof the following: "or committee *however, appointees to any appointive board, commission or committee of this state or a political subdivision of this state shall be nonvoting members* [until the expiration of his or her term as county supervisor or July 1, 1981, whichever occurs first]."

C.W. HUTCHINS
TOM SLATER

S—5059

Amend Senate File 2002 as follows:

1. Page 1, line 7, by inserting after the word "use," the word "and".

2. Page 1, line 8, by striking the words "athletics, and for retirement" and inserting in lieu thereof the word "athletics."

3. Page 1, by striking lines 9 and 10.

4. Page 1, line 14, by striking the words "housing and".

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5060

Amend Senate File 2003 as follows:

1. By striking page 1, line 35 through page 2, line 1.

LOWELL L. JUNKINS

S—5061

Amend Senate File 2026 as follows:

1. Page 1, line 11, by striking the word "January" and inserting in lieu thereof the word "July".

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S—5062

Amend Senate File 367 as follows:

1. Page 1, line 22, by striking the word and numerals "June 30, 1977" and inserting in lieu thereof the word and numerals "January 1, 1981".

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S—5063

Amend Senate File 108 as follows:

1. Page 1, by inserting before line 1 the following section:

"Section 1. Section two hundred seventy-eight point one (278.1), subsection seven (7), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-one (61), section four (4), is amended to read as follows:

7. Vote a schoolhouse tax, not exceeding sixty-seven and one-half cents per thousand dollars of assessed value in any one year, for the purchase of grounds, construction of schoolhouses or buildings, the payment of debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds, for procuring or acquisition of libraries, for opening roads to schoolhouses or buildings, for the purchase of buildings or equipment for buildings or schoolhouses, for the purpose of repairing, remodeling, reconstructing, improving or expanding the schoolhouses or buildings for the school district, *for the purpose of energy conservation and use* for the purpose of landscaping, paving, or improving the schoolhouse or building grounds, or for the rental of facilities pursuant to chapter 28E. Interest earned from investments of these funds may be used for the purposes voted. The power to levy said tax, when voted, shall continue for such period of time as may be authorized by the voters and shall not be affected by any change in the boundaries of the school district, in whatever manner effected, except in case the school district is reorganized pursuant to sections 275.12 to 275.22. Authorized levies for the period of time presently approved shall not be affected as a result of a failure of a proposition proposed to expand the purposes for which the funds may be expended. As used in this subsection, 'repair' means to restore the existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial

destruction, but does not include maintenance or customary repainting; and 'reconstruction' means to rebuild or to restore again as an entity the thing which was lost or destroyed."

2. Page 1, line 34, by inserting after the word *"schoolhouse"* the words *"and for energy conservation and use"*.

3. Amend the title, line 4, by striking the word "levy" and inserting in lieu thereof the words "site fund tax and schoolhouse tax levies".

RAY TAYLOR
JOHN W. JENSEN

S—5064

Amend Senate File 439 as follows:

1. Page 1, by inserting after line 31 the following:

"Sec. 2. Section one hundred twenty-three point forty-six (123.46), Code 1979, is amended to read as follows:

123.46 CONSUMPTION *OR POSSESSION* IN PUBLIC PLACES--INTOXICATION. It is unlawful for [any] *a* person to use [or], consume *or possess an open container of* alcoholic liquors or beer upon the public streets or highways, or alcoholic liquors in any public place, except premises covered by a liquor control license, or to possess or consume alcoholic liquors or beer on any public school property or while attending any public or private school related functions, [and no person shall] *or to* be intoxicated [nor] *or* simulate intoxication in a public place. As used in this section 'school' means a school or that portion thereof [,] which provides teaching for any grade from kindergarten through grade twelve. [Any] *A* person violating [any provisions] *a provision* of this section [shall be] *is* guilty of a simple misdemeanor."

2. By renumbering sections as required.

3. Amend the title page, line 1, by inserting after the word "content" the words "and possession".

RAY TAYLOR

S—5065

Amend amendment S—3469 to Senate File 458 as follows:

1. Page 1, line 11 by striking the word "shall" and inserting in lieu thereof the word "may".

TOM SLATER

S—5066

Amend the committee on Ways and Means amendment, S—5039, to Senate File 458 as follows:

1. Page 1, line 12 by inserting after the word "included" the words "in such a manner that does not promote any particular religion".

TOM SLATER

S—5067

Amend amendment S—5039 to Senate File 458 as follows:

1. Page 1, by striking line 11 and inserting in lieu thereof the following: "concepts of creation and evolution as supported by scientific evidence"

TOM SLATER

S—5068

Amend House File 225 as follows:

1. Page 1, by inserting after line 18 the following:

"Sec. _____ . Section one hundred ninety-six point one (196.1), subsection seven (7), Code 1979, is amended to read as follows:

7. 'Grading' means classifying each shell egg by weight and grading in accordance with egg grading standards approved by the United States government as of July 1, [1976] *1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq.*

Sec. _____ . Section one hundred ninety-six point two (196.2), Code 1979, is amended to read as follows:

196.2 ENFORCEMENT. The secretary shall enforce the provisions of this chapter, and may make rules pursuant to chapter 17A and consistent with regulations of the United States government as they exist on July 1, [1976] *1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq., and the Egg Products Inspection Act of 1970, 21 U.S.C. ss. 1044 et. seq."*

2. Page 1, by striking lines 20 through 25 and inserting in lieu thereof the following: "Code 1979, is amended to read as follows:

196.3 EGG HANDLER'S LICENSE AND FEE. Every egg handler shall obtain an annual license from the department. The fee for the license shall be determined on the basis of the total number of eggs purchased [and] *or* handled during the preceding month

of April in each calendar year as follows:

1. Less than one hundred twenty-five cases . . . . . $[12.50] *15.00*

2. One hundred twenty-five cases or more but less than two hundred fifty cases . . . . . $[25.00] *35.00*

3. Two hundred fifty cases or more but less than one thousand cases . . . . . $[37.50] *50.00*

4. One thousand cases or more *but less than five thousand cases* . . . . . $[50.00] *100.00*

5. Five thousand cases or more but less than ten thousand cases $175.00

6. Ten thousand cases or more $250.00

The license shall expire one year after its date of issue. For the purpose of determining fees, a case shall be thirty dozen eggs. All fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state.

If an egg handler is not operating during the month of April, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the fee based on three months of operation.

Page 2

Sec. _____ . Section one hundred ninety-six point four (196.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Producers who sell eggs produced exclusively by their own flocks directly to handlers, or to consumers, shall not be required to [obtain a candler's and grader's license] *demonstrate to the department or the United States department of agriculture inspector their capability to perform candling and grading."*

3. Page 1, by striking lines 27 through 35 and inserting in lieu thereof the following: "Code 1979, is amended to read as follows:

196.5 CANDLING AND GRADING [LICENSE] *CAPABILITY.*

[A] *Each* person who candles and grades eggs shall [obtain a candler and grader license from the department. The license fee shall be three dollars per year for such person. Before a license is issued, each person who is engaged in candling and grading shall] demonstrate to the satisfaction of the department *or the United States department of agriculture inspector, the* capability to perform candling and grading.

[With the approval of the secretary, persons candling and grading eggs may be appointed for a period of not more than fourteen days pending licensing by the department, if during this period the employer of

the temporary candler and grader will be responsible for his or her work while acting in the capacity of candler or grader.]"

4. Page 2, by inserting after line 7 the following:

"Sec. _____. Section one hundred ninety-six point nine (196.9), Code 1979, is amended to read as follows:

196.9 EGGS UNFIT AS HUMAN FOOD. Eggs determined to be unfit for human food under title 21, section [103] *1034* of the United States Code as amended to July 1, [1976] *1979*, shall not be bought or sold or offered for purchase or sale by any person unless the eggs are denatured so that they cannot be used for human food."

5. By renumbering to conform to this amendment.

COMMITTEE ON AGRICULTURE
IRVIN L. BERGMAN, Chairperson

S—5069

Amend House File 2072 as amended, passed and reprinted by the House as follows:

1. Page 14, by inserting after 11 the following new subsection:

"6. The impact of the failure to index the income tax to adjust for inflation."

ARTHUR A. SMALL, JR.

S—5070

Amend Senate File 2097 to read as follows:

1. Page 1, by inserting after line 35 the following:

"Sec. 3. Section two hundred fifty-two point twenty-seven (252.27), Code 1979, is amended to read as follows:

252.27 FORM OF RELIEF—CONDITION. The relief may be either in the form of food, rent or clothing, fuel and lights, medical attendance, civil legal aid, or in money. Legal aid authorized herein shall be provided only through a legal aid program approved by the county board of supervisors. The amount of assistance issued to meet the needs of the person shall be determined by standards of assistance established by the county boards of supervisors. They may require any able-bodied person to labor faithfully on the streets or highways at the prevailing local rate per hour in payment for and as a condition

of granting relief; [said] *the* labor shall be performed under the direction of the officers having charge of working streets and highways. Subject to the provisions of section 142.1, [such] *the* relief [may also] *shall not* consist of the burial of [nonresident indigent transients] *indigents* and the payment of the reasonable cost of [such] *the* burial[, provided such expenses do not exceed two hundred fifty dollars]."

2. By renumbering sections and internal references in accordance with this amendment.

COMMITTEE ON HUMAN RESOURCES
JULIA B. GENTLEMAN, Chairperson

S—5071

Amend Senate File 108 as follows:

1. Page 2, line 1, by inserting after the word "enactment" the words "and shall expire on January 1, 1982.".

STEPHEN W. BISENIUS

S—5072

Amend Senate Concurrent Resolution 104 as follows:

1. Page 2, line 11, by inserting after the words "of the" the words "federal administration including the United States department of transportation and the federal railroad administration and the".

C.W. HUTCHINS
JOHN SCOTT

S—5073

Amend Senate File 439 as follows:

1. Page 1, by inserting after line 31 the following:

"Sec. _____. Section one hundred twenty-three point three (123.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'Motor vehicle' means every vehicle which is self-propelled but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. _____. Section one hundred twenty-three point twenty-eight (123.28), Code 1979, is amended to read as follows:

123.28 TRANSPORTATION PERMITTED. It shall be

lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to any state warehouse, store, or depot established by the department or from one such place to another and, when so permitted by this chapter, it shall be lawful for any common carrier or other person to transport, carry, or convey alcoholic liquor sold by a vendor from a state warehouse, store, depot or point of purchase by the state to any place to which such liquor may be lawfully delivered under this chapter. No common carrier or other person shall break or open or allow to be broken or opened any container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed, but this section shall not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of such transportation, *and which are transported in a portion of the motor vehicle that is not accessible to the driver and passengers when the vehicle is moving.* Nothing in this section shall [affect] *deny* the right of any special permit or liquor control license holder to purchase, possess, or transport alcoholic liquors subject to the provisions of this chapter.

It is unlawful for a person to possess or have under the person's control in a portion of a motor vehicle, that is accessible to the driver and passengers when the vehicle is moving, an opened package which contains any amount of alcoholic liquor or beer, when the motor vehicle is operating upon the public streets or highways."

Page 2

2. By renumbering to conform to this amendment.

RAY TAYLOR

S—5074

Amend House amendment S—5016 to Senate File 278 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 11, by inserting after the word "arrest" the words "or a judgment which has not been paid on or before the date set by the court for

payment".

2. Page 1, line 12, by inserting after the word "warrant" the words "or judgment".

3. Page 1, line 21, by inserting after the word "warrant" the words "or judgment".

4. Page 1, line 23, by inserting after the words "warrant" the words "or judgment".

5. Page 1, line 25, by inserting after the word "warrant" the words "or judgment".

6. Page 1, line 31, by striking the words "two hundred" and inserting in lieu thereof the words "one hundred sixty".

7. Page 1, line 33, by striking the words "two hundred" and inserting in lieu thereof the words "one hundred sixty".

A.R. KUDART
BOB RUSH

S—5075

Amend House File 673, as passed by the House, as follows:

1. Page 1, line 16, by striking the figure "1980" and inserting in lieu thereof the figure "1981".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5076

Amend Senate File 2102 as follows:

1. Page 7, line 4, by inserting after the word "located" the words *"but shall not exceed thirty dollars per hour"*.

ARNE WALDSTEIN

S—5077

Amend Senate File 108 as follows:

DIVISION S—5077A

1. Page 1, by inserting before line 1 the following section:

"Section 1. Section two hundred seventy-eight point one (278.1), subsection seven (7), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-one

(61), section four (4), is amended to read as follows:

7. Vote a schoolhouse tax, not exceeding sixty-seven and one-half cents per thousand dollars of assessed value in any one year, for the purchase of grounds, construction of schoolhouses or buildings, the payment of debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds, for procurring or acquisition of libraries, for opening roads to schoolhouses or buildings, for the purchase of buildings or equipment for buildings or schoolhouses, for the purpose of repairing, remodeling, reconstructing, improving or expanding the schoolhouses or buildings for the school district, *for the purpose of energy conservation and use* for the purpose of landscaping, paving, or improving the schoolhouse or building grounds, or for the rental of facilities pursuant to chapter 28E. Interest earned from investments of these funds may be used for the purposes voted. The power to levy said tax, when voted, shall continue for such period of time as may be authorized by the voters and shall not be affected by any change in the boundaries of the school district, in whatever manner effected, except in case the school district is reorganized pursuant to sections 275.12 to 275.22. Authorized levies for the period of time presently approved shall not be affected as a result of a failure of a proposition proposed to expand the purposes for which the funds may be expended. As used in this subsection, 'repair' means to restore the existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial destruction, but does not include maintenance or customary repainting; and 'reconstruction' means to rebuild or to restore again as an entity the thing which was lost or destroyed."

DIVISION S—5077B

2. Page 1, line 34, by inserting after the word *"Schoolhouse"* the words *"and expenditures for energy conservation and use"*.

DIVISION S—5077A (cont'd.)

3. Amend the title, line 4, by striking the word "levy" and inserting in lieu thereof the words "site fund tax and schoolhouse tax levies".

RAY TAYLOR

S—5078

Amend Senate File 108 as follows:
1. Page 1, lines 13 and 14 by striking the words *"major building repairs"* and inserting in lieu thereof the words *"the purpose of energy conservation"*.

WILLIAM D. PALMER

S—5079

For the text of this House amendment, see page 355 of the Senate Journal.

S—5080

Amend Senate File 2124 as follows:
1. Page 1, line 5, by inserting before the word "registration" the word "current".

JOHN N. NYSTROM

S—5081

Amend Senate File 2123 as follows:
1. Page 1, line 4, by striking the word "shall" and inserting in lieu thereof the words "[shall]" *may*".

GARY L. BAUGHER

S—5082

Amend Senate File 2123 as follows:
1. Page 1, line 9, by inserting after the word *"accessories,"* the words *"which initial issue is not to exceed the sum of one thousand dollars,"*.

A.R. KUDART
JACK W. HESTER
ARNE WALDSTEIN

S—5083

Amend Senate File 2163 as follows:
1. Page 1, line 6, by striking the words *"hundred eighty days"* and inserting in lieu thereof the words *"thousand eighty hours"*.
2. Page 1, line 16, by striking the words *"one hundred twenty days"* and inserting in lieu thereof the words *"seven hundred twenty hours"*.

JOE BROWN

S—5084

Amend House Concurrent Resolution 109 as follows:
1. Page 2, line 17, by inserting after the words "of the" the words "federal administration including the United States department of transportation and the federal railroad administration and the".

JOHN SCOTT

S—5085

Amend Senate File 2136 as follows:
1. Page 1, by striking lines 3 and 4 and inserting in lieu thereof the following:
"NEW SUBSECTION. The official file of the names of those holding borrowing privileges at a library and the circulation records of a library."

RICHARD F. DRAKE

S—5086

Amend Senate File 2130 as follows:
1. Page 1, line 25, by striking by the word *"nonreligious"*.

ROBERT M. CARR
LUCAS J. DE KOSTER

S—5087

Amend Senate File 2125 as follows:
1. Page 1, line 5, by striking the word *"five"* and inserting in lieu thereof the word *"two"*.

RICHARD R. RAMSEY

S—5088

Amend House File 2240 as amended, passed and reprinted by the House as follows:
1. Page 1, by striking lines 3 through 5 and inserting in lieu thereof the following:
"NEW SUBSECTION. Records which include any identification of items checked out or requested by an individual library patron."

JULIA B. GENTLEMAN

S—5089

Amend Senate File 2148 as follows:

1. Page 1, line 1, by inserting after the word "subsections" the word and figure "one (1),".

2. Page 1, by inserting after line 3 the following:

"1. 'Candidate' means any individual who has taken affirmative action to seek nomination or election to a public office [but shall exclude any], *either by filing with the state commissioner or commissioner the appropriate documents under chapter forty-three (43), forty-four (44) or forty-five (45) of the Code, or by publicly announcing intent to seek election to an office which is to be filled at the next succeeding regular election for that office or at a special election which has been called to fill a vacancy. 'Candidate' does not include:*

a. A judge standing for retention in a judicial election.

b. The incumbent holding an elective public office, unless that incumbent has taken affirmative action to seek nomination or election to the same or another elective office, in the manner described in this subsection."

3. Page 3, by inserting after line 17 the following new section:

"Sec. _____. Section fifty-six point six (56.6), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A person who is not a candidate shall not establish or maintain a candidate's committee. A person ceases to be a candidate upon receiving a certificate of election to a public office, and shall thereafter dissolve his or her candidate's committee as soon as he or she may lawfully do so under subsection five (5) of this section. A candidate shall not use any contribution received by his or her candidate's committee to purchase any service, travel, entertainment, hospitality or other thing for his or her personal use, or for the personal use of a member of his or her immediate family."

EDGAR H. HOLDEN

S—5090

Amend Senate File 2047 as follows:

1. Page 1, line 35, by adding after the word "residences." the words "In addition, the commissioner may, upon application, exempt an owner of a mobile home park from any of the requirements of this section, if the owner has completed or substantially completed construction of a storm shelter for the mobile home

park as of January 1, 1981. The exemption by the commissioner shall be effective for the reasonable life of the shelter as determined by the commissioner."

RICHARD R. RAMSEY

S—5091

Amend House File 315 as amended, passed and reprinted by the House as follows:

1. Page 1, line 6, by inserting after the word "property" the words "made after the effective date of this Act".

BOB RUSH

S—5092

Amend Senate File 367 as follows:

1. Page 1, lines 3 and 4, by striking the words and figure "five hundred nine (509),".

CLOYD E. ROBINSON

S—5093

Amend House File 315 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 15.

W.R. BILL HANSEN

S—5094

Amend Senate File 241 as follows:

1. Page 1, line 6, by inserting after the word "provide" the words "for a division of the property of the parties,".

2. Page 1, by striking line 7 and inserting in lieu thereof the following: "in the event of dissolution of the marriage, and may contain one or more".

3. Page 1, line 8, by striking the words "shall apply".

4. Page 1, by inserting after line 26 the following new subsection:

"5. Any other provision relating to a division of the property of the parties."

RICHARD R. RAMSEY
ARTHUR A. SMALL, JR.

S—5095

Amend Senate File 367 as follows:

1. Page 1, line 2, by striking the words "certificate, service contract,".

2. Page 1, line 4, by striking the words and figure "five hundred fourteen (514) and".

CLOYD E. ROBINSON

S—5096

Amend Senate File 439 as follows:

DIVISION S—5096A

1. Page 1, lines 4 and 5, by striking the words *"more than one-half of one percent of"*.

2. Page 1, line 5, by striking the words *"by volume"*.

3. Page 1, lines 20, 21 and 22, by striking the words *"or containing alcohol which is more than one-half of one percent of the volume of the liquid or solid,"*.

DIVISION S—5096B

4. Page 1, lines 27, 28 and 29, by striking the words *"or made by the fermentation of fruit, fruit extracts or other agricultural products,"*.

5. Page 1, line 29, by striking the words "[not] more than [four] *one-half"* and inserting in lieu thereof the words "[not more than four]".

6. Page 1, by striking lines 30 and 31 and inserting in lieu thereof the words "[percent of alcohol by] *not more than five percent of alcohol by* weight."

ARTHUR L. GRATIAS

S—5097

Amend House File 673 as passed by the House as follows:

1. Page 1, by striking line 15 and inserting in lieu thereof the following: *"the date the judgment is entered."*

BOB RUSH
JOHN SCOTT

S—5098

Amend Senate File 2120 as follows:

1. Page 1, line 26, by striking the word "liable" and inserting in lieu thereof the words "liable, except to the extent provided in this section for workplace injuries,".

2. Page 2, by inserting after line 2 the following:

"With respect to personal injury of death of an employee or damage to the property of an employee occurring at the workplace of the employee as a result of modification or alteration of the product by the employer, the immunity otherwise established by this section is inapplicable. In lieu of that immunity the court shall reduce the amount of damages awarded by amounts recoverable under chapters eighty-five (85) and eighty-five A (85A) of the Code; and notwithstanding any contrary provision of chapters eighty-five (85) or eighty-five A (85A) of the Code, the employer is not entitled to recover from the defendant any amount paid or payable by the employer under chapters eighty-five (85) or eighty-five A (85A) of the Code."

ARTHUR A. SMALL, JR.

S—5099

Amend Senate File 2120 as follows:

1. Page 1, by striking lines 15 through 21 and inserting in lieu thereof the following:

"Sec. _____. Chapter six hundred fourteen (614), Code 1979, is amended by adding the following new section:

NEW SECTION. PRODUCTS LIABILITY.

1. A manufacturer, wholesaler, distributor, retailer or other seller of a product is not liable in a products liability action based upon a theory of strict liability in tort or breach of an implied warranty for personal injury, death or property damage occurring after the useful safe life of the product.

2. Relevant evidence of the following may be considered in determining the useful safe life of a product:

a. The effects on the product of wear and tear or deterioration from natural causes.

b. The effects of climatic and other local conditions in the area in which the product was used.

c. The practices of the user and similar users with respect to maintenance, repair, renewal and

replacement.

d. Representations, instructions and warnings made by the seller with respect to the product's useful safe life.

e. Modification or alteration of the product by a user or a third party.

3. The seller has the burdens of pleading and proof that the personal injury, death or property damage occurred after the useful safe life of the product."

ARTHUR A. SMALL, JR.

S—5100

Amend Senate File 2120 as follows:

1. Page 2, line 16, by striking the words "state or" and inserting in lieu thereof the words "state, or unless".

2. Page 2, line 17, by striking the word "insolvent" and inserting in lieu thereof the words "insolvent, or unless the court determines that the plaintiff would have appreciable difficulty enforcing a judgment against the original manufacturer".

3. Page 2, by inserting after line 17 the following:

"The immunity provided in this section does not apply to any person who controlled or participated either directly or indirectly, in the original design or original manufacture of the product."

ARTHUR A. SMALL, JR.

S—5101

Amend Senate File 2149 as follows:

1. Page 1, by inserting after line 13 the following:

" . *Raccoon hunting license for residents . . . . . $5.00*".

2. By relettering the subsection to conform with this amendment.

NORMAN G. RODGERS

S—5102

Amend House File 315 as amended, passed and reprinted by the House as follows:

1. Page 1, line 16, by inserting after the

word "property." the words "This Act does not apply to nuclear power facilities."

A.R. KUDART

S—5103

Amend Senate File 2073 as follows:

1. Page 2, line 21, by inserting after the word "institutions" the words "for the resident students".

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5104

Amend House File 747 as amended, passed and reprinted by the House as follows:

DIVISION S—5104A

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section three hundred twelve point two (312.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The treasurer of state, before making the other allotments provided for in this section, shall credit annually to the primary road fund from the road use tax fund the sum of four million four hundred thousand dollars and to the farm-to-market road fund from the road use tax fund the sum of one million five hundred thousand dollars for partial compensation of allowing trucks to operate on the roads of this state as provided in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code.

Sec. 2. Section three hundred twenty-one point one (321.1), subsection one (1), paragraph c, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended by striking the paragraph.

Sec. 3. Section three hundred twenty-one point one (321.1), subsection sixty-nine (69), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended by

striking the subsection.

Sec. 4. Section three hundred twenty-one point one hundred twenty-one (321.121), Code 1979, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred *twenty* dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons. Any person convicted of using a truck registered as a special truck for any purpose other than permitted by section 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck registration fees upon such truck.

Sec. 5. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection one (1), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

1. The annual registration fee for truck tractors,

Page 2

DIVISION S—5104A (cont'd)

road tractors, and motor trucks, except special trucks, shall be based on the combined gross weight of the vehicle or combination of vehicles. All trucks, truck tractors, or road tractors shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles. The annual registration fee for such vehicles or combination of vehicles shall be:

a. For a combined gross weight of three tons or less forty-five dollars and after ten full registrations thirty-five dollars.

b. For a combined gross weight exceeding three tons, the annual registration fee shall be as set forth in the following schedule:

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
3 Tons	4 Tons	$ 60
4 Tons	5 Tons	$ 70
5 Tons	6 Tons	$ 85
6 Tons	7 Tons	$ 110
7 Tons	8 Tons	$ 145
8 Tons	9 Tons	$ 180
9 Tons	10 Tons	$ 215
10 Tons	11 Tons	$ 250
11 Tons	12 Tons	$ 285
12 Tons	13 Tons	$ 320

13 Tons	14 Tons	$	355
14 Tons	15 Tons	$	445
15 Tons	16 Tons	$	485
16 Tons	17 Tons	$	525
17 Tons	18 Tons	$	565
18 Tons	19 Tons	$	610
19 Tons	20 Tons	$	675
20 Tons	21 Tons	$	715
21 Tons	22 Tons	$	755
22 Tons	23 Tons	$	795
23 Tons	24 Tons	$	835
24 Tons	25 Tons	$	965
25 Tons	26 Tons	$	1,010
26 Tons	27 Tons	$	1,060
27 Tons	28 Tons	$	1,105
28 Tons	29 Tons	$	1,150
29 Tons	30 Tons	$	1,200
30 Tons	31 Tons	$	1,245
31 Tons	32 Tons	$	1,295
32 Tons	33 Tons	$	1,340
33 Tons	34 Tons	$	1,415
34 Tons	35 Tons	$	1,465
35 Tons	36 Tons	$	1,510
36 Tons	37 Tons	$	1,555

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DIVISION S—5104A (cont'd)

37 Tons	38 Tons	$	1,605
38 Tons	39 Tons	$	1,650
39 Tons	40 Tons	$	1,695

c. For a combined gross weight exceeding forty tons, the annual registration fee shall be one thousand six hundred ninety-five dollars plus eighty dollars for each ton over forty tons.

Sec. 6. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection four (4), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

4. This subsection shall not be construed to require a license for the operation of a rubber-tired farm tractor not for hire upon the public highways.

Sec. 7. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection three (3), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

3. Except for combinations of vehicles, provisions for which are otherwise made in this chapter, no combination of a truck tractor and a semitrailer coupled together unladen or with load, shall have

an overall length, inclusive of front and rear bumpers, in excess of sixty feet.

Sec. 8. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection five (5), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

5. Combinations of vehicles coupled together which are used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks and boats may be permitted to extend the load up to three feet beyond the front and rear bumpers of the transporting vehicle when the overall length of the vehicle with load does not exceed sixty-five feet.

Sec. 9. Section three hundred twenty-one point four hundred fifty-seven (321.457), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A semitrailer shall not have a total length of more than forty-five feet nor a distance between the kingpin and the center of the rearmost axle of a semitrailer in excess of forty feet, except a semitrailer used principally for hauling livestock or a semitrailer used exclusively for the purposes described in subsection five (5) of this section. A nonexempt semitrailer in excess of forty-five feet in length which is a 1980 or older model year may be operated on the highways of this state if a special overlength permit is obtained from the

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DIVISION S—5104A (cont'd.)

department for the vehicle. The special overlength permit shall be valid until such time as the semitrailer is inoperable.

Sec. 10. Section three hundred twenty-one point four hundred fifty-nine (321.459), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.459 DUAL AXLE REQUIREMENT. Axles of a motor vehicle, trailer, or semitrailer which are less than forty inches apart center to center shall be considered as a single axle for the purpose of determining permissible gross weight under section three hundred twenty-one point four hundred sixty-three (321.463) of the Code.

Sec. 11. Section three hundred twenty-one point four hundred sixty-three (321.463), Code 1979, is amended by striking the section and

thereof the following:

321.463 MAXIMUM GROSS WEIGHT. An axle may be divided into two or more parts, except that all parts in the same vertical transverse plane shall be considered as one axle.

The gross weight on any one axle of a vehicle, or of a combination of vehicles, operated on the highways of this state, shall not exceed twenty thousand pounds on an axle equipped with pneumatic tires, and shall not exceed fourteen thousand pounds on an axle equipped with solid rubber tires. The gross weight on any tandem axle of a vehicle, or any combination of vehicles, shall not exceed thirty-four thousand pounds on an axle equipped with pneumatic tires.

A group of two or more consecutive axles of any vehicle or combination of vehicles, shall not carry a load in pounds in excess of the overall gross weight determined by application of the following formula: W equals 500 (LN/N-1 + 12N + 36) where W equals the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals the distance in feet, rounded to the nearest whole foot, between the extreme of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

The maximum gross weight shall not exceed eighty thousand pounds.

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DIVISION S—5104A (cont'd.)

The weight on any one axle, including a tandem axle, or a vehicle which is transporting livestock on highways not part of the interstate system may exceed the legal maximum weight given in this chapter providing that the gross weight on any particular group of axles on such vehicle does not exceed the gross weight allowable under this chapter for such groups of axles.

A person who operates a vehicle in violation of the provisions of this section, and an owner, or any other person, employing or otherwise directing the operator of a vehicle, who requires or knowingly

permits the operation of a vehicle in violation of the provisions of this section shall be fined according to the following schedule:

AXLE, TANDEM AXLE, AND GROUP OF AXLES WEIGHT VIOLATIONS

Pounds Overloaded	Amount of Fine
Up to and including 1,000 pounds	$10 plus one-half cent per pound
Over 1,000 pounds to and including 2,000 pounds	$15 plus one-half cent per pound
Over 2,000 pounds to and including 3,000 pounds	$80 plus three cents per pound
Over 3,000 pounds to and including 4,000 pounds	$100 plus four cents per pound
Over 4,000 pounds to and including 5,000 pounds	$150 plus five cents per pound
Over 5,000 pounds to and including 6,000 pounds	$200 plus seven cents per pound
Over 6,000 pounds	$200 plus ten cents per pound

Fines for gross weight violations for vehicles or combinations of vehicles shall be assessed at one-half of the fine rate schedule for axles, tandem axle, and groups of axles weight violations.

The amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section by applying the appropriate rate in the preceding schedule for the total amount of overload.

The schedule of fines may be assessed in addition to any other penalties provided for in this chapter.

Overloads on axles and tandem axles and overloads on groups of axles or on an entire vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section.

All fines and forfeited bail received for violations of this section on or after July 1, 1981, after deduction of court costs, shall be remitted monthly by the clerk of the district court to the treasurer

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DIVISION S—5104A (cont'd.)

of state to be credited to the road use tax fund.

A person who issues or executes, or causes to be issued or executed, a bill of lading, manifest, or shipping document of any kind which states a false weight of the cargo set forth on such bill, manifest, or document, which is less than the actual weight

of the cargo, shall, upon conviction, be guilty of a simple misdemeanor.

DIVISION S—5104B

Sec. 12. Section three hundred twenty-one point four hundred sixty-six (321.466), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. All fines and forfeited bail received for violations of this section on or after July 1, 1981, after deduction of court costs, shall be remitted monthly by the clerk of the district court to the treasurer of state to be credited to the road use tax fund.

Sec. 13. Section six hundred two point fifty-five (602.55), Code 1979, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received by [him] *the judicial magistrate or district associate judge.* The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. *The clerk shall, after deducting court costs, remit monthly to the treasurer of state one hundred percent of all fines and forfeited bail received for violations of sections three hundred twenty-one point four hundred sixty-three (321.463), three hundred twenty-one point four hundred sixty-six (321.466), three hundred twenty-one point four hundred seventy-one (321.471), three hundred twenty-one point four hundred seventy-three (321.473), and three hundred twenty-one point four hundred seventy-four (321.474) of the Code and moneys shall be credited to the road use tax fund.* The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the *county* treasurer

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DIVISION S—5104B (cont'd.)

of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. Three-fifths to the [state] treasurer *of state* to be credited to the general fund of the state.

2. Two fifths to the county treasurer to be credited to the general fund of the county.

DIVISION S—5104A (cont'd.)

Sec. 14. The department shall issue permits for the period beginning fifteen days following the effective date of this Act to December 31, 1980 to interstate and intrastate carriers that apply for registration authority at a weight higher than the current registered gross weight. The department shall assess a prorated fee from the schedule of fees set forth in section five (5) of this Act. Permit fees shall be payable on an annual basis. A minimum fee of ten dollars shall be collected by the department. Trucks, motor trucks, and truck tractors registered under the provisions of section three hundred twenty-one point one hundred twenty-two (321.122) of the Code on the effective date of this Act shall not be eligible to reregister under section three hundred twenty-one point one hundred twenty-one (321.121) of the Code during the 1980 registration year. The commission shall adopt temporary rules as are necessary to implement the provisions of this Act as it relates to revised registrations in 1980 and temporary rules adopted for this purpose are not rules as defined in section seventeen A point two (17A.2), subsection seven (7), of the Code and shall not be subject to chapter seventeen A (17A) of the Code.

DIVISION S—5104B (cont'd.)

Sec. 15. Section thirteen (13) of this Act takes effect July 1, 1981.

DIVISION S—5104A (cont'd.)

Sec. 16. This Act, being deemed of immediate

importance, takes effect from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa."

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

S—5105

Amend Senate File 367 as follows:

1. Page 1, by striking lines 1 through 19 and inserting in lieu thereof the following:

"Section 1. Chapter five hundred nine (509), Code 1979, is amended by adding the following new section:

NEW SECTION. Whenever a policy of health insurance subject to regulation under this chapter provides for payment for a health service, the performance for an insured of that health service by a chiropractor licensed under chapter one hundred fifty-one (151) of the Code and acting within the scope of his or her license is compensable, notwithstanding any provision of the policy.

Sec. 2. Chapter five hundred fourteen (514), Code 1979, is amended by adding the following new section:

NEW SECTION. Whenever a contract between a medical service corporation and a subscriber subject to regulation under this chapter provides for payment for a health service, the performance for a subscriber of that health service by a chiropractor licensed under chapter one hundred fifty-one (151) of the Code and acting within the scope of his or her license is compensable, notwithstanding any provision of the contract.

Sec. 3. Chapter five hundred fourteen A (514A), Code 1979, is amended by adding the following new section:

NEW SECTION. Whenever a policy of health insurance subject to regulation under this chapter provides for payment for a health service, the performance for an insured of that health service by a chiropractor licensed under chapter one hundred fifty-one (151) of the Code and acting within the scope of his or her license is compensable, notwithstanding any provision of the policy."

ROLF V. CRAFT

S—5106

Amend Senate File 2149 as follows:

1. Page 3, line 26, by striking the words "[without] *for a*" and inserting in lieu thereof the words "without".
2. Page 3, line 27, by striking the words *"of ten dollars for each license"*.

C. JOSEPH COLEMAN

S—5107

Amend the Rodgers amendment, S—5101, to Senate File 2149 as follows:

1. Page 1, by inserting after line 5 the following words:

"This license requirement does not apply to the hunting of racoons on the hunter's own property."

BASS VAN GILST
NORMAN G. RODGERS

S—5108

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 5 through 18.

TOM SLATER

S—5109

Amend Senate File 2060 as follows:

1. Page 1, by striking lines 12 through 16 and inserting in lieu thereof the words *"which is operated by a city as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city for any such purposes."*

JULIA B. GENTLEMAN
WILLIAM D. PALMER
DAVID M. READINGER
GEORGE R. KINLEY

S—5110

Amend Senate File 2183 as follows:

1. Page 1, by striking lines 6 and 7 and inserting in lieu thereof the following: "producer but shall

not include sweet corn, popcorn or [seed corn] *sacked seed corn*."

BERL E. PRIEBE
ARNE WALDSTEIN

S—5111

Amend Senate File 2149 as follows:

1. Page 3, by inserting after line 27 the following new section:

"Sec. . Chapter one hundred ten (110) is amended by adding the following new section:

NEW SECTION. The commission shall establish a possession limit on raccoons."

ROBERT M. CARR

S—5112

Amend Senate File 460 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section five hundred fifteen A point six (515A.6), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding any other provisions of the Code the commissioner of insurance in a proceeding involving workers' compensation insurance ratemaking, by a licensed rating organization, shall provide notice of the filing of the proposed rates at least thirty days before the effective date of the proposed rates by publishing a notice in the Iowa administrative bulletin. A hearing shall be held on the proposed rates by the commissioner of insurance, if within fifteen days of the date of the publication, a workers' compensation policyholder or an established association with one or more workers' compensation policyholders among its members, files a written demand with the commissioner of insurance for a hearing on the proposed rates. The person or association shall be given the opportunity to respond and introduce evidence and arguments on all the issues involved. At the hearing, the rating organization shall bear the burden of proof to support the proposed rates by a preponderance of the evidence. The commissioner of insurance will hold the hearing within twenty days after receipt of the written demand for the hearing and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen

days after such hearing the commissioner of insurance will approve or modify or disapprove the proposed rates and specify the reasons therefor. Pending such hearing and decision thereon the commissioner of insurance may suspend or postpone the effective date of the proposed rate."

EDGAR H. HOLDEN
DALE L. TIEDEN

S—5113

Amend Senate File 2192 as follows:

1. Page 6, line 3, by striking the word "three" and inserting in lieu thereof the word "four".

2. Page 17, line 23, by striking the word "three" and inserting in lieu thereof the word "four".

ELIZABETH R. MILLER

S—5114

Amend Senate File 360 as follows:

1. Page 1, by inserting after line 22 the following new unnumbered paragraph:

"All records of prosecutions and convictions pursuant to paragraph a shall be expunged two years from the date that final action on the case is taken provided there are no further convictions under this section."

JOE BROWN

S—5115

Amend Senate File 2149 as follows:

1. Page 3, by inserting after line 27 the following new section:

"Sec. ____ . Chapter one hundred ten (110) is amended by adding the following new section:

NEW SECTION. The Commission after consultation with the land owner or tenant shall determine the financial loss resulting from damage by deer. The land owner or tenant then may submit a claim to the Comptroller for an amount equal to that loss. Comptroller shall issue warrants for those claims."

C.W. HUTCHINS
WILLIAM D. PALMER

S—5116

Amend House File 454 as follows:

1. Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"Section 1. Section five hundred fifteen point fifty-two (515.52), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding this section and sections five hundred fifteen point fifty-three (515.53) through five hundred fifteen point sixty-one (515.61) of the Code, if the law of another state does not require the countersignature of a licensed agent who resides in that state for insurance contracts and endorsements written, issued or placed in that state by a licensed agent who resides in this state, the countersignature of a licensed agent who resides in this state is not required for insurance contracts and endorsements written, issued, or placed in this state by a licensed agent who resides in that other state."

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S—5117

Amend amendment S—5104 filed by the committee on Transportation as follows:

1. Page 6, by inserting after line 17 the following section:

"Sec. ____. For the school year beginning July 1, 1981 only, the state comptroller shall establish a modified allowable growth for school districts for which miscellaneous income is reduced under section six hundred two point fifty-five (602.55) of the Code. The state comptroller shall increase the allowable growth of each affected school district by an amount equal to the amount of miscellaneous income lost under section six hundred two point fifty-five (602.55) of the Code. The amount of miscellaneous income reduced by a school district shall be determined by the state comptroller from information provided by the affected school districts."

W.R. BILL HANSEN
RICHARD F. DRAKE
CALVIN O. HULTMAN
ALVIN V. MILLER

S—5118

Amend Senate File 2105 as follows:

1. Page 1, by striking lines 4 through 12 and inserting in lieu thereof the following:

"109.123 PROHIBITED [HUNTING] *TAKING* NEAR BUILDINGS. A person shall not [hunt any game] *discharge a firearm or set a trap* within [two] *three* hundred yards of any building inhabited by people or domestic livestock unless the owner or tenant has given consent."

COMMITTEE ON NATURAL RESOURCES
ELIZABETH R. MILLER, Chairperson

S—5119

Amend House amendment S—5016 to Senate File 278 as amended, passed and reprinted by the Senate as follows:

DIVISION S—5119C

1. Page 1, line 11, by inserting after the word "arrest" the words "or a judgment which has not been paid on or before the date set by the court for payment".

2. Page 1, line 12, by inserting after the word "warrant" the words "or judgment".

3. Page 1, line 21, by inserting after the word "warrant" the words "or judgment".

4. Page 1, line 23, by inserting after the word "warrant" the words "or judgment".

5. Page 1, line 25, by inserting after the word "warrant" the words "or judgment".

DIVISION S—5119B

6. Page 1, line 31, by striking the words "two hundred" and inserting in lieu thereof the words "one hundred sixty".

7. Page 1, line 33, by striking the words "two hundred" and inserting in lieu thereof the words "one hundred sixty".

DIVISION S—5119A

8. Page 7, by inserting after line 11 the following:

"Sec. ____. Section three hundred twenty-one point five hundred sixty (321.560), Code 1979, is amended to read as follows:

321.560 BARRED FOR SIX YEARS. A license to operate a motor vehicle in this state shall not be issued

to any person declared to be an habitual offender under section 321.555, subsection 1 for a period of *not less than two years nor more than* six years from the date of judgment *as ordered by the court.* A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section 321.555, subsection 2, for a period of one year from the date of judgment.

Sec. ____. Section three hundred twenty-one point five hundred sixty-one (321.561), Code 1979, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION. It shall be unlawful for any person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560. Any person guilty of violating the provisions of this section shall upon conviction be [punished by imprisonment in the penitentiary for not more than two years and notwithstanding the provisions of section 687.2, such] *committed to the custody of the director of the division of adult corrections. This* conviction shall constitute [a] *an aggravated* misdemeanor [and not

Page 2

DIVISION S—5119A (cont'd.)

a felony]."

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5120

Amend House File 673 as follows:

DIVISION S—5120A

1. Page 1, line 5, by striking the word *"ten"* and inserting in lieu thereof the word *"nine"*.

DIVISION S—5120B

2. Page 1, by striking lines 6 through 14 and inserting in lieu thereof the words "[, unless a different rate is fixed by the contract on which the judgment or decree is rendered, in which case the judgment or decree shall draw interest at the rate expressed in the contract, not exceeding the maximum applicable rate permitted by the provisions of section

535.2, which rate must be expressed in the judgment or decree] *percent. The interest shall accrue from".*

DIVISION S—5120C

3. Page 1, by striking lines 16 through 18.

WILLIAM D. PALMER

S—5121

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking lines 9 through 14 and inserting in lieu thereof the following:

"a. For a combined gross weight of forty-five hundred pounds or less, forty dollars.

b. For a combined gross weight exceeding forty-five hundred pounds but not exceeding three tons, fifty dollars.

c. For a combined gross weight exceeding three tons but not exceeding four tons, sixty dollars.

d. For a combined gross weight exceeding four tons but not exceeding five tons, seventy dollars.

e. For a combined gross weight exceeding five tons, the annual registration fee shall be as set forth in the following schedule:"

2. Page 2, by striking lines 17 and 18.

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

EDGAR H. HOLDEN

S—5122

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking lines 29 through 36 and inserting in lieu thereof the following:

"5. Combinations of vehicles coupled together which are used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks and boats may not exceed sixty-five feet, inclusive of front and rear bumpers."

EDGAR H. HOLDEN

S—5123

Amend Senate File 2149 as follows:

1. Page 3, line 23, by striking the word *"forty"* and inserting in lieu thereof the word *"ten"*.

2. Page 3, line 24, by striking the words *"six hundred forty"* and inserting in lieu thereof the words *"three hundred forty"*.

CHARLES P. MILLER
TOM SLATER

S—5124

Amend Senate File 359 as follows:

DIVISION S—5124A

1. Page 1, by striking lines 14 and 15 and inserting in lieu thereof the words "twenty-five decibels if".

2. Page 1, by striking line 22 and inserting in lieu thereof the words "sand, two thousand, and three thousand Hertz shall be considered."

DIVISION S—5124B

3. Page 2, line 12, by striking the word "amending" and inserting in lieu thereof the words and figures "pursuant to chapter seventeen A (17A) of the Code to amend".

DIVISION S—5124A (cont'd.)

4. Page 2, lines 14 and 15, by striking the words "Written notice of changes shall be given to employers."

5. Page 3, line 7, by striking the word "ear" and inserting in lieu thereof the word "hearing".

6. Page 3, line 33, by inserting after the word "taken" the words "following notice of an occupational hearing loss claim".

7. Page 4, lines 3 and 4, by striking the words "eighty-two decibels American standard association (ASA), ninety-three" and inserting in lieu thereof the words "ninety-two".

8. Page 4, line 6, by striking the word "three" and inserting in lieu thereof the word "four".

9. Page 4, line 9, by striking the word "three" and inserting in lieu thereof the word "four".

10. Page 4, line 10, by striking the word "three"

and inserting in lieu thereof the word "four".

11. Page 4, by striking line 12 and inserting in lieu thereof the words "twenty-five decibels ANSI".

12. Page 4, line 15, by striking the words "eighty-two decibels ASA, ninety-three" and inserting in lieu thereof the words "ninety-two".

13. Page 4, by striking lines 22 through 27 and inserting in lieu thereof the words and figure "be made by persons licensed as audiologists under chapter one hundred forty-seven (147) of the Code. The interpretation of the audiometric ex-".

14. Page 4, lines 30 and 31, by striking the words "an audiologist certified by the American speech and hearing association" and inserting in lieu thereof the words "a licensed audiologist".

15. Page 4, lines 33 and 34, by striking the words "an audiologist certified by the American speech and hearing association" and inserting in lieu thereof the words "a licensed audiologist".

16. Page 5, line 6, by striking the words "a hearing loss of the employee" and inserting in lieu thereof "an average hearing loss of the employee in

DIVISION S—5124A (cont'd.)

one or both ears in excess of twenty-five decibels ANSI or ISO for the test frequencies of five hundred, one thousand, two thousand, and three thousand Hertz".

17. Page 5, line 11, by striking the word "three" and inserting in lieu thereof the word "four".

18. Page 5, line 27, by striking the word "disability" and inserting in lieu thereof the words "the audiometric examination used to determine occupational hearing loss".

19. Page 5, line 28, by striking the word "and".

20. Page 6, line 6, by striking the word "hear" and inserting in lieu thereof the word "communicate".

21. Page 6, line 10, by striking the word "hear" and inserting in lieu thereof the word "communicate".

COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS
MERLIN D. HULSE, Chairperson

S—5125

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and

reprinted by the House as follows:

1. Page 2, by striking lines 9 through 14 and inserting in lieu thereof the following:

"a. For a combined gross weight of forty-five hundred pounds or less, forty dollars.

b. For a combined gross vehicle weight rating as established by the manufacturer exceeding forty-five hundred pounds but not exceeding three tons, fifty dollars.

c. For a combined gross vehicle weight rating as established by the manufacturer exceeding three tons but not exceeding four tons, sixty dollars.

d. For a combined gross weight exceeding four tons but not exceeding five tons, seventy dollars.

e. For a combined gross weight exceeding five tons, the annual registration fee shall be as set forth in the following schedule:"

2. Page 2, by striking lines 17 and 18.

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

EDGAR H. HOLDEN

S—5126

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 6, by striking lines 9 through 17.

2. Page 6, by striking line 30 and inserting in lieu thereof the following: "section. *Beginning July 1, 1981, the clerk shall, after deducting court costs,*".

3. Page 6, line 31, by striking the words *"one hundred"* and inserting in lieu thereof the word *"ten"*.

4. Page 6, lines 40 and 41, by striking the words *"road use tax fund"* and inserting in lieu thereof the words *"school budget review committee. Beginning July 1, 1982, and each year thereafter the clerk shall remit monthly an additional ten percent of those monies"*.

5. Page 7, by striking lines 35 and 36.

RICHARD R. RAMSEY
MERLIN D. HULSE
ALVIN V. MILLER
BOB RUSH
BERL E. PREIBE
TOM SLATER

S—5127

Amend amendment S—5104 filed by the committee on Transportation to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 7, by inserting after line 10 the following section:

"Sec. ____. For the school year beginning July 1, 1981 only, if requested by a school district, the state comptroller shall establish a modified allowable growth for the school district if its miscellaneous income is reduced under section six hundred two point fifty-five (602.55) of the Code. The state comptroller shall increase the allowable growth of the affected school district as requested except that the amount shall not exceed the amount of miscellaneous income lost under section six hundred two point fifty-five (602.55) of the Code. The amount of miscellaneous income reduced by a school district shall be determined by the state comptroller from information provided by the affected school districts."

W.R. BILL HANSEN
RICHARD F. DRAKE

S—5128

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 4, line 50, by inserting after the word "pounds" the words "except during the months of March and April when the maximum gross weight shall not exceed seventy-three thousand two hundred eighty pounds".

ARTHUR A. SMALL, JR.
TOM SLATER

S—5129

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

DIVISION S—5129A

1. Page 5, by striking lines 47 through 50.
2. Page 6, by striking line 1.

DIVISION S—5129B

3. Page 6, by striking lines 9 through 17.

4. Page 6, line 30, by inserting after the word *"shall"* the words *"review all funds received by the clerk's office during the fiscal year beginning July 1, 1980 and determine the amount of fines and forfeited bail received, after deducting court costs, for violations of sections three hundred twenty-one point four hundred sixty-three (321.463), three hundred twenty-one point four hundred sixty-six (321.466), three hundred twenty-one point four hundred seventy-one (321.471), three hundred twenty-one point four hundred seventy-three (321.473), and three hundred twenty-one point four hundred seventy-four (321.474) of the Code and shall for the fiscal year beginning July 1, 1981, and each fiscal year thereafter, remit an amount equal to the amount remitted during the fiscal year beginning July 1, 1980 to the county treasurer for the benefit of the school fund and"*.

5. Page 6, line 32, by inserting after the word *"all"* the word *"remaining"*.

ALVIN V. MILLER
BOB RUSH
TOM SLATER
RICHARD R. RAMSEY

S—5130

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 7, by inserting after line 34 the following new section:

"Sec. ____. The director of the department of transportation shall give consideration to increasing the hours of operation and employees designated to operate permanent weigh stations as provided by section three hundred twenty-one point four hundred seventy-seven (321.477) of the Code."

JOANN ORR

S—5131

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 33 the

following:

"Sec. ____. Section three hundred twenty-one point one hundred nine (321.109), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), section four (4), is amended to read as follows:

1. The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, except motor trucks *other than any 1981 or later model year motor truck whose combined gross weight does not exceed five tons*, motor homes, multipurpose vehicles, ambulances, hearses, motorcycles, and motor bicycles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of five dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transmit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of two dollars, issue a certificate of title in the name and address of such nonresident purchaser delivering the same

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to the person entitled thereto as provided in this

chapter."

2. Page 2, line 1, by adding after the word "except" the words "any 1981 or later model year motor truck whose combined gross weight does not exceed five tons and".

GEORGE R. KINLEY
CLOYD E. ROBINSON
EDGAR H. HOLDEN

S—5132

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 3, line 39, by striking the word "subsection" and inserting in lieu thereof the word "subsections".

2. Page 4, by inserting after line 3 the following:

"*NEW SUBSECTION.* A combination of a motor truck and trailer shall not have an overall length, inclusive of front and rear bumpers, in excess of sixty-five feet."

RICHARD R. RAMSEY

S—5133

Amend the proposed committee on Transportation amendment to House File 747 as amended, passed and reprinted by the House as follows:

DIVISION S—5133A

1. Page 5, by striking lines 47 through 50.
2. Page 6, by striking line 1.

DIVISION S—5133B

3. Page 6, by striking lines 9 through 50.
4. Page 7, by striking lines 1 through 10.
5. Page 7, by striking lines 35 and 36.

RICHARD R. RAMSEY

S—5134

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 7, by inserting after line 10 the following

section:

"Sec. ____. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new section:

NEW SECTION. ADDITIONAL ALLOWABLE GROWTH. For the school year beginning July 1, 1981, and subsequent school years, if requested by a school district, the state comptroller shall establish a modified allowable growth for the school district if its miscellaneous income is reduced under section six hundred two point fifty-five (602.55) of the Code. The state comptroller shall increase the allowable growth of the affected school district as requested except that the amount shall not exceed the amount of miscellaneous income lost under section six hundred two point fifty-five (602.55) of the Code. The amount of miscellaneous income reduced by a school district shall be determined by the state comptroller from information provided by the clerk of court in the affected school district's county. For the school years beginning July 1, 1981, July 1, 1982, and July 1, 1983, the state comptroller shall certify to the treasurer of state the amount of additional allowable growth provided under this section. For the school years beginning July 1, 1981, July 1, 1982, and July 1, 1983, there is appropriated from the general fund of the state an amount necessary to pay one hundred percent, sixty-six and two-thirds percent, and thirty-three and one-third percent of such additional allowable growth, respectively. The treasurer of state shall pay these monies to the affected school districts in installments as provided in section four hundred forty-two point twenty-six (442.26) of the Code."

2. Page 7, by adding after line 41, the following:

"____. Title, line 3, by adding after the word 'violations' the words 'and providing an appropriation'."

C.W. HUTCHINS
RICHARD R. RAMSEY

S—5135

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 3, by inserting after line 36 the following new section:

"Sec. ____. Section three hundred twenty-one point four hundred fifty-seven, subsection six, Code 1979,

is amended by striking the subsection and inserting in lieu thereof the following:

6. A combination of three vehicles coupled together, one of which is a motor vehicle, unladen or with load, not exceeding sixty-five feet may be operated as follows:

a. On highways which are fully-controlled access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state.

b. Outside the corporate limits of a city, on four-lane primary roads designated by the department.

c. Within the corporate limits of a city, on primary roads designated by the department with the concurrence of the city council.

d. Within the corporate limits of a city on streets other than primary roads as designated by the city council.

e. With the approval of the department, upon request of the city council of a city, on an access route of not more than five miles in distance from the corporate limits of a city to a highway within or outside the state on which the combination of three vehicles is permitted by law to operate.

f. On an access route not to exceed five miles in distance from a highway specified in paragraph access to terminals or to facilities for fuel, food, repairs, or rest."

TOM SLATER

S—5136

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 33 the following:

"Sec. _____. Section three hundred twenty-one point one hundred nine (321.109), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), section four (4), is amended to read as follows:

1. The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, except motor trucks *other than any 1981 or later model year motor truck registered for the 1982 or later calendar years whose combined gross weight does not exceed five tons*, motor homes, multipurpose vehicles, ambulances, hearses, motorcycles, and motor bicycles, shall be equal to one percent of the value as fixed

by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of five dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of two dollars, issue a certificate of title in the name and address

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of such nonresident purchaser delivering the same to the person entitled thereto as provided in this chapter."

2. Page 2, line 1, by adding after the word "except" the words "any 1981 or later model year motor truck registered for the 1982 or later calendar years whose combined gross weight does not exceed five tons and".

GEORGE R. KINLEY
CLOYD E. ROBINSON
EDGAR H. HOLDEN

S—5137

Amend Senate File 2149 as follows:

1. Page 1, by inserting after line 13 the following:

" _____ . *Raccoon hunting license for residents* .....$10.00".

2. Page 3, by inserting after line 6 the following:

"Sec. _____ . Section one hundred ten point twenty-four (110.24), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A resident is not required to have a raccoon hunting license when hunting raccoon on that resident's property."

3. Page 3, by inserting after line 27 the following:

"Sec. _____ . Chapter one hundred ten (110), Code 1979, is amended by adding the following new section:

NEW SECTION. The revenue from the sale of resident raccoon hunting licenses shall be deposited in a separate account in the fish and game protection fund and shall be used only to fund the salaries and support of fish and game law enforcement officers in addition to those authorized on the effective date of this Act."

4. By relettering the sections to conform with this amendment.

NORMAN G. RODGERS
BASS VAN GILST
BERL E. PRIEBE
JAMES V. GALLAGHER

S—5138

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed, and reprinted by the House as follows:

1. Page 2, by striking lines 9 through 14 and inserting in lieu thereof the following:

"a. For a combined gross vehicle weight rating as established by the manufacturer of forty-five hundred pounds or less, forty dollars.

b. For a combined gross vehicle weight rating as established by the manufacturer exceeding forty-five hundred pounds but not exceeding three tons, fifty dollars.

c. For a combined gross vehicle weight rating as established by the manufacturer exceeding three tons but not exceeding four tons, sixty dollars.

d. For a combined gross weight exceeding four tons but not exceeding five tons, seventy dollars.

e. For a combined gross weight exceeding five tons, the annual registration fee shall be as set forth in the following schedule:"

2. Page 2, by striking lines 17 and 18.

3. Renumber sections and correct internal references as are necessary in accordance with his amendment.

EDGAR H. HOLDEN

S—5139

Amend Senate File 367 as follows:

1. Page 1, by striking lines 1 through 22 and inserting in lieu thereof the following:

"Section 1. Chapter five hundred nine (509), Code 1979, is amended by adding the following new section:

NEW SECTION. UNFAIR DISCRIMINATION PROHIBITED. Whenever a policy of insurance issued pursuant to this chapter, including one issued pursuant to a franchise plan, provides for reimbursement or payment for health care services, the performance for the insured of such health care services by any physician, as defined in section one hundred thirty-five point one (135.1), subsection five (5) of the Code, acting within the scope of the physician's license, is compensable notwithstanding any provision of the policy. The person or corporation who is obliged to make reimbursement or payment on the basis shall not deny reimbursement or payment on the basis of occupation, or discriminate on the basis of occupation against a person or class of persons to whom reimbursement or payment otherwise would be payable under this section.

Sec. 2. Chapter five hundred fourteen (514), Code 1979, is amended by adding the following new section:

NEW SECTION. UNFAIR DISCRIMINATION PROHIBITED. Whenever a subscriber contract issued pursuant to this chapter provides for reimbursement or payment for health care services, the performance for the insured of such health care services by any physician, as defined in section one hundred thirty-five point one (135.1), subsection five (5) of the Code, acting within the scope of the physician's license, is compensable notwithstanding any provision of the subscriber contract. The person or corporation who is obliged to make reimbursement or payment under the subscriber contract shall not deny reimbursement

or payment on the basis of occupation, or discriminate on the basis of occupation against a person or class of persons to whom reimbursement or payment otherwise would be payable under this section.

Sec. 3. Chapter five hundred fourteen A (514A), Code 1979, is amended by adding the following new section:

NEW SECTION. UNFAIR DISCRIMINATION PROHIBITED. Whenever a policy or contract issued pursuant to this chapter provides for reimbursement or payment for health care services, the performance for the insured of such health care services by any physician, as defined in section one hundred thirty-five point one (135.1), subsection five (5) of the Code, acting

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within the scope of the physician's license, is compensable notwithstanding any provision of the policy or contract. The person or corporation who is obliged to make reimbursement or payment under the policy or contract, shall not deny reimbursement or payment on the basis of occupation, or discriminate on the basis of occupation against a person or class of persons to whom reimbursement or payment otherwise would be payable under this section.

Sec. 4. This Act applies only to policies, contracts and subscriber contracts issued or renewed on or after the effective date of this Act."

ROLF V. CRAFT
CHARLES P. MILLER

S—5140

For the text of this House amendment, see pages 472-474 of the Senate Journal.

S—5142

Amend House amendment S—5016 to Senate File 278 as amended, passed and reprinted by the Senate as follows:

1. Page 4, by striking line 23, and inserting in lieu thereof the following: "license during such additional period.

Sec. _____. Section three hundred twenty-one point two hundred thirty-six (321.236), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. The simple notice of fine under

paragraph a of this subsection shall contain the following statement:

'FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION.'

This paragraph does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted."

2. Page 7, by inserting before line 22 the following:

"_____. Page 3, by inserting before line 22 the following:

'Sec. _____. Section eight hundred five point six (805.6), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. The uniform citation and complaint shall contain the following statement:

"FAILURE TO PAY A JUDGMENT FOR A VIOLATION OF THE TRAFFIC LAWS CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

This paragraph does not invalidate forms of uniform citation and complaint in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.' "

PATRICK J. DELUHERY

S—5143

Amend Senate File 2149 as follows:

1. Page 3, by striking line 13 and inserting in lieu thereof the following: "[a] *either a zone-wide or farm unit* deer hunting license:".

2. Page 3, line 19, by inserting after the word "The" the word *"zone-wide"*.

3. Page 3, line 22, by inserting after the word "resids." the words *"The farm unit license shall be valid only for hunting on the farm unit upon which the licensee to whom it is issued resides."*

4. Page 3, line 27, by striking the words *"each license"* and inserting in lieu thereof the words *"for a zone-wide license and without a fee for the farm unit license"*.

RAY TAYLOR
C. JOSEPH COLEMAN

S—5144

Amend House amendment S—5016 to Senate File

278 as amended, passed and reprinted by the Senate as follows:

1. Page 4, by striking line 23, and inserting in lieu thereof the following: "license during such additional period.

Sec. _____. Section three hundred twenty-one point two hundred thirty-six (321.236), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the registration of a vehicle shall be denied for outstanding arrest warrants or unpaid judgments under section three hundred twenty-one point forty (321.40) of the Code, the simple notice of fine under paragrah a of this subsection shall contain the following statement:

'FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION.'

This paragraph does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted."

2. Page 7, by inserting before line 22 the following:

"_____. Page 3, by inserting before line 22 the following:

'Sec. _____. Section eight hundred five point six (805.6), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. The uniform citation and complaint shall contain the following statement if the citation is issued for a violation occurring in a county where the registration of a vehicle shall be denied for outstanding arrest warrants or unpaid judgments under section three hundred twenty-one point forty (321.40) of the Code:

"FAILURE TO PAY A JUDGMENT FOR A VIOLATION OF THE TRAFFIC LAWS CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

This paragraph does not invalidate forms of uniform citation and complaint in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.' "

PATRICK J. DELUHERY

S—5145

Amend House amendment S—5016 to Senate File 278 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 35, by adding after the word "providing." the words "The clerk of court for a county in which the provisions of this paragraph apply shall, after consultation with the county treasurer, annually determine the administrative costs incurred in this paragraph. The county shall be reimbursed for these administrative costs from the cities in the county and from moneys transferred to the temporary school fund. The administrative costs shall be paid by each city in the proportion that the city's fines and forfeited bail collected from persons on the alphabetized list are to all fines and forfeited bail collected from persons on the list. Similarly, the county treasurer shall transfer from the temporary school fund to the county general fund that portion of the administrative costs in the proportion that all fines and forfeited bail collected from persons on the alphabetized list and transferred to the temporary school fund are to the total amount of fines and forfeited bail collected from persons on the list."

C. JOSEPH COLEMAN

S—5146

Amend House amendment S—5016 to Senate File 278 as amended, passed and reprinted by the Senate as follows:

1. Page 4, by striking line 23, and inserting in lieu thereof the following: "license during such additional period.

Sec. _____. Section three hundred twenty-one point two hundred thirty-six (321.236), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the registration of a vehicle shall be denied for outstanding arrest warrants under section three hundred twenty-one point forty (321.40) of the Code, the simple notice of fine under paragraph a of this subsection shall contain the following statement:

'FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION

CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION.'

This paragraph does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted."

PATRICK J. DELUHERY

S—5147

Amend Senate File 2120 as follows:

1. Page 1, by striking lines 20 and 21 and inserting in lieu thereof the following: "eighteen years after the product was first delivered for use or consumption; and a seller is not liable in a products liability action based upon a theory of strict liability in tort or breach of an implied warranty brought more than eight years but not more than eighteen years after the product was first delivered for use or consumption if the seller pleads and proves that at the time the product was first delivered for use or consumption it was reasonably expected that the useful life of the product was less than ten years.".

LUCAS J. DE KOSTER

S—5148

Amend Senate File 2120 as follows:

1. Page 1, line 27, by striking the words "or a third party".

WILLIAM D. PALMER

S—5149

Amend Senate File 2070 as follows:

1. Page 2, by inserting after line 13 the following:

DIVISION S—5149A

"Sec. _____. Section one hundred seventeen point twenty-seven (117.27), Code 1979, is amended to read as follows:

117.27 FEES. The commission shall set [annual] fees, [except renewal fees which need not be annual,] for examination and licensing of real estate brokers, real estate salespersons and real estate apprentice

salespersons. The commission shall determine the annual cost of administering the examination and shall set the examination fee accordingly. The commission shall set the fees for the real estate broker's licenses, for real estate salesperson's licenses and for real estate apprentice salesperson's licenses based upon the administrative costs of sustaining the commission. The fees shall include, but shall not be limited to, the costs for:

1. Per diem, expenses, and travel for commission members.

2. Office facilities, supplies, and equipment.

3. Director, assistants, and clerical assistance.

Sec. _____. Section one hundred seventeen point twenty-eight (117.28), Code 1979, is amended to read as follows:

117.28 EXPIRATION OF LICENSE. Every license, except a license as a real estate apprentice salesperson which shall expire as provided in section 117.15, shall expire as determined by the commission. A person who fails to renew [his] *a* real estate broker's or real estate salesperson's license by the expiration date shall be allowed to do so within thirty days following its expiration, but the commission may assess a reasonable penalty. The commission shall upon the written request of the applicant on forms prescribed by the commission, and payment of the fee therefor as herein required, issue a new license for each ensuing [year] *license period* except as provided in section 117.15, in the absence of any reason or condition which might warrant the revocation of a license after a hearing as provided in sections 117.34 and 117.35.

Sec. _____. Section one hundred seventeen point twenty-nine (117.29), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The revocation of a broker's license shall automatically suspend every real estate salesperson's license and every real estate apprentice salesperson's license granted to any person by virtue of his or

DIVISION S—5149A (cont'd.)

her employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued upon payment of a fee in an amount determined by the commission based upon the administrative costs

involved, if granted during the same [year] *license period* in which the original license was granted.

Sec. _____. Section one hundred seventeen point thirty-three (117.33), Code 1979, is amended to read as follows:

117.33 SALESPERSONS OR APRENTICES—CHANGE OF EMPLOYMENT. When any real estate salesperson or real estate apprentice salesperson shall be discharged or shall terminate [his] employment with the real estate broker by whom he *or she* is employed, it shall be the duty of such real estate broker to immediately deliver or mail by certified mail to the commission such real estate salesperson's or real estate appentice salesperson's license on the reverse side of which the employing broker shall set out the date and cause of termination of employment. The real estate broker shall at the time of mailing such real estate salesperson's or real estate apprentice salesperson's license to the commission address a communication to the last known residence address of such real estate salesperson or real estate apprentice salesperson stating that [his] *the* license has been delivered or mailed to the commission. A copy of such communication to the real estate salesperson or real estate apprentice salesperson shall accompany the license when mailed or delivered to the commission. It shall be unlawful for any real estate salesperson or real estate apprentice salesperson to perform any of the acts contemplated by this chapter either directly or indirectly under authority of said license from and after the date of receipt of said license by the commission; provided, that another license shall not be issued to such real estate salesperson or real estate apprentice salesperson until he *or she* shall return [his] *the* former pocket card to the commission or shall satisfactorily account to them for the same. The commission shall upon presentation of evidence by the salesperson or apprentice salesperson that he *or she* has been employed by another broker issue another license and pocket card for the balance of the current [year] *license period* showing each change of employment. A fee as determined by the commission will be charged for the issuance of such a license. Not more than one license shall be issued to any real

DIVISION S—5149A (cont'd.)

estate salesperson or real estate apprentice

salesperson for the same period of time."

2. Page 12, line 9, by inserting after the word "licenses" the words *"for periods not exceeding three years"*.

DIVISION S—5149B

3. Page 12, line 28, by inserting after the word "[annually]" the words *"for a period not exceeding three years"*.

DIVISION S—5149A (cont'd.)

4. By renumbering the sections to conform with this amendment.

FORREST V. SCHWENGELS

S—5150

Amend Senate File 2120 as follows:

1. Page 2, by striking lines 5 through 17 and inserting in lieu thereof the following:

"NEW SECTION. IMMUNITY FROM SUIT. In a products liability action the manufacturer shall defend and indemnify a wholesaler, distributor, retailer or other person who distributes or retails the product involved, from loss sustained by virtue of said action unless the manufacturer shows that the product, in whole or in part, was designed or formulated, assembled, constructed, labeled or installed inconsistent with or contrary to the manufacturer's instructions or directions and if the damage would not have occurred but for such action or direction of the wholesaler, distributor or retailer."

BOB RUSH

S—5151

Amend Senate File 2120 as follows:

1. Page 2, by striking lines 5 through 17 and inserting in lieu thereof the following:

NEW SECTION. IMMUNITY FROM SUIT. A products liability action based on the doctrine of strict liability in tort or breach of implied warranty where the cause of action is based solely on an alleged defect in a product as originally designed or manufactured, other than final assembly not performed by the manufacturer, shall not be commenced or maintained

against a wholesaler, distributor, retailer or other person who distributes or sells a product, nor shall such a person be liable for damages arising from a suit based solely on these causes of action, unless:

(1) the identity of the manufacturer is not known by, or could not with reasonable diligence become known by, the claimant at the time the lawsuit was commenced, or

(2) the manufacturer is not subject to the jurisdiction of the courts of this state, or

(3) the wholesaler, distributor, retailer or other person who distributes and sells the product controls or specifies the design characteristics or manufacturing processes, or

(4) the court determines that it is highly probable that the claimant would be unable to enforce any judgment against the manufacturer.

ARTHUR A. SMALL, JR.
RICHARD R. RAMSEY

S—5152

Amend Senate File 2043 as follows:

1. Page 1, line 4, by striking the word "performed" and inserting in lieu thereof the word "[performed]".

2. Page 1, line 5, by striking the words "direct and immediate" and inserting in lieu thereof the words "[direct and immediate]".

ARNE WALDSTEIN
A.R. KUDART
TOM SLATER
CHARLES P. MILLER
C.W. HUTCHINS
JACK W. HESTER

S—5153

Amend Senate File 2120 as follows:

1. Page 1, by inserting after line 14 the following:

"Sec. _____. Chapter six hundred fourteen (614), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITION. 'Useful safe life', as used in this chapter, begins at the time the product was first delivered to the user for use or consumption and extends for the time during which the product would normally be likely to perform or be stored in

a safe manner.

Factors to be considered in determining whether a product's useful safe life had expired include, but are not limited to all of the following:

1. The amount of wear and tear to which the product has been subject.

2. The effect of deterioration from natural causes, and from climate and other conditions under which the product was used or stored.

3. The normal practices of the user, similar users, and the product seller with respect to the circumstances, frequency, and purposes of the product's use, and with respect to repairs, renewals, and replacements.

4. Any representations, instructions, or warnings made by the product seller concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product.

5. Any modification or alteration of the product by a user or third party."

2. Page 1, by striking lines 17 through 21 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* PRODUCTS LIABILITY. A products liability action based upon a theory of strict liability shall not be brought more than twelve years after the product was first delivered to the user for use or consumption, except that:

a. If a product seller promises or represents in any manner that the product has a useful safe life longer than twelve years, the twelve years shall be extended according to the promise or representation.

b. The twelve-year period of limitation shall not apply if the product seller intentionally misrepresents facts about the product or conceals information about it and that conduct was a proximate cause of the claimant's damage.

c. In claims that involve personal injury, death or property damage caused more than twelve years after the product was first delivered for use or consumption,

Page 2

if it is shown by the person making the claim that the useful safe life of the product was in excess of twelve years, then the twelve-year period of limitation shall be extended according to the finding of the useful safe life of the product.

d. The twelve-year period of limitation shall not apply if the damage was caused by prolonged exposure to a defective product, or if the injury-

causing aspect of the product that existed at the time of delivery to the user for use or consumption was not discoverable twelve years after the time of delivery to the user for use or consumption, or if the harm caused within twelve years after the time of delivey to the user for use or consumption did not manifest itself until after that time.

e. Nothing contained in this subsection shall affect the right of any person found liable in a products liability action based upon a theory of strict liability to seek or obtain contribution or indemnity from any other person who is responsible for that damage.

f. In any event a claim shall not be brought after the time provided in section six hundred fourteen point one (614.1), subsections two (2) and four (4) of the Code."

3. By renumbering sections and correcting internal references.

JOHN SCOTT

S—5154

Amend Senate File 2120 as follows:

1. Page 2, line 23, by striking the word "witness:" and inserting in lieu thereof the words "witness and to show the feasibility of an alternative design or warning."

A.R. KUDART

S—5155

Amend Senate File 2120 as follows:

1. Page 2, by striking lines 20 through 35 and inserting in lieu thereof the following:

"NEW SECTION. PRODUCTS LIABILITY—EVIDENCE OF SUBSEQUENT CHANGES. In a products liability action based upon a theory of strict liability the duty of the manufacturer with respect to the design and manufacture of the product shall be determined as of the date of the manufacture of the product and not as of the date of the damage or the filing of the action. Nothing contained herein shall eliminate the requirement for adequate warnings by the manufacturer when appropriate."

A.R. KUDART

S—5156

Amend Senate File 2120 as follows:

1. Page 1, line 30, by inserting after the word "product," the word "unless".

2. Page 1, line 30, by striking the words "whether or not".

A.R. KUDART

S—5157

Amend Senate File 2120 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The general assembly finds that a critical situation exists because of the high cost and impending unavailability of products liability insurance. The purposes of sections two (2) through thirteen (13) of this Act are to assure that the public is adequately protected against losses arising out of the use of products by providing manufacturers and sellers of products with liability insurance through the requirement that certain liability insurance carriers write products liability insurance for a period of two years upon a finding of an emergency by the commissioner of insurance because the insurance is not available through normal channels, or is not available on a reasonable basis because of lack of competition for the insurance, or otherwise is not available; to establish an association to equitably spread the risks for this insurance; and to provide for recoupment of losses resulting from the operation of the association through a stabilization reserve fund contributed to by insureds, a surcharge on future liability insurance policies, or a favorable premium tax treatment.

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. 'Association' means the joint underwriting association established pursuant to sections two (2) through thirteen (13) of this Act.

2. 'Commissioner' means the commissioner of insurance or a designee.

3. 'Products liability insurance' means insurance coverage against the legal liability of a manufacturer or seller of a product and against loss, damage, or expense incident to a claim arising out of the death or injury of a person or the injury to property of a person as result of the use of the product.

4. 'Net direct premiums' means gross direct premiums written on liability insurance as reported in the annual statements filed by the insurers with the commissioner, including the liability component of multiple peril package policies as computed by the commissioner, less return premiums for the unused or unabsorbed portions of premium deposits.

Sec. 3. *NEW SECTION.* TEMPORARY JOINT UNDERWRITING ASSOCIATION.

1. A temporary joint underwriting association is created, consisting of all insurers authorized to write liability insurance on a direct basis within

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this state, including insurers covering this peril in multiple peril policies. Each of these insurers is a member of the association and shall remain a member as a condition of its authority to continue to write liability insurance in this state.

2. The purpose of the association is to provide, for a period not exceeding two years, a market for products liability insurance on a self-supporting basis without subsidy from its members.

3. The association shall not commence underwriting operations for manufacturers or sellers of products until the commissioner, after notice and opportunity for hearing, determines that products liability insurance is not available at a reasonable cost for a specific classification of manufacturer, seller, or product in the voluntary market. If the commissioner makes this determination, the association may issue policies of products liability insurance for the classification of manufacturers, sellers or products for which insurance is not available, but the association need not be the exclusive agency through which such insurance may be written on a primary basis in this state.

If the commissioner determines at any time after notice and opportunity for hearing that liability insurance can be made available in the voluntary market at a reasonable price for a specific classification, the association shall cease underwriting insurance for that classification.

4. The association shall, subject to the terms and conditions of sections two (2) through thirteen (13) of this Act, have and exercise the following powers on behalf of its members:

a. To issue or to cause to be issued policies of liability insurance to applicants, including

incidental coverages and subject to limits as specified in the plan of operation, but not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in one year.

b. To underwrite liability insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform these functions.

c. To assume reinsurance from its members.

d. To cede reinsurance.

Sec. 4. *NEW SECTION.* PLAN OF OPERATION.

1. The association shall submit a plan of operation to the commissioner, together with any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association

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consistent with sections two (2) through thirteen (13) of this Act. The plan of operation and any amendments thereto shall become effective only after promulgation of the plan or amendment by the commissioner as a rule pursuant to section seventeen A point four (17A.4) of the Code. However, the initial plan may in the discretion of the commissioner become effective immediately upon filing with the secretary of state pursuant to section seventeen A point five (17A.5), subsection two (2), paragraph b, subparagraph one (1) of the Code.

If the association fails to submit a suitable plan of operation within twenty-five days following the effective date of this Act or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall adopt rules necessary to accomplish sections two (2) through thirteen (13) of this Act.

2. The plan of operation shall provide for economic, fair and nondiscriminatory administration, and for the prompt and efficient writing of products liability insurance. The plan shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements, and procedures for determining amounts of insurance to be provided by

the association.

3. All member insurers shall comply with the plan of operation.

Sec. 5. *NEW SECTION.* POLICY FORMS AND RATES.

1. The rates, rating plans, rating classifications, and policy forms and endorsements applicable to insurance written by the association and the statistical and experience data relating thereto shall be subject to sections two (2) through thirteen (13) of this Act and to the provisions of the applicable insurance laws of this state which are not inconsistent with the purposes and provisions of this Act.

2. All policies issued by the association shall provide for a continuous period of coverage beginning with their respective effective dates and terminating automatically at 12:01 a.m. on the seven hundred thirty-first day after the effective date of this Act, unless sooner terminated in accordance with

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sections two (2) through thirteen (13) of this Act, or unless terminated because of failure of the policyholder to pay a premium or stabilization reserve fund charge or portion of either when due. All policies shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by this Act. A policy form shall not be used by the association unless it has been filed with and approved by the commissioner.

3. The commissioner shall specify whether policy forms and the rate structure shall be on a claims-made or occurrence basis, and coverage shall be provided by the association only on the basis specified by the commissioner. The commissioner shall specify the claims-made basis only if the contract also provides for reasonable residual occurrence coverage upon the termination of business by the insured. Provision may be made for a premium charge allocable to any residual occurrence coverage, and the premium charges for residual coverage shall be segregated and separately maintained. Provisions for residual occurrence coverage may include the reinsurance of all or a part of the risk.

4. The rates, rating plans, rating rules, and rating classifications applicable to the insurance written by the association shall be on an actuarially sound basis, giving due consideration to the group retrospective rating plan and the stabilization reserve fund, and shall be calculated to be self-

supporting.

5. All policies issued by the association are subject to a nonprofit group retrospective rating plan to be approved by the commissioner under which the final premium for all policyholders of the association, as a group, will be equal to the administrative expenses, loss and loss adjustment expenses and taxes, plus a reasonable allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net of expenses and a reasonable management fee, on funds supplied by the policyholders. The standard premium, before retrospective adjustment, for each policy issued by the association shall be established for portions of the policy period coinciding with the association's fiscal year on the basis of the association's rates, rating plans, rating rules, and rating classifications then in effect. The maximum final premium for all policyholders of the association, as a group, shall be limited as provided in section six (6), subsection five (5) of this Act. Because

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the business of the association is subject to the nonprofit group retrospective rating plan required by this subsection, it is presumed that the rates filed and premiums imposed by the association are not unreasonable or excessive.

6. The association shall certify to the commissioner the estimated amount of any deficit remaining after the stabilization reserve fund has been exhausted in payment of the maximum final premium for all policyholders of the association. Within sixty days after certification the commissioner shall authorize the members of the association to commence recoupment of their respective shares of the deficit by deducting their share of the deficit from past or future premium taxes due the state of Iowa. The association shall amend the amount of its certification of deficit to the commissioner as the values of its incurred losses become final and the members of the association shall amend their recoupment procedure accordingly.

7. In the event that sufficient funds are not available for the sound financial operation of the association, all members shall contribute to the financial requirements of the association in the manner provided for in section eight (8) of this Act. Contributions shall be reimbursed to the members by

the recoupment provided in subsection six (6) of this section.

Sec. 6. *NEW SECTION.* STABILIZATION RESERVE FUND.

1. A stabilization reserve fund is created. The fund shall be administered by three directors, one of whom shall be the commissioner. The remaining two directors shall be appointed by the commissioner, one of whom shall be a representative of the association and the other a representative of policyholders.

2. The directors shall act by majority vote with two directors constituting a quorum for the transaction of any business or the exercise of any power of the fund. The directors shall serve without salary, but each director other than the commissioner shall be reimbursed for actual and necessary expenses incurred in the performance of official duties as a director. The directors are not subject to personal liability with respect to the administration of the fund for acts or decisions made in good faith pursuant to the provisions of this Act.

3. Each policyholder shall pay to the association a stabilization reserve fund charge determined by the directors which shall not exceed the amount of

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the initial annual premium due for insurance through the association. Such charge shall be separately stated in the policy. The association shall cancel the policy of the policyholder who fails to pay the stabilization reserve fund charge.

4. The association shall promptly pay to the fund all stabilization reserve fund charges which it collects from policyholders and any retrospective premium refunds payable under any group retrospective rating plan approved by the commissioner under the provisions of this Act.

5. All moneys received by the fund shall be held in trust by a corporate trustee selected by the directors. The corporate trustee may invest the moneys held in trust, subject to the approval of the directors. Investment income shall be credited to the fund, and expenses of administration of the fund shall be charged against the fund. The moneys held in trust shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan approved by the commissioner. Payment of retrospective premium charges

shall be made by the directors upon certification to them by the association of the amount due. If all moneys accruing to the fund are finally exhausted in payment of retrospective premium charges, all liability and obligations of the association's policyholders with respect to the payment of retrospective premium charges shall thereupon terminate and shall be conclusively presumed to have been discharged. Any moneys remaining in the fund after all retrospective premium charges have been paid shall be returned to policyholders pursuant to procedures authorized by the directors.

Sec. 7. *NEW SECTION.* PROCEDURES.

1. Upon a finding by the commissioner, after notice and opportunity for hearing, that product liability insurance is not available at a reasonable cost for a specific classification of manufacturer, seller, or product, in the voluntary market and upon notification of that finding to the association, a manufacturer or seller of the classification specified in the commissioner's finding may apply to the association for product liability insurance coverage. The application may be made by an authorized agent.

2. If the association determines that the applicant meets the underwriting standards of the association as prescribed in the plan of operation, then upon

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receipt of the premium or such portion, thereof as is prescribed in the plan of operation, the association shall cause to be issued a policy of product liability insurance.

Sec. 8. *NEW SECTION.* PARTICIPATION. All members of the association shall participate in its writings, expenses, servicing allowance, management fees and losses in the proportion that the net direct premiums of each members, excluding that portion of premiums attributable to the operation of the association, written during the preceding calendar year are to the aggregate net direct premiums written in this state by all members of the association. Each member's proportion shall be determined annually on the basis of the annual statements and other reports filed by the insurer with the commissioner.

Sec. 9. *NEW SECTION.* GOVERNING BOARD.

1. The association shall be governed by a board of eleven directors of whom three shall be appointed annually by the commmissioner to represent Iowa

manufacturers and sellers of products. Eight members shall be elected annually, except as provided in subsection two (2) of this section, by the members of the association. A vacancy on the board shall be filled for the remaining period of the term by majority vote of the remaining directors subject to approval of the commissioner.

2. Within fifteen days after the effective date of this Act the commissioner shall designate a time and place for a meeting of the members of the association at which the eight elected board members serving on the first board shall be elected. The commissioner shall appoint the appointive members of the board on or before the date of such meeting.

The commissioner may, prior to the first meeting of the members of the association, appoint an interim governing board of the association consisting of eight member insurers and three representatives of Iowa manufacturers and sellers of products. The eight member insurers of that interim governing board shall serve until their successors are elected by the members of the association. In appointing members of the association to the interim governing board, the commissioner shall consider among other things whether all member insurers are fairly represented.

Sec. 10. *NEW SECTION.* APPEALS AND JUDICIAL REVIEW.

1. An applicant or a person insured pursuant to section seven (7) of this Act or a legal representative, or an affected insurer, may appeal to the commissioner within thirty days after a ruling,

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action or decision by or on behalf of the association with respect to those items the plan of operation defines as appealable matters.

2. All orders of the commissioner made pursuant to sections two (2) through thirteen (13) of this Act are subject to judicial review as provided in the Iowa administrative procedure Act.

Sec. 11. *NEW SECTION.* ANNUAL STATEMENTS. The association shall file in the office of the commissioner on or before the first day of March each year, a statement as prescribed by the commissioner. The statement shall contain matters and information required by the commissioner, which shall include, but need not be limited to, information with respect to transactions, condition, operations and affairs of the association during the preceding year. The statement shall be in a form approved by the

commissioner. The commissioner at any time may require the association to furnish additional information with respect to matters considered to be material to the scope, operation and experience of the association.

Sec. 12. *NEW SECTION.* EXAMINATIONS. The commissioner shall make an examination of the association at least annually. The expenses of an examination shall be paid by the association.

Sec. 13. *NEW SECTION.* PRIVILEGED COMMUNICATIONS. There is no liability on the part of, and no cause of action of any nature shall arise against the association or the commissioner or any other person or organization for any statements made in good faith concerning risks insured or to be insured by the association, or during any proceedings within the scope of sections two (2) through thirteen (13) of this Act.

Sec. 14. *NEW SECTION.* MANDATORY PROVISIONS—PRODUCTS LIABILITY INSURANCE. A company issuing an insurance policy insuring against products liability shall be deemed as a condition of exercising the privilege of transacting that business in this state to have agreed that the policy shall not be canceled, and that the insurer shall not refuse to renew the policy on any grounds other than nonpayment of premium, unless the issurer gives written notice of the intended cancellation or nonrenewal not less than ninety days prior to the date upon which the policy shall be canceled or expires, notwithstanding any provision of the policy to the contrary.

A company issuing an insurance policy insuring against products liability shall be deemed as a

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condition of exercising the privilege of transacting that business in this state to have agreed that the products liability coverage provided by the policy shall be renewable at the same or less cost to the insured, unless the insurer gives written notice to the insured not less than ninety days prior to the renewal date of the policy of the increases in premium for products liability coverage which will become effective upon a renewal of the policy, notwithstanding any provision of the policy to the contrary.

Sec. 15. Section five hundred fifteen point sixty-three (515.63), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. An insurer authorized to transact

business in this state and providing products liability insurance, completed operations insurance, medical malpractice insurance, professional liability insurance for lawyers, liability insurance for counties, municipal corporations or the state of Iowa, professional liability insurance for independent insurance agents, automobile liability insurance, or school district liability insurance, or any combination of these, shall file with the commissioner of insurance during the month of January of each year a separate report for each of the above listed types of insurance provided by the insurer during the previous calendar year. Each report shall contain the following information:

a. The name of the reporting company, and the name of every other company associated with the reporting company as either a holding company, or parent, subsidiary, or division, or through interlocking directorates which has during the report year written liability insurance of any of the types referred to in this subsection which was procured under the authority of section five hundred fifteen point one hundred forty-seven (515.147) of the Code.

b. The number of policies written, the total amount of premiums received and the number of policies canceled, nonrenewed or refused to be written.

c. Paid claims.

d. Incurred claims outstanding at the end of the calendar year.

e. Reserves for claims incurred but not reported at the end of the calendar year.

f. Paid closed claims and claims closed without payment and with payment.

g. Claims denied in writing for lack of coverage.

h. Claims which were denied in writing wherein

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money was eventually paid.

i. Underwriting income or loss.

j. Investment income from unearned premium reserve and loss reserve, expressed as a percentage of premium.

k. Actual expense ratio in detail, including loss adjustment expense.

l. The number of claims in which a suit was filed.

m. The number of claims settled after a suit was filed.

n. The number of claims paid after a judgment was entered.

o. The number of judgments appealed and the results of those appeals.

p. The number of claims filed in the state of Iowa on policies issued outside of the state of Iowa.

Sec. 16. Section five hundred fifteen point one hundred twenty (515.120), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A company which fails to comply with any reporting requirement of section fifteen (15) of this Act shall, during the period of noncompliance:

1. Forfeit its authority to write new insurance policies in any area of insurance in which the reporting requirements are not complied with.

2. Forfeit its authority to renew existing policies in any area of insurance in which the reporting requirements are not complied with.

Sec. 17. Section five hundred nineteen point one (519.1), Code 1979, is amended to read as follows:

519.1 AUTHORIZATION.

1. Any number of physicians and surgeons, osteopaths, osteopathic physicians and surgeons, podiatrist, chiropractors, pharmacists, dentists, and graduate nurses, licensed to practice their profession in this state, and hospitals licensed under chapter 135B, may, by complying with the provisions of this chapter and without regard to other statutory provisions, enter into contracts with each other for the purpose of protecting themselves by insurance against loss by reason of actions at law on account of their alleged error, mistake, negligence, or carelessness in the treatment and care of patients, including the performance of surgical operations, or in the prescribing and dispensing of drugs and medicines, or for loss by reason of damages in other respects, and to reimburse any member in case of such loss.

2. Manufacturers, wholesalers, distributors, retailers, repairers, bailees, lessors, and other

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parties in the chain of manufacture or distribution of products may, by complying with the provisions of this chapter and without regard to other statutory provisions, enter into contracts with each other for the purpose of protecting themselves by insurance against loss by reason of products liability actions as defined in section twenty (20) of this Act and for the purpose of reimbursing members in case of

loss.

Sec. 18. Section five hundred nineteen point five (519.5), Code 1979, is amended to read as follows:

519.5 CONDITIONS. No such certificate shall be issued by the commissioner of insurance until two hundred fifty individual applications or ten or more applications from a hospital group, *or twenty-five or more applications from those parties in the chain of manufacturer or distribution of products as listed in section five hundred nineteen point one (519.1), subsection two (2) of the Code,* have been received, and until the commissioner of insurance has satisfied himself that such mutual insurance corporation has bona fide applications representing the number of applicants required, and that there is in the possession of such mutual insurance corporation cash assets amounting to not less than ten times the maximum single retained risk.

Sec. 19. Section five hundred nineteen point twelve (519.12), Code 1979, is amended to read as follows:

519.12 FOREIGN COMPANIES. Any mutual insurance association organized under the laws of any other state, for the purpose of transacting the kind of business described in this chapter, and which has on hand surplus amounting to not less than ten times the maximum single retained risk, and has not less than two hundred fifty *individual* members, *or not less than twenty-five members of those parties in the chain of manufacture or distribution of products as listed in section five hundred nineteen point one (519.1), subsection two (2) of the Code,* may upon application, be admitted to do business in this state if the commissioner finds such admission is in the public interest; and shall thereafter make all reports and be subject to taxation, examination, and supervision by the commissioner of insurance to the same extent and in the same manner as are domestic corporations organized under the provisions of this chapter.

Sec. 20. Chapter five hundred nineteen (519), Code 1979, is amended by adding the following new

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section:

NEW SECTION. DEFINITIONS. 'Products liability action' means an action or claim against a manufacturer, wholesaler, distributor, retailer, repairer, bailee, lessor, or another party in the

chain of manufacturer or distribution of a product, or their employees, for or on account of personal injury, death, or property damage caused by or resulting from the use or consumption of the product. The term encompasses every claim of liability recognized by law which may arise out of acts and processes involved in or relating to the creation and distribution of a product, including but not limited to the acts and processes of design, formulation, preparation, manufacture, construction, assembly, testing, packaging, labeling, distribution and installation of a product, and the issuance of warnings and directions respecting the use, misuse, intended and unintended use of a product, and the incorporation into a product of protection against dangers and hazards of the product."

A.R. KUDART

S—5158

Amend Senate File 2120, page 2, by striking lines 5 through 17 and inserting in lieu thereof the following:

"*NEW SECTION.* DUTY TO HOLD HARMLESS.

1. As used in this section, 'chain of distribution' is a descending order of distribution from the manufacturer to the retailer either directly, or through one or more distributors, wholesalers, or other entitites; and 'entity' means any person, firm or corporation involved in any way in the process of getting the product from its point of manufacture to the eventual consumer.

In a product liability action, any entity higher in the chain of distribution shall defend and indemnify any entity lower in the chain of distribution from loss sustained by virtue of the action unless the higher entity shows that the product was assembled, constructed, labeled or installed inconsistent with or contrary to the instructions or directions of the higher entity or was designed or formulated in whole or in part either directly or indirectly by the lower entity, and that the damage would not have occurred but for the action or direction of the lower entity."

LUCAS J. DE KOSTER

S—5159

Amend Senate File 2120 by striking page 1, line 24 through page 2, line 2, and inserting in lieu

thereof the following:

"*NEW SECTION.* ALTERATION, MODIFICATION OR DETERIORATION OF A PRODUCT. In a products liability action based upon a theory of strict liability the plaintiff must establish that the product was expected to and did reach him or her without substantial change in condition from the time it was sold by the defendant, and that the defect existed at the time of the sale. Freedom from defect at the time of sale includes proper packaging, necessary sterilization and other precautions required to permit the product to remain safe for a normal length of time when handled in a normal manner. A seller is not liable in a products liability action based upon a theory of strict liability if the seller delivers the product without defect and subsequent mishandling, alteration or other causes beyond the control of the seller render the product defective. This section does not eliminate the requirement for adequate warnings by the manufacturer when appropriate."

LUCAS J. DE KOSTER

S—5160

Amend Senate File 2120 as follows:

1. Page 1, line 18, by striking the word "or".

2. Page 1, line 19, by striking the words "breach of an implied warranty".

3. Page 1, line 25, by inserting after the word "action" the words "based upon a theory of strict liability in tort".

4. Page 2, line 6, by striking the word "or".

5. Page 2, line 7, by striking the words "breach of an implied warranty".

6. Page 2, line 21, by inserting after the word "action" the words "based upon a theory of strict liability in tort".

A.R. KUDART
JAMES E. BRILES

S—5161

Amend Senate File 2120 as follows:

1. Page 1, by striking lines 17 through 21 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* PRODUCTS LIABILITY. In a products liability action based upon a theory of strict liability in tort or breach of an implied warranty

brought more than eight years after the product was first delivered for use or consumption it is presumed until rebutted by a preponderance of the evidence to the contrary that the product was free of defects."

LUCAS J. DE KOSTER
A.R. KUDART
RICHARD R. RAMSEY
ARTHUR A. SMALL, JR.
JAMES E. BRILES

S—5162

Amend Senate File 2041 as follows:

1. Page 1, line 12, by striking the words "motor vehicle" and inserting in lieu thereof the words "car, light delivery truck, panel delivery truck, or pickup".

2. Page 1, line 18, by striking the words "motor vehicle" and inserting in lieu thereof the words "car, light delivery truck, panel delivery truck, or pickup".

3. Page 1, by inserting after line 24 the following:

"Sec. ____. Section three hundred twenty-one point one hundred sixty-six (321.166), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Registration plates issued to a former prisoner of war under the provisions of section one (1) of this Act shall display a special legend as prescribed by the department. The name of the county shall not be displayed on the plates."

4. Page 1, by striking lines 25 and 26 and inserting in lieu thereof the following:

"Sec. ____. This Act takes effect December 1, 1980, for motor vehicles registered for the 1981 and subsequent registration years."

5. Amend the title, line 1, by inserting after the word "providing" the words "special registration plates".

6. Amend the title, line 2, by striking the words "motor vehicles" and inserting in lieu thereof the words "cars, light delivery trucks, panel delivery trucks, or pickups".

BASS VAN GILST
NORMAN G. GOODWIN

S—5163

Amend Senate File 500 as follows:

1. By striking everything after the enacting

clause and inserting in lieu thereof the following:

"Section 1. Section four hundred twenty-two point sixty (422.60), Code 1979, is amended to read as follows:

422.60 IMPOSITION OF TAX. A franchise tax according to and measured by net income is hereby imposed on financial institutions *for the privilege of doing business in this state as financial institutions.*

Sec. 2. Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section three (3), is amended to read as follows:

4. 'Net income' means the net income of the financial institution computed in accordance with section 422.35, with the exception that interest and dividends from federal securities shall not be subtracted [and interest and dividends from evidence of indebtedness and securities of this state and its political subdivisions, exempt from federal income tax under the Internal Revenue Code of 1954 as amended to and including January 1, 1979], *no federal income taxes paid or accrued shall be subtracted, and notwithstanding the provisions of sections two hundred sixty-two point forty-one (262.41) and two hundred sixty-two point fifty-one (262.51) or any other provisions of the law, income from obligations of the state and its political subdivisions* shall [not] be added.

Sec. 3. Section four hundred twenty-two point sixty-three (422.63), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

422.63 AMOUNT OF TAX. The franchise tax is imposed annually in an amount equal to five percent of the net income received or accrued during the taxable year.

Sec. 4. Franchise taxes voluntarily paid shall not be refunded to the extent that the refund claim is based upon an alleged mistake of law regarding the validity or legality under the laws or Constitution of the United States, of the tax imposed by this division. This section prevails over any other statutes authorizing franchise tax refunds.

Sec. 5. The provisions of sections one (1), two (2) and three (3) of this Act are applicable to taxable years beginning on or after January 1, 1979, and to

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this extent are retroactive. To the extent that the enactment of this Act requires the filing of an amended franchise tax return by a financial institution for a taxable year beginning in 1979, no interest or penalty shall accrue because of an additional tax due by reason of the provisions of this Act, if the amended return is filed within sixty days of the effective date of this Act.

Sec. 6. *NEW SECTION.* TEMPORARY RATES.

1. Notwithstanding the interest rate or interest-rate limitation specified in a provision of the Code referred to in subsection two (2) of this section, the interest rate or interest-rate limitation in effect in a provision of the Code referred to in subsection two (2) of this section is a rate of interest which is equal to the sum of the rate actually specified in that provision plus two percentage points.

2. Subsection one (1) of this section applies to the following sections of the Code: Sections twenty-eight F point eight (28F.8), thirty-seven point six (37.6), seventy-five point twelve (75.12), subsections one (1), two (2) and three (3), one hundred eleven A point six (111A.6), unnumbered paragraph two (2), one hundred forty-five A point seventeen (145A.17), two hundred two point five (202.5), two hundred eighty A point twenty-two (280A.22), unnumbered paragraph two (2), two hundred ninety-six point one (296.1), two hundred ninety-eight point twenty-two (298.22), unnumbered paragraph one (1), three hundred nine point seventy-three (309.73), unnumbered paragraph three (3), section three hundred thirty point seven (330.7), unnumbered paragraph five (5), three hundred thirty point fourteen (330.14), three hundred thirty point sixteen (330.16), unnumbered paragraph two (2), three hundred thirty A point nine (330A.9), subsection one (1), three hundred thirty-two point forty-four (332.44), subsection eight (8), unnumbered paragraph two (2), three hundred forty-five point sixteen (345.16), three hundred forty-six point three (346.3), unnumbered paragraph one (1), three hundred forty-six point twenty-three (346.23), unnumbered paragraph two (2), three hundred forty-six point twenty-six (346.26), subsection three (3), three hundred forty-six point twenty-seven (346.27), subsection fourteen (14), three hundred forty-six A point three (346A.3), unnumbered paragraph two (2), three hundred forty-seven point point five (347.5), three hundred forty-seven point twenty-seven (347.27), unnumbered paragraphs

one (1) and three (3), three hundred forty-seven A point two (347A.2), three hundred forty-seven A point

Page 3

seven (347A.7), unnumbered paragraph one (1), section three hundred fifty-seven A point eleven (357A.11), subsection eight (8), section three hundred fifty-seven C point ten (357C.10), section three hundred fifty-eight point twenty-one (358.21), unnumbered paragraph four (4), three hundred eighty-four point sixty (384.60), subsections three (3) and five (5), three hundred eight-four point sixty-eight (384.68), subsection two (2), three hundred eighty-four point eighty-three (384.83), subsection six (6), three hundred eighty-six point twelve (386.12), subsection four (4), three hundred ninety-four point one (394.1), unnumbered paragraph two (2), four hundred three point nine (403.9), subsection three (3), four hundred three A point thirteen (403A.13), unnumbered paragraph one (1), four hundred fifty-five point eight three (455.83), and four hundred sixty-one point fourteen (461.14), of the Code.

3. The provisions of this section shall be applicable to each of the interest rate limitations specified in each of those sections of the Code enumerated in subsection two (2) of this section on or after the effective date of this Act and until such time as the general assembly specifically changes the rate specified in that section.

Sec. 7. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Carroll Daily Times-Herald, a newspaper published in Carroll, Iowa."

2. Amend the title, line 3, by striking the words "increasing the interest rates on special assessment bonds" and inserting in lieu thereof the words "providing a corresponding adjustment in interest rates for government bonds."

RICHARD F. DRAKE
ROLF V. CRAFT
C.W. HUTCHINS

S—5164

Amend Senate File 2120 as follows:

1. By striking page 1, line 24 through page 2, line 2, and inserting in lieu thereof the following:

"*NEW SECTION.* ALTERATION, MODIFICATION, DETERIORATION OF A PRODUCT. If a product does not contain an unreasonably dangerous defect at the time it leaves the control of the manufacturer or seller but was made unreasonably dangerous by subsequent alteration or change, improper maintenance or abnormal use which was unforeseeable to the manufacturer or the manufacturer clearly and adequately warned of the foreseeable dangerous defect, and if the injury would not have occurred but for the alteration, modification or deterioration the manufacturer is not liable."

ARTHUR A. SMALL, JR.

S—5165

Amend Senate File 2120 as follows:

1. Page 2, line 2, by inserting after the word "deterioration." the words "This section does not eliminate the requirement for adequate warnings by the manufacturer when appropriate."

ARNE WALDSTEIN
LUCAS J. DE KOSTER

S—5166

Amend Senate File 2139 as follows:

1. Page 1, line 7, by inserting after the word *"council"* the words *", which shall consist of not more than eighteen members".*

2. Page 1, line 13, by inserting after the word *"senate."* the words *"However, the terms of the initial appointees shall be as follows: one-third of the members for two years; one-third of the members for three years; and one-third of the members for four years."*

3. Page 1, line 26, by inserting after the word "all" the words *"eligible jurisdictions, including".*

4. Page 1, line 30, by inserting after the word "with" the words *"eligible jurisdictions, including".*

5. Page 2, line 2, by inserting after the word "with" the words *"eligible jurisdictions, including".*

6. Page 2, by striking lines 28 through 30 and inserting in lieu thereof the words "[commission] *council. The state auditor shall audit or provide for the audit of the council's records and the records of grant recipients concerning the receipt and expenditure of federal and state funds."*

7. Page 3, by inserting after line 14 the following

new section:

"Sec. ____. Chapter eighty C (80C), Code 1979, is amended by adding the following new section:

NEW SECTION. EXPENSES. Members of the council shall not receive compensation for their duties but shall be reimbursed for their actual and necessary expenses."

8. By renumbering sections as necessary to conform with this amendment.

RAY TAYLOR

S—5167

Amend the Drake amendment, S—5163, to Senate File 500 as follows:

1. Page 1, line 20, by inserting after the word "securities" the words *"and any amount of franchise taxes paid or accrued under this division during the taxable year"*.

RICHARD F. DRAKE

S—5168

Amend Senate File 2120 as follows:

1. Page 2, line 6, by striking the word "or".

2. Page 2, line 7, by striking the words "breach of an implied warranty".

A.R. KUDART
JAMES E. BRILES

S—5169

Amend Senate File 2120 as follows:

DIVISION S—5169A

1. Page 1, line 30, by striking the words "whether or not such".

2. Page 1, by striking line 31.

DIVISION S—5169B

3. Page 2, line 2, by inserting after the word "deterioration." the word "This section does not eliminate the requirement for adequate warnings or directions by the manufacturer when appropriate, and

will not bar recovery when adequate warnings or directions are not given."

ARNE WALDSTEIN
LUCAS J. DE KOSTER
RICHARD R. RAMSEY
DALE L. TIEDEN

S—5170

Amend Senate File 2120 as follows:

1. Page 2, line 2, by inserting after the word "deterioration." the words "This section does not eliminate the requirement for adequate warnings by the manufacturer respecting inherently dangerous qualities or characteristics which are not generally known to the user or consumer."

EDGAR H. HOLDEN

S—5171

Amend the Waldstein, et al., amendment, S—5169, to Senate File 2120 as follows:

1. Page 1, line 8, by striking the words "when appropriate".

RICHARD R. RAMSEY

S—5172

Amend Senate File 74 as follows:

1. Page 1, line 9, by striking the words *"two years"* and inserting in lieu thereof the words *"one year"*.

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S—5173

Amend Senate File 2183 as follows:

1. Page 1, lines 6 and 7, by striking the words "[or seed corn]" and inserting in lieu thereof the words "or seed corn".

C. JOSEPH COLEMAN

S—5174

For the text of this House amendment, see page 507 of the Senate Journal.

S—5175

Amend Senate File 2090 as follows:

1. Page 1, line 16, by inserting after the word "Act" the words *"except that the amount of reimbursement for a claim for property taxes paid in the fiscal year in the 1980 calendar year shall be computed in accordance with section nine (9) of this Act".*

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5176

Amend the Waldstein, et al., amendment, S—5169, to Senate File 2120 as follows:

1. Page 1, line 7, by striking the word "the" and inserting in lieu thereof the word "any".

2. Page 1, line 10, by inserting after the word "given" the words "relative to alteration or modification".

EDGAR H. HOLDEN

S—5177

Amend Senate File 2120 as follows:

1. Page 2, by inserting after line 35 the following new section:

"Sec. 6. Chapter eighty-five (85), Code 1979, is amended by adding the following new section:

NEW SECTION. In any products liability action for personal injury or death arising out of and in the course of employment subject to the provisions of this law, brought against any third party tortfeasor, such third party tortfeasor may maintain an action for indemnity or contribution against the plantiff's employer if the employee's injury was caused by the primary or active negligence of the employer. When the third party tortfeasor recovers contribution or indemnity against the employer then any judgment against such third party tortfeasor resulting from a products liability action shall be reduced by an amount equal to the amount paid as compensation and medical benefits under the provisions of section eighty-five point twenty-two (85.22) and the present value of all future compensation benefits payable under the workers' compensation law."

ARTHUR A. SMALL, JR.

S—5178

Amend the Drake, et al., amendment, S—5163, to Senate File 500 as follows:

1. Page 3, line 3, by inserting after the figure "(8)," the words and figures "three hundred fifty-seven B point four (357B.4),".

2. Page 3, line 6, by inserting after the figure "(4)," the words and figures "three hundred fifty-nine point forty-five (359.45), three hundred eighty-four point fifty-seven (384.57),".

RICHARD F. DRAKE

S—5179

Amend amendment S—5112 to Senate File 460 as follows:

1. Page 1, line 4, by inserting before the word "Section" the word and figure "Section 1."

EDGAR H. HOLDEN
DALE L. TIEDEN

S—5180

Amend the Kudart amendment, S—5155, to Senate File 2120 as follows:

1. Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following:

"1. Page 2, by inserting after line 35 the following new unnumbered paragraph:

'NEW UNNUMBERED PARAGRAPH. In a products liability action based upon a theory of strict liability the duty of the manufacturer with respect to the design and manufacture with respect to the design as of the date of the manufacture of the product and not as of the date of the damage or the filing of the action. Nothing contained herein shall eliminate the requirement for adequate warnings by the manufacturer when appropriate.' "

EDGAR H. HOLDEN

S—5181

Amend the Kudart amendment, S—5155, to Senate File 2120 as follows:

1. Page 1, by striking lines 2 through 13 and inserting in lieu thereof the following:

"1. Page 2, by inserting after line 35 the following

new unnumbered paragraph:
'*NEW UNNUMBERED PARAGRAPH.* In a products liability action based upon a theory of strict liability or breach of implied warranty the duty of the manufacturer with respect to the design and manufacture of the product shall be determined as of the date of the manufacture of the product and not as of the date of the damage or the filing of the action. Nothing contained herein shall eliminate any requirement for adequate warnings by the manufacturer.' "

EDGAR H. HOLDEN

S—5182

Amend Senate File 2037 as follows:

DIVISION S—5182A

1. Page 1, line 10, by striking the words *"by ordinance or"*.

DIVISION S—5182B

2. Page 1, line 20, by striking the word *"not"*.
3. Page 1, by striking lines 21 and 22 and inserting in lieu thereof the following: *"with any election being held on the first Tuesday after the first Monday in November of any year."*

DIVISION S—5182A (cont'd.)

4. Page 1, line 32, by striking the words *"ordinance or"*.
5. Page 2, line 16, by striking the words *"ordinance or"*.

PATRICK J. DELUHERY

S—5183

Amend Senate File 2037 as follows:
1. Page 2, by striking lines 3 through 6 and inserting in lieu thereof the following: *"of the city's charter. However, special charter cities which choose to exercise the option to conduct nonpartisan city elections may choose, in the same manner the original decision was made, to resume holding partisan city elections."*

PATRICK J. DELUHERY

S—5184

Amend the Deluhery amendment, S—5182, to Senate File 2037 as follows:

1. Page 1, line 8, by inserting after the word *"any"* the words *"odd numbered"*.

PATRICK J. DELUHERY

S—5185

Amend Senate File 2120 as follows:

1. Page 2, by striking lines 3 through 17 and inserting in lieu thereof the following:

"Sec. ____ . Chapter six hundred thirteen (613), Code 1979, is amended by adding the following new sections:

NEW SECTION. IMMUNITY FROM SUIT.

1. A products liability action based on the doctrine of strict liability in tort or a breach of implied warranty where the cause of action is based solely on an alleged defect in the product as originally designed or manufactured shall not be commenced or maintained against a wholesaler, distributor, retailer or other person who distributes or sells the product, nor shall any of these persons be liable for damages arising from a suit based solely on that cause of action.

2. Subsection one (1) of this section does not apply in any action in which one or more of the following conditions exist:

a. The identity of the original seller cannot be determined.

b. The original seller is not subject to the jurisdiction of the courts of this state.

c. The court determines, in a hearing held without a jury, that it is highly probable that the claimant would be unable to enforce a judgment against the original seller.

4. The immunity established by subsection one (1) of this section does not apply to any person who controlled or participated, either directly or indirectly, in the original design or manufacture of the product.

NEW SECTION. DUTY TO HOLD HARMLESS.

1. As used in this section, "chain of distribution" means a descending order of distribution from the manufacturer to the retailer, either directly or through one or more distributors, wholesalers, or similar entities.

2. In a product liability action, any entity that is higher in the chain of distribution shall defend all entities that are lower in the chain of distribution, and shall indemnify entities that are lower in the chain of distribution against loss substained by virtue of the action.

3. An entity in a chain of distribution of a product is not entitled to defense or indemnification under subsection two (2) of this section if any of the following conditions exist:

a. The entity is liable to the claimant on account

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of negligent, reckless or intentional acts or omissions.

b. One or more acts or omissions of the entity directly or indirectly caused the defect upon which liability to the claimant is based."

2. By renumbering sections and correcting internal references.

ARTHUR A. SMALL, JR.
RICHARD R. RAMSEY
LUCAS J. DE KOSTER

S—5186

Amend Senate File 2120 as follows:

1. Page 2, by inserting after line 2 the following new unnumbered paragraph:

"Where an employee is injured as a consequence of an employer's alteration or modification of a product and the manufacturer is not liable for the damages to the employee in a products liability action because of the employer's alteration or modification of the product, the compensation paid to the injured employee under section eight-five point thirty-four (85.34) shall be increased by twenty-five percent."

ARTHUR A. SMALL, JR.

S—5187

Amend the Waldstein, et al., amendment, S—5169, to Senate File 2120 as follows:

1. Page 1, line 7, by striking the word "the" and inserting in lieu thereof the word "any".

EDGAR H. HOLDEN

S—5188

Amend Senate File 2120 as follows:

1. Page 1, line 30, by striking the words "whether or not" and inserting in lieu thereof the word "if".

2. Page 1, line 31, by inserting after the word "were" the word "not".

3. Page 2, by inserting after line 2 the following new unnumbered paragraphs:

"*NEW UNNUMBERED PARAGRAPH.* The defense provided by this section shall be available to the defendant where the alteration, modification, or deterioration was foreseeable but the defendant could not foresee that the product would be rendered unsafe by the alteration, modification, or deterioration.

NEW UNNUMBERED PARAGRAPH. The defense provided by this section shall also be available to the defendant where the alteration, modification, or deterioration was foreseeable and would render the product unsafe, and the defendant had given adequate warning or direction that the product would be unsafe if altered, modified, or allowed to deteriorate."

RICHARD R. RAMSEY

S—5189

Amend Senate File 2120 as follows:

1. Page 2, by inserting after line 35 the following new section:

"Sec. 6. Chapter eighty-five (85), Code 1979, is amended by adding the following new section:

NEW SECTION. In any products liability action for personal injury or death arising out of and in the coure of employment subject to the provisions of this law, brought against any third party tortfeasor, such third party tortfeasor may maintain an action for indemnity or contribution against the plaintiff's employer if the employee's injury was caused by the primary or active negligence of the employer and may recover from said employer an amount equal to the amount paid as compensation and medical benefits under the provisions of section eighty-five point twenty-two (85.22) and the present value of all future compensation benefits payble under the workers' compensation law."

ARTHUR A. SMALL, JR.

S—5190

Amend the Ramsey amendment, S—5188, to Senate File

2120 as follows:
1. Page 1, line 18, by striking the word "and" and inserting in lieu thereof the word "but".

RICHARD R. RAMSEY

S—5191

Amend Senate File 2120 as follows:
1. Page 2, by inserting after line 35 the following new unnumbered paragraph:
"In any products liability action for personal injury or death arising out of and in the course of employment subject to the provisions of this law, brought against any third party tortfeasor, such third party tortfeasor may maintain an action for indemnity or contribution against the employee's employer if the employee's injury was caused by the primary or active negligence of the employer and may recover from the employer an amount not greater that the employer's liability to the employee, employee's dependents or legal representative under any workers' compensation law, including future amounts due reduced to present value calculated on the basis set forth in section eighty-five point forty-seven (85.47) of the Code."

ARTHUR A. SMALL, JR.

S—5192

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:
1. Page 3, line 45, by inserting after the word "livestock" the words ", a semitrailer used exclusively for the purposes of hauling self-propelled industrial and construction equipment,".
2. Page 5, by striking lines 47 through 50.
3. Page 6, by striking line 1.

RICHARD F. DRAKE

S—5193

Amend the committee on Transportation amendment, S—5104, to House File 747 as amended, passed and reprinted by the House as follows:
1. Page 2, by striking lines 9 through 11 and inserting in lieu thereof the following:
"a. For a four-wheel drive vehicle with a combined

gross weight of four tons or less, sixty dollars for the first five registrations, fifty dollars for the sixth registration, forty dollars for the seventh registration, thirty dollars for the eighth registration, twenty dollars for the ninth registration, and fifteen dollars for each succeeding registration.

b. For a two-wheel drive vehicle with a combined gross weight of four tons or less, fifty dollars for the first five registrations, forty dollars for the sixth registration, thirty dollars for the seventh registration, twenty dollars for the eighth registration, fifteen dollars for the ninth registration, and ten dollars for each succeeding registration."

2. Page 2, by striking line 17.

3. Page 6, by inserting after line 8 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), section six (6), subsection three (3), paragraph e, is amended by striking the paragraph and inserting in lieu thereof the following:

e. For multipurpose vehicles equipped with four-wheel drive, seventy dollars for the first five registrations, sixty dollars for the sixth registration, fifty dollars for the seventh registration, forty dollars for the eighth registration, thirty dollars for the ninth registration and twenty dollars for each succeeding registration.

f. For two-wheel drive multipurpose vehicles, sixty dollars for the first five registrations, fifty dollars for the sixth registration, forty dollars for the seventh registration, thirty dollars for the eighth registration, twenty dollars for the ninth registration, and ten dollars for each succeeding registration."

4. Renumber sections and correct internal references as are necessary in accordance with this amendment.

BERL E. PRIEBE

S—5194

Amend Senate File 2241, page 9, by striking lines 16 through 22, and inserting in lieu thereof the following:

"Sec. 30. This act, being deemed of immediate importance, takes effect from and after its publication

in The Independent, a newspaper published in Hawarden, Iowa, and in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa."

JOHN S. MURRAY

S—5195

Amend Senate File 2241 as follows:

1. Page 9, by inserting after line 15 the following:

"Sec. ____. There is appropriated to the executive council for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one million (1,000,000) dollars, or so much thereof as may be necessary, for the purpose of establishing a loan program to assist persons who have suffered financial loss because of the inability or failure of a grain elevator to pay its debts. Loans to any one person shall not exceed ten thousand dollars and the annual interest rate shall not exceed three and one-half percent. Before granting a loan the Iowa state commerce commission shall provide sufficient information through its audit function to enable the executive council to determine the persons who suffered financial loss and the amount of such loss. The purpose of a loan shall be to enable persons to maintain and continue their farming operation which they might not otherwise be able to do because of the financial losses they suffered.

The executive council may consult with the department of banking in establishing the loan program provided for in this section and may contract with qualified persons to maintain the loan program established by this section.

Unencumbered or unobligated funds remaining on June 30, 1980, from funds appropriated by this section may be carried forward and be expended during the fiscal year beginning July 1, 1980 and ending June 30, 1981, for the purposes provided in this section."

FORREST V. SCHWENGELS
BERL E. PRIBE
BASS VAN GILST
IRVIN L. BERGMAN
LOWELL L. JUNKINS

S—5196

Amend Senate File 2184, page 1, line 18 by striking

the period and adding ", excluding an employee covered under a collective bargaining agreement which provides otherwise."

NORMAN G. RODGERS

S—5197

Amend Senate File 2073 as follows:

1. Page 3, by inserting after line 2 the following section:

"Sec. ____. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1980 and ending June 30, 1981 to the Iowa college aid commission, the sum of two million (2,000,000) dollars, or so much thereof as is necessary, for tuition differential grants as provided in sections one (1) through eight (8) of this Act."

JOHN S. MURRAY

S—5198

Amend Senate File 2034 as follows:

1. Page 1, by striking lines 4 through 9 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* 'Agricultural credit corporation' means a corporation which is engaged solely in the making of loans for agricultural purposes, and which is owned wholly or in part by one or more banks or bank holding companies, and which is eligible to borrow from or to discount loans with federal intermediate credit banks under the authority of 12 United States Code sec. 2074, and rules promulgated thereunder, as amended on or before the effective date of this Act."

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S—5199

Amend Senate File 2241 as follows:

1. Page 7, line 13 by striking the words "one million two hundred thousand (1,200,000)" and inserting in lieu thereof the words "two million four hundred thousand (2,400,000)".

BERL E. PRIEBE

S—5200

Amend Senate File 2070 as follows:

1. Page 12, line 22, by inserting after the words "[by July 31]" the words "*within thirty days following its expiration*".

JULIA B. GENTLEMAN

S—5201

Amend Senate File 2200 as follows:

1. Page 1, by striking lines 9 and 10 and inserting in lieu thereof the following:

"Sec. _____. This Act, being deemed of immediate importance, takes effect from and after its publication in the Estherville Daily News, a newspaper published in Estherville, Iowa, and in The Times-Republican, a newspaper published in Corydon, Iowa."

2. By renumbering sections.

EDGAR H. HOLDEN

S—5202

Amend Senate File 69 as follows:

1. Page 1, line 2, by inserting after the figure "1979" the words "as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section nine (9),".

2. Page 1, line 5, by striking the words "reimbursement for property taxes paid" and inserting in lieu thereof the words "credit for property taxes due".

3. Page 1, line 9, by striking the words "[during the base year]".

4. Page 1, line 18, by striking the word "reimbursement" and inserting in lieu thereof the word "credit".

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5203

Amend Senate File 2194 as follows:

1. Page 1, line 4, by adding after the word "a" the words "real estate contract or".

2. Page 1, line 6, by adding after the word "entire" the words "real estate contract or".

3. Page 1, line 6, by adding after the word "of"

the words "the contract or".

4. Page 1, line 8, by adding after the word "the" the words "contract or".

5. Page 1, line 9, by adding after the words "to the" the words "contract or".

6. Page 1, line 9, by adding after the words "of the" the words "contract or".

7. Page 1, line 10, by adding after the word "and" the words "in the case of a lease".

8. Page 1, line 13, by adding after the word "each" the words ", and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due".

BOB RUSH

S—5204

Amend Senate File 2090 as follows:

1. Page 1, by inserting after line 26 the following:

"Sec. ____. Section four hundred twenty-five point seventeen (425.17), subsections four (4) and nine (9), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section three (3), are amended to read as follows:

4. 'Homestead' means the dwelling owned or rented and actually used as a home by the claimant during all or part of the base year, and so much of the land surrounding it[, not exceeding one acre] *including one or more contiguous lots or tracts of land,* as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It does not include personal [proprty] *property* except that a mobile home may be a homestead. Any dwelling or a part of a multidwelling or multipurpose building which is exempt from taxation shall not qualify as a homestead under the provisions of this division. A homestead must be located in this state.

9. 'Property taxes due' means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which will actually be paid by the claimant. 'Property taxes due' shall be computed with no

deduction for any credit under this division or for any homestead credit allowed under section 425.1. Each claim shall be based upon the taxes due during the fiscal year next following the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are not a member of claimant's household, 'property taxes due' is that part of property taxes due on the homestead which equals the ownership percentage of the claimant and his or her household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is sixty-five years of age or over or is totally disabled, or is a surviving spouse of such person who is over the age of fifty-five years of age, the person may be eligbile for the credit allowed under this division. If a homestead is an integral part of a farm, the claimant may use the total property taxes due for the larger unit[, but not exceeding forty acres of

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land]. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes due for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, 'unit' refers to that parcel of property covered by a single tax statement of which the homestead is a part."

2. By renumbering and correcting internal references as may be necessary.

C. W. HUTCHINS
ROLF V. CRAFT

S—5205

Amend Senate File 2021 as follows:

1. Page 1, line 11, by striking the word "serious" and inserting in lieu thereof the word "simple".

GARY L. BAUGHER
JOHN W. JENSEN
CLOYD E. ROBINSON
ROBERT M. CARR
TOM SLATER

S—5206

Amend Senate File 359 as follows:

1. Page 1, line 23, by striking the word "Excess" and inserting in lieu thereof the word "Excessive".

JOHN W. JENSEN

S—5207

Amend the committee on Labor and Industrial Relations amendment, S—5124, to Senate File 359 as follows:

1. Page 1, by striking lines 35 through 39 and inserting in lieu thereof the following:

"13. Page 4, by striking lines 22 through 27 and inserting in lieu thereof the words and figures 'be made by persons trained by formal course work in air conduction audiometry at an accredited educational institution or licensed as audiologists under chapter one hundred forty-seven (147) of the Code, as physicians under chapter one hundred forty-eight (148) of the Code, as osteopathic physicians under chapter one hundred fifty (150) of the Code, or as osteopathic physicians and surgeons under chapter one hundred fifty A (150A) of the Code if such licensed persons are trained in air conduction audiometry.' "

JOHN W. JENSEN
LUCAS J. DE KOSTER

S—5208

Amend the Baugher amendment, S—5205, to Senate File 2021 as follows:

1. Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 10 and 11 and inserting in lieu thereof the following:

'*NEW SUBSECTION.* A person who violates the provisions of section one (1) of this Act is guilty of a simple misdemeanor on the first and second offenses and is guilty of a serious misdemeanor on the third and subsequent offenses.' "

LOWELL L. JUNKINS
JOHN SCOTT

S—5209

Amend Senate File 2006 as follows:

1. Page 1, by striking lines 13 and 14 inserting in lieu thereof the following:

"Sec. 2. Section three hundred eighty-four point one hundred two (384.102), Code 1979, is amended to read as follows:

384.102 WHEN HEARING NECESSARY. When the estimated total cost of a public improvement exceeds the sum of [ten] *twenty-five* thousand dollars, the governing body shall not enter into a contract for the improvement until it has held a public hearing on the proposed plans, specifications, and form of contract, and estimated cost for the improvement. Notice of the hearing must be published as provided in section 362.3. At the hearing any interested person may appear and file objections to the proposed plans, specifications, contract, or estimated cost of the improvement. After hearing objections, the governing body shall by resolution enter its decision on the plans, specifications, contract, and estimated cost."

2. Amend the title, line 2, by inserting after the word "must" the words "hold a public hearing,".

JOHN N. NYSTROM

S—5210

Amend Senate File 2090 as follows:

1. Amend the title, line 3, by inserting after the word "year" the words "and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code".

C. W. HUTCHINS

S—5211

Amend Senate File 108 as follows:

1. By striking page 1, line 35, through page 2, line 1.

ARTHUR L. GRATIAS

S—5212

Amend the Baugher amendment, S—5205, to Senate File 2021 as follows:

1. Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following:

"1. Page 1, by striking line 11 and inserting in

lieu thereof the following: 'section one (1) of this Act is guilty of a simple misdemeanor on the first offense and is guilty of a serious misdemeanor on the second and subsequent offenses.' "

LOWELL L. JUNKINS
JOHN SCOTT

S—5213

Amend Senate File 74 as follows:

1. Page 1, by striking line 2 and inserting in lieu thereof the following: "unnumbered paragraphs one (1) and three (3), Code 1979, are amended to read".

2. Page 1, by inserting after line 3 the following:

"When a proposition to authorize an issuance of bonds by a county, township, school corporation, city, or by any local board or commission is submitted to the electors, such proposition shall not be deemed carried or adopted, anything in the statutes to the contrary nonwithstanding, unless the vote in favor of such authorization is equal to at least *fifty-five* [sixty] percent of the total vote cast for and against said proposition at said election."

TOM SLATER
ARTHUR L. GRATIAS
ROBERT M. CARR

S—5214

Amend House File 315 as amended, passed and reprinted by the House as follows:

1. Page 1, line 2, by striking the word "subsection" and inserting in lieu thereof the word "subsections".

2. Page 1, by striking lines 3 through 16 and inserting in lieu thereof the following:

"NEW SUBSECTION. IMPROVEMENTS TO REAL PROPERTY. In an action arising out of the unsafe or defective condition of an improvement to real property, including but not limited to actions in contract, tort and warranty, and actions for contribution and indemnity, it is presumed until rebutted by a preponderance of the evidence to the contrary that an improvement to real property was performed in a workmanlike manner and free of defects if the injury to property, real or personal, or injury to the person or wrongful death, occurred more than fifteen years after the date the act or omission of the defendant alleged to have been the cause of injury or death occurred.

NEW SUBSECTION. The presumption provided in the

foregoing subsection shall not apply to or in any way modify a written warranty provided to any person by any engineer, architect, contractor or other person who has made improvements upon real property."

3. Amend the title page, line 1, by striking the word "maximum" and inserting in lieu thereof the word "presumptive".

JOHN SCOTT

S—5215

Amend House File 2277 as follows:

1. Page 1, by striking lines 7 and 8 and inserting in lieu thereof the following: "under the jurisdiction of the department of social services may be temporarily released. *However, a class 'A' felon shall not be eligible for furlough unless his or her sentence has been commuted to a term of years and unless the parole board recommends the commencement of gradual release.*"

COMMITTEE ON HUMAN RESOURCES
JULIA B. GENTLEMAN, Chairperson

S—5216

Amend Senate File 2140 as follows:

1. Page 1, by striking lines 10 through 14 and inserting in lieu thereof the following: "provided by law for state employees. The total mileage expense for a member of the board of supervisors shall not exceed one thousand five hundred dollars per year unless the board of supervisors by resolution adjusts the maximum amounts payable to each of the members [, but in any event the aggregate]."

2. Page 1, line 17, by striking the word "[supervisors.]" and inserting in lieu thereof the word "[supervisors]."

3. Amend the title, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act relating to travel expenses limitations for members of the board of supervisors."

COMMITTEE ON COUNTY GOVERNMENT
JAMES E. BRILES, Chairperson

S—5217

Amend Senate File 2073 as follows:

1. Page 1, line 15, by inserting after the word

"nursing" the words "and does not include a private institution which does not offer courses to residents of this state sixty years of age and older under section nine (9) of this Act".

2. Page 3, by inserting after line 2 the following section:

"Sec. 9. *NEW SECTION.* COURSES FOR SENIOR CITIZENS. Accredited private institutions receiving tuition differential grants paid to resident students shall allow residents of this state sixty years of age and older to enroll on a noncredit basis in courses offered by the accredited private institution by paying only the cost of record keeping and other administrative expense. This subsection applies only to courses which are not filled to their designated capacity by students for whom tuition and fees are paid."

JOANN ORR

S—5218

Amend Senate File 346 as follows:

1. Page 1, by striking line 7.

2. Page 1, line 8, by striking the words "this Act".

3. Page 1, line 8, by inserting after the period the words "The provisions of this subsection shall be enforced by the office of the state fire marshal. The state fire marshal shall notify the owners of buildings subject to this Act, by official publication, that the owners are required to bring the building into compliance with this subsection not later than July 1, 1981. The state fire marshal may delegate responsibility for the notification to the local fire department. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a simple misdemeanor."

C.W. HUTCHINS

S—5219

Amend Senate File 2243 as follows:

DIVISION S—5219A

1. Page 11, line 13, by striking the word "may" and inserting in lieu thereof the word "shall".

2. Page 11, line 15, by striking the word "may" and inserting in lieu thereof the word "shall".

3. Page 11, line 18, by striking the word "may" and inserting in lieu thereof the word "shall".

4. Page 11, line 20, by striking the word "may" and inserting in lieu thereof the word "shall".

5. Page 12, line 8, by striking the word "may" and inserting in lieu thereof the word "shall".

DIVISION S—5219B

6. Page 13, line 11, by striking the word "may" and inserting in lieu thereof the word "shall".

DIVISION S—5219C

7. Page 14, line 13, by striking the word "may" and inserting in lieu thereof the word "shall".

8. Page 14, by striking lines 16 through 24 and inserting in lieu thereof the words "and designated by the authority as custodian. The authority may also".

DIVISION S—5219H

9. Page 14, line 34, by striking the word "may" and inserting in lieu thereof the word "shall".

DIVISION S—5219B (cont'd.)

10. Page 16, line 6, by striking the word "may" and inserting in lieu thereof the word "shall".

DIVISION S—5219D

11. Page 26, by striking lines 1 and 2 and inserting in lieu thereof the words "the manner determined by the authority. The authority shall provide for an independent firm of certified public accountants to".

12. Page 26, by striking lines 6 and 7 and inserting in lieu thereof the words "relating to its financial standing."

DIVISION S—5219E

13. Page 26, line 14, by striking the word "may" and inserting in lieu thereof the word "shall".

14. Page 26, line 16, by striking the word "may" and inserting in lieu thereof the word "shall".

DIVISION S—5219F

15. Page 26, by striking lines 32 through 35.

DIVISION S—5219G

16. By renumbering and corecting internal references as are necessary.

EDGAR H. HOLDEN

S—5220

Amend Senate File 2243 as follows:

1. Page 11, by striking lines 1 and 2 and inserting in lieu thereof the following: "beginning farmer of agricultural land totaling no more than six hundred thousand (600,000) dollars in value."

ARNE WALDSTEIN
NORMAN G. RODGERS

S—5221

Amend House File 654 as amended and passed by the House as follows:

1. Page 1, line 2, by striking the word "paragraphs" and inserting in lieu thereof the word "paragraph".

2. Page 1, line 3, by striking the words and figures "and (5), Code 1979, are" and inserting in lieu thereof the words and figure ", Code 1979, is".

3. Page 1, line 5, by striking the words *"ten hundredths"* and inserting in lieu thereof the words *"fifteen hundredths"*.

4. Page 1, by striking lines 16 through 24.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5222

Amend Senate File 2243 as follows:

1. Page 11, line 6, by inserting after the words "sources" the words "or family financial resources".

RAY TAYLOR

S—5223

Amend Senate File 2243 as follows:

DIVISION S—5223A

1. Page 26, line 2, by striking the word "and" and inserting in lieu thereof the word "or".

DIVISION S—5223B

2. Page 26, line 7, by striking the word "not".
3. Page 26, line 7, by inserting after the word "a" the word "reasonable".

EDGAR H. HOLDEN

S—5224

Amend Senate File 2243 as follows:

1. Page 26, line 34, by inserting after the word "services" the words "at a reasonable fee".

EDGAR H. HOLDEN

S—5225

Amend Senate File 2140 as follows:

1. Page 1, by striking lines 18 and 19 and inserting in lieu thereof the following:

"Sec. 2. This Act shall take effect and be in force on and retroactive to January 1, 1980, after its publication in The Waverly Democrat, a newspaper published in Waverly, Iowa and in The Grundy Register, a newspaper published in Grundy Center, Iowa."

JOHN W. JENSEN

S—5226

Amend House File 2443 as amended, passed and reprinted by the House as follows:

1. Page 1, line 26, by inserting after the word "force" the words "after the effective date of this Act".
2. Page 2, line 3, by striking the word "section" and inserting in lieu thereof the words and figure "sections four (4) and".

JACK W. HESTER
JOE BROWN

S—5227

Amend Senate File 2243 as follows:

1. Page 1, by inserting after line 8 the following subsection:

"2. 'Business property' means real property within this state which is suitable for use as the principal place of business for a retail, occupational or professional business."

2. Page 1, by striking lines 9 through 16 and inserting in lieu thereof the words:

"3. 'Improvements' mean any improvements, buildings, or structures suitable for use in farming or business which are located on agricultural or commercial land. Improvements include a single-family dwelling located on agricultural or commercial land and structures attached to or incidental to the use of the dwelling.

4. 'Authority' means the Iowa family and business development authority established in section three (3) of this Act."

3. Page 1, line 20, by inserting after the words " 'Beginning farmer' " the words "or 'beginning business person' ".

4. Page 2, line 31, by inserting after the word "farm" the words "and business".

5. Page 2, line 35, by inserting after the word "farmers" the words "and business persons".

6. Page 3, line 1, by striking the word "agricultural" in both instances in which it appears.

7. Page 3, line 2, by inserting after the word "farming" the words "or business".

8. Title page, line 1, by inserting after the word "farm" the words "and business".

GEORGE R. KINLEY
C. W. HUTCHINS
JOHN SCOTT

S—5228

Amend House File 2105 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 18 through 20 and inserting in lieu thereof the words "unload pupils unless there is at least three hundred feet of [clear] *unobstructed* vision in each direction."

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

S—5229

Amend Senate File 2021 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section one hundred nine point six (109.6), Code 1979, is amended to read as follows:

109.6 GAME MANAGEMENT AREA. The commission may establish a game management area upon any public lands or waters, or with the consent of the owner thereof upon any private lands or waters, when necessary to maintain a biological balance as provided in section 109.39, *to increase wildlife habitat* or to provide for public hunting, fishing, or trapping in conformity with sound wildlife management [, and when]. *If* a game managment area is established, the commission [shall] *may* with the consent of such owner, if any, [have the right to] post and prohibit, and [to] regulate or limit such lands or waters against trespassing, hunting, fishing, or trapping, and any violation thereof shall be unlawful and punishable as provided in section 109.32. *If an owner of private land or waters offers the property for use as a game management area and agrees to management practices recommended by the commission, the commission shall establish the game management area and the owner may require the commission to post and prohibit trespassing, hunting, fishing or trapping on the game management area."*

2. By renumbering the sections to conform with this amendment.

JOANN ORR
JOE BROWN

S—5230

For the text of this House amendment, see pages 601-602 of the Senate Journal.

S—5231

Amend Senate File 2243 as follows:

1. Page 11, line 8, by inserting after the period the following: "In making this determination, the authority shall consider family financial resources available to the beginning farmer."

RAY TAYLOR
ARNE WALDSTEIN

S—5232

Amend Senate File 2247 as follows:

1. Page 2, line 24, by inserting after the word *"dollars"* the word *"multiplied by the annual inflation factor"*.

LUCAS J. DE KOSTER
JOHN S. MURRAY

S—5233

Amend Senate File 2247 as follows:
1. Page 2, line 23, by striking the word *"sixty"* and inserting in lieu thereof the word *"forty"*.

NORMAN G. RODGERS

S—5234

Amend Senate File 359 as follows:
1. Page 4, line 32, by striking the word "person" and inserting in lieu thereof the word "physician".

JOHN W. JENSEN

S—5235

Amend Senate File 2247 as follows:
1. Page 2, line 23, by striking the word *"sixty"* and inserting in lieu thereof the word *"seventy-five"*.

LOWELL L. JUNKINS

S—5236

Amend Senate File 124 as follows:
1. Page 2, by striking lines 12 through 16.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5237

Amend Senate File 69 as follows:
1. Page 2, line 9, by striking the words *"tax year"* and inserting in lieu thereof the words *"twelve-month income tax accounting periods used in computing household income"*.
2. Page 2, line 10, by inserting after the word *"disability."* the words *" 'Medical and necessary care expenses' are those used in computing the federal income tax deduction under section 213 of the Internal Revenue Code of 1954 as defined in section four hundred twenty-two point four (422.4) of the Code."*

RICHARD R. RAMSEY

S—5238

Amend Senate File 2109 as follows:
1. By striking everything after the enacting

clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* PUBLIC RECREATION. Boards of directors of school districts may establish and maintain for children and adults public recreation places and playgrounds, and necessary accommodations for the recreation places and playgrounds, in the public school buildings and grounds of the district. The board may cooperate under chapter twenty-eight E (28E) of the Code with a public agency having the custody and management of public parks or public buildings and grounds, and with a private agency having custody and management of buildings or grounds open to the public, located within the school district and may provide for the supervision and instruction necessary to carry on public educational and recreational activities in the parks, buildings and grounds located within the district.

Sec. 2. *NEW SECTION.* TAX LEVY. The board of directors of a school district may, and upon receipt of a petition signed by eligible electors equal in number to at last twenty-five percent of the number of voters at the last preceding school election, shall direct the county commissioner of elections to submit to the qualified electors of the school district the question of whether to levy a tax of not to exceed thirteen and one-half cents per thousand dollars of assessed valuation for public educational and recreational activities authorized under this chapter. If at the time of filing the petition, it is more than three months until the next regular school election, the board of directors shall submit the question at a special election within sixty days. Otherwise, the question shall be sumbitted at the next regular school election.

If a majority of the votes cast upon the proposition is in favor of the proposition, the board shall certify to the county board of supervisors the amount required for a fiscal year by March fifteenth of the preceding fiscal year. The board of supervisors shall levy the amount certified. The amount shall be placed in the schoolhouse fund of the district.

Sec. 3. *NEW SECTION.* DISCONTINUANCE OF LEVY. Once approved at an election, the authority of the board to levy and collect the tax under section two (2) of this Act shall continue until the voters of the school district by majority vote order the discontinuance of the levy and collection of the tax. The tax shall be discontinued in the manner provided

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for imposition of the tax in section two (2) of this Act.

Sec. 4. *NEW SECTION.* COMMUNITY EDUCATION. The tax levied under this Act may also be used for community education purposes under chapter two hundred seventy-six (276) of the Code.

Sec. 5. Chapter three hundred (300), Code 1979, is repealed."

COMMITTEE ON EDUCATION
W. R. BILL HANSEN, Chairperson

S—5239

Amend Senate File 2274, page 1, by striking lines 19 through 23, and inserting in lieu thereof the following:

"Sec. 2. This Act is in effect from and after its publication in the Daily Gate City, a newspaper published in Keokuk, Iowa, and in The Red Oak Express, a newspaper published in Red Oak, Iowa, and is retroactive to January 1, 1978."

JOHN S. MURRAY

S—5240

Amend Senate File 2192 as follows:

1. Page 4, line 34, by striking the words ", informational, and clerical" and inserting in lieu thereof the words "and informational".

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S—5241

Amend Senate File 2237 as follows:

1. Page 1, by striking lines 27 and 28.

ROBERT M. CARR
JOHN N. NYSTROM

S—5242

Amend Senate File 2273 as follows:

1. Page 5, by striking lines 23 through 35.
2. By striking page 6.

3. Page 7, by striking lines 1 through 23.

LOWELL L. JUNKINS
EDGAR H. HOLDEN

S—5243

Amend Senate File 2273 as follows:
1. Page 3, by striking lines 2 through 35.
2. Page 4, by striking lines 1 through 14.

WILLIAM D. PALMER
ALVIN V. MILLER

S—5244

Amend House amendment S—5230 to Senate File 432 as amended, passed and reprinted by the Senate as follows:
1. Page 2, by striking lines 20 through 34 and inserting in lieu thereof the following:
"Sec. _____. *NEW SECTION.* DISCIPLINE. Individual licensees and individual employees of agency licensees under this Act shall not subject a child to unusual, unnecessary, or severe corporal punishment, but may subject the child to reasonable corporal punishment which is limited to striking the child's buttocks or hands with an open hand in such a manner as to have not more than a momentary physical effect."

SUE YENGER
JOHN S. MURRAY
JULIA B. GENTLEMAN
TOM SLATER

S—5245

Amend Senate File 2252 as follows:
1. Page 1, line 3, by striking the words "The voting punch device shall be" and inserting in lieu thereof the words "[The voting punch device shall be] *Be*".
2. Page 1, line 7, by inserting after the numeral "4" the words ", *or of section forty-nine point one hundred (49.100) of the Code, whichever is applicable*".

ARTHUR A. SMALL, JR.
RICHARD F. DRAKE

S—5246

Amend Senate File 2082 as follows:

1. Page 1, line 13, by inserting after the word "cat" the words "which lives in the owner's residence".
2. By renumbering as necessary.

COMMITTEE ON NATURAL RESOURCES
ELIZABETH R. MILLER, Chairperson

S—5247

Amend Senate File 386 as follows:
1. Page 1, by striking line 35 through page 2, line 1.

COMMITTEE ON CITIES
DAVID M. READINGER, Chairperson

S—5248

For the text of this House amendment, see pages 664-665 of the Senate Journal.

S—5249

Amend Senate File 2006 as follows:
1. Page 1, by inserting before line 1 the following:
"Section 1. Section three hundred eighty-four point ninety-five (384.95), subsection one (1), Code 1979, is amended to read as follows:
1. 'Public improvement' means any building or construction work, either within or outside the corporate limits of a city, to be paid for in whole or in part by the use of funds of the city, regardless of sources, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal and low-rent housing projects, industrial aid projects authorized under chapter 419, *or* emergency work [or work performed by employees of a city or a city utility]."
2. By renumbering sections to conform to this amendment.

CLARENCE CARNEY

S—5250

Amend Senate File 2073 as follows:
1. Page 3, by inserting after line 2 the following section:
"Sec. _____. There is appropriated from the general fund of the state for the fiscal period beginning July

1, 1980 and ending June 30, 1981 to the Iowa college aid commission, the sum of one (1) dollar, or so much thereof as is necessary, for tuition differential grants as provided in sections one (1) through eight (8) of this Act."

ARTHUR A. SMALL, JR.

S—5251

Amend House amendment S—5230 to Senate File 432 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by striking lines 20 through 34 and inserting in lieu thereof the following:

"Sec. _____ . *NEW SECTION.* DISCIPLINE. Individual licensees and individual employees of agency licensees under this Act shall not subject a child to unusual, unnecessary, or severe corporal punishment, but may subject the child to reasonable corporal punishment which is limited to striking the child's buttocks or hands with an open hand in such a manner as to have not more than a momentary physical effect. This section shall not apply to persons licensed under chapter two hundred thirty-seven A (237A) of the Code."

SUE YENGER
JOHN S. MURRAY
JULIA B. GENTLEMAN
TOM SLATER

S—5252

Amend House File 2245 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 14, and inserting in lieu thereof the following:

"Section 1. Section two hundred eighteen point fourteen (218.14), Code 1979, is amended to read as follows:

218.14 DWELLING HOUSE [AND PROVISIONS]. The division director having control over any state institution [shall] *may, with consent of the commissioner of social services,* furnish the executive head of each of [said] *the* institutions, in addition to salary, with a dwelling house or with appropriate quarters in lieu thereof, [and, from supplies purchased for the institutions, the necessary household provisions for the executive head, spouse and minor children] or the [particular] division director may compensate the executive head of each of [said] *the* institutions in

lieu of furnishing [all of the above items] *a house or quarters. If an executive head of the institution is furnished with a dwelling house or quarters, either of which is owned by the state, the executive head may also be furnished with water, heat and electricity.*

The division director having control over any state institution may furnish assistant executive heads or other employees, or both, with dwelling houses or with appropriate quarters, owned by the state. The assistant executive head or employee, who is so furnished shall pay rent for the dwelling house or quarters in an amount to be determined by the executive head of the institution, which shall be the fair market rental value of the house or quarters. If an assistant executive head or employee is furnished with a dewlling house or quarters either of which is owned by the state, the assistant executive head or employee may also be furnished with water, heat and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the house or quarters.

Sec. 2. Section two hundred nineteen point nine (219.9), Code 1979, is amended to read as follows:

219.9 SALARY. The commandant shall receive such annual salary as the director may determine. In addition to [said] salary, the director [shall] *may* furnish [said] *the* commandant with a dwelling house or with appropriate quarters in lieu thereof and such additional allowances, as [are] provided in section 218.14 for executive heads of state institutions.

Sec. 3. Sections two hundred forty-six point six (246.6) and two hundred forty-six point seven (246.7),

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Code 1979, are repealed."

2. Title page, by striking lines 1 through 3 and inserting in lieu thereof the following: "An Act relating to the supplying of dwelling houses, quarters, utilities, provisions and other goods and services for executive heads, assistant executive heads and employees of institutions under the department of social services."

COMMITTEE ON HUMAN RESOURCES
JULIA B. GENTLEMAN, Chairperson

S—5253

For the text of this House amendment, see pages 670-674 of the Senate Journal.

S—5254

Amend House File 2410, as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section two hundred twenty point two (220.2), subsection three (3), Code 1979, is amended to read as follows:

3. [Six] *Five* members of the authority constitute a quorum and the affirmative vote of at least five members is necessary for any substantive action taken by the authority. *The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose.* A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority."

2. Amend the title, line 1, by inserting after the word "Act" the words "relating to the Iowa housing finance authority by amending the quorum provision,".

3. Renumber sections and internal references as necessary in accordance with this amendment.

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S—5255

Amend Senate File 2273 as follows:

1. Page 3, by inserting after line 1 the following:

"Sec. 3. There is appropriated from the general fund of the state to the state commission of athletics for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of three thousand five hundred fifty-six (3,556) dollars, or so much thereof as may be necessary, for membership in boxing associations, actual expenses, and mileage of meetings, office expenses, and travel of the athletic commissioner's advisory committee."

2. By renumbering the sections to conform with this amendment.

FORREST V. SCHWENGELS
STEPHEN W. BISENIUS
JAMES E. BRILES
CHARLES P. MILLER

S—5256

Amend the committee on Transportation amendment,

S—5104, to House File 747 as amended, passed and reprinted by the House as follows:

1. Page 3, by inserting after line 14 the following new section:

"Sec. _____ . Section three hundred twenty-one point one hundred twenty-two (321.122), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. In lieu of annual or semiannual registration as required in section three hundred twenty-one point one hundred five (321.105) of the Code, a motor truck which is used primarily in highway construction and maintenance may be registered for a period of nine months for a fee equal to three-fourths of the annual registration fee. Any motor truck registered under this subsection shall not be used during the months of January, February, and March of the year in which it is registered at three-fourths of the annual registration fee and shall be stored on private property. A motor truck only registered for three quarters in any year shall not be eligible for a refund of the registration fees. If a motor truck registered under this subsection is registered for a nine-month period and the motor truck is used on the highways of the state during the months of January, February, or March, the motor truck shall immediately be registered for the full year and any penalties or interest for late registration shall accrue and be payable at the time of registration."

CLARENCE CARNEY

S—5257

Amend House File 2458 as passed by the House as follows:

1. Page 2, by striking lines 23 through 25 and inserting in lieu thereof: *"district for the least amount and the shortest time for which it is in effect in any of the districts.* Authorized levies for the period".

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5258

For the text of this House amendment, see pages 696-699 of the Senate Journal.

S—5259

Amend House File 2425, as passed by the House,

as follows:

1. Page 2, by striking line 25 and inserting in lieu thereof the words *"grade student who meets the requirements of this paragraph"*.

2. Page 2, line 26, by striking the word *"program"*.

3. Page 2, line 28, by inserting after the word *"enrolled"* the words *"if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be enrolled in a cooperative or work-study program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day. The student must seek to be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student."*

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5260

Amend Senate File 2157 as follows:

1. Page 1, lines 6 and 7, by inserting after the word *"instruction"* the words *"in the child's home in accordance with an approved plan or program of instruction"*.

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5261

Amend Senate File 2261 as follows:

1. Page 11, line 26, by striking the word "SEMITRAILER" and inserting in lieu thereof the words "SEMITRAILER, *MOBILE HOME, OR TRAVEL TRAILER*".

2. Page 11, line 29, by striking the word "semitrailer" and inserting in lieu thereof the words "semitrailer, *mobile home or travel trailer*".

3. Page 11, line 31, by striking the word "semitrailer" and inserting in lieu thereof the words "semitrailer, *mobile home or travel trailer*".

4. Page 11, line 33, by striking the word "one-fourth" and inserting in lieu thereof the words "[one-fourth] *one-half*".

5. Page 12, line 1, by striking the word "semitrailer" and inserting in lieu thereof the words

"semitrailer, *mobile home or travel trailer*".

6. Page 12, line 7, by striking the word "semitrailer" and inserting in lieu thereof the words "semitrailer, *mobile home or travel trailer*".

7. Page 12, lines 20 and 21, by striking the words *"which is for an agricultural purpose,"*.

W.R. BILL HANSEN

S—5262

Amend Senate File 2073, page 1, line 20, by inserting after the word "grants." the words, "The commission may use $50,000, or so much thereof as is necessary, for the purpose of administering the Iowa tuition differential grant program."

JOHN S. MURRAY

S—5263

Amend Senate File 2282 as follows:

1. Page 15, lines 12 and 13, by striking the words *"five hundred thirty-five point two (535.2), subsection three (3) of the Code"* and inserting in lieu thereof the words *"ten (10) of this Act"*.

EDGAR H. HOLDEN

S—5264

Amend the committee on Transportation amendment, S—5228, to House File 2105 as amended, passed and reprinted by the House as follows:

1. Page 1, line 6, by inserting after the word "direction." the following *"The driver of a school bus shall not be personally liable in a civil action for damages resulting from the unloading of pupils by the drivr without having three hundred feet of unobstructed vision unless the driver was operating the bus while under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug or any combination of such substances in violation of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code."*

C.W. HUTCHINS

S—5265

Amend Senate File 2279 as follows:

1. Page 1, line 13, by striking the words

"CESTUI QUE", and by inserting in lieu thereof the words "[CESTUI QUE] *BENEFICIARY OF*".

2. Page 1, line 19, by striking the words "cestui que", and by inserting in lieu thereof the words "[cestui que] *beneficiary of the*".

3. Page 1, line 21, by striking the word *"cestui"*, and by inserting in lieu thereof the word *"beneficiary"*.

4. Page 1, line 22, by striking the words *"que trust"*.

5. Page 1, line 24, by striking the words "cestui que trust", and by inserting in lieu thereof the words "[cestui que trust] *beneficiary*".

6. Page 1, line 26, by striking the words "cestui que trust", and by inserting in lieu thereof the words "[cestui que trust] *beneficiary*".

A.R. KUDART

S—5266

Amend House File 654 as amended, passed and reprinted by the House as follows:

1. Page 1, line 6, by inserting after the word *"blood"* the words *"within two hours of the person's arrest for operating a motor vehicle while under the influence of an alcoholic beverage"*.

LUCAS J. DE KOSTER

S—5267

Amend House File 2109, as amended, passed and reprinted by the House, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two hundred eighty-five point ten (285.10), subsection seven (7), Code 1979, is amended by striking the subsection."

2. Amend the title, lines 1 and 2 by striking the words "to increase the maximum interest rate payable on installment contracts for" and inserting in lieu thereof the words "relating to".

LUCAS J. DE KOSTER

S—5268

Amend House File 2410, as amended and passed by the House, as follows:

1. Page 1, by inserting after line 34 the

following:

"Sec. _____. Section two hundred twenty point thirty-five (220.35), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A violation of a provision of this subsection is misconduct in office under section seven hundred twenty-one point two (721.2) of the Code. However, a resolution of the authority is not invalid because of a vote cast by a member in violation of this subsection unless the vote was decisive in the passage of the resolution.

NEW UNNUMBERED PARAGRAPH. For the purposes of this subsection, 'action of the authority with respect to that contract or mortgage lender' means only an action directly affecting a separate contract or mortgage lender, and does not include an action which benefits the general public or which affects all or a substantial portion of the contracts or mortgage lenders included in a program of the authority."

2. Amend the title, line 4, by adding after the word "systems" the words ", and relating to the authority's conflict of interest provision, including a penalty".

3. Renumber sections and internal references as necessary in accordance with this amendment.

FORREST V. SCHWENGELS

S—5269

Amend House File 654 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 24 and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph one (1), Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

A person who operates a motor vehicle upon the public highways of this state while under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or any combination of these substances or while having the levels of alcohol in the blood provided in this paragraph commits a public offense and shall, upon conviction or a plea of guilty, be punished as follows:

a. If the person is found to have been under the

influence of alcohol but to have had less than eight hundredths of one percent by weight of alcohol in the blood, the first offense is a simple misdemeanor, the second offense is a serious misdemeanor, and the third and each subsequent offense an aggravated misdemeanor.

b. If the person is found to have been under the influence of alcohol and is found to have had eight or more but less than thirteen hundredths of one percent by weight of alcohol in the blood, the first offense is a serious misdemeanor, the second offense an aggravated misdemeanor and the third and each subsequent offense a class 'D' felony.

c. If the person is found to have been under the influence of alcohol or of a drug or combination of alcohol and drugs, without a finding of the level of alcohol in the blood, the first offense is an aggravated misdemeanor, the second offense a class 'D' felony and the third and each subsequent offense a class 'C' felony.

A person who is guilty of a serious misdemeanor under this paragraph shall be imprisoned in the county jail for not less than two days and a person who is guilty of an aggravated misdemeanor under this paragraph shall be imprisoned for not less than seven days.

A person who receives a deferred sentence or deferred judgment under chapter nine hundred seven (907) of the Code for a violation of this section shall have his or her motor vehicle license suspended for a period of at least thirty days but not more than 120 days by the court when the deferred sentence or judgment is granted.

Page 2

Sec. 2. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph five (5), Code 1979, is amended to read as follows:

For the purposes of this section, evidence that there was, at the time, [more than ten] *eight or more* hundredths of one percentum by weight of alcohol in his *or her* blood shall be admitted as presumptive evidence that the defendant was under the influence of an alcoholic beverage. No previous conviction for, or plea of guilty to, an offense under this section occurring more than six years prior to the date of the violation being charged shall be used to determine that the violation being charged is a second, third

or subsequent offense."

BOB RUSH

S—5270

Amend Senate File 404 as follows:

1. Page 1, line 5, by striking the word "unpaid".

2. Title, line 3, by striking the word "unpaid".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5271

Amend Senate File 2199 as follows:

1. Title, line 1, by striking the words "impersonation of an officer's uniform" and inserting in lieu thereof the words "the wearing of a uniform likely to be mistaken for the official uniform of the Iowa Safety Patrol".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5272

Amend Senate File 2025 as follows:

DIVISION S—5272A

1. Page 1, line 14, by striking the words "[domestic] *an*" and inserting in lieu thereof the words "*a* domestic".

DIVISION S—5272B

2. Page 1, by striking lines 23 through 26 and inserting in lieu thereof the words "or negligently, [shall be]".

DIVISION S—5272C

3. Page 2, by striking lines 3 through 19.

DIVISION S—5272B (cont'd.)

4. By renumbering sections as made necessary by this amendment.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5273

Amend House File 2461 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 22 and 23.

COMMITTEE ON AGRICULTURE
IRVIN L. BERGMAN, Chairperson

S—5274

Amend Senate File 2273 as follows:

1. Page 3, by inserting after line 1 the following:

"Sec. 3. There is appropriated from the general fund of the state to the state commission of athletics for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the sum of three thousand five hundred fifty-six (3,556) dollars, or so much thereof as may be necessary, for membership in boxing associations, actual expenses, and mileage of meetings, office expenses, and travel of the athletic commissioner's advisory committee."

2. By renumbering the sections to conform with this amendment.

FORREST V. SCHWENGELS
STEPHEN W. BISENIUS

S—5275

Amend Senate File 2006 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred eighty-four point ninety-five (384.95), subsection one (1), Code 1979, is amended to read as follows:

1. 'Public improvement' means any building or construction work, either within or outside the corporate limits of a city, to be paid for in whole or in part by the use of funds of the city, regardless of sources, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal and low-rent housing projects, industrial aid projects authorized under chapter 419, emergency work, or work performed by employees of a city or a city utility *in a city with a population of less than twenty thousand (20,000).*"

CLARENCE CARNEY

S—5276

Amend Senate File 2021 as follows:

1. By striking lines 1 through 11 and inserting in lieu thereof the following:

"Section 1. Section seven hundred sixteen point seven (716.7), subsection two (2), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Entering upon or in property to hunt, fish or trap without the implied or actual permission of the owner, lessee or person in lawful possession.

Sec. 2. Section seven hundred sixteen point eight (716.8), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A person who violates the provisions of section one (1) of this Act shall be guilty of a simple misdemeanor for the first offense and a serious misdemeanor for the second and all subsequent offenses."

DALE L. TIEDEN

S—5277

Amend Senate File 108 as follows:

1. Page 1, line 14, by inserting after the word *"repairs."* the following: *Any funds expanded by a school district for new construction of school buildings or school administration buildings must first be approved by the voters of the district."*

STEPHEN W. BISENIUS

S—5278

Amend House File 2105 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. _____ . Section two hundred seventy-nine point eight (279.8), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The board shall make rules for its own government and that of the directors, officers, *employees,* teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and aid in the enforcement of the same, and require the performance of duties by said persons imposed by law and the rules. *The board shall include*

in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions."

2. By renumbering sections and internal references as necessary.

C.W. HUTCHINS
ARTHUR L. GRATIAS

S—5279

Amend Senate File 108 as follows:

1. Page 1, line 6, by striking the words "[twenty-seven] *fifty-four*" and inserting in lieu thereof the word "twenty-seven".

2. Page 1, lines 9 and 10, by striking the words "[and]. *One-half of the funds deposited in the school-house fund under this section shall be*" and inserting in lieu thereof the word "and".

3. Page 1, line 11, by inserting after the word "sites" the words *"and for major building repairs"*.

4. Page 1, lines 12, 13, and 14, by striking the words "directors *and the remaining one-half shall be used only for major building repairs."* and inserting in lieu thereof the words "directors."

GARY L. BAUGHER

S—5280

Amend Senate File 2273 as follows:

1. Page 2, by striking lines 9 through 17.

C.W. HUTCHINS

S—5281

Amend Senate File 2273 as follows:

1. Page 2, line 6, by inserting after the word *"warehousing."* the words *"It is the further intent of the general assembly that all state liquor stores maintain business hours no shorter than those under which they are currently operating."*

C.W. HUTCHINS
LOWELL L. JUNKINS

S—5282

Amend Senate File 2273 by striking page 1, line 30,

through page 2, line 1, and inserting in lieu thereof the words and figures "for not more than nine hundred thirty full-time equivalent positions and for support, maintenance, and other maintenance, and other operational purposes ..... $14,746,842 $[14,860,474] *15,297,474*

JOHN S. MURRAY
STEPHEN W. BISENIUS

S—5283

Amend Senate File 2273 as follows:

1. Page 3, by inserting after line 1 the following new section:

"Sec. _____ . Section four hundred fifty-five C point two (455C.2), subsection one (1), Code 1979, is amended to read as follows:

1. Except purchases of alcoholic liquor as defined in section 123.3, subsection 8, by holders of Class 'A', 'B' and 'C' liquor control licenses, *a refund value of twenty-five cents on alcoholic liquor containers and* a refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center, the dealer or person operating a redemption center shall return the amount of the refund value to the consumer."

JOHN W. JENSEN
ARNE WALDSTEIN

S—5284

Amend Senate File 2261 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred eighty-four point eighty-three (384.83), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A city may enter into loan agreements or other credit arrangements with any person to obtain funds to pay all or part of the cost of a project, the total cost of which is fifty million dollars or more. The borrowings shall be repayable

solely and only out of the net revenues of the city utility, combined utility system, city enterprise or combined city enterprise of which the project is or will be a part or the proceeds of revenue bonds payable from those net revenues. The loan agreements or other credit arrangements may provide for the payment of interest at the stated or variable rate or rates as the governing body deems advisable, notwithstanding any interest rate limitations contained in any other law. The loan agreements or other credit arrangements may be authorized by resolution of the governing body adopted at a regular or special meeting."

2. Title page, line 5, by inserting after the figure "(130)" the words "and authorizing cities to enter into credit arrangements, which are not subject to statutory interest rate limitations, to finance projects costing fifty million dollars or more".

RICHARD F. DRAKE
EDGAR H. HOLDEN

S—5285

Amend House amendment S—5230 to Senate File 432 as follows:

1. Page 2, by striking lines 18 through 34.

SUE YENGER
JOHN S. MURRAY
JULIA B. GENTLEMAN
TOM SLATER

S—5286

Amend Senate File 2021 as follows:

1. By striking lines 1 through 7 and inserting in lieu thereof the following:

"Section 1. Section seven hundred sixteen point seven (716.7), subsection two (2), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Entering upon or in property which is enclosed or posted to hunt, fish or trap without the implied or actual permission of the owner, lessee or person in lawful possession."

DALE L. TIEDEN

S—5287

Amend Senate File 2282 as follows:

1. Page 37, by inserting after line 1 the following:

"Sec. _____. Section three hundred eighty-four point eighty-three (384.83), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A city may enter into loan agreements or other credit arrangements with any person to obtain funds to pay all or part of the cost of a project, the total cost of which is fifty million dollars or more. The borrowings shall be repayable solely and only out of the net revenues of the city utility, combined utility system, city enterprise or combined city enterprise of which the project is or will be a part or the proceeds of revenue bonds payable from those net revenues. The loan agreements or other credit arrangements may provide for the payment of interest at the stated or variable rate or rates as the governing body deems advisable, notwithstanding any interest rate limitations contained in any other law. The loan agreements or other credit arrangements may be authorized by resolution of the governing body adopted at a regular or special meeting."

2. By numbering, renumbering and correcting internal references as necessary.

RICHARD F. DRAKE
EDGAR H. HOLDEN

S—5288

Amend Senate File 2282 as follows:

1. Page 6, line 11, by striking the word "under" and inserting in lieu thereof the words "to obligations referred to in".

2. Page 6, line 13, by striking the word "under" and inserting in lieu thereof the words "to obligations referred to in".

3. Page 6, line 15, by striking the word "under" and inserting in lieu thereof the words "to obligations referred to in".

4. Page 6, line 17, by striking the word "under" and inserting in lieu thereof the words "to obligations referred to in".

5. Page 6, line 19, by striking the word "under" and inserting in lieu thereof the words "to obligations referred to in".

EDGAR H. HOLDEN

S—5289

Amend House File 2410 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section two hundred twenty point one (220.1), subsection twenty (20), Code 1979, is amended to read as follows:

20. 'Housing sponsor' means any individual, joint venture, partnership, limited partnership, trust, corporation, housing co-operative, local public entity, governmental unit, or other legal entity, or any combination thereof, approved by the authority or pursuant to standards adopted by the authority as qualified to either own, construct, acquire, rehabilitate, operate, manage or maintain a housing program, whether for profit, nonprofit or limited profit, subject to the regulatory powers of the authority and other terms and conditions set forth in this chapter. ~~[~~Housing sponsor' does not include a low or moderate income family which is eligible to own or occupy a housing unit.~~]~~"

2. By renumbering the sections and correcting internal references to conform with this amendment.

FORREST V. SCHWENGELS

S—5290

Amend Senate File 2273 as follows:

1. Title page, line 5, by striking the words ~~comptroller's office,~~".

2. Title page, by striking lines 10 through 12, and inserting in lieu thereof the words "and by".

JOHN S. MURRAY

S—5291

Amend Senate File 2108 as follows:

1. Page 1, line 18, by inserting after the word "member" the words *"who has not completed twenty-two years of service"*.

CHARLES P. MILLER

S—5292

For the text of this House amendment, see page 742 of the Senate Journal.

S—5293

Amend amendment S—5253 to Senate File 205 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 12, by striking the word "and" and inserting in lieu thereof the word "or".

2. Page 1, by striking lines 34 through 40.

RICHARD F. DRAKE

S—5294

Amend Senate File 2291 as follows:

Page 4, by inserting after line 3 the following:

"Sec. _____. Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter thirteen (13), section seven (7), subsection eight (8) is amended to read as follows:

8. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfast, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations . .

..... .$3,488,000 $[3,662,000]
4,056,246"

BASS VAN GILST
C.W. HUTCHINS

S—5295

Amend Senate File 2290 as follows:

1. Page 2, by inserting after line 32 the following new section:

"Sec. _____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section four (4), subsection three (3), is amended to read as follows:

3. For public transit purposes to implement a state assistance plan ..... $2,000,000 $[2,000,000]
2,500,000

a. Of the funds appropriated by this subsection for the fiscal year beginning July 1, 1980 and ending June 30, 1981, five hundred thousand dollars is to be used for the purpose of providing assistance

to public transit systems for increased fuel costs.

[a] *b.* Notwithstanding chapter eight (8) of the Code, it is the intent of the general assembly that funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public transit system prior to the time actual expenditures are incurred if the allocation is first approved by the state department of transportation. A public transit system shall make application for advance allocations to the state department of transportation specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited."

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

RICHARD F. DRAKE
WILLIAM D. PALMER

S—5296

Amend Senate File 2291 as follows:

1. Page 3, by inserting after line 14 the following:

"It is the intent of the general assembly that this appropriation concludes the funding of public radio stations in the state because there are sufficient numbers, coverage, and quality of public radio programming for all residents."

SUE YENGER
RAY TAYLOR

S—5297

Amend Senate File 2291 as follows:

Page 4, by inserting after line 3 the following:

"Sec. _____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection ten (10) is amended to read as follows:

10. SCHOOL BUDGET REVIEW COMMITTEE .....

$300,000 $[1,300,000]
1,400,000

a. From the funds appropriated to the school budget review committee for fiscal year 1980-1981 nine hundred thousand (900,000) dollars shall be used exclusively for transportation costs unusually increased above the normal rate of inflation, including costs arising because of the need for replacement vehicles and the repair of vehicles and [two] *three* hundred thousand [(200,000)] *(300,000)* dollars or as much thereof as necessary shall be used exclusively for grants to public schools and for nonpublic school pupils for programs for instruction in the English language, a transitional bilingual program, or other special instruction program within the requirements of sections eighteen (18) and nineteen (19) of this Act. From the two hundred thousand (200,000) dollars for a transitional bilingual, instruction in the English language or other special instruction program, the school budget review committee may allocate an amount not to exceed ten thousand (10,000) dollars to the department of public instruction to cover the actual, and necessary costs of administering the program as required in section nineteen (19) of this Act."

ROBERT M. CARR

S—5298

Amend Senate File 2290 as follows:

1. Page 2, by inserting after line 2 the following new section:

"Sec. _____ . Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section three (3), subsection one (1), is amended as follows:

1. ADMINISTRATIVE FUNCTION

a. For salaries and support of not more than one hundred fifty-three full-time equivalent positions, and for maintenance and miscellaneous purposes of the department, criminal justice information system, and radio communications ..... $4,199,650 $[4,208,950] *4,288,950*

b. It is the intent of the general assembly that the three full-time equivalent positions added to the department are to assist in records and information until backlogged dispositions are up to date, and are then to be used to implement the offender based transaction system.

c. It is the intent of the general assembly that the department of public safety proceed with plans to consolidate the number of base radio stations throughout the state.

d. It is the intent of the general assembly that the department of public safety enter into a contract with the university of Iowa to establish a state medical examiner system for Iowa."

JOHN SCOTT
BOB RUSH
GEORGE R. KINLEY

S—5299

Amend Senate File 2291 as follows:

1. Page 3, line 24, by striking the figure "100,000" and inserting in lieu thereof the figures "[100,000] *200,000*".

TOM SLATER
ARTHUR A. SMALL, JR.
C.W. HUTCHINS
ROBERT M. CARR
BOB RUSH
BERL E. PRIEBE
JOE BROWN
W.R. BILL HANSEN

S—5300

Amend Senate File 2291 as follows:

1. Page 4, by inserting after line 21 the following new sections:

"Sec. 9. Section two hundred eighty-three A point one (283A.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'School breakfast program' means a program under which breakfasts are served by a public school on a nonprofit basis to children in attendance, including a program that receives federal financial assistance. The breakfast must comply with federal regulations.

Sec. 10. Section two hundred eighty-three A point two (283A.2), Code 1979, is amended to read as follows:

283A.2 SCHOOL [BOARDS] *LUNCH AND BREAKFAST PROGRAMS—* RULES. [School boards shall have power to operate or provide for the operation of school lunch programs in schools under their jurisdiction, and may use therefor funds disbursed to them under the provisions of this chapter, gifts, funds received from sale of school lunches under such programs, and any other funds legally available.]

[All school] *School* districts shall operate or provide for the operation of school lunch programs at [all]

public schools in each district[, which]. *School districts shall operate or provide for the operation of school breakfast programs in those public schools in the district where the number of free or reduced price school lunches served during the second preceding school year was forty percent or more of the total school lunches served during the school year. The* programs shall be operated in compliance with the rules of the department of public instruction and pertinent federal rules[, for all] *and shall be available to* students in each district who attend public school four or more hours each school day and wish to participate in [a] *the school breakfast program or* school lunch program[, and school] *or both. School* districts may provide such programs for other students. *School boards may use for this purpose funds disbursed to them under this chapter, gifts, funds from the sale of school breakfasts and lunches and other funds legally available for school lunch and breakfast programs.*

Sec. 11. Section two hundred eighty-three A point three (283A.3), Code 1979, is amended to read as follows:

283A.3 EXPENDITURE OF FEDERAL FUNDS. The superintendent of public instruction [is hereby authorized to] *may* accept and direct the disbursement

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of funds appropriated by any Act of Congress and [appropriated] *allocated* to the state of Iowa for use in connection with *school breakfast programs or* school lunch programs. The superintendent of public instruction shall deposit [all such] *federal* funds *received* with the treasurer of [the] state [of Iowa], who shall make disbursements therefrom upon the direction of the superintendent of public instruction.

Sec. 12. Section two hundred eighty-three A point four (283A.4), Code 1979, is amended to read as follows:

283A.4 ADMINISTRATION OF PROGRAM. The superintendent of public instruction may enter into [such] agreements with [any] *an* agency of the federal government, [with any] *a* school board, or [with] any other agency or person, prescribe [such regulations] *rules,* employ [such] personnel, and take [such] other action as [he may deem] *deemed* necessary to provide for the establishment, maintenance, operation, and expansion of [any] *a school breakfast or* school lunch program, and to direct the disbursement of federal and state

funds, in accordance with [any] applicable provisions of federal or state law. The superintendent of public instruction may give technical advice and assistance to [any] *a* school board in connection with the establishment and operation of [any] *a school breakfast or* school lunch program and may assist in training [such] personnel engaged in the operation of [such] *the* program. The superintendent of public instruction and any school board may accept any gift for use in connection with [any] *a school breakfast or* school lunch program.

Sec. 13. Section two hundred eighty-three A point five (283A.5), Code 1979, is amended to read as follows:

283A.5 ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS. The superintendent of public instruction shall prescribe [regulations] *rules* for the keeping of accounts and records and the making of reports by or under the supervision of school boards. [Such] *The* accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for [such] *a* period of time, not in excess of five years, as the superintendent of public instruction may lawfully prescribe. The superintendent of public instruction shall conduct or cause to be conducted [such] audits and inspections with respect to *school breakfast programs and* school lunch programs as [may be] necessary to determine whether its agreement with school boards and [regulations] *rules* made pursuant

Page 3

to this chapter are being complied with, and to insure that *school breakfast and* school lunch programs are effectively administered.

Sec. 14. Section two hundred eighty-three A point eight (283A.8), Code 1979, is amended to read as follows:

283A.8 USE OF SCHOOL *BREAKFAST AND* LUNCH FACILITIES BY SENIOR CITIZENS. Boards of directors of school corporations may authorize the use by senior citizen organizations of school *breakfast and* lunch facilities subject to reasonable rules [and regulations] of the board. [Such] *The* use shall not interfere with the use of the facilities for public school purposes. The board may charge for such use an amount not to exceed the cost to the district.

Sec. 15. Section two hundred eighty-three A point nine (283A.9), Code 1979, is amended to read as follows:

283A.9 BUILDING FOR SCHOOL LUNCH FACILITY. School districts [are authorized to] *may* purchase, erect, or otherwise acquire a building for use as a school *breakfast or* lunch facility, [and to] equip [such a] *the* building for such use, and *may* pay for [same] *the building* from unencumbered funds on hand in the schoolhouse fund derived from taxes voted under authority of sections 278.1, subsection 7, or 275.32, subject to the terms of this section, or [may pay for same] from the proceeds of the sale of school property sold under section 297.22, or from surplus remaining in the schoolhouse fund after retirement of a bond issue, or from a tax voted for said purposes.

Sec. 16. Section two hundred eighty-three A point ten (283A.10), Code 1979, is amended to read as follows:

283A.10 SCHOOL *BREAKFAST AND* LUNCH IN NONPUBLIC SCHOOLS. The authorities in charge of nonpublic schools may operate or provide for the operation of school *breakfast and* lunch programs in schools under their jurisdiction and may use funds appropriated to them by the general assembly, gifts, funds received from sale of school *breakfasts and* lunches under such programs, and [any] other funds available to the nonpublic school. However, school *breakfast and* lunch programs [shall not be] *are not* required in nonpublic schools. The department of public instruction shall direct the disbursement of state funds to nonpublic schools for school *breakfast and* lunch programs in the same manner as state funds are disbursed to public schools.

Sec. 17. Sections nine (9) through sixteen (16)

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of this Act are effective January 1, 1981 for the school year beginning July 1, 1981."

JOANN ORR
ROBERT M. CARR

S—5301

Amend Senate File 2291 as follows:

1. Page 3, line 10, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

2. Page 3, by inserting after line 14 the following:

"NEW PARAGRAPH. For merged area XI.

For facility equipping
costs for an urban campus.....$ $ 166,270".

DAVID M. READINGER
WILLIAM D. PALMER
GARY L. BAUGHER
C.W. HUTCHINS
BASS VAN GILST

S—5302

Amend Senate File 2291 as follows:
Page 4, by inserting after line 3 the following:
"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter thirteen (13), section seven (7), subsection eight (8) is amended to read as follows:
8. SCHOOL FOOD SERVICE.
For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations . .
. . . . . .$ 3,488,000 $ [3,662,000]
3,911,184".

BASS VAN GILST
C.W. HUTCHINS

S—5303

Amend Senate File 2290 as follows:

DIVISION S—5303A

1. Page 1, lines 2 and 3, by striking the words and figure "subsection one (1), is" and inserting in lieu thereof the words and figures "subsections one (1), two (2), and four (4), are".

DIVISION S—5303B

2. Page 1, line 15, by striking the figure "70,200" and inserting in lieu thereof the figures "[70,200] *230,200*".

DIVISION S—5303A (cont'd.)

3. Page 1, by striking lines 16 through 23 and inserting in lieu thereof the following:
"2. For the purpose of

providing funds for area planning purposes to the Iowa crime commission, and for salaries, support, maintenance and miscellaneous purposes. ..... $ 100,000 $ [40,000] *100,000*

4. For the purpose of matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries and support of not more than one full-time equivalent position, and for maintenance and miscellaneous purposes. ..... $ 6,600 $ [14,000] *19,000"*

4. Page 4, by inserting after line 11 the following new section:

"Sec. ____. The legislative council is directed to create a crime commission study committee composed of three members of the senate and the house of representatives from the respective standing committees on state government, two members from the house transportation appropriations subcommittee and two members of the senate transportation and law enforcement appropriations subcommittee to review the recommendations of the governor's economy committee relating to the crime commission and the crime commission program evaluation report prepared by the legislative fiscal bureau. The legislative council shall also appoint two persons from the judicial branch of government and two members representing local law enforcement agencies to serve on the study committee as advisory nonvoting members of the study

Page 2

DIVISION S—5303A (cont'd.)

committee. The study committee shall report its findings and recommendations, with legislative bill drafts required to implement its recommendations to the respective standing committees on state government, the legislative council, and the general assembly convening in January, 1981."

5. Renumber sections and correct internal references as are necessary in accordance with this amendment.

FORREST V. SCHWENGELS

S—5304

Amend the Drake amendment, S—5295, to Senate File 2290 as follows:

1. Page 1, by inserting after line 19 the following new paragraph:

" . *Of the funds appropriated by this subsection for the fiscal year beginning July 1, 1980, and ending June 30, 1981, twenty-five thousand dollars is to be used for the purpose of entering into a contract with Iowa state university to conduct a market study of the subsidy required for 403B passenger rail service.*"

C.W. HUTCHINS

S—5305

Amend Senate File 2198 as follows:

1. Page 1, line 7, by striking the word "transport" and inserting in lieu thereof the words "[transport] *furnish transportation for*".

2. Page 1, lines 10 and 11, by striking the words "*, irrespective of the number of pupils transported,*".

3. Page 1, line 11, by striking the words "for the" and inserting in lieu thereof the words "[for the]".

4. Page 1, by striking line 12 and inserting in lieu thereof the words "[distance one way from the pupil's residence to the school]".

5. Page 1, line 13, by striking the words "designated for attendance at the rate of" and inserting in lieu thereof the words "[designated for attendance at the rate of] *in an amount equal to*".

6. Page 1, line 28, by inserting after the word "*instruction.*" the following: "*However, a parent or guardian shall not receive reimbursement for furnishing transportation for more than two family members who attend high school.*"

7. Page 1, line 32, by striking the word "*or*" and inserting in lieu thereof the word "*and*".

8. Page 1, line 32, by striking the word "transport" and inserting in lieu thereof the words "[transport] *furnish transportation for*".

9. Page 2, by striking lines 1 through 4 and

inserting in lieu thereof the following: *"boards* of *the* resident [district] *districts* at the rate of twenty-eight cents per mile per day, one way, per family for the distance from *the* pupil's residence to the bus route."

10. Page 3, by striking lines 13 through 17 and inserting in lieu thereof the following: *"two (285.2) of the Code. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shall be relieved of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located."*

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5306

Amend Senate File 2291 as follows:

1. Page 3, by inserting after line 14 the following:

"It is the intent of the general assembly that this appropriation concludes the funding for construction of additional public radio stations in the state because there are sufficient numbers, coverage, and quality of public radio programming for all residents."

SUE YENGER
RAY TAYLOR

S—5307

Amend the Orr amendment, S—5300, to Senate File 2291 as follows:

1. Page 1, line 26, by striking the word *"shall"* and inserting in lieu thereof the word *"may"*.

W.R. BILL HANSEN

S—5308

Amend House amendment S—5258 to Senate File 446 as follows:

1. Page 3, by striking lines 45 through 47, and inserting in lieu thereof the following:

"8. Page 6, by striking lines 8 through 11 and inserting in lieu thereof the following:

'Sec. ____. This Act, except section two (2)

relating to the half pricing of motor vehicle fuel, section three (3) relating to motor vehicle fuel pump pricing labels, section four (4) relating to definitions for chapter two hundred fourteen (214) of the Code, and section ten (10) relating to automatic recorders on scales, is effective January first following its enactment. Sections two (2), three (3) and four (4) of this Act are effective July first following its enactment and are repealed January 1, 1985. Section ten (10) of this Act is effective July 1, 1981.' "

C.W. HUTCHINS

S—5309

Amend Senate File 2290 as follows:

1. Page 2, by inserting after line 32 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), is amended by adding the following new section:

Sec. ____. There is appropriated from the general fund of the state of the department of public safety for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the sum of sixty-five thousand (65,000) dollars, or so much thereof as may be necessary, for the purpose of paying the salary and expenses of a state medical examiner as provided in section six hundred ninety-one point five (691.5) of the Code."

JOHN SCOTT
BOB RUSH
GEORGE R. KINLEY

S—5310

Amend Senate File 2291 as follows:

1. Page 3, line 10, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

2. Page 3, by inserting after line 14 the following:

NEW PARAGRAPH. For merged area XI.

For facility equipping costs for an urban campus . . . . . $ $100,000"

DAVID M. READINGER
WILLIAM D. PALMER

GARY L. BAUGHER
BASS VAN GILST
TOM SLATER

S—5311

Amend Senate File 2291 as follows:

1. Page 2, by inserting after line 27 the following:

"It is the intent of the general assembly that the Iowa college aid commission shall evaluate the governor's economy committee recommendations 180 and 182 and report their findings on the desirability of implementing these recommendations to the general assembly by November 1, 1980."

TOM SLATER

S—5312

Amend Senate File 2232 as follows:

1. Page 1, line 4, by striking the words "develop criteria for and".

2. Page 1, line 8, by striking the words "to administrators" and inserting in lieu thereof the words "administrators and relating to contracts offered to noncertified school employees".

3. Amend the title, line 3, by striking the words "teachers' and administrators' " and inserting in lieu thereof the words "school employees' ".

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5313

Amend amendment S—5272 to Senate File 2025 as follows:

DIVISION S—5313A

1. Page 1, by striking lines 5 through 7 and inserting in lieu thereof the following:

"____. Page 1, line 24, by striking the words 'except rats or mice'."

DIVISION S—5313B

2. Page 1, by striking line 8 and inserting in lieu thereof the following:

"____. Page 2, by striking lines 9 through 19 and inserting in lieu thereof the words: 'either make

a reasonable effort to notify the owner of the animal as soon as possible or shall immediately notify law enforcement authorities. A person failing to comply with this section is guilty of a simple misdemeanor.' "

EDGAR H. HOLDEN

S—5314

Amend Senate File 202 by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter two hundred eighty A (280A), Code 1979, is amended by adding as a new division sections two (2) through fourteen (14) of this Act:

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this division, unless the context otherwise requires:

1. 'Board' means the governing board of a merged area.

2. 'Project' means any of the following:

a. Acquisition by purchase, lease, or construction of buildings for use as student residence halls and dormitories including dining facilities and incidental facilities and additions to the buildings and facilities.

b. The reconstruction, completion, equipment improvement, repair or remodeling of acquisitions specified in paragraph a of this subsection.

c. The acquisition and improvement of property whether real, personal, or mixed, by gift, purchase, lease, condemnation, or otherwise for the purposes of this subsection.

3. 'Institution' means an area school.

4. 'Bonds or notes' means revenue bonds or revenue notes issued under this division which are payable only from net rents, profits, and income derived from the operation of student residence halls and dormitories.

Sec. 3. *NEW SECTION.* AUTHORIZATION—CONTRACTS—TITLE. Subject to this division, the board may carry out a project at an institution, and may operate, control, maintain, and manage student residence halls and dormitories, including dining facilities and other incidental facilities, at an institution. Contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of buildings, additions, or facilities shall be let under section twenty-three point eighteen (23.18) of the Code. The title to real property acquired under this division and the improvements erected on the real

property shall be taken and held in the name of the merged area.

The board may rent the rooms in the residence halls and dormitories to the students, officers, guests, and employees of the institution, and shall adopt a schedule of charges for use of the residence halls and dormitories, sufficient to insure payment of the principal and interest on bonds or notes issued to pay a part of the cost of the project, and refunding

Page 2

bonds or notes

Sec. 4. *NEW SECTION.* BONDS OR NOTES. To pay all or a part of the cost of a project, the board may borrow money, issue and sell negotiable bonds or notes, and refund and refinance bonds or notes or refunding bonds or notes issued for a project, at a lower rate, the same rate, or a higher rate of interest as often as the board finds it advisable and necessary. Bonds or notes may be sold by the board at public sale as prescribed by chapter seventy-five (75) of the Code, but if the board finds it to be in the public interest, bonds or notes may be sold by the board at private sale without published notice and without regard to the requirements of chapter seventy-five (75) of the Code, upon the terms prescribed by the resolution authorizing the sale, but the bonds or notes shall be sold at terms of not less than par plus accrued interest. Bonds or notes issued to refund other bonds and notes issued by the board for a project may either be sold and the proceeds applied to the payment of obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded. A finding by the board in the resolution authorizing the issuance of refunding bonds or notes that the bonds or notes being refunded were issued for a purpose specified in this division and constitute binding obligations of the board is conclusive and may be relied upon by a holder of a refunding bond or note. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue may be sold or exchanged at one time. An issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at a time on, before, or after the maturity of the outstanding bonds, notes or other obligations to be refinanced,

and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay the premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

Bonds or notes are payable only from and shall be secured by an irrevocable pledge of a sufficient portion of either or both of the following:

1. The net rents, profits, and income derived

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from the operation of completed projects financed in whole or in part with the proceeds of the bonds or notes.

2. The net rents, profits, and income not pledged for other purposes, derived from the operation of other residence halls and dormitories, including dining facilities or other incidental facilities, and additions at an institution operated by the board.

Bonds or notes shall have the qualities of negotiable instruments under the laws of this state.

Sec. 5. *NEW SECTION.* RATES AND TERMS OF BONDS OR NOTES. As provided by the resolution of the board authorizing their issuance, bonds or notes may bear dates, bear interest at rates payable semiannually, mature at any time, carry registration privileges, be payable at any place, be subject to terms of redemption prior to maturity with or without premium, if so stated on the face, and may contain other terms and covenants. In addition to the estimated costs of construction, the cost of the project includes interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, and engineering, administrative, and legal expenses. Bonds or notes shall be executed by the president of the board and attested by the secretary, and the coupons attached shall be executed with the original or facsimile signatures of the president and secretary. Bonds or notes bearing signatures of officers in office on the date of the signing are valid and binding for all purposes, even though before delivery the persons whose signatures appear have ceased to be officers. Each bond or note shall state upon its face the official designation of the merged area, the name and location of the institution, that it

is payable only from the net rents, profits, and income derived from the operation of residence halls and dormitories, including dining facilities and other incidental facilities, and that it does not constitute a charge against the merged area or the state of Iowa within the meaning or application of any constititonal or statutory limitation or provision. The issuance of bonds or notes shall be recorded in the office of the treasurer of the merged area and a certificate of the registration by the treasurer shall be printed on the back of each bond or note.

Sec. 6. *NEW SECTION.* REFUNDING. Upon a determination by a board to carry out a project or to refund outstanding bonds or notes, the board shall adopt a resolution describing the contemplated project

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and setting forth the estimated cost, or describing the obligations to be refunded, fixing the amount of bonds or notes to be issued, the maturities, the interest rates and other necessary details. The resolution shall contain convenants as determined by the board as to the issuance of additional bonds or notes that may thereafter be issued payable from net rents, profits, and income of the residence halls and dormitories, including dining facilities and other incidental facilities; the amendment or modification of the resolution authorizing the issuance of bonds of notes; the manner, terms, conditions, and the amount or percentage of assenting bonds or notes necessary to effectuate the amendment or modification; and other convenants as necessary or desirable. In the discretion of the board, bonds or notes may be secured by a trust indenture between the board and a corporate trustee, which may be a trust company or bank having the powers of a trust company within or without the boundaries of the state of Iowa, but a trust indenture shall not convey or mortgage the buildings or facilities or a part of the buildings or facilities. This division and a resolution or other proceedings authorizing the issuance of bonds or notes and providing for the establishment and maintenance of adequate rates, fees, or rentals, and the application of the proceeds, is a contract with the holders of bonds or notes.

Sec. 7. *NEW SECTION.* RATES, FEES AND RENTALS—PLEDGE. When bonds or notes are issued by a board, the board shall establish, impose, and collect rates, fees, and rentals for the use of and services provided

by the residence halls and dormitories, including dining facilities and other incidental facilities at the institution, and shall adjust rates, fees, or rentals in order to provide net amounts sufficient to pay the principal and interest on the bonds or notes as they become due, and to maintain a reserve. The board may pledge a sufficient amount of the net rents, profits, and income derived from the operation of residence halls and dormitories, including dining facilities and other incidental facilities at the institution for that purpose. Rates, fees, or rentals collected at one location of the institution may be used to discharge bonds or notes issued for another location of the same institution. Bonds or notes are exempt from taxation by this state, and interest on bonds or notes is exempt from the state income tax.

Sec. 8. *NEW SECTION.* ACCOUNTS. A certified copy

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of each resolution providing for the issuance of bonds or notes shall be filed with the treasurer of the merged area and the treasurer shall maintain separate accounts for each issue of bonds or notes in accordance with the covenants and directions set out in the resolution providing for the issuance of the bonds or notes. Rates, fees, or rentals collected for the use of and services provided by the residence halls and dormitories, including dining facilities and other incidental facilities, shall be held in trust by the treasurer of the merged area, separate from all other funds, to be used only for the purposes specified in this division and as required and provided for by the proceedings of the board authorizing the issuance of the bonds or notes. The treasurer of the merged area shall disburse funds from the proper account for the payment of the principal and interest on the bonds or notes in accordance with the directions and covenants of the resolution authorizing their issuance.

Sec. 9. *NEW SECTION.* NO OBLIGATION AGAINST AREA. Bonds or notes are not a charge or general obligation against the merged area or this state within a constitutional or statutory provision. Taxes, appropriations, and other funds of the merged area or of the state of Iowa shall not be pledged for or used to pay the bonds or notes or the interest on the bonds or notes, but bonds or notes are payable only as to both principal and interest from the net

rents, profits, and income derived from the operation of residence halls and dormitories, including dining facilities and other incidental facilities at the institutions operated by the board, and the remedy for any breach or default of the terms of the bonds or notes or proceedings for their issuance is a proceeding either in law or equity by suit, action, or madamus to enforce and compel performance of the duties required by this division and the terms of the resolution under which bonds or notes are issued.

Sec. 10. *NEW SECTION.* WHO MAY INVEST. Banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, insurance companies, insurance associations, and other persons carrying on an insurance business, and executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, moneys, or other funds held by them or within their control in bonds or notes. However, nothing contained

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in this section relieves a person from exercising a duty of reasonable care in selecting securities for purchase or investment.

Sec. 11. *NEW SECTION.* FEDERAL OR OTHER AID ACCEPTED. A board, with the approval of the state board of public instruction acting on the advice and recommendation of the advisory committee, may apply for and accept federal aid or nonfederal gifts or grants of funds and use them to pay any part of the cost of carrying out a project under this division, or to pay principal and interest on bonds or notes.

Sec. 12. *NEW SECTION.* ALTERNATIVE METHOD. This division provides an alternative and independent method for carrying out projects at an institution, for the issuance and sale or exchange of bonds or notes, and for refunding bonds or notes, without reference to any other statute, and is not an amendment of or subject to the provisions of any other law, and publication of notice, under section twenty-three point twelve (23.12) of the Code or otherwise, and further proceedings in respect to the issuance, sale or exchange of bonds or notes, is not required except as prescribed by this division.

Sec. 13. *NEW SECTION.* PRIOR ACTION LEGALIZED. All rights acquired prior to the effective date of this Act in connection with the financing of a project

at an institution are preserved, and all acts and proceedings taken by a board preliminary to and in connection with the authorization and issuance of any notes or other obligations issued and outstanding prior to the effective date of this Act, in connection with the financing of a project at an institution are legalized, and the notes or obligations are legal and constitute valid obligations of the merged area, according to their terms and payable only from the sources referred to in the notes or other obligations.

Sec. 14. *NEW SECTION.* APPROVAL BY STATE BOARD. A project shall not be undertaken under this division until it has been submitted to the state board of public instruction and the state board has found, by resolution, that the proposed project appears likely to implement the educational objectives of the merged area, and that it appears probable that the proposed project will be in the best educational interests of the inhabitants of the merged area and of this state.

The state board shall not approve a project to provide student dormitories in excess of twenty-five percent of the full-time equivalent enrollment in vocational programs at that location of the merged

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area school for the previous year.

In approving a project for the construction of buildings for use as student dormitories, that state board shall consider and be assured that:

1. Student demand for the dormitories exists and the demand is adequate to generate sufficient revenue to pay the principal and interest on the bonds or notes as they become due and to maintain a reserve therefor.

2. Other suitable housing is not available at a reasonable distance from the educational facilities of the institution.

Sec. 15. This Act becomes effective January first following its enactment."

2. Amend the title, line 2, by striking the words ", dormitories, and student" and inserting in lieu thereof the words "and dormitories,".

3. Amend the title, by striking line 3 and inserting in lieu thereof the words "including dining facilities, and".

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5315

Amend Senate Concurrent Resolution 117 on renal disease as follows:

1. By inserting before line 1 the following:

"*Whereas*, the chronic renal disease program is intended to provide lifesaving care for Iowa residents unable to provide for the continuing cost of their care; and

Whereas, the costs of medical supplies and medical services have continued to rise; and"

2. By striking lines 9, 10 and 11.

DAVID M. READINGER

S—5316

Amend Senate File 2292 as follows:

1. Page 2, by striking lines 2 through 15.

PATRICK J. DELUHERY

S—5317

Amend House File 2410 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 17 the following:

"Sec. ____. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Anita Tribune, a newspaper published in Anita, Iowa, and in the Pocahontas Record-Democrat, a newspaper published in Pocahontas, Iowa."

C.W. HUTCHINS

S—5318

Amend House File 700 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 8 through 18.

COMMITTEE ON NATURAL RESOURCES
ELIZABETH R. MILLER, Chairperson

S—5319

Amend House File 700 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 7 the following:

"Sec. 2. Section one hundred ten point six (110.6), Code 1979, is amended to read as follows:

110.6 TROUT LICENSE STAMP. Any person required to have a fishing license shall not possess trout unless that person has at that time on his or her person an unexpired special trout license stamp validated by that person's signature written across the face of the stamp in ink, a receipt, or other evidence showing that such trout was lawfully acquired. *A person who is not required to have a fishing license may fish for trout only when accompanied by a person having a license and stamp and any trout taken or possessed by the unlicensed person shall be considered to be taken or possessed by the licensed person for the purpose of daily catch or possession limits.* The proceeds from the sale of this stamp shall be used exclusively to restock trout waters designated by the state conservation commission."

2. By renumbering the sections to conform with this amendment.

COMMITTEE ON NATURAL RESOURCES
ELIZABETH R. MILLER, Chairperson

S—5320

Amend Senate amendment S—5298 to Senate File 2290 as follows:

1. By striking line 13 and inserting in lieu thereof the following:

"4,273,950"

JOHN SCOTT

S—5321

Amend Senate File 108 as follows:

1. Page 1, line 6, by striking the words "[twenty-seven] *fifty-four*" and inserting in lieu thereof the word "twenty-seven".

ARTHUR A. SMALL, JR.
WILLIAM D. PALMER
STEPHEN W. BISENIUS

S—5322

For the text of this House amendment, see pages 774-777 of the Senate Journal.

S—5323

Amend Senate File 108 as follows:

1. Page 1, line 6, by striking the words "[twenty-

seven] *fifty-four*" and inserting in lieu thereof the word "twenty-seven".

2. Page 1, by striking lines 9 through 14 and inserting in lieu thereof the following: "in the schoolhouse fund [and] to be used for the purchase and improvement of sites or for major building repairs. [used only for the purchase and improvement of sites in and for said school district as specified by the directors.]"

ARTHUR A. SMALL, JR.
WILLIAM D. PALMER
GARY L. BAUGHER
DALE L. TIEDEN

S—5324

Amend Senate File 2296 as follows:

DIVISION S—5324A

1. Page 3, line 27, by striking the word "may" and inserting in lieu thereof the word "shall".

DIVISION S—5324B

2. Amend the title, line 7, by striking the word "significant".

JOHN SCOTT
RICHARD F. DRAKE

S—5325

Amend House amendment S—5253 to Senate File 205 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 2 the following:

"____. By striking page 14, line 25 through page 15, line 25."

2. By renumbering sections to conform to this amendment.

RICHARD F. DRAKE

S—5326

For the text of this House amendment, see page 795 of the Senate Journal.

S—5327

Amend the Schwengels amendment, S—5303, to Senate

File 2290 as follows:

1. Page 1, line 8, by striking the figure *"230,200"* and inserting in lieu thereof the figure *"180,000"*.

FORREST V. SCHWENGELS

S—5328

Amend House File 2410 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Chapter two hundred twenty (220), Code 1979, is amended by adding the following new section:

NEW SECTION. ENERGY EFFICIENCY IMPROVEMENT LOANS.

1. Notwithstanding any other provision of this chapter, the authority may make energy efficiency improvement loans to low or moderate income families, lower income families, and very low income families who are residential customers of a natural gas or electric utility. The authority shall make arrangements with natural gas and electric utilities for providing energy efficiency improvement loans. The authority may lend money to a utility for it to make loans to its customers or the authority and a utility may contract that the utility will act as the agent of the authority in making loans to the utility's customers. In either situation the utility shall receive the loan applications from its residential customers. The loan applications shall be in a form and contain information prescribed by the authority which will enable the utility to assure compliance with the requirements of this section. A utility shall deny a loan application if the proposed improvements or the applicant fails to meet the requirements established under subsection two (2) of this section. The utility shall allocate the loan funds on a first-come, first-served basis.

2. The authority shall establish the following by rule:

a. The types of buildings and permanent energy efficiency improvements for which loan proceeds may be used.

b. The maximum amount that may be loaned to an individual customer.

c. The guidelines to be used by the utility in determining whether an individual customer is eligible for a loan.

d. The minimum standards for the energy efficiency

improvement.

The rules promulgated under this subsection by the authority shall permit only those types of improvements which the authority determines to be reasonably appropriate for use in this state. The authority shall provide financing for energy efficiency loans to be administered in accordance with the procedures of this section.

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3. Loans arranged through a utility to a customer to finance permanent energy efficient improvements shall be pursuant to a written agreement between the utility and the customer, in a form prescribed by the authority. In addition to other terms required by the authority, the agreement shall provide all of the following:

a. The customer shall agree that the outstanding balance shall become immediately payable in full upon a transfer of or foreclosure upon the customer's interest in the property.

b. A detailed description of the permanent energy efficiency improvements to be installed.

c. The customer shall agree that the outstanding balance shall become immediately payable in full in the event the customer fails to use the funds for the installation of the improvements designated in the agreement.

d. The customer shall agree to certify to the utility the completion of the permanent energy efficiency improvements designated in the agreement, in a form prescribed by the authority.

4. A copy of the agreement between the utility and the customer for permanent energy efficiency improvements shall be filed by the utility with the county recorder in the county in which the benefited residence is located. The authority shall have a lien against the residence to which the improvements are made to secure payment of the debt. The lien shall be preferred to all other liens which may attach to or upon the real property, except liens of record prior to the time of filing of the agreement with the county recorder.

5. Payment for permanent energy efficiency improvements arranged through a utility under this section shall be made by the utility to the customer upon completion of the improvements contracted for in the loan application. Repayment by the customer shall commence not later than sixty days thereafter.

6. A utility shall not require a customer to pay for any part of the cost of permanent energy efficiency improvements financed through the utility or to pay any fees or charges associated with the financing, except in the manner specifically permitted by this section. Energy efficiency improvement loans shall be paid by the customer to the utility in installments, the due date of which shall be the regular due date of charges billed to the customer by the utility for utility services. The installment payments shall be as nearly equal in amount as may be, and the amount

Page 3

of each payment shall be as approved by the commission. The repayment term shall not be more than ten years. A delinquency charge may be imposed on any installment which is not paid within ten days after the due date. The amount of the delinquency charge shall be equal to ten percent of the unpaid amount of the installment, or a maximum of five dollars. The delinquency charge shall be imposed only once on an installment, however long it remains in default. A delinquency charge may be collected at the time it accrues or at any time thereafter. For purposes of this subsection, payments received by a utility from a customer shall be applied first to amounts due the utility as a result of supplying metered utility service, and then to the oldest amount due as the current installment payment for energy efficiency improvements, and then to any past-due installments, interest, and accumulated delinquency charges.

7. Installment payment schedules shall be submitted by utilities that are regulated by the Iowa state commerce commission to the commission for approval. The commission shall allow a regulated utility to include in the installment payment amount a service fee which is a reasonable estimate of the amount necessary to reimburse the regulated utility for the actual costs including interest costs of providing permanent energy efficiency improvement financing to its customers. A municipally-owned utility may include in the installment amount a service fee necessary to reimburse the municipally-owned utility for the actual costs including interest costs of providing energy efficiency improvement financing to the customer. This subsection does not subject the rates or installment payment schedules of municipally-owned utilities to regulation by the Iowa state commerce commission.

8. The authority shall require that a utility with whom a contract is made under this section submits to the authority evidence satisfactory to the authority that funds are disbursed by the utility for the purposes authorized by this section, that permanent energy efficiency improvements are made according to the standards and specifications prescribed by the authority, and that the authority is permitted, through its members, employees or agents, to inspect the books and records of the utility to assure compliance. A utility which receives funds from the authority under this section shall establish separate accounting procedures and records for all receipts from and payments to the authority, and for all

Page 4

disbursements to and receipts from customers relating to energy efficiency improvements. These funds shall be kept separate from all other funds in the possession of the utility, except for such amounts as properly may be credited to the utility as revenues from the service fee authorized by subsection seven (7) of this section.

9. If a provision of this section or section eight (8) of this Act is inconsistent with another provision of law of this state governing natural gas or electric utilities or the authority, the provision of this section or section eight (8) of this Act controls for the purposes of this section.

10. Proceeds to the authority from the issuance of bonds and notes for the purposes of this section are appropriated to the authority for the uses authorized by this section.

11. If not in violation of federal law, a utility may make loans with its own funds to its residential customers for energy efficiency improvements and may collect payments, fees and costs subject to the rules of the Iowa state commerce commission.

12. The authority shall give preferences to programs providing housing services for Iowans as specified in sections two hundred twenty point eleven (220.11) through two hundred twenty point twenty-one (220.21) of the Code.

13. For the purposes of this section, section two hundred twenty point eight (220.8) of the Code shall not apply

Sec. 2. Section two hundred twenty point one (220.1), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. 'Natural gas or electric utility' or 'utility' means a public utility or a municipally-owned utility as defined in section four hundred seventy-six point one (476.1) of the Code, or a municipally-owned utility or electric cooperative as defined in section three hundred ninety point one (390.1) of the Code.

NEW SUBSECTION. 'Energy efficiency-improvement loans' means loans for residential customers of natural gas or electric utilities to be used exclusively to pay for the cost of permanent energy efficiency improvements to single-family residential housing which is existing and owner-occupied on the effective date of this Act and the date the improvements are commenced.

Sec. 3. Section two hundred twenty point three (220.3), Code 1979, is amended by adding the following

Page 5

new subsection:

NEW SUBSECTION. Energy efficiency in homes is becoming vital, as nonenergy efficient homes waste energy which is expensive, is unnecessarily destructive of natural resources, results in ongoing energy cost subsidy programs, and is forcing some of the citizens of this state to choose between heating their homes and otherwise adequately providing for their families."

2. Page 1, line 31, by inserting after the word *"Act"* the words *"and fifty million dollars to be used for loans to natural gas and electric utilities as authorized by section one (1) of this Act"*.

3. Page 2, by inserting after line 17 the following:

"Sec. 8. Chapter four hundred seventy-six (476), Code 1979, is amended by adding the following new section:

NEW SECTION. LOANS FOR ENERGY CONSERVATION IMPROVEMENTS.

1. The commission shall allow the utility to charge a service fee to customers participating in the permanent energy efficiency improvement financing program under section one (1) of this Act which is a reasonable estimate of the amount necessary to reimburse the utility for the actual costs including interest costs of providing permanent energy efficiency improvement financing to the customer. The commission shall adopt rules as may be necessary to ensure as far as is practicable that customers who contract for improvement financing directly pay the costs

incurred by the utility including interest costs in providing this service.

2. A municipally-owned utility may charge a service fee to customers participating in the permanent energy efficiency improvement financing program under section one (1) of this Act which is a reasonable estimate of the amount necessary to reimburse the utility for the actual costs of providing permanent energy efficiency improvement financing to the customer including interest costs. This subsection does not subject the rates of municipally-owned utilities to regulation by the commission."

4. By renumbering the sections and correcting internal references to conform with this amendment.

JOANN ORR

S—5329

Amend Senate File 2290 as follows:

1. Page 1, by inserting after line 23 the following:

"b. It is the intent of the general assembly that the auditor of state shall have responsibility for all financial audits of the state related to law enforcement assistance administration funds."

BOB RUSH

S—5330

Amend Senate File 2290 as follows:

1. Page 2, by inserting after line 32 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), is amended by adding the following new section:

NEW SECTION. There is appropriated from the general fund of the state to the road use tax fund for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the following amount:

1980-1981
Fiscal Year
$ 1,000,000".

C.W. HUTCHINS
LOWELL L. JUNKINS
TOM SLATER
CHARLES P. MILLER
JOHN SCOTT
GEORGE R. KINLEY

ALVIN V. MILLER
BERL E. PRIEBE
BASS VAN GILST
C. JOSEPH COLEMAN
JOE BROWN

S—5331

Amend Senate File 2257 as follows:

1. Page 2, line 4, by inserting after the word *"instruction."* the words *"The department of public instruction shall prepare, and the local school districts shall administer, to every child who will attain the age of four years on or before the fifteenth of September of that year a test that will determine those children who have demonstrated sufficient ability to benefit from the schools' educational program."*

ARTHUR L. GRATIAS
JOHN W. JENSEN

S—5332

Amend Senate File 2290 as follows:

1. Page 2, by inserting after line 32 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section three (3), subsection four (4), paragraph a, is amended to read as follows:

a. For salaries and support of not more than four hundred [fifty-seven] *sixty-two* full-time equivalent positions, and for maintenance and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated ..... $ 13,077,900 $13,045,250

Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section eleven (11), is amended to read as follows:

SEC. 11. It is the intent of the general assembly that funds appropriated to the state department of transportation under sections four (4), five (5),

seven (7) and ten (10) of this Act for salaries, support, maintenance and miscellaneous purposes shall be for not to exceed four thousand six hundred eighty full-time equivalent positions for the fiscal year ending June 30, 1980 and for not to exceed four thousand six hundred [fifty] *forty-five* full-time equivalent positions for the fiscal year ending June 30, 1981."

2. Page 4, by inserting after line 11 the following:

"Sec. ___. Effective July 1, 1980, the four employees of the motor vehicle division of the state department of transportation employed as motor vehicle investigators for the purpose of vehicle theft investigation and the one clerical employee for the investigators shall be transferred to the department of public safety. The motor vehicle investigators transferred shall retain their existing salary and fringe benefits and shall be designated as peace officer members of the department of public safety. The clerical employee shall also retain his or her existing salary and fringe benefits. On the same date the state comptroller shall transfer the moneys which were appropriated to the state department of

Page 2

transportation for the purpose of vehicle theft investigation by motor vehicle investigators and their clerical support to the department of public safety. Upon transfer, state vehicles, accumulated depreciation for each vehicle, and personal equipment assigned to the motor vehicle investigators in the state department of transportation for the purpose of vehicle theft investigation shall be transferred to the department of public safety for the use of motor vehicle investigators and the vehicle theft investigation files of the investigators at the state department of transportation shall also be transferred to the department of public safety."

3. By renumbering sections and internal references as necessary.

RAY TAYLOR
RICHARD F. DRAKE
ARNE WALDSTEIN
EDGAR H. HOLDEN

S–5333

Amend House File 654 as amended, passed and

reprinted by the House as follows:

1. Page 1, by striking lines 1 through 24 and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph one (1), Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

A person who operates a motor vehicle upon the public highways of this state while under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or any combination of these substances commits a public offense and shall, upon conviction or a plea of guilty, be punished as follows:

a. If the person is found to have been under the influence of alcohol but to have had less than eight hundredths of one percent by weight of alcohol in the blood, the first offense is a simple misdemeanor, the second offense is a serious misdemeanor, and the third and each subsequent offense an aggravated misdemeanor.

b. If the person is found to have been under the influence of alcohol and is found to have had eight or more but less than thirteen hundredths of one percent by weight of alcohol in the blood, the first offense is a serious misdemeanor, the second offense an aggravated misdemeanor and the third and each subsequent offense a class 'D' felony.

c. If the person is found to have been under the influence of alcohol or of a drug or combination of alcohol and drugs, without a finding of the level of alcohol in the blood, the first offense is an aggravated misdemeanor, the second offense a class 'D' felony and the third and each subsequent offense a class 'C' felony.

A person who is guilty of a serious misdemeanor under this paragraph shall be imprisoned in the county jail for not less than two days and a person who is guilty of an aggravated misdemeanor under this paragraph shall be imprisoned for not less than seven days. Convictions under this section are cumulative regardless of which subparagraph they occurred under for the purpose of determining the applicable penalty. A person who receives a deferred sentence or deferred judgment under chapter nine hundred seven (907) of the Code for a violation of this section shall have his or her motor vehicle license suspended for a period of at least thirty days but not more than 120 days by the court when the deferred sentence or judgment is granted.

Sec. 2. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph five (5), Code 1979, is amended to read as follows:

Page 2

For the purposes of this section, evidence that there was, at the time, [more than ten] *eight or more* hundredths of one percentum by weight of alcohol in his *or her* blood shall be admitted as presumptive evidence that the defendant was under the influence of an alcoholic beverage. No previous conviction for, or plea of guilty to, an offense under this section occurring more than six years prior to the date of the violation being charged shall be used to determine that the violation being charged is a second, third or subsequent offense."

BOB RUSH

S—5334

Amend Senate File 2105 as follows:

1. Page 1, line 5 by striking the word "two" and inserting in lieu thereof the words "[two] three".

2. Page 1, line 7 by striking the word *"five"* and inserting in lieu thereof the word *"three"*.

3. Page 1, line 11 by striking the word *"shall"*.

NORMAN G. RODGERS
GARY L. BAUGHER
ELIZABETH R. MILLER
BERL E. PRIEBE

S—5335

Amend Senate File 2292 as follows:

1. By striking page 4, line 24, through page 5, line 32, and inserting in lieu thereof the following:

"2. A state bank located in a municipal corporation may establish not more than two bank offices within the boundaries of the municipal corporation[, each of which shall have adequate off street parking as determined by the superintendent, and may also have facilities to serve pedestrian customers]. A state bank located in a municipal corporation, or in an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, having a population of over fifty thousand according to the most recent federal census may establish two such offices within the boundaries of the municipal corporation or urban complex[; however, such a municipal corporation or urban complex on

boundaries of the state having a contiguous municipal corporation in another state may have one additional such office, if]. *If* the municipal corporation or urban complex has a population of over one hundred thousand but not over two hundred thousand according to the most recent federal census, the state bank may establish three [such] *bank* offices within the boundaries of the municipal corporation or urban complex[, if]. *If* the municipal corporation or urban complex has a population of over two hundred thousand, the state bank may establish four [such] *bank* offices within the boundaries of the municipal corporation or urban complex. *A state bank located in a municipal corporation or urban complex which is located on a boundary of this state and contiguous to a municipal corporation in another state may have one office in addition to the number of offices permitted by the preceding sentences.* [Such a] *One such* facility located in the proximity of a state bank's principal place of business may be found by the superintendent to be an integral part of the principal place of business, and not a bank office within the meaning of this section. *One such facility located adjacent to or cornering upon the property on which an office of a bank is located, or separated from being adjacent to or cornering upon the property only by a street, alley or other publicly owned right-of-way, may be found by the superintendent to be an integral part of that office location and not a separate bank office within the meaning of this section."*

EDGAR H. HOLDEN

S—5336

Amend Senate File 30 as follows:

1. Page 1, line 8, by inserting after the word "facility" the words ", who develops records as defined in subsection one (1) of this section".

CHARLES P. MILLER

S—5337

Amend Senate File 2290 as follows:

DIVISION S—5337B

1. Page 2, by inserting after line 32 the following:

"Sec. _____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section three (3), subsection four (4), paragraph a, is amended to read as follows:

a. For salaries and support of not more than four hundred [fifty seven] *sixty-one* full-time equivalent positions, and for maintenance and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated....$13,077,900 $13,045,250

Sec. _____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section eleven (11), is amended to read as follows:

SEC. 11. It is the intent of the general assembly that funds appropriated to the state department of transportation under sections four (4), five (5), seven (7) and ten (10) of this Act for salaries, support, maintenance and miscellaneous purposes shall be for not to exceed four thousand six hundred eighty full-time equivalent positions for the fiscal year ending June 30, 1980 and for not to exceed four thousand six hundred [fifty] *forty-six* full-time equivalent positions for the fiscal year ending June 30, 1981."

DIVISION S—5337A

2. Page 4, by inserting after line 11 the following:

"Sec. _____. Effective July 1, 1980, the four employees of the motor vehicle division of the state department of transportation employed as motor vehicle investigators for the purpose of vehicle theft investigation shall be transferred to the department of public safety. The employees transferred shall retain their existing salary and fringe benefits and shall be designated as peace officer members of the department of public safety. On the same dates the state comptroller shall transfer the moneys which were appropriated to the state department of transportation for the purpose of vehicle theft investigation by motor vehicle investigators to the department of public safety. Upon transfer, state

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DIVISION S—5337A (cont'd.)

vehicles, accumulated depreciation for each vehicle, and personal equipment assigned to the motor vehicle investigators in the state department of transportation for the purpose of vehicle theft investigation shall be transferred to the department of public safety for the use of motor vehicle investigators and the vehicle theft investigation files of the investigators at the state department of transportation shall also be transferred to the department of public safety."

3. By renumbering sections and internal references as necessary.

RAY TAYLOR
RICHARD F. DRAKE
ARNE WALDSTEIN
EDGAR H. HOLEN

S—5338

Amend Senate File 108 as follows:

1. Page 1, lines 33 and 34, by striking the words *"and additions to an existing schoolhouse"*.

ARTHUR L. GRATIAS
JAMES E. BRILES

S—5339

Amend Senate File 2277 as follows:

1. Page 1, line 4, by inserting after the word "nancies" the words "and vasectomies".

2. Page 1, line 6, by striking the word "subsection" and inserting in lieu thereof the word "subsections".

3. Page 1, by inserting after line 10 the following:

"NEW SUBSECTION. 'Vasectomy' means a surgical excision of a spermatic duct to induce sterility."

4. Page 1, line 15, by inserting after the word "which" the words "a vasectomy or".

5. Page 1, line 16, by inserting after the word "the" the words "vasectomy or".

6. Page 1, line 18, by inserting after the word "pregnancy" the words "or vasectomy".

7. Page 1, line 19, by inserting after the word "pregnancy" the words "or vasectomy".

8. Page 1, line 25, by inserting after the word

"pregnancy" the words "or vasectomy".

9. Page 1, line 27, by inserting after the word "only." the words "The department shall not release the data gathered from the reports in a statistical category, such as by institution or city, if doing so would increase the likelihood of the identity of the subject of a report becoming known."

JULIA B. GENTLEMAN

S—5340

Amend House amendment S—3570 to Senate File 464 as follows:

1. Page 1, by striking lines 7 through 12 and inserting in lieu thereof the following:

"NEW SUBSECTION. Upon the request of the personal representative, an itemization of services performed, time spent for such services, and responsibilities assumed by the personal representative's attorney for all estates of decedents dying after January 1, 1981. If the itemization is not included, there shall be set forth a statement that the personal representative was informed of the provisions of this subsection and did not request the itemization."

A.R. KUDART
ARTHUR A. SMALL, JR.
LUCAS J. DE KOSTER

S—5341

Amend Senate File 2290 as follows:

1. Page 4, by inserting after line 11 the following new section:

"Sec. _____. Section six hundred ninety-one point five (691.5) and section six hundred ninety-one point six (691.6) are repealed."

BOB RUSH

S—5342

Amend House File 357 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 17 and inserting in lieu thereof the following: "licensee, a cashier's check which shows the licensee is the remitter or a check issued by the licensee,".

2. Page 1, line 32, by inserting after the word "Code" the words "and pursuant to the provisions of

chapter seventeen A (17A) concerning a contested case hearing".

3. Page 2, by striking line 2 and inserting in lieu thereof the following: "control license for not less than three days but not more than thirty days."

COMMITTEE ON STATE GOVERNMENT
JACK N. NYSTROM, Chairperson

S—5343

Amend House File 2443 as amended, passed and reprinted by the House as follows:

1. Page 1, line 18, by striking the word "shall" and inserting in lieu thereof the word "may".

2. Page 1, by striking lines 21 through 23 and inserting in lieu thereof the following:

"Sec. 3. *NEW SECTION.* TRAINING STANDARDS. The chief of police, sheriff or commissioner of public safety, as the case may be, may establish minimum training standards".

3. Page 1, by striking lines 25 through 32 and inserting in lieu thereof the following:

"Sec. 4. *NEW SECTION.* TRAINING. Training for individuals appointed as reserve peace officers shall be provided by that law enforcement agency, but may be obtained in a merged area school or other facility selected by the individual and approved by the law enforcement agency. Upon satisfactory completion of training, the chief of police, sheriff or commissioner of public safety shall certify".

4. Page 2, line 3, by striking the words and figure "section seven (7)" and inserting in lieu thereof the words and figures "sections seven (7) and fifteen (15)".

5. Page 4, by inserting after line 5 the following:

"Sec. 15. *NEW SECTION.* CIVIL DEFENSE AUXILIARY POLICE EXEMPT. This Act does not apply to local civil defense auxiliary police forces organized by local civil defense officials and trained according to standards establishd by the United States office of civil defense and contained in the code of federal regulations.".

6. By renumbering the sections and correcting cross-references to conform to this amendment.

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S—5344

Amend Senate File 2290 as follows:

1. Page 2, by inserting after line 32 the following:

"Sec. _____. Acts of the Sixty-Eighth General Assembly, 1979 Session, chapter eleven (11), section four (4), subsection two (2), is amended as follows:

2. For the mass transit project

for state employees ..... $75,000 *$75,000"*

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

JOE BROWN
WILLIAM D. PALMER

S—5345

For the text of this House amendment, see pages 800-802 of the Senate Journal.

S—5346

Amend Senate File 2290 as follows:

1. Page 2, by inserting after line 32 the following new section:

"Sec. _____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section four (4), subsection three (3), is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Of the funds appropriated by this subsection for the fiscal year beginning July 1, 1980, and ending June 30, 1981, twenty-five thousand (25,000) dollars is to be used to promote and encourage the use of passenger train service in Iowa. Such a program may include, but is not limited to, grants to local subdivisions of government or passenger transit companies that provide transportation between nearby urban centers and the passenger train service. Such systems may incorporate commuter services."

RICHARD R. RAMSEY

S—5347

Amend Senate File 2280 as follows:

1. Page 1, line 29, by striking the word *"public"* and inserting in lieu thereof the word *"railroad"*.

CLOYD E. ROBINSON
JOHN W. JENSEN

S—5348

Amend House amendment S—5230 to Senate File 432 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 34 the following:

"12. Page 6, by inserting after line 17 the following:

'Sec. _____. *NEW SECTION.* CHILD FOSTER CARE EDUCATION REQUIREMENTS.

1. As a condition of licensure by the department as an individual child foster care facility, an individual shall complete three hours of pre-service child foster care training within one year of licensure. An individual may be conditionally licensed by the department if the individual submits proof of intent to complete the three-hour pre-service training requirement within one year.

2. As a continuing condition of licensure an individual shall submit to the department proof of completion of three hours per year of in-service or educational training approved under subsection three (3) of this section.

3. The department shall promulgate rules for approval of programs to meet the requirements of this section. The programs may include, but need not be limited to pre-service training; in-service training; workshops and seminars dveloped by the department or by county departments of social services or national conferences; courses taught in universities, colleges or area colleges, including university extension courses; courses taught in vocational, technical and adult schools; workshops, seminars and courses offered through private parent education agencies or private placement agencies; and workshops, seminars and courses pertaining to behavioral and developmental disabilities. The department shall approve programs under this subsection only after consideration of relevant factors including level of education, useful or necessary skills, location and other criteria as determined by the department. The department shall promulgate rules for the review of programs approved under this subsection.

4. The department shall ensure that educational programs approved under subsection three (3) of this section are available to all individuals within a reasonable traveling distance. The department shall attempt to contract for federal Title twenty (XX) educational funds to enable individuals to attend educational programs approved under subsection three

50 (3) of this section. The department shall promulgate

Page 2

1 rules concerning disbursement of such funds. Moneys
2 disbursed under this subsection may be used for the
3 following purposes:
4 a. Course materials and fees for individuals.
5 b. Specialized workshops, seminars and courses
6 pertaining to behavioral and developmental
7 disabilities.
8 c. Other expenses related to educational programs
9 under this section which the department deems
10 appropriate.' "

ROBERT M. CARR

S—5349

1 Amend Senate File 2297 as follows:
2 1. Page 1, by striking lines 7 through 12 and
3 inserting in lieu thereof the following:
4 *"NEW UNNUMBERED PARAGRAPH.* If the board of super-
5 visors finds that it is not feasible to support
6 ambulance services from the county general fund,
7 the board, by resolution, shall direct the county
8 commissioner of elections to submit to the qualified
9 electors of the county at the next general election
10 the question of whether the board shall levy an
11 annual tax not exceeding twenty-seven cents per
12 thousand dollars of the assessed value of the taxable
13 property in the county to provide ambulance services.
14 If a majority of the votes cast is in favor of the
15 proposal, the board may levy the tax in the same
16 manner as other taxes are levied. The tax levy
17 authorizd under this paragraph is in addition to
18 any other tax levy authorized by law. This issue
19 must be resubmitted to the voters every four years."

RICHARD COMITO
JACK W. HESTER
ARNE WALDSTEIN
DALE L. TIEDEN
W.R. BILL HANSEN
JOHN N. NYSTROM
JOHN W. JENSEN
GARY L. BAUGHER
RICHARD F. DRAKE
BERL E. PRIEBE

S—5350

Amend House amendment S—5230 to Senate File 432, page 1, by striking lines 9 through 12.

JOHN S. MURRAY

S—5351

Amend Senate File 2305 as follows:

1. Page 1, by inserting before line 1 the following new section:

"Sec. _____ . Chapter six hundred thirteen A (613A), Code 1979, is amended by adding the following new section:

NEW SECTION. IMMUNITY OF OFFICERS AND EMPLOYEES. The officers and employees of a municipality are immune from claim based upon an act or omission while exercising due care in the execution of a statute, ordinance, or officially adopted resolution, rule or regulation of a governing body, whether or not it is valid, and shall be immune from a claim based upon the exercise or performance of or the failure to exercise or perform, a discretionary function or duty. An officer or employee of a municipality is not liable for punitive damages unless actual malice is proved."

WILLIAM D. PALMER

S—5352

Amend Senate File 2071, page 2 by striking lines 13 and 14 and inserting in lieu thereof the following:

"Sec. 3. This Act shall take effect and be in force on and retroactive to January 1, 1980, after its publication in the Adair County Free-Press, a newspaper published in Greenfield, Iowa and in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa."

NORMAN G. RODGERS
ARNE WALDSTEIN
FORREST V. SCHWENGELS
BASS VAN GILST
CALVIN O. HULTMAN
LOWELL L. JUNKINS

S—5353

Amend House amendment S—5230 to Senate File 432

as follows:

1. Page 2, line 7, by inserting after the word "child" the words "provided that foster children shall not be counted in determining the maximum number of children allowed".

C.W. HUTCHINS
LUCAS J. DE KOSTER

S—5354

Amend Senate File 2110 as follows:

1. Page 1, by striking lines 7 through 19 and inserting in lieu thereof the following: "son, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. The summary shall be delivered or mailed not later than January thirty-first of the following year. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the calendar year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the calendar year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year."

2. By striking page 1, line 25 through page 2, line 3, and inserting in lieu thereof the following: "to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar

year. The summary shall be delivered or mailed not later than January thirty-first of the following year. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the calendar year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow

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account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the calendar year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year."

3. Page 2, by striking lines 10 through 22 and inserting in lieu thereof the following: "mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. The summary shall be delivered or mailed not later than January thirty-first of the following year. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the calendar year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.
(2) Payments against interest.
(3) Payments against real estate taxes.
(4) Payments for real property insurance premiums.
(5) All other withdrawals.
d. The balance of the escrow account at the end of the year.
4. A summary of loan principal for the calendar year as follows:
a. The amount of principal outstanding at the beginning of the year.
b. The aggregate amount of payments against principal during the year.
c. The amount of principal outstanding at the

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end of the year."
4. Page 2, by striking lines 23 through 26 and inserting in lieu thereof the following:
"Sec. 4. This Act takes effect January first following its enactment. This Act applies to mortgage loan accounts which are in existence as of the effective date of this Act and those which are established after the effective date of this Act. The disclosures required by this Act apply only with respect to calendar years commencing on or after the effective date of this Act."

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S—5355

Amend House File 2474 as amended, passed and reprinted by the House as follows:
1. Page 4, by inserting after line 7 the following new sections:
"Sec. _____. Section four hundred fifty-five point one hundred nine (455.109), Code 1979, is amended to read as follows:
455.109 REASSESSMENT TO CURE ILLEGALITY. Whenever any special assessment upon any lands within any drainage district shall have been heretofore adjudged to be void for any jurisdictional defect or for any illegality or uncertainty as to the terms of any contract and the improvement, *repair or other work provided for in this chapter* shall have been wholly completed, the board or boards of supervisors shall have power to remedy such illegality or uncertainty

as to the terms of any such contract with the consent of the person with whom such contract shall have been entered into and make certain the terms of such contract and shall then cause a reassessment of such land to be made on an equitable basis with the other land in the district *or districts* by taking the steps required by law in the making of an original assessment and relevying the tax in accordance with such assessment, and such tax shall have the same force and effect as though the board or boards of supervisors had jurisdiction in the first instance and no illegality or uncertainty existed in the contract.

Sec. _____. Section four hundred fifty-five point one hundred forty-two (455.142), Code 1979, is amended to read as follows:

455.142 IMPROVEMENT OF COMMON OUTLET—NOTICE OF HEARING. When two or more drainage districts outlet into the same ditch, drain, or natural watercourse and the board determines that it is necessary to clean out, deepen, enlarge, extend, *repair* or straighten said ditch, drain, or natural watercourse in order to expeditiously carry off the combined waters of such districts, the board may proceed as provided in section 455.135. After said board has decided that such work should be done, it shall fix a date for hearing on its decision, and it shall give two weeks' notice thereof by certified mail to the auditor of the county wherein the land to be assessed for such work is located, and said county auditor shall thereupon immediately notify by certified mail the board or boards of trustees of the districts having supervision thereof, as to said hearing on said contemplated work. [In those instances where two or more districts involved are under the supervision

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of the same board, or joint board if the district is intercounty, the notice shall be given to all landowners affected as prescribed for in sections 455.20 to 455.24.] Each district shall be assessed for the cost of such work in proportion to the benefits derived. [Common outlet for the purpose of this section shall mean an outlet where two adjacent districts have an outlet common to both of said districts and which districts are also contiguous, one to the other.]

Sec. _____. Section four hundred fifty-five point one hundred fifty-seven (455.157), Code 1979, is amended to read as follows:

455.157 OUTLET IN ANOTHER STATE. When a district

is, or has been established in this state and no practicable outlet therefor can be obtained except through lands in an adjoining state, the board of supervisors of the county where said district is situated shall, as drainage commissioners, have power to purchase a right of way and to construct a ditch for such outlet in an adjoining state or to contribute to the construction of such a ditch, in an adjoining state and to pay for the same out of the funds of such district. [Provided, however, that no drainage district or districts shall be charged or assessed any of the cost for land or work done unless previously agreed to by the board of supervisors or trustees of all of the drainage districts which will be assessed.]"

2. Title, line 3, by inserting after the word "districts" the words "generally, and certain sections relating to repairs and improvements in districts which are common outlets or which have outlets in another state".

FORREST V. SCHWENGELS

S—5356

Amend Senate File 2226 as follows:

1. Page 1, line 20, by inserting after the word "investigator." the words "*The court shall consider the report prior to imposing a sentence.*"

BOB RUSH

S—5357

Amend Senate File 2189 as follows:

1. Page 2, by striking lines 19 through 21 and inserting in lieu thereof the following: "application for a license or license renewal. Any change in locations, agents or other representatives shall be reported on a quarterly basis."

EDGAR H. HOLDEN

S—5358

Amend Senate File 2192 as follows:

1. Page 14, by inserting after line 23 the following:

"Sec. _____. Section three hundred sixty-eight point nineteen (368.19), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

368.19 TIME LIMIT—ELECTION. The committee shall

approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file its decision for record and promptly notify the parties to the proceeding of its decision. If a petition or plan is approved, the board shall set a date within ninety days for a special election on the proposal and the county commissioner of elections shall conduct the election. In a case of incorporation or discontinuance, qualified electors of the territory or city may vote, and the proposal is authorized if a majority of those voting approves it. In a case of [annexation or] severance, qualified electors of the territory and of the city may vote, and the proposal is authorized if a majority of the total number of persons voting approves it. *In a case of annexation, the qualified voters of the city, and the territory may vote, and a proposal is authorized if a majority of the persons voting in the city and a majority of the persons voting in the territory approve it.* In a case of consolidation, qualified electors of each city to be consolidated may vote, and the proposal is authorized only if it receives a favorable majority vote in each city. The county commissioner of elections shall publish notice of the election as provided in section 49.53 and shall conduct the election in the same manner as other special city elections."

2. By renumbering the sections to conform with this amendment.

DALE L. TIEDEN
BERL E. PRIEBE

S—5359

Amend Senate File 2131 as follows:

1. Page 1, line 6, by striking the words "IOWA DEPARTMENT OF JOB SERVICE" and inserting in lieu thereof the words "OFFICE FOR PLANNING AND PROGRAMMING".

2. Page 1, lines 13 and 14, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

3. Page 1, line 15, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

4. Page 1, lines 19 and 20, by striking the words "Iowa department of job service" and inserting in

lieu thereof the words "office for planning and programming".

5. Page 1, line 22, by striking the word "department" and inserting in lieu thereof the words "office for planning and programming, or the director's designee".

6. Page 1, line 35, and page 2, line 1, by striking the words "IOWA DEPARTMENT OF JOB SERVICE" and inserting in lieu thereof the words "OFFICE FOR PLANNING AND PROGRAMMING".

7. Page 2, line 4, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

8. Page 2, line 6, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

9. Page 2, lines 24 and 25, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

10. Page 2, line 33, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

11. Page 3, line 3, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

12. Page 3, lines 10 and 11, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

13. Page 3, line 19, by striking the words "Iowa

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department of job service" and inserting in lieu thereof the words "office for planning and programming".

14. Page 3, line 24, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

15. Page 3, line 31, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "office for planning and programming".

W. R. BILL HANSEN

S—5360

Amend Senate File 2192 as follows:
1. Page 9, by striking lines 2 and 3.

RAY TAYLOR

S—5361

Amend Senate File 2192 as follows:
1. Page 7, line 3, by inserting after the word "assembly" the words "by January 1, 1982".
2. Page 7, line 10, by inserting after the word "assembly" the words "by January 1, 1982".
3. Page 9, by inserting after line 3 the following:
"4. Determine the regulations to apply to an area subject to extraterritorial zoning when the city and the county are unable to agree."
4. Page 11, line 11, by striking the figure "1983" and inserting in lieu thereof the figure "1985".
5. Page 11, line 12, by striking the figure "1985" and inserting in lieu thereof the figure "1986".
6. Page 11, line 32, by inserting after the word "city" the words *"or the jurisdiction exercised by a city under section four hundred fourteen point twenty-three (414.23) of the Code"*.
7. Page 13, by inserting after line 15 the following: *"A board of supervisors may designate the county land preservation commission to perform the duties of the planning and zoning commission in lieu of appointing a county planning and zoning commission. If a designation is made, the county land preservation commission shall have all the powers and duties of a county planning and zoning commission under this chapter."*
8. Page 15, line 5, by striking the figure *"1983"* and inserting in lieu thereof the figure *"1985"*.
9. Page 15, line 7, by striking the figure *"1985"* and inserting in lieu thereof the figure *"1986"*.
10. Page 15, line 12, by striking the word *"A"* and inserting in lieu thereof the words *"If notice is given to the county before January 1, 1983, a"*.
11. Page 15, by inserting after line 14 the following:
"A city may, upon six months notice to the county, elect not to have a planning and zoning commission, prepare a comprehensive plan and adopt ordinances under this chapter. If the election is made by the city, the limitation of section three hundred fifty-eight A point three (358A.3) of the Code shall not

apply and the county shall have zoning jurisdiction as provided in chapter three hundred fifty-eight A (358A) of the Code within the limits of the city. Property owners affected by the county zoning regulations in the city shall have the same rights of hearing, protest and appeal as those within the unincorporated area of the county. A city which has made this election may reverse that decision by establishing a planning and zoning commission and

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adopting ordinance under this chapter after giving notice to the county board of supervisors. Upon the ordinances becoming effective, the county shall cease to have jurisdiction in the city. After notice has been given to the board of supervisors and until the ordinances become effective the county shall not change the ordinances effective in that city without the cities approval."

12. Page 16, by striking lines 25 through 33 and inserting in lieu thereof the following:

"414.23 EXTENDING BEYOND CITY LIMITS. The powers granted by this chapter may be extended by ordinance by any city to the unincorporated area two miles beyond the limit of such city. The ordinance shall describe in general terms the area to be included. The exemption from regulation granted by section three hundred fifty-eight A point two (358A.2) of the Code to property used for agricultural purposes shall apply to such unincorporated area. If the limits of any such city are at any place less than four miles distant from the limits of any other city which has extended or thereafter extends its zoning jurisdiction under this section, then at such time the powers herein granted shall extend to a line equidistant between the limits of said cities.

Ordinances or amendments adopted by a city under this chapter shall not become effective to the unincorporated area until approved by the county board of supervisors. If the city and the county board of supervisors are unable to agree on the zoning regulations for the unincorporated area within sixty days after presentation to the county board of supervisors, the parties shall submit the matter to the county land preservation commission which shall determine the regulation for the area.

Property owners affected by such zoning regulations shall have the same rights of hearing, protest, and appeal as those within the municipality exercising

this power."
13. Page 17, line 16, by inserting after the word "years." the words "The county commissions shall be established by and the terms of its members shall commence on January 1, 1981."
14. Page 17, by striking line 17 and inserting in lieu thereof the words "Prior to April 1, 1981, the".
15. Page 17, line 23, by inserting after the word "years." the words "The terms of the members of the state commission shall commence on April 1, 1981."
16. Page 17, by striking lines 24 through 28.

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17. Page 17, striking lines 31 and 32.

ELIZABETH R. MILLER

S—5362

Amend Senate File 2192 as follows:
1. Page 13, by striking lines 16 through 29.

RAY TAYLOR
BERL E. PRIEBE

S—5363

Amend Senate File 2192 as follows:
1. Page 7, line 18, by striking the words "and approval".
2. Page 11, line 8, by striking the word "state" and inserting in lieu thereof the word "county".
3. Page 15, line 3, by striking the word *"state"* and inserting in lieu thereof the word *"county"*.

ELIZABETH R. MILLER

S—5364

Amend Senate File 2192 as follows:

DIVISION S—5364A

1. Page 5, line 21, by striking the word "of" and inserting in lieu thereof the word "to".

DIVISION S—5364B

2. Page 6, by striking lines 32 through 34.

DIVISION S—5364C

3. Page 7, line 18, by striking the words "and approval".

RAY TAYLOR

S—5365

For the text of this House amendment, see pages 839-840 of the Senate Journal.

S—5366

Amend Senate File 2192 as follows:

1. Page 3, line 35, by inserting after the word "supervisors" the words ", two of whom must be engaged in farming".

2. Page 5, line 4, by inserting after the word "governor." the words "Those chosen at congressional conventions shall be engaged in agriculture."

JOHN W. JENSEN

S—5367

Amend Senate File 2192 as follows:

1. Page 13, lines 2 through 5, by striking the words "and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission" and inserting in lieu thereof the words "[and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission] *this proposal shall then be placed before the voters of the county for their approval*".

2. Page 13, line 6, by inserting after the word "districts" the words *"by the voters of the county"*.

ARTHUR L. GRATIAS
RAY TAYLOR
JOHN W. JENSEN
C. JOSEPH COLEMAN
NORMAN G. RODGERS

S—5368

Amend Senate File 2282 as follows:

1. Page 32, by striking lines 29 through 31 and inserting in lieu thereof the words "a tax levy [not exceeding one dollar and thirty five cents per thousand

dollars of assessed value of taxable property per annum] to the payment of the principal and interest of".

IRVIN L. BERGMAN
EDGAR H. HOLDEN

S—5369

Amend Senate File 2192, page 15, line 3, by striking the word *"state"* and inserting in lieu thereof the word *"county"*.

RAY TAYLOR

S—5370

Amend House File 2243 as amended, passed and reprinted by the House as follows:

1. Page 2, line 16, by striking the words "or otherwise act as a peace officer".

FORREST V. SCHWENGELS

S—5371

Amend Senate File 2192 as follows:

1. Page 17, line 5, by striking the words "for its review".

CLARENCE CARNEY

S—5372

Amend Senate File 2192 as follows:

1. Page 13, line 5, by inserting after the word "commission." the words *"This proposal shall then be placed before the voters of the county for their approval."*

2. Page 13, line 6, by inserting after the word "districts" the words *"by the voters of the county"*.

C. JOSEPH COLEMAN

S—5373

Amend Senate File 2192 as follows:

1. Page 5, line 4, by inserting after the word "governor" the words "One-half of those commissioners chosen at congressional conventions shall be farmers."

JOHN W. JENSEN
ARNE WALDSTEIN

S—5374

Amend Senate File 2270 as follows:

1. Page 1, by striking lines 16 through 19 and inserting in lieu thereof the following: "1926-1927 and 1930-1932 or of the [Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or those who served on active duty during the Vietnam Conflict beginning August 5, 1964, and ending] *period beginning with the Korean Conflict on June 25, 1950 and ending with the Vietnam Conflict on* June".

2. Page 2, by inserting after line 5 the following:

"Sec. ____. Section four hundred twenty-seven point four (427.4), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

[No more than] *Only* one tax exemption shall be allowed under this section or section 427.3 in the name of any [honorably discharged] soldier, sailor, marine, or nurse."

3. By numbering, renumbering and correcting internal references as are necessary.

JOE BROWN

S—5375

Amend Senate File 2296 as follows:

1. Page 2, line 23, by striking the word "eight" and inserting in lieu thereof the word "nine".

2. Page 2, line 27, by striking the word "five" and inserting in lieu thereof the word "four".

3. Page 4, line 17, by striking the words "by which" and inserting in lieu thereof the word "of".

4. Page 4, line 17, by striking the words "was reduced" and inserting in lieu thereof the words "which would have been received".

5. Page 4, line 20, by striking the word "reduced" and inserting in lieu thereof the words "which would have been received".

RICHARD F. DRAKE
ALVIN V. MILLER

S—5376

Amend Senate File 2192 as follows:

1. Page 6, line 32, by inserting after the word "expend" the words ", with legislative approval,".

BOB RUSH
FORREST V. SCHWENGELS
RAY TAYLOR

S—5377

Amend Senate File 2192 as follows:

1. Page 6, by striking lines 20 through 31.

ARNE WALDSTEIN
ARTHUR L. GRATIAS
BERL E. PRIEBE
NORMAN G. RODGERS
DALE L. TIEDEN

S—5378

Amend House File 2475, as passed by the House, as follows:

1. Page 1, by striking lines 27 and 28.

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5379

Amend Senate File 2192 as follows:

1. Page 13, lines 3 and 4, by striking the words "or take action" and inserting in lieu thereof the words "[or take action]".

2. Page 13, line 5, by inserting after the word "commission." the words *"This proposal shall then be placed before the voters of the county for their approval."*

3. Page 13, line 6, by inserting after the word "districts" the words *"by the voters of the county"*.

ARTHUR L. GRATIAS
C. JOSEPH COLEMAN
BERL E. PRIEBE
RAY TAYLOR
JOHN W. JENSEN
NORMAN G. RODGERS

S—5380

Amend Senate File 2192 as follows:

1. Page 10, line 35, by inserting after the word "agencies" the following: ", except those facilities certificated or permitted under the provisions of chapter four hundred seventy-six A (476A) and chapter four hundred seventy-nine (479) of the Code of Iowa".

EDGAR H. HOLDEN
CLOYD E. ROBINSON

S—5381

Amend Senate File 2192 as follows:

1. Page 17, by inserting after line 30 the following new section:

"Sec. ____. The state of Iowa shall reimburse fully the county commissions for any expenses incurred by them in administering programs required by the state commission."

CLARENCE CARNEY
IRVIN L. BERGMAN
JOHN W. JENSEN
C.W. HUTCHINS
JAMES CALHOON
WILLIAM D. PALMER
NORMAN G. RODGERS
ARNE WALDSTEIN
BERL E. PRIEBE
FORREST V. SCHWENGELS
CALVIN O. HULTMAN
ARTHUR L. GRATIAS

S—5382

Amend Senate Concurrent Resolution 108 as follows:

1. Page 2, line 16, by striking the words "such as S. 1680,".

STEPHEN W. BISENIUS
RAY TAYLOR

S—5383

Amend House amendment S—5345 to Senate File 2102 as follows:

1. Page 1, by striking lines 44 through 50 and inserting in lieu thereof the following:

"6. Page 2, by striking lines 33 through 35.

7. Page 3, by striking lines 1 through 16."

2. Page 2, by striking lines 1 through 20.

3. Page 2, by striking lines 24 through 39 and inserting in lieu thereof the following:

"____. By striking, page 12, line 26 through page 13, line 15."

4. Renumbering section numbers as necessary.

JOHN S. MURRAY
LUCAS J. DE KOSTER

S—5384

Amend Senate Concurrent Resolution 105 as follows:

1. Page 1, by striking lines 27 and 28, and inserting in lieu thereof the words "That the general assembly requests the office for planning and programming to establish a task force, composed of representatives from the department of public instruction, local educators, school board members and interested parents, to study".

2. Page 1, line 30, by inserting after the word "for" the words "public and private".

3. Page 2, by striking line 6, and inserting in lieu thereof the following: "refugee children; and

Be It Further Resolved, That the office of planning and programming shall report its findings and recommendations to the department of public instruction and the general assembly in January, 1982."

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5385

Amend Senate File 2320 as follows:

1. Page 2, line 13, by striking the word "[viz.]" and inserting in lieu thereof the word "[viz. :]".

2. Page 17, line 15, by inserting after the word "is" the words "[confidential under this section]".

LUCAS J. DE KOSTER

S—5386

Amend Senate File 2327 as follows:

1. Title page, line 2, by inserting after the word "income," the words "franchise,".

2. Title page, line 3, by inserting after the word "taxes" the words "or local hotel and motel tax".

LUCAS J. DE KOSTER

S—5387

Amend Senate File 2189 as follows:

1. Page 4, by striking lines 24 through 26.

EDGAR H. HOLDEN
BOB RUSH

S—5388

Amend Senate File 2277 as follows:

1. Page 1, by striking line 17 and inserting in lieu thereof the words "to the department of obstetrics

and gynecology of the state university of Iowa college of medicine within five days after the termination".

2. Page 1, by striking line 27 and inserting in lieu thereof the words "purposes only. The department of obstetrics and gynecology of the state university of Iowa college of medicine shall adopt rules under chapter".

JOHN S. MURRAY
TOM SLATER
JULIA B. GENTLEMAN
SUE YENGER

S—5389

Amend Senate File 2277, page 1, line 29, by inserting after the word "reports" the words ", provided that in no case shall the report forms indicate the name of location of the physician or institution performing the termination of pregnancy".

JOHN S. MURRAY
DAVID M. READINGER
BOB RUSH
TOM SLATER
SUE YENGER

S—5390

Amend Senate File 2267 as follows:

1. Page 1, line 6, by striking the words *"or authorized trusts"*.

2. Page 1, line 7, by striking the words and figure *"or twelve (12)"*.

JOHN S. MURRAY

S—5391

Amend Senate File 2050 as follows:

1. Page 1, by striking lines 4 through 8 and inserting in lieu thereof the following:

"NEW UNNUMBERED PARAGRAPH. 'Public utility' does not include a person who, primarily for that person's own use, produces and supplies energy generated primarily from nonfossil fuel sources, and who also supplies energy to a person or persons owning or residing on other lots, or in other condominium units or leaseholds but not to the general public."

JOHN SCOTT

S—5392

Amend Senate File 132 as follows:

1. Page 1, line 16, by striking the words "his or her" and inserting in lieu thereof the words "[his or her] *the president's representative*".

RAY TAYLOR

S—5393

Amend Senate File 2110 as follows:

1. Page 1, line 4, by inserting after the period the words "A state bank may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The state bank shall be deemed to be acting in a fiduciary capacity with respect to these funds."

2. Page 1, line 22, by inserting after the period the words "A credit union may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The credit union shall be deemed to be acting in a fiduciary capacity with respect to these funds."

3. Page 2, line 6, by inserting after the period the words "A savings and loan association may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The association shall be deemed to be acting in a fiduciary capacity with respect to these funds."

BERL E. PRIEBE
WILLIAM D. PALMER
DALE L. TIEDEN
GEORGE R. KINLEY
W.R. BILL HANSEN
C. JOSEPH COLEMAN
NORMAN G. RODGERS

S—5394

Amend Senate File 2050 as follows:

1. Page 1, by striking lines 4 through 8 and inserting in lieu thereof the following:

"*NEW UNNUMBERED PARAGRAPH.* 'Public utility' does not include a person who, incidentally to that person's primary business, produces energy generated primarily from nonfossil fuel sources and also supplies that energy to a person or persons owning or residing on other lots, or in other condominium units or leaseholds but not to the general public."

JOHN SCOTT

S—5395

Amend Senate File 2282 as follows:

1. Page 46, by inserting after line 28 the following:

"Sec. ____. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Carroll Daily Times-Herald, a newspaper published in Carroll, Iowa."

EDGAR H. HOLDEN

S—5396

Amend Senate File 2277 as follows:

1. Page 1, lines 3 and 4, by striking the words "terminations of pregnancies" and inserting in lieu thereof the word "tonsillectomies".

2. Page 1, line 7, by striking the words "termination of pregnancy" and insering in lieu thereof the word "tonsillectomy".

3. Page 1, by striking lines 8, 9 and 10 and inserting in lieu thereof the words "the lawful and purposeful removal of tonsils with the intention of alleviating severe recurrent tonsillitis."

4. Page 1, lines 13 and 14, by striking the words "TERMINATIONS OF PREGNANCIES" and inserting in lieu thereof the word "TONSILLECTOMIES".

5. Page 1, line 15, by striking the words "termination of pregnancy" and inserting in lieu thereof the word "tonsillectomy".

6. Page 1, line 16, by striking the words "termination of pregnancy" and inserting in lieu thereof the word "tonsillectomy".

7. Page 1, lines 17 and 18, by striking the words "termination of pregnancy" and inserting in lieu thereof the word "tonsillectomy".

8. Page 1, lines 18 and 19, by striking the words "termination of pregnancy" and inserting in lieu thereof the word "tonsillectomy".

9. Page 1, line 25, by striking the words "termination of pregnancy" and inserting in lieu thereof the word "tonsillectomy".

10. Amend the title, lines 1 and 2, by striking the words "termination of pregnancies" and inserting in lieu thereof the word "tonsillectomy".

JOANN ORR
JULIA B. GENTLEMAN

S—5397

Amend Senate File 2282 as follows:
1. Page 46, line 24, by striking the word "temporary".

EDGAR H. HOLDEN

S—5398

Amend Senate File 2131 as follows:
1. Page 1, by striking lines 19 through 22 and inserting in lieu thereof the word "section."

BOB RUSH

S—5399

Amend Senate File 2285 as follows:
1. Page 1, by striking lines 20 and 21 and inserting in lieu thereof the following:
"Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Dallas County News, a newspaper published in Adel, Iowa, and in the Evening Democrat, a newspaper published in Fort Madison, Iowa."

NORMAN G. RODGERS
LOWELL L. JUNKINS

S—5400

Amend the Hansen amendment, S—5359, to Senate File 2131 as follows:
1. Page 1, by striking lines 14 through 17 and inserting in lieu thereof the following:
"4. Page 1, by striking lines 19 through 22 and inserting in lieu thereof the word 'section.' ".

BOB RUSH

S—5401

Amend House File 2482 as amended, passed and reprinted by the House as follows:
1. Page 1, by striking lines 5 through 28 and inserting in lieu thereof the following:
"Notwithstanding the provisions of section three hundred ten point four (310.4) of the Code, if the board of supervisors of a county does not plan to utilize its farm-to-market road fund allocation for the succeeding calendar year for farm-to-market

projects, the board may annually, by stipulation in the secondary road construction program and secondary road budget submitted to the department in accordance with sections three hundred nine point twenty-two (309.22) and three hundred nine point ninety-three (309.93) of the Code, determine an amount of the unobligated portion of their allocation, up to a maximum of fifty percent of their anticipated total annual allocation, for the construction and reconstruction of local secondary roads. However moneys from the farm-to-market road fund shall not be so used if the moneys are needed to match federal funds available for farm-to-market road projects.

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county raised during the prior fiscal year pursuant to section three hundred nine point eight (309.8), subsections one (1), three (3), and four (4), of the Code are at least seventy-five percent of the maximum funds the county could have raised in the prior fiscal year pursuant to section three hundred nine point seven (309.7) of the Code."

RICHARD F. DRAKE

S—5402

Amend Senate File 57 as follows:

1. Page 1, by striking lines 4 through 8 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* The management of real property for a third party for a fee, commission, salary or other form of compensation. However, if the compensation received by a manager or group of managers exceeds two thousand dollars in a calendar year a license is required under this chapter unless another exclusion of this section applies."

C. JOSEPH COLEMAN
FORREST V. SCHWENGELS
W.R. BILL HANSEN
ARNE WALDSTEIN
JAMES V. GALLAGHER
BERL E. PRIEBE

S—5403

Amend Senate File 2025 as follows:

1. Page 2, line 8, by striking the words "or cat".

RAY TAYLOR

S—5404

Amend Senate File 2025 as follows:

1. Page 2, line 8, by striking the words "or fowl,".

SUE YENGER

S—5405

Amend Senate File 360 as follows:

1. Page 1, line 34, by striking the words *"paragraph b"* and inserting in lieu thereof the words *"paragraph c"*.

RICHARD R. RAMSEY

S—5406

Amend Senate File 2313 as follows:

1. Page 4, by striking line 14 and inserting in lieu thereof the following: "approved by the commissioner. If the commissioner fails to inform the service company of objections to the form of the residential service contract within thirty days after filing, the contract shall be deemed to have been approved by the commissioner to the extent it otherwise complies with this section."

2. Page 5, by striking lines 11 through 26 and inserting in lieu thereof the following:

"Sec. 8. *NEW SECTION.* REBATES AND COMMISSION.

A service company shall not pay a person who is acting as the agent, representative, attorney or employee of the owner or prospective owner of residential property, a commission or any other consideration, either directly or indirectly, as an inducement or compensation for the issuance, purchase or acquisition of a residential service contract. As used in this section, the phrase 'commission or any other consideration' does not include bona fide payments or reimbursements for any of the following:

1. Goods or facilities actually furnished or services actually performed, if the payments or reimbursements are reasonably related to the value of the goods, facilities or services furnished.

2. Inspection fees, if an inspection of the property to be the subject of a residential service contract is required by a service company and if the inspection fee is reasonably related to the services performed.

3. Advertising, marketing and educational expenses which are actually incurred in the sale of its service contracts and which are applicable on a similar and essentially equal basis to all its customers and the agents of its customers.

4. Reasonable expenses for food, beverage, and similar items if furnished within the context of a service company's customary business, educational or promotional practices."

IRVIN L. BERGMAN
EDGAR H. HOLDEN
RICHARD COMITO
JULIA B. GENTLEMAN
BERL E. PRIEBE
NORMAN J. GOODWIN
CLOYD E. ROBINSON
PATRICK J. DELUHERY

S—5408

Amend Senate File 2346 as follows:

1. Page 1, line 5, by striking the word "new".

2. Page 1, line 7, by striking the words "the effective date of this Act" and inserting in lieu thereof the word and figures "December 31, 1980".

3. Page 1, line 12, by inserting after the word "houses" the words and figures ", existing on January 1, 1981,".

4. Page 1, by striking lines 14 through 19 and inserting in lieu thereof the words and figures "by January 1, 1986.".

5. Page 1, line 20, by striking the words "the effective date of this Act" and inserting in lieu thereof the word and figures "December 31, 1980".

6. Page 1, line 23, by inserting after the word "house" the words and figures ", the construction of which is begun after December 31, 1980,".

7. Page 1, lines 25 and 26, by striking the words "a period of five years from the effective date of this Act" and inserting in lieu thereof the word and figures "December 31, 1985".

8. Page 1, line 28, by striking the word "an" and inserting in lieu thereof the word "any".

9. Page 1, line 28, by striking the word "a" and inserting in lieu thereof the words "or any".

RICHARD COMITO

S—5409

Amend Senate File 2346 as follows:

1. Page 1, line 5, by striking the words "or casualty".
2. Page 1, line 21, by striking the words "or casualty".
3. Page 1, line 27, by striking the words "or casualty".

RICHARD COMITO

S—5410

Amend Senate File 2346 as follows:
1. Page 2, lines 4 through 7, by striking the words "If the installation, inspection, and corrective requirements of this section are met the legal liability of an insurance company or insured is not affected by this section."

RICHARD COMITO

S—5411

Amend Senate File 2277 as follows:
1. Page 1, lines 15 and 16, by striking the words "an induced termination of pregnancy is" and inserting in lieu thereof the words "induced terminations of pregnancy are".
2. Page 1, line 16, by striking the words "termination of pregnancy" and inserting in lieu thereof the words "terminations of pregnancies performed in the institution".
3. Page 1, by striking line 17 and inserting in lieu thereof the words "to the division on a quarterly basis as prescribed by the department".
4. Page 1, line 18, by striking the words "of pregnancy is performed. If the" and inserting in lieu thereof the words ". If an".
5. Page 1, line 20, by inserting after the word "report." the words "However, the person in charge of an institution, or a physician, who treats a patient for complications resulting from an induced termination of pregnancy shall report the complication to the division within five days following the initial treatment of the patient."
6. Page 1, line 25, by inserting after the word "pregnancy" the words "or treatment for complications".
7. Page 1, line 29, by inserting after the word "reports." the words "A patient who seeks treatment for complications resulting from an induced termination of pregnancy shall not be required to reveal the institution in which the induced termination of

pregnancy is performed or physician in attendance if the induced termination of pregnancy was not performed in an institution, but may voluntarily do so on the report form."

BOB RUSH

S—5412

Amend Senate File 2277 as follows:

1. Page 1, line 27, by inserting after the word "only." the words "An employee of the division who reveals confidential information contained in reports filed under this section is guilty of a serious misdemeanor."

2. Amend the title, line 2, by inserting after the word "health" the words "and to provide a penalty".

BOB RUSH

S—5413

Amend Senate File 2277 as follows:

1. Page 1, by inserting after line 29 the following new section:

"NEW SECTION. BIRTH—DEATH CERTIFICATES OF INDUCED TERMINATIONS OF PREGNANCIES. The person in charge of an institution located in this state in which an induced termination of pregnancy is performed shall complete a certificate of birth and death which shall be filed with the local registrar of the district in which the birth and death occurred."

RAY TAYLOR

S—5414

Amend Senate File 2071 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred twenty-eight A point one (428A.1), unnumbered paragraph two (2), Code 1979, is amended by striking unnumbered paragraph two (2).

Sec. 2. Section four hundred twenty-eight A point four (428A.4), unnumbered paragraph two (2), Code 1979, is amended by striking unnumbered paragraph two (2).

Sec. 3. Section four hundred twenty-eight A point seven (428A.7), unnumbered paragraph two (2), Code 1979, is amended by striking unnumbered paragraph two (2).

Sec. 4. Chapter four hundred twenty-eight A (428A), Code 1979, is amended by adding the following new sections:

NEW SECTION. At the time each deed, instrument, or writing by which real property in this state shall be granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, said instrument or writing may contain the following statement inscribed, typed, or stamped thereon:

'THE CONSIDERATION STATED HEREIN IS THE FULL CONSIDERATION FOR THE REAL ESTATE TRANSFER AND DOES NOT REFLECT FACTORS IN THE SALES TRANSACTION TENDING TO DISTORT MARKET VALUE.'

If such statement is not included in the instrument or writing the county recorder shall, and the county assessor may inquire of the sellers, buyers, or their agents, the amount of the full consideration paid for the real estate and may also inquire about various factors that may have caused the state consideration to not reflect market value including but not limited to sales to immediate family of the seller, foreclosure or other forced sales, contract sales, discounted purchase transactions, or purchase of adjoining land or other land to be operated as a unit.

NEW SECTION. The director of revenue shall prescribe forms for the use of the county recorder and the county assessor to facilitate the collection of such information.

NEW SECTION. Information obtained under the provisions of this act shall be submitted by the county recorder and the county assessor to the Iowa department of revenue at such times as requested by the director of revenue.

NEW SECTION. Provisions of this section shall

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not apply to transfer exempt from taxation under section four hundred twenty-eight A point two (428A.2), subsections two (2) through fourteen (14) of the Code, or where a deed is given in fulfillment of the recorded real estate contract provided the deed has a notation that it is given in fulfillment of a contract.

NEW SECTION. Any person who willfully and intentionally gives false information under the provisions of this Act shall be guilty of a misdemeanor.

Sec. 5. Section four hundred twenty-eight A point fifteen (428A.15), Code 1979, is repealed.

Sec. 6. This Act is effective January first following enactment."

RICHARD R. RAMSEY

S—5415

Amend Senate File 2282 as follows:

1. Title page, line 3, by inserting after the word "agencies" the words ", and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section".

COMMTTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5416

Amend Senate File 2320 as follows:

1. Page 1, by inserting after line 9, the following new sections:

"Sec. ____. Section fourteen point ten (14.10), subsection four (4), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

4. A list of elective state officers and deputies, supreme court justices and appellate court judges and members of the general assembly shall be published annually with the session laws.

Sec. ____. Chapter fourteen (14), Code 1979, is amended by adding the following new section:

NEW SECTION. STATE ROSTER PAMPHLET. The Code editor shall publish annually in pamphlet form a correct list of state officers and deputies, members of boards and commissions, judges of the supreme, appellate and district courts including district associate judges, judicial magistrates and members of the general assembly. The offices of the governor and secretary of state shall cooperate in the preparation of the list. This pamphlet shall be published as soon after July first as it becomes apparent that it will be reasonably current."

2. Page 2, by inserting after line 3 the following new section:

"Sec. ____. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, supplements to the Code,

rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, [and] the Iowa administrative bulletin *and the state roster pamphlet* as follows:".

3. Page 26, by inserting after line 13 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section ten (10), subsection one (1), paragraph e, is amended to read as follows:

e. PRINTING DIVISION.

For salaries and support of not more than six full-time equivalent positions, and maintenance, and miscellaneous purposes. [It is the intent of the general assembly and a

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condition of this appropriation that a complete listing of state boards, commissions, and agencies, in addition to those required by subsection four (4) of section fourteen point ten (14.10) of the Code, be inserted in the session laws] ..... $122,038 $184,001".

LUCAS J. DE KOSTER

S—5417

Amend the Ramsey amendment, S—5414, to Senate File 2071 as follows:

1. Page 1, line 38, by striking the words "contract sales,".

2. Page 1, line 39, by striking the words "or purchase of adjoining land".

3. Page 1, line 40, by striking the words "or other land to be operated as a unit".

ARNE WALDSTEIN

S—5418

Amend Senate File 2157 as follows:

1. Page 1, by inserting after line 19 the following section:

"Sec. ____. Section four hundred forty-two point four (442.4), subsection one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections one (1), two (2), three (3), and four (4) are amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, children receiving instruction in the child's home under section two hundred ninety-nine point one (299.1) of the Code shall be counted in the basic enrollment of the school district in which they reside."

JOANN ORR

S—5419

Amend Senate File 2071 as follows:

1. Page 1, line 11, by inserting after the figure "13" the words ", *or where any transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain*".

ROLF V. CRAFT

S—5420

Amend Senate File 2277 as follows:

1. Page 1, lines 26 and 27, by striking the words "and shall be used for medical and health purposes".

TOM SLATER

S—5421

Amend Senate File 2277 as follows:

1. Page 1, line 25, by inserting after the word "performed." the words "The report shall be filled out by the person whose pregnancy has been terminated in the presence of the physician performing the termination. The report form shall have a heading in two inch letters with the word CONFIDENTIAL. The bottom of the form shall state in red ink the following words: Any unauthorized person who reveals or uses the information contained in this report could be subject to penalties under the law."

SUE YENGER
JULIA B. GENTLEMAN

S—5422

Amend Senate File 2282 as follows:

1. Page 4, line 34, by striking the word "MAXIMUM" and inserting in lieu thereof the word "INTEREST".

2. Page 4, line 35, by striking the word "maximum".

3. Page 5, by striking lines 8 through 10 and inserting in lieu thereof the words "interest at a rate to be set by the issuing governmental body or agency.".

4. Page 5, line 15, by striking the word "not".

5. Page 5, by striking lines 16 through 20 and inserting in lieu thereof the words "to be set by the issuing governmental body or agency.".

6. Page 5, by striking lines 24 through 27 and inserting in lieu thereof the words "property may bear interest at a rate to be set by the issuing governmental body or agency.".

7. Page 6, by striking lines 13 through 18.

8. Page 6, by striking lines 24 through 27 and inserting in lieu thereof the words "opinion of the committee.".

9. Page 7, by striking lines 11 through 35.

10. Page 8, by striking lines 1 through 16.

11. Page 8, by striking lines 20 through 27 and inserting in lieu thereof the words "two (2) of this Act at a rate of interest to be determined by the board of the school district.".

12. Page 8, by striking lines 28 through 31 and inserting in lieu thereof the words:

"____. The treasurer may offer the warrants for public".

13. By renumbering and relettering as necessary.

BOB RUSH

S—5423

Amend Senate File 2320 as follows:

1. Page 13, by inserting after line 31 the following new section:

"Sec. ____. Section three hundred twenty-seven G point one (327G.1), Code 1979, is amended to read as follows:

327G.1 DEFINITION. As used in this division unless the context otherwise requires, [the term] 'department' means the state department of transportation *and the 'board' means the transportation regulation board.*"

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

RICHARD F. DRAKE

S—5424

Amend Senate File 2293 as follows:

1. Page 1, line 12, by inserting after the period the words *"However, not more than twenty percent of the funds appropriated to the railroad assistance fund from the general fund of the state in any fiscal year shall be used for restoration, conservation, and improvement of railroad main lines."*

BERL E. PRIEBE
C. JOSEPH COLEMAN
ARNE WALDSTEIN
RICHARD F. DRAKE

S—5425

Amend Senate File 2293 as follows:

1. Page 1, line 33, by inserting after the period the words *"Agreements for improvements to railroad property shall also provide for the use of competitive bidding for any construction work."*

RAY TAYLOR

S—5426

Amend the committee on Education amendment, S—5312, to Senate File 2232 as follows:

1. Page 1, by striking lines 2 through 10 and inserting in lieu thereof the following:

"____ . Page 1, by striking lines 4 through 10 and inserting in lieu thereof the following:

'NEW LETTERED PARAGRAPH. To discuss strategy in matters relating to employment conditions of employees of a governmental body who are not covered by a collective bargaining agreement under chapter twenty (20) of the Code. For the purpose of this paragraph, "employment conditions" means areas included in the scope of negotiations listed in section twenty point nine (20.9) of the Code.' "

RAY TAYLOR

S—5427

Amend amendment S—5422 to Senate File 2282 as follows:
1. Page 1, by striking lines 19 through 22 and inserting in lieu thereof the following:
"____. Page 6, line 10, by inserting after the word 'following' the words 'recommended rates' ".
2. By renumbering as necessary.

BOB RUSH

S—5428

Amend Senate File 2322 as follows:
1. Page 1, by striking line 2 and inserting in lieu thereof the words "and sales of goods and services pursuant to franchise agreements".
2. Page 1, by striking line 5 and inserting in lieu thereof the words "being of franchisees".
3. Page 1, line 7, by striking the words "within the petroleum industry".
4. Page 1, line 8, by striking the words "existing petroleum" and inserting in lieu thereof the word "typical".
5. Page 1, lines 12 and 13, by striking the words "within the petroleum industry".
5. Page 1, by striking lines 16 through 19 and inserting in lieu thereof the words:
"1. 'Distributor' means a person other than a franchisor who engages in the business of selling goods or services at wholesale or at retail."
7. Page 1, by striking lines 20 through 23 and inserting in lieu thereof the words:
"2. 'Franchisor' means a person who is engaged in the business of marketing goods or services under a trademark, service mark, trade name or other commercial symbol and who has a right under the common law or under federal or state statutory law or under a contract to grant to others the privilege of selling goods or services which are identifiable with that trademark, service mark, trade name or commercial symbol."
8. Page 1, by striking lines 24 and 25, and inserting in lieu thereof the words:
"3. 'Franchisor' means an agreement between a franchisor and".
9. Page 1, by striking lines 31 and 32 and inserting in lieu thereof the words "goods or services identifiable with a particular trademark, service mark, trade name, or other commercial symbol."

10. Page 1, line 35, by striking the words "or a portion of it which" and inserting in lieu thereof the words "or a substantial portion of it".

11. Page 2, by striking lines 1 through 3 and inserting in lieu thereof the words "involves the sale of goods or service identifiable with the trademark, service mark, trade name or commercial symbol."

12. Page 2, by striking lines 4 through 31.

13. Page 2, lines 34 and 35, by striking the words "distributor franchise or dealer".

14. Page 3, line 8, by striking the words "or dealers".

Page 2

15. Page 3, line 23, by inserting after the word "franchise" the word "agreement".

16. Page 3, by striking line 30 and inserting in lieu thereof the words "death, or from temporary operation by".

17. Page 5, line 3, by inserting after the word "franchise" the word "operation".

18. Page 5, line 9, by striking the words "located at or".

19. Amend the title by striking lines 3 and 4 and inserting in lieu thereof the words "franchise relating to the wholesale or retail sale of goods or services, and providing a penalty."

LUCAS J. DE KOSTER

S—5429

Amend Senate File 2192 as follows:

1. Page 17, by inserting after line 32 the following:

"Sec. 25. There is appropriated from the general fund of the state to the department of soil conservation for the fiscal period beginning January 1, 1981 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1. For the salaries, support and maintenance of the state land preservation commission ..... $ 50,000

2. For the payment of travel and actual expenses of the members of the county land

preservation commissions ..... $ 100,000

3. For the purpose of providing county land preservation commissions with clerical and office expense assistance ..... $ 500,000

In allocating the funds appropriated by this subsection to the county land preservation commissions the department shall consider the resources and assistance which may be available from other governmental bodies in the county and the extent to which land use planning already exists in the county. The department shall determine the manner in which the county commissions may apply for the funds appropriated by this subsection."

COMMITTEE ON APPROPRIATIONS
JOHN S. MURRAY, Chairperson

S—5430

Amend Senate File 2346 as follows:

1. Title page, lines 3 and 4, by striking the words "or casualty".

RICHARD COMITO

S—5431

Amend Senate File 2292 as follows:

1. Page 2, line 32, by striking the word "subsection" and inserting in lieu thereof the word "subsections".

2. Page 3, by inserting after line 6 the following:

"*NEW SUBSECTION.* Notwithstanding the other provisions of this section, a state bank shall not make a loan secured by a lien on real property if an officer or employee of the bank is engaged as a real estate agent for purposes of the sale of the real property to which the loan relates."

ARNE WALDSTEIN
ELIZABETH R. MILLER
JAMES V. GALLAGHER
NORMAN G. RODGERS
ROLF V. CRAFT
ROBERT M. CARR
GARY L. BAUGHER
SUE YENGER

S—5432

Amend Senate File 2296 as follows:

1. Page 1, by striking lines 7 through 12 and inserting in lieu thereof the following: "one point four hundred sixty-three (321.463) of the Code and all fines and forfeited".

2. Page 1, line 13, by striking the words "these sections".

3. Page 1, line 25, by striking the word "sections" and inserting in lieu thereof the word "section".

4. Page 1, by striking lines 27 through 31 and inserting in lieu thereof the following: "(321.463) of the Code.".

5. Page 2, by striking lines 7 through 15.

6. Title page, line 2, by striking the words ", registration and embargo".

RICHARD R. RAMSEY
MERLIN D. HULSE
JACK W. HESTER

S—5433

Amend Senate File 2334 as follows:

1. Page 1, lines 19, 20 and 21, by striking the words *", and by July 1, 1981 all existing buildings in the state which are open to the general public during normal business hours".*

RAY TAYLOR

S—5434

Amend Senate File 2320 as follows:

1. Page 9, by inserting after line 4 the following:

"Sec. . Chapter two hundred fifty-two A (252A), Code 1979, is amended by adding the following new section:

"NEW SECTION. STATUTE OF LIMITATIONS. An action to both establish paternity and to enforce the father's obligations shall not be brought after the lapse of two years from the birth of the child unless paternity has been acknowledged by the father in writing or by the furnishing of support."

RICHARD R. RAMSEY

S—5435

Amend the committee on Education amendment, S—5312, to Senate File 2232 as follows:

1. Page 1, by striking lines 2 through 7 and inserting in lieu thereof the following:

"___. Page 1, by striking lines 4 through 10 and inserting in lieu thereof the following:

'NEW LETTERED PARAGRAPH. To discuss strategy in matters relating to employment conditions of employees of a school district who are not covered by a collective bargaining agreement under chapter twenty (20) of the Code. For the purpose of this paragraph, "employment conditions" means areas included in the scope of negotiations listed in section twenty point nine (20.9) of the Code.'

___. Amend the title, line 2, by striking the words 'develop criteria for and'."

RAY TAYLOR

S—5436

Amend Senate File 2296 as follows:

1. Page 1, by striking lines 32 through 35.

2. Page 2, by striking lines 1 through 35 and inserting in lieu thereof the following:

"2. All fines and forfeited bail received for violations of sections three hundred twenty-one point four hundred sixty-three (321.463), three hundred twenty-one point four hundred sixty-six (321.466), three hundred twenty-one point four hundred seventy-one (321.471), three hundred twenty-one point four hundred seventy-three (321.473), and three hundred twenty-one point four hundred seventy-four (321.474) of the Code, after deduction of court costs, shall be remitted by the clerk of the district court to the treasurer of state to be credited to the 'school district reimbursement fund' hereby created in the office of the treasurer of state.

3. On or before May 1, 1982, and May first of each year thereafter, the state comptroller shall apportion the moneys in the school district reimbursement fund to each school district in the state in the proportion that the actual enrollment for the budget year for each school district bears to the total actual enrollment for the budget year of all school districts in the state."

3. Page 3, by striking lines 1 through 8.

4. Page 3, by striking lines 11 through 35 and inserting in lieu thereof the following:

"NEW SECTION. For the school year beginning July 1, 1981, any school district which has an anticipated reduction in its miscellaneous income received pursuant to section six hundred two point fifty-five (602.55) of the Code for that school year may appeal to the

school budget review committee for additional funds to replace the difference between the miscellaneous income received for the school year beginning July 1, 1980 and the miscellaneous income received for the school year beginning July 1, 1981. The amount of the reduction in miscellaneous income shall be determined by the school budget review committee from information provided by the affected school districts and verified by the state comptroller. The school budget review comittee shall review the requests submitted by the affected school districts to determine the amount of reimbursement each school district is entitled to receive, if any. The school budget review committee may allocate funds to replace miscellaneous income lost to the school districts from any funds appropriated to the department of public instruction for the use of the school budget review committee.

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Funds received by a school district from the school budget review committee under this section are miscellaneous income. If the amount of reimbursement the affected school districts are entitled to receive exceeds the amount of funds available to the school budget review committee, the amount of the reimbursement to each school district shall be reduced in the proportion that the total amount of funds available is of the total amount of claims approved."

5. Page 4, by striking lines 1 through 5.

6. Page 4, lines 6 and 7, by striking the words and figures "For the school years beginning July 1, 1981, July 1, 1982, July 1, 1983 and July 1, 1984 only," and inserting in lieu thereof the words and figures "For the school year beginning July 1, 1981 only,".

7. Page 4, line 9, by inserting after the word "district" the words "for that year".

8. Page 4, by inserting after line 22 the following new section:

"Sec. ____. This Act takes effect July 1, 1981."

9. Renumber sections and correct internal references as are necessary in accordance with this amendment.

WILLIAM D. PALMER
BERL E. PRIEBE
ALVIN V. MILLER
LOWELL L. JUNKINS
GEORGE R. KINLEY
JAMES V. GALLAHGER

S—5437

Amend Senate File 2337 as follows:

1. By striking page 1, line 1 through page 5, line 6.

2. By striking page 9, line 23 through page 12, line 3.

LUCAS J. DE KOSTER

S—5438

Amend Senate File 2296 by striking everything after the enacting clause.

RICHARD R. RAMSEY

S—5439

Amend Senate File 2296 as follows:

1. Page 1, line 35, by inserting after the word "remit" the word "monthly".

2. Page 2, lines 5 and 6, by striking the words "or to the road use tax fund,".

3. Page 2, line 21, by striking the words "Code as follows:" and inserting in lieu thereof the word "Code."

4. Page 2, by striking lines 22 through 33.

5. Page 3, lines 15 and 16, by striking the words "in the base year may appeal" and inserting in lieu thereof the words "may apply".

6. Page 3, by striking lines 18 and 19 and inserting in lieu thereof the word "The".

7. Page 3, line 22, by inserting after the word "districts" the words "and clerks of the district courts".

8. Page 2, line 26, by striking the words ", if any".

9. Page 3, line 27, by striking the word "may" and inserting in lieu thereof the word "shall".

10. Page 3, line 28, by inserting after the word "districts" the words "by virtue of this Act".

11. Page 3, lines 30, 31, and 32, by striking the words "or from any other funds appropriated to the department of public instruction for the use of the school budget review committee." and inserting in lieu thereof the words ", as follows:

1. For the school year beginning July 1, 1980 and ending June 30, 1981, each affected school district shall be entitled to receive eighty percent of the funds that would have been received but for this Act.

2. For the school year beginning July 1, 1981 and ending June 30, 1982, each affected school district shall be entitled to receive sixty percent of the funds that would have been received but for this Act.

3. For the school year beginning July 1, 1982 and ending June 30, 1983, each affected school district shall be entitled to receive forty percent of the funds that would have been received but for this Act.

4. For the school year beginning July 1, 1983 and ending June 30, 1984, each affected school district shall be entitled to receive twenty percent of the funds that would have been received but for this Act."

12. Renumber sections and correct internal references as are necessary in accordance with this amendment.

RICHARD R. RAMSEY
ALVIN V. MILLER
MERLIN D. HULSE
JACK W. HESTER

S—5440

Amend the Ramsey, et al., amendment, S—5439, to Senate File 2296 as follows:

1. Page 1, line 18, by striking the figure "2" and inserting in lieu thereof the figure "3".

RICHARD R. RAMSEY

S—5441

Amend Senate File 2232 as follows:

1. Page 1, by striking lines 9 and 10 and inserting in lieu thereof the following:

"Sec. 2. Section twenty-eight A point five (28A.5), subsection one (1), paragraph c, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

c. To discuss strategy with counsel regarding contractual negotiations or in matters that are presently in litigation, or where the disclosure of possible litigation or the strategy of the governing body in attempting to avoid that litigation would be likely to prejudice or disadvantage the position of the governmental body in such litigation or negotiation."

2. Amend the title, line 3, by striking the words "to certain teachers' and administrators' " and inserting in lieu thereof the words "to litigation and".

ARTHUR L. GRATIAS

S—5442

Amend Senate File 2296 as follows:

DIVISION S—5442A

1. Page 3, lines 15 and 16, by striking the words "in the base year".

DIVISION S—5442B

2. Page 3, line 16, by striking the word "appeal" and inserting in lieu thereof the word "apply".

DIVISION S—5442A (cont'd.)

3. Page 3, by striking lines 18 and 19 and inserting in lieu thereof the word "The".

DIVISION S—5442B (cont'd.)

4. Page 3, line 27, by striking the word "may" and inserting in lieu thereof the word "shall".

RICHARD R. RAMSEY
MERLIN D. HULSE
ALVIN V. MILLER

S—5443

Amend Senate File 2296 as follows:

1. Page 2, line 15, by striking the words "road use tax fund" and inserting in lieu thereof the words "general fund of the state".

2. Page 2, line 33, by striking the words "road use tax fund" and inserting in lieu thereof the words "general fund of the state".

3. Page 3, line 4, by striking the words "road use tax fund" and inserting in lieu thereof the words "general fund of the state".

4. Page 3, lines 7 and 8, by striking the words "state road use tax fund" and inserting in lieu thereof the words "general fund of the state".

5. Title page, line 3, by striking the words "road use tax fund" and inserting in lieu thereof the words "general fund of the state".

RICHARD R. RAMSEY
ALVIN V. MILLER
JAMES V. GALLAGHER

LOWELL L. JUNKINS
WILLIAM D. PALMER

S—5444

Amend Senate File 2296 as follows:

1. Page 4 by striking lines 6 (six) through 22 (twenty-two).

BERL E. PRIEBE
LOWELL L. JUNKINS
GEORGE R. KINLEY
ALVIN V. MILLER
JAMES V. GALLAGHER

S—5445

Amend Senate File 2346 as follows:

1. Page 1, line 5, by striking the words "or casualty".

2. Page 1, line 5, by striking the word "new".

3. Page 1, line 6, by striking the word "four" and inserting in lieu thereof the word "two".

4. Page 1, line 7, by striking the words "the effective date of this Act" and inserting in lieu thereof the word and figures "December 31, 1980".

5. Page 1, line 12, by inserting after the word "houses" the words and figures ", existing on January 1, 1981,".

6. Page 1, by striking lines 14 through 19 and inserting in lieu thereof the words and figures "by January 1, 1986.".

7. Page 1, line 15, by striking the word "shall" and inserting in lieu thereof the word "may".

8. Page 1, line 20, by striking the words "the effective date of this Act" and inserting in lieu thereof the words and figures "December 31, 1980".

9. Page 1, line 21, by striking the words "or casualty".

10. Page 1, line 23, by inserting after the word "house" the words and figures ", the construction of which is begun after December 31, 1980,".

11. Page 1, lines 25 and 26, by striking the words "a period of five years from the effective date of this Act" and inserting in lieu thereof the word and figures "December 31, 1983".

12. Page 1, line 27, by striking the words "or casualty".

13. Page 1, line 28, by striking the word "an" and inserting in lieu thereof the word "any".

14. Page 1, line 28, by striking the word "a" and inserting in lieu thereof the words "or any".

15. Page 2, lines 4 through 7, by striking the words "If the installation, inspection, and corrective requirements of this section are met the legal liability of an insurance company or insured is not affected by this section."

RICHARD COMITO
C.W. HUTCHINS

S—5446

Amend Senate File 2320 as follows:

1. Page 26, by inserting after line 26, the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section four (4), paragraph one (1), is amended to read as follows:

1. A member who is a employee of the state *and not an active member of any other retirement system in the state which is maintained in whole or in part by public contributions* may remain in service beyond the date the member attains the age of sixty-five. The employee shall retire on the first day of the month after the last day of service. The employer shall not consider age as a factor in determining the continuation of the member's service."

LUCAS J. DE KOSTER

S—5447

Amend Senate File 2320 as follows:

1. Page 3, by inserting after line 20 the following:

"Sec. ____. Section one hundred thirty-five C point twenty-five (135C.25), Code 1979, is amended to read as follows:

135C.25 CARE REVIEW COMMITTEE—APPOINTMENT—DUTIES.

1. Each health care facility shall have a care review committee whose members shall be appointed as follows:

a. By the [areawide health planning council recognized as such by this state acting through the office for the comprehensive health planning in the office for planning and programming] *commission on aging;* or

b. If the appropriate [areawide health planning council] *commission on aging* has failed to make any

appointment necessary under this subsection within thirty days after being notified of a vacancy by the administrator of the facility involved, by the commissioner; or

c. If the commissioner has failed to act within thirty days after being notified by the administrator of the facility involved of a vacancy which has not been filled by the [appropriate areawide health planning council] *commission on aging* with the time prescribed by this subsection, the appointment may be made by the administrator.

2. The care review committee shall periodically review the needs of each individual resident of the facility, and shall perform the functions delegated to it by section 135C.38. The responsibilities of the care review committee shall be in accordance with rules of the department, which shall in formulating such rules give consideration to the needs of residents of each license category of health care facility and the services facilities of each category are authorized to render."

2. Renumber as required.

BOB RUSH

S—5448

Amend Senate File 2337 as follows:

1. By striking page 1, line 1 through page 5, line 6.

2. Page 9, by striking lines 23 through 32.

3. Page 10, line 11, by inserting after the word "vehicle" the words *"or an underinsured motor vehicle"*.

4. Page 10, line 12, by striking the words *or property"*.

5. Page 10, line 13, by striking the word *"damage to the insured motor vehicle"*.

6. Page 10, line 15, by inserting after the word "uninsured" the words *"or underinsured"*.

7. Page 10, line 17, by striking the words *"or with the insured motor vehicle"*.

8. Page 10, line 20, by striking the words *"and for damage to property"*.

9. Page 10, line 25, by striking the words "such coverage" and inserting in lieu thereof the words *"all of such coverage, or to reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or to reject the underinsured motor vehicle coverage,"*

10. By striking page 10, line 34 through page 11, line 33.

11. Page 12, lines 1 and 2, by striking the words and figures "Sections sixteen (16), seventeen (17) and eighteen (18) of this Act apply" and inserting in lieu thereof the words and figure "Section sixteen (16) of this Act applies".

BOB RUSH
EDGAR H. HOLDEN

S—5449

Amend Senate File 2251 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed.

Article three (III) of the Constitution of the State of Iowa is amended by adding the following new sections:

NEW SECTION. SENATOR COMPETENCY. In addition to the requirements of section five (5) of this article, a candidate for senator shall demonstrate through a comprehensive written examination and through other procedures that may be prescribed by the board of law examiners that the senator has mastered minimum essential generic specialization competencies and other related criteria adopted by the board of law examiners, including but not limited to the following:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure.

2. The ability to comprehend and interpret a message after listening.

3. The ability to read, comprehend, and interpret orally and in writing, professional and other written material.

4. The ability to comprehend and work with fundamental mathematical concepts.

5. The ability to assess the needs of constituents, including those expressed via statistical calculations, along with the ability to respond to and advise constituents concerning their needs in given areas.

NEW SECTION. EXAMINATIONS. The comprehensive written examination shall be developed by the Iowa board of law examiners and shall be approved by the Iowa supreme court. The board shall consult with the state associations interested in policy-making in this state in developing the examination. The board may contract with an institution of higher

education administered by the state board of regents or an independent educational testing service to administer, score, and provide appropriate analysis of the written examinations.

If a candidate for senators fails to pass the examination, the candidate is disqualified from running and another candidate shall be nominated in the manner provided by law.

NEW SECTION. DISQUALIFICATION OF SENATORS. The board of law examiners shall administer the examination to senators elected to the Seventieth General Assembly

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who have not previously passed it and shall declare the seats of the senators who fail to pass the examination vacant.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause it to be published for three consecutive months before the date of that election as provided by law."

2. Amend the title, line 1, by striking the words "relating to" and inserting in lieu thereof the words "to amend the Constitution of the State of Iowa to require".

3. Amend the title, line 1, by striking the word "teachers" and inserting in lieu thereof the word "senators".

JULIA B. GENTLEMAN

S—5450

Amend Senate File 2353 as follows:

1. Page 3, line 22, by striking the word and figure *"four (4)"* and inserting in lieu thereof the word and figure *"three (3)"*.

JOHN N. NYSTROM

S—5451

Amend Senate File 2310 as follows:

1. Page 1, by inserting after line 5 the following new section:

"Sec. ____. Rule of civil procedure one hundred twenty-six (126), paragraph a, unnumbered paragraph

one (1), as it appears on page 16 of the proposed changes to the rules of civil procedure filed by the supreme court with the Iowa general assembly January 28, 1980, is amended to read as follows:

Except in small claims *actions where the recovery sought is under five hundred dollars*, any party may [file] *serve* written interrogatories to be answered by another party [served] or, if the other party is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Copies of interrogatories and answers shall be [filed for] *served on* each adverse party. Interrogatories may, without leave of court, be directed to the plaintiff after commencement of the action and upon any other party with or after service of the original notice upon that party."

2. By renumbering sections as made necessary by this amendment.

A.R. KUDART

S—5452

Amend Senate File 2346 as follows:

1. Page 1, line 5, by striking the words "or casualty".

2. Page 1, line 5, by striking the word "new".

3. Page 1, line 6, by striking the word "four" and inserting in lieu thereof the word "two".

4. Page 1, line 7, by striking the words "the effective date of this Act" and inserting in lieu thereof the word and figures "December 31, 1980".

5. Page 1, line 12, by striking the word "four" and inserting in lieu thereof the word "two".

6. Page 1, line 12, by inserting after the word "houses" the words and figures ", existing on January 1, 1981,".

7. Page 1, by striking lines 14 through 19 and inserting in lieu thereof the words and figures "by January 1, 1984.".

8. Page 1, line 15, by striking the word "shall" and inserting in lieu thereof the word "may".

9. Page 1, line 20, by striking the words "the effective date of this Act" and inserting in lieu thereof the words and figures "December 31, 1980".

10. Page 1, line 21, by striking the words "or casualty".

11. Page 1, line 22, by striking the word "four" and inserting in lieu thereof the word "two".

12. Page 1, line 23, by inserting after the word "house" the words and figures ", the construction of which is begun after December 31, 1980,".

13. Page 1, lines 25 and 26, by striking the words "a period of five years from the effective date of this Act" and inserting in lieu thereof the word and figures "December 31, 1983".

14. Page 1, line 27, by striking the words "or casualty".

15. Page 1, line 28, by striking the word "an" and inserting in lieu thereof the word "any".

16. Page 1, line 28, by striking the word "four" and inserting in lieu thereof the word "two".

17. Page 1, line 28, by striking the word "a" and inserting in lieu thereof the words "or any".

18. Page 1, line 29, by inserting after the word "house" the words and figures ", that was constructed before December 31, 1980,".

19. Page 2, lines 4 through 7, by striking the words "if the installation, inspection, and corrective requirements of this section are met the legal liability of an insurance company or insured is not affected by this section."

RICHARD COMITO
C.W. HUTCHINS

S—5453

Amend Senate File 2320 as follows:

1. Page 1, by inserting prior to line 1 the following new section:

"Section 1. Section one A point one (1A.1), Code 1979, is amended to read as follows:

1A.1 SEAL—DEVICE—MOTTO. The secretary of state [be, and he] is[, hereby] authorized to procure a seal which shall be the great seal of the state of Iowa[,] . *The seal shall be* two inches in diameter[, upon which]. *Upon the seal* shall be engraved the following device[, surrounded by the words, "The Great Seal of the State of Iowa"]: a sheaf and field of standing wheat[,] with a sickle and other farming utensils[,] on the left side near the bottom; a lead furnace and pile of pig lead on the right side; *in the center near the bottom* the citizen soldier[, with a plow in his rear,] supporting the American flag and liberty cap with his right hand, and his gun with his left[, in the center and near the bottom]; *behind the citizen soldier, a plow. In the background,* the Mississippi river [in the rear of the whole,] with the steamer Iowa under

way[; an]. *An* eagle near the upper edge, holding in [his] *its* beak a scroll, with the following inscription upon it: 'Our liberties we prize, and our rights we will maintain.' *Surrounding the device shall be the words 'The Great Seal of the State of Iowa'."*

2. By renumbering sections as made necessary by this amendment.

W.R. BILL HANSEN

S—5454

Amend the Hansen amendment, S—5453, to Senate File 2320 as follows:

1. Page 1, line 20, by inserting after the word *"a"* the word *"chisel"*.

FORREST V. SCHWENGELS

S—5455

Amend Senate File 2320 as follows:

1. Page 2, by inserting after line 34 the following new section:

"Sec. ____ . Section ninety-three point seven (93.7), subsection ten (10), Code 1979, is amended to read as follows:

10. Promulgate rules necessary to carry out the provisions of this chapter, subject to review in accordance with chapter 17A. [Before a proposed rule is submitted to the administrative rules review committee, a public hearing shall be held in regard to the rule, and members of the administrative rules review committee shall be notified of the hearing as required in section 17A.4, subsection 1.] Rules promulgated by the governor pursuant to a proclamation issued under the provisions of section 93.8 shall not be subject to review or a public hearing as required in [this subsection] *chapter seventeen A (17A) of the Code."*

2. By correcting section numbers and internal references as required by this amendment.

LUCAS J. DE KOSTER

S—5456

Amend Senate File 2192 as follows:

1. Page 1 line 20 by striking the word "could" and insert in lieu thereof the word "would".

2. Page 1 line 25 by striking the word "could"

and insert in lieu thereof the word "would".

3. Page 1 line 33 by striking the word "could" and insert in lieu thereof the word "would".

4. Page 2 line 3 by striking the word "could" and insert in lieu thereof the word "would".

5. Page 2 line 22 by striking the word "could" and insert in lieu thereof the word "would".

CHARLES P. MILLER

S—5457

Amend Senate File 2330 as follows:

1. Page 1, by inserting after line 10 the following new section:

"Sec. ____. Chapter four hundred seventy-one (471), Code 1979, is amended by adding the following new section:

NEW SECTION. When the state department of transportation acquires abandoned railroad right of way for future use for railroad purposes, the department shall have the same responsibility a railroad corporation would have if the right of way was owned by the railroad corporation relating to the fencing and maintenance of fences pursuant to sections three hundred twenty-seven G point three (327G.3) through three hundred twenty-seven G point six (327G.6) of the Code. If the owner of the property adjacent to the railroad right of way acquired by the department agrees that a fence is not required to be erected or maintained between the properties, the department shall have no responsibility for the construction or maintenance of a fence. The department shall also be responsible for weed control on any right of way acquired by the department."

BERL E. PRIEBE

S—5458

Amend Senate File 2354 as follows:

1. Page 1, by inserting after line 24 the following:

"Sec. ____. Section twenty-eight F point three (28F.3), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of the preceding paragraph, a proposal to finance electric power facilities under this chapter involving a public agency shall not be submitted to the governing bond of the public agency

involved or the voters of the public agency until a certificate for the facility has been obtained in compliance with chapter four hundred seventy-six A (476A) of the Code."

2. By numbering and renumbering as necessary.

GARY L. BAUGHER

S—5459

Amend Senate File 2192 as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* LEGISLATIVE POLICY.

It is the policy of this state to preserve the availability and productivity of agricultural land, to encourage efficient urban development patterns, and to preserve private property right and local control of land use.

Sec. 2. *NEW SECTION.* COUNTY COMMISSION ESTABLISHED.

1. There is created a county 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 district 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 paragraph 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 paragraph b of this subsection shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors.

2. The convention of the mayors and councilpersons shall be organized by the board of supervisors. The members of the county commission shall serve terms of three years. A vacancy shall be filled in the

same manner as the original appointment.

3. The county commission shall annually meet and organize by the election of a chairperson and vice chairperson from among its members. A majority of the members of the county 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 county commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the

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performance of the member's official duties. The reimbursement shall be made from state funds appropriated for this purpose.

4. The state agricultural extension service shall assist county commissions with technical, informational, and clerical assistance.

Sec. 3. *NEW SECTION.* DUTIES OF COUNTY COMMISSION. In addition to other duties provided by law, a county commission shall:

1. Develop and review at least every three years a land use policy for the county and its cities.

2. Adopt guidelines for the protection of agricultural land."

W.R. BILL HANSEN
CLOYD E. ROBINSON
JOHN W. JENSEN
MERLIN D. HULSE
EDGAR H. HOLDEN
STEPHEN W. BISENIUS
CLARENCE CARNEY
RAY TAYLOR
FORREST V. SCHWENGELS
DALE L. TIEDEN
ARTHUR L. GRATIAS
JACK W. HESTER
RICHARD COMITO
GARY L. BAUGHER

S—5460

Amend Senate File 2330 as follows:

1. Page 1, line 5, by striking the figure "1975" and inserting in lieu thereof the figure "1980".

DALE L. TIEDEN
BERL E. PRIEBE

S—5461

Amend Senate File 2230 as follows:

1. Page 1, line 4, by inserting after the word "section" the following: "requiring the filing of a verified claim,".

2. Page 1, line 8, by inserting after the word "city" the following: ", and the holder of such a reversionary interest may bring an action based upon the interest regardless of whether a verified claim has been filed at any time subsequent to July 4, 1965 under this section".

RAY TAYLOR

S—5462

Amend Senate File 2345 as follows:

DIVISION S—5462A

1. Page 3, by striking lines 21 through 29 and inserting in lieu thereof the following:

"1. A person who engaged in business as a grain dealer without a license, or who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, commits a class D felony.

2. A person who knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter, commits a fradulent practice."

2. Page 3, line 30, by striking the words *"subsection one (1)"* and inserting in lieu thereof the words *"subsections one (1) and two (2)"*.

3. Page 3, by striking lines 34 and 35 and inserting in lieu thereof the following:

" . A violation of this chapter, or a violation of chapter seven hundred fourteen (714) or seven hundred fifteen (715) of the Code involving the conduct of business as a grain dealer, may be restrained by an injunction in an action brought by the commerce commission."

4. Page 6, by striking lines 11 through 20 and inserting in lieu thereof the following:

"1. A person who engages in business as a warehouseman without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, commits a class D felony.

2. A person who knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter commits a fradulent practice."

5. Page 6, line 21, by striking the words *"subsection one (1)"* and inserting in lieu thereof the words *"subsections one (1) and two (2)"*.

DIVISION S—5462B

6. Page 6, by striking lines 25 and 26 and inserting in lieu thereof the following:

" . *A violation of this chapter, or a violation of chapter seven hundred fourteen (714) or seven hundred fifteen (715) of the Code involving the conduct of business as a warehouseman, may be restrained by injunction in an action brought by the commerce commission.*"

7. By renumbering subsections.

JULIA B. GENTLEMAN
PATRICK J. DELUHERY

S—5463

Amend Senate File 2354 as follows:

1. Page 1, by inserting after line 24 the following:

"Sec. ____. Section twenty-eight F point three (28F.3), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of the preceding paragraph, a proposal to finance electric power facilities under this chapter involving a public agency shall not be submitted to the governing body of the public agency involved or the voters of the public agency until a certificate for the facility has been obtained in compliance with chapter four hundred seventy-six A (476A) of the Code."

GARY L. BAUGHER

S—5464

Amend Senate File 2332 as follows:

DIVISION S—5464A

1. Page 2, line 4, by inserting after the word "which" the words "intend to".

DIVISION S—5464C

2. Page 2, line 5, by inserting after the word "state" the words "within ninety days of receiving the application".

DIVISION S—5464B

3. Page 2, line 12, by inserting after the word "storage" the words "until the company responds to the recommendations of a regulatory agency".

ROLF V. CRAFT

S—5465

Amend Senate File 2334 as follows:

1. Page 1, lines 12 and 13, by striking the words "[which will contain more than one hundred thousand cubic feet of enclosed space that is heated or cooled[" and inserting in lieu thereof the words "which will contain more than one hundred thousand cubic feet of enclosed space that is heated or cooled".

JULIA B. GENTLEMAN
RAY TAYLOR
ARTHUR L. GRATIAS

S—5466

Amend Senate File 2345 as follows:

1. Page 6, by inserting after line 26 the following:

"Sec. ____. Section sixty-eight A point seven (68A.7), subsection twelve (12), Code 1979, is amended by striking that subsection."

2. By renumbering sections.

PATRICK J. DELUHERY
JULIA B. GENTLEMAN
FORREST V. SCHWENGELS

S—5467

Amend Senate File 2354 as follows:

1. Page 4, by inserting after line 8 the following:

"Sec. ____. Section four hundred seventy-six point one (476.1), unnumbered paragraphs two (2) and three (3), Code 1979, are amended to read as follows:

As used in this chapter, 'public utility' shall include any person, partnership, *municipality*, business association, or corporation, domestic or foreign,

owning or operating any facilities for:

Mutual telephone companies in which at least fifty percent of the users are owners, co-operative telephone corporations or associations, telephone companies having less than two thousand stations [municipally owned utilities,] and unincorporated villages which own their own distribution system shall not be subject to the rate regulation provided for in this chapter; provided, however, that nothing contained in this chapter shall be contrued to apply to municipally owned water works or rural water districts incorporated and organized pursuant to chapters 357A and 504A. Telephone companies otherwise exempt from rate regulation and having telephone exchange facilities which cross state lines may elect, in writing, filed with the commission, to have their rates regulated by the commission. When such election, in writing, has been filed with the commission, the commission shall assume rate regulation jurisdiction over said companies."

2. Title Page, line 2, by inserting after the words "other facilities" the words "and for the regulation of municipal utilities by the commerce commission".

3. Number as required by this amendment.

STEPHEN W. BISENIUS

S—5468

Amend Senate File 2354 as follows:

1. Page 2, by striking lines 1 and 2 and inserting in lieu thereof the words "shall direct.".

STEPHEN W. BISENIUS

S—5469

Amend Senate File 2354 as follows:

1. Page 4, by inserting after line 8 the following new section:

"Sec. ____. Section four hundred seventy-six point one (476.1), Code 1979, unnumbered paragraphs one (1) and two (2) are amended to read as follows:

The Iowa state commerce commission shall regulate the rates and services of public utilities *and public agencies owning or operating electric power facilities financed pursuant to chapter 28F or receiving electric power from any facility so financed* to the extent and in the manner hereinafter provided.

As used in this chapter, 'public utility' shall

include *such public agencies and* any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for:

1. Furnishing gas by piped distribution system or electricity to the public for compensation.

2. Furnishing communications services to the public for compensation.

3. Furnishing water by piped distribution system to the public for compensation."

JULIA B. GENTLEMAN
EDGAR H. HOLDEN

S—5470

Amend Senate File 2345 as follows:

1. Page 1, line 35, by striking the word "or".

2. Page 2, line 1, by inserting after the word "contract" the words ", or for storage under a warehouse receipt".

ARNE WALDSTEIN

S—5471

Amend Senate File 2354 as follows:

1. Page 4, by inserting after line 8 the following:

"Sec. ____ . Chapter twenty-eight F (28F), Code 1979, is amended by adding the following new section:

NEW SECTION. A proposal to finance electric power facilities by joint financing under this chapter which involves political subdivisions of this state is subject to the approval of the voters of each political subdivision of this state that is to participate in the joint financing agreement. The proposal must obtain a majority vote of the registered electors of each of these political subdivisions."

2. By renumbering sections.

DAVID M. READINGER

S—5472

Amend Senate File 2361 as follows:

1. Page 11, line 21, by inserting after the word "guardian" the words ", *driver education instructor, or prospective driver education instructor*".

JOHN W. JENSEN
RICHARD F. DRAKE
CLOYD E. ROBINSON
RICHARD COMITO

S—5473

Amend Senate File 2352, page 2, line 7, by inserting after the words *"public members"* the words *"; however, at no time shall more than five of the members be directors or employees of a credit union"*.

JOHN S. MURRAY

S—5474

Amend Senate File 2345 as follows:

1. Page 3, by striking lines 21 through 35 and inserting in lieu thereof the following:

"1. A person who knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter, commits a fraudulent practice.

2. A person who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, or who violates any other provision of this chapter, commits a simple misdemeanor, except that a person who violates any such provision after having been found guilty of the same violation commits an aggravated misdemeanor. With respect to a continuing violation, each day that the violation continues shall be a separate offense.

3. A violation of this chapter, or a violation of chapter seven hundred fourteen (714) or seven hundred fifteen (715) of the Code involving the conduct of business as a grain dealer, may be restrained by an injunction in an action brought by the commerce commission."

4. Page 6, by striking lines 11 through 26 and inserting in lieu thereof the following:

"1. A person who knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter commits a fradulent practice.

2. A person who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, or who violates any other provision of this chapter, commits a simple misdemeanor, except that a person who violates any such provision after having been found guilty of the same violation commits an aggravated misdemeanor. With respect to a continuing violation, each day that the violation continues shall be a

separate offense.

3. A violation of this chapter, or a violation of chapter seven hundred fourteen (714) or seven hundred fifteen (715) of the Code involving the conduct of business as a warehouseman, may be restrained by injunction in an action brought by the commerce commission."

JULIA B. GENTLEMAN
PATRICK J. DELUHERY
LUCAS J. DE KOSTER

S—5475

Amend Senate Joint Resolution 2001 as follows:

1. Page 6, by striking lines 32 and 33, and inserting in lieu thereof the following: "article shall not be used to finance capital improvements unless the improvements are approved by a two-thirds vote of the electors voting in the affected jurisdiction."

JOE BROWN

S—5476

Amend Senate File 2192 as follows:

1. Page 10, by inserting after line 35 the following:

"Sec. ____. *NEW SECTION.* JUDICIAL REVIEW.

1. As used in this section, 'agency' means the state commission, a county commission, a county board of supervisors or county board of adjustment exercising authority under chapter three hundred fifty-eight A (358A) of the Code, or a city council or city board of adjustment exercising authority under chapter four hundred fourteen (414) of the Code.

2. If in a review of an agency's final action a court determines that the decision reviewed is an unreasonable exercise of the state's police power constituting a taking without just compensation, the court shall remand the decision to that agency and the agency shall within a reasonable time do one of the following:

a. Provide that the restriction being reviewed shall not apply.

b. Agree to pay appropriate monetary damages for the taking as determined by the court.

c. Alter the restriction being reviewed to avoid an unreasonable exercise of the police power.

3. The agency shall submit its intended action

to the court in the form of a proposed order. If the action is a reasonable exercise of the police power, the court shall enter its final order approving the proposed order. If the agency fails to submit a proposed order that is a reasonable exercise of the police power within ninety days, the court may order the agency to perform one of the alternatives provided in subsection two (2) of this section."

2. by renumbering the section to conform with this amendment.

CALVIN O. HULTMAN

S—5477

Amend the Gentleman, et al., amendment, S—5474, to Senate File 2345 as follows:

1. Page 1, line 13, by striking the word *"simple"* and inserting in lieu thereof the word *"serious"*.

2. Page 1, line 36, by striking the word *"simple"* and inserting in lieu thereof the word *"serious"*.

IRVIN L. BERGMAN

S—5478

Amend Senate File 2337 as follows:

1. Title page, by striking lines 1 through 4 and inserting in lieu thereof the following: "An Act relating to the increase in financial requirements for auto liability insurance policies."

BOB RUSH

S—5479

Amend Senate File 2345 as follows:

1. Page 1, line 35, by striking the word "or".

2. Page 2, line 1, by inserting after the word "contract" the words ", or for storage under a warehouse receipt".

3. Page 5, line 1, by striking the word "or".

4. Page 5, line 1, by inserting after the word "contract" the words ", or for storage under a warehouse receipt".

ARNE WALDSTEIN

S—5480

Amend Senate File 2131 as follows:

1. Page 1, by striking lines 5, 6 and 7 and inserting in lieu thereof the following:

"Sec. 2. *NEW SECTION.* BOARD OF SUPERVISORS MAY IMPOSE WORK REQUIREMENT FOR ASSISTANCE RECIPIENTS. The board of supervisors of any county may by resolution".

2. Page 1, by striking lines 9 and 10 and inserting in lieu thereof the words "this chapter register with the Iowa department of job service for".

3. Page 1, lines 13 and 14, by striking the words "Iowa department of job service" and inserting in lieu thereof the words "general relief director in accordance with policies established by the county board of supervisors."

4. Page 1, by striking lines 15 through 22.

5. Page 2, by striking lines 6 through 11 and inserting in lieu thereof the words "chapter. If the Iowa department of job service is unable to place that person in suitable employment in the private sector, the general relief director shall assign the person to perform work in the county public employment program. A person shall not be assigned to work under a county public employment program in circumstances under which that person would be used to replace a regular employee".

6. Page 2, by striking lines 16 through 20.

7. Page 2, lines 24 and 25, by striking the words "Iowa department of job service shall provide for the establishment of" and inserting in lieu thereof the words "board of supervisors shall formulate policies for and direct the general relief director to establish".

8. Page 2, line 27, by inserting after the word "chapter" the words ", and whom the Iowa department of job service is unable to place in suitable employment in the private sector,".

9. Page 2, by striking lines 32 and 33 and inserting in lieu thereof the words "A county or nonprofit".

10. Page 3, by striking line 3 and inserting in lieu thereof the words "in accordance with policies adopted by the county board of supervisors;".

11. Page 3, by striking from lines 9, 10 and 11 the words "rules promulgated by the director of the Iowa department of job service" and inserting in lieu thereof the words "policies adopted by the county board of supervisors".

12. Page 3, line 19, by striking the words "Iowa department of job service" and inserting in lieu

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thereof the words "general relief director".

13. Page 3, by striking lines 23 and 24 and inserting in lieu thereof the words "willingness to do so to the satisfaction of the general relief director."

14. By striking page 3, line 30 through page 4, line 12.

W.R. BILL HANSEN
RAY TAYLOR

S—5481

Amend Senate Joint Resolution 2001 as follows:

1. Page 4, line 3, by striking the words "or local".

2. Page 4, line 6, by inserting after the word "governor." the words "Local revenue limits may be temporarily exceeded to the extent provided in a declaration of emergency adopted by a two-thirds vote of the local governing body."

TOM SLATER

S—5482

Amend Senate File 2192 as follows:

1. Page 6 line 30 by striking the words "ex officio nonvoting".

WILLIAM D. PALMER

S—5483

Amend Senate File 2349 as follows:

1. Page 1, by striking lines 6 through 8 and inserting in lieu thereof the following:

"1. 'Seller' means any person, firm, corporation or other entity engaged in the pre-need sale of personal property, including but not limited to a casket, vault, crypt, or any other burial receptacle, used in conjunction with the final disposition of a dead human body, or in the pre-need sale of services of a funeral director in connection with the final disposition of a dead human body."

2. Page 3, line 11, by striking the word "person" and inserting in lieu thereof the words "[person] *seller*".

3. Page 3, line 13, by striking the word "delivery" and inserting in lieu thereof the words "[delivery] *sale*".

4. Page 3, line 16, by striking the words "or embalmer" and inserting in lieu thereof the words

"[or embalmer]".

5. Page 3, lines 22 and 23, by striking the words "by mutual consent of the parties" and inserting in lieu thereof the words "[by mutual consent of the parties]".

FORREST V. SCHWENGELS

S—5484

Amend Senate File 2345 as follows:

1. Page 3, by striking lines 21 through 35 and inserting in lieu thereof the following:

"1. A person who knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter, commits a fraudulent practice.

2. A person who engaged in business as a grain dealer without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, commits a serious misdemeanor, except that a person who commits such a violation after having been found guilty of the same violation commits an aggravated misdemeanor.

3. Except as provided in subsections one (1) and two (2) of this section, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues shall be a separate offense.

4. A violation of this chapter, or a violation of chapter seven hundred fourteen (714) or seven hundred fifteen (715) of the Code involving the conduct of business as a grain dealer, may be restrained by an injunction in an action brought by the commerce commission."

2. Page 6, by striking lines 11 through 26 and inserting in lieu thereof the following:

"1. A person who knowingly submits false information to the commission or any of its employees in a document or a book, account, or record required to be submitted or maintained under this chapter commits a fraudulent practice.

2. A person who engaged in business as a warehouseman without obtaining a license, or who refuses to permit inspection of licensed premises, or books, accounts, records or other documents required by this chapter, commits a serious misdemeanor, except that a person who commits such a violation

after having been found guilty of the same violation commits an aggravated misdemeanor.

3. Except as provided in subsections one (1) and two (2) of this section, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues shall be a separate offense.

4. A violation of this chapter, or a violation of chapter seven hundred fourteen (714) or seven hundred fifteen (715) of the Code involving the conduct

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of business as a warehouseman, may be restrained by injunction in an action brought by the commerce commission."

JULIA B. GENTLEMAN
PATRICK J. DELUHERY
LUCAS J. DE KOSTER

S—5485

Amend Senate File 2192 as follows:

1. Page 5, by striking lines 2 through 28 and inserting in lieu thereof the following:

"1. The state commission shall consist of six members elected from conventions and one member appointed by the governor. Prior to the convention the members of the county commission shall appoint one-third of its membership to attend the convention. One member shall be appointed by the county commissioners appointed by county supervisors, one by those appointed by district soil conservation commissioners, and one for each three members appointed mayors and councilpersons shall be appointed by and from these members. The county commissioners appointed to the convention from the second, third and sixth congressional districts shall meet in one convention and those from the first, fourth and fifth congressional districts shall meet in one convention. At each convention the members appointed by county supervisors, by district soil conservation commissioners, and by mayors and councilpersons shall each meet separately and elect one county commissioner appointed as they were to the state commission. After the convention the governor shall appoint a county commmissioner to the state commission. The department shall provide assistance in making arrangements for the conventions. Each member of each county commission present shall

have one vote at the convention."

ELIZABETH R. MILLER
BASS VAN GILST
JOHN N. NYSTROM
IRVIN L. BERGMAN
CLOYD E. ROBINSON
GARY L. BAUGHER
CHARLES P. MILLER
BERL E. PRIEBE
JOHN SCOTT
DALE L. TIEDEN
FORREST V. SCHWENGELS
RAY TAYLOR
NORMAN G. RODGERS
ARTHUR L. GRATIAS
NORMAN J. GOODWIN

S—5486

Amend the DeKoster amendment, S—5455, to Senate File 2320 as follows:

1. Page 1, line 19, by inserting after the word *"Code"* the words *", however, agency rules for implementation of the governor's proclamation are subect to the requirements of chapter seventeen A (17A) of the Code".*

BOB RUSH

S—5487

Amend Senate File 2161 as follows:

1. Page 3, by striking lines 25 through 27, and inserting in lieu thereof the words "heirs, successors, and subsequent grantees, unless subsequent to the three-year period after the effective date of this Act one of the following occurs:

a. A partition fence agreement is recorded pursuant to subsection three (3) of this section.

b. Partition fence responsibility is changed for equitable reasons to prevent undue hardship or injustice or for other good cause by an order of the fence viewers."

2. Page 8, line 14, by inserting after the word "heirs," the word "successors,".

3. Page 9, by inserting after line 16 the following:

"Sec. ____. *NEW SECTION.* PUBLICATION. Each county board of supervisors shall publish a notice stating in substance that the general assembly of the state

of Iowa has enacted a law which, after three years from the effective date of the law, statutorily divides, by use of the customary right-hand rule, adjoining landowners' responsibilities for erecting, maintaining, rebuilding, and repairing partition fences, unless a current agreement among adjoining landowners or a fence viewers' order has been recorded or the fence viewers have been requested to determine a normal controversy concerning fence responsibilities. The notice shall provide a current citation to the law and shall be published at least once in each calendar year during the first three years after the effective date of this Act in a newspaper of general circulation in the county."

RICHARD R. RAMSEY
JOHN SCOTT
BERL E. PRIEBE

S—5488

Amend Senate File 233 as follows:

1. Page 1, by striking lines 3 and 4 and inserting in lieu thereof the following:

"NEW SUBSECTION. If twelve or more parking spaces are provided, at least one percent of the parking spaces shall be set aside as handicapped parking spaces".

2. Page 1, by striking lines 12 and 13 and inserting in lieu thereof the following: "public, which provide twelve or more parking spaces, shall set aside at least one percent of the parking spaces as handicapped parking spaces as defined in".

NORMAN J. GOODWIN

S—5489

Amend Senate File 2332 as follows:

1. Page 2, line 13, by inserting after the word "the" the words "reasonable and lawful".

EDGAR H. HOLDEN

S—5490

Amend Senate File 2192 as follows:

DIVISION S—5490A

1. Page 3, line 32, by striking the words "and from".

2. Page 3, line 34, by striking the words "and from".

3. Page 4, line 1, by striking the words "and from".

DIVISION S—5490B

4. Page 4, by inserting after line 6 the following new lettered paragraph:

"d. Of the nine man board a minimum of four members shall be farmers."

DIVISION S—5490C

5. Page 6, lines 11 and 12, by striking the words "The state commission may employ professional technical and clerical assistance to carry out its duties."

ARNE WALDSTEIN
JOHN W. JENSEN
DALE L. TIEDEN
BERL E. PRIEBE
ARTHUR L. GRATIAS

S—5491

Amend Senate File 2192 as follows:

1. Page 6, line 22, by inserting after the word "commission," the words "the director of the state soil conservation commission,".

ELIZABETH R. MILLER

S—5492

Amend Senate File 2230 as follows:

1. Page 1, by striking lines 8 through 10 and inserting in lieu thereof the following: "a city, created by deed, conveyance, contract or will, which instruments were executed after July 1, 1980."

RAY TAYLOR
RICHARD R. RAMSEY

S—5493

Amend Senate File 2349 as follows:

1. Page 3, by inserting after line 23 the following:

"This section applies only to persons licensed under chapter one hundred fifty-six (156) of the Code."

2. Page 4, by inserting after line 13 the following:

"Sec. 12. Sections thirteen (13) through eighteen (18) of this Act are enacted as a new chapter five hundred twenty-three B (523B) of the Code.

Sec. 13. *NEW SECTION.* SALES OF PERSONAL PROPERTY TO BE USED AT DEATH.

1. When an agreement is made by a person, other than a person licensed under chapter one hundred fifty-six (156) of the Code, to deliver personal property which is customarily used in the final disposition or memorialization of a dead human body and the personal property is to be delivered at an uncertain future date, the seller shall establish and maintain records and accounts as required by this chapter until the death of the person for whom the personal property is to be used or until delivery is made, whichever occurs earlier. The seller must clearly disclose in writing that the contract is for the sale of personal property and that funeral service is not included.

2. For purposes of this chapter, delivery is deemed to have been made when the personal property to be delivered under the contract is in a bonded warehouse and is identifiable as the property of the buyer or is released to the buyer.

As used in this chapter the term 'personal property' includes, but is not limited to, a vault, memorial, vase, urn, or any combination of those, intended for or used in the burial, memorization or interment of a dead human body. The term does not include cemetery lots, graves, mausoleum crypts, turf top crypts, niches or columbaria.

3. This chapter does not apply to wholesale transactions.

Sec. 14. *NEW SECTION.* TRUST REQUIRED—PROVISIONS OF TRUST.

1. A seller who is subject to section thirteen (13) of this Act shall, within thirty days following receipt from the buyer of full payment under the contract, deposit in trust an amount equal to at least one hundred ten percent of the ascribed cost of the personal property to be delivered under the contract, as determined in the manner provided in subsection

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three (3) of this section; provided that if the price to be paid by the buyer is payable in installments over a term which exceeds thirty-six months or if the contract is payable in more than three installments

and any scheduled payment is more than twice as large as the average of earlier scheduled payments, then the seller shall, within thirty days following the end of each of the seller's fiscal years, deposit in trust an amount which is of the same relation to one hundred ten percent of the ascribed cost as the sum of the payments made during the fiscal year is to the contract price. Trust funds shall be deposited with a financial institution authorized to transact business in this state, and shall be held in a trust account in the name of the depositor in trust for the designated beneficiary.

2. When a trust account has been established under subsection one (1) of this section, the seller annually shall make an additional deposit to compensate for any annual increase in the ascribed cost of personal property remaining to be delivered under the contract. The deposit shall be made not later than thirty days after the end of the seller's fiscal year, and shall be included in the annual report of the seller required by section fifteen (15) of this Act. Immediately after the end of the seller's fiscal year the seller shall recalculate ascribed cost for the contract in the manner provided in subsection three (3) of this section. The amount of the deposit shall be equal to the excess, if any, of the ascribed cost of the personal property remaining to be delivered according to the contract, as recalculated for the fiscal year just commenced, over the net balance of the trust account; provided that if the buyer has not made full payment, the deposit shall be equal to an amount which is of the same relation to such excess as the sum of payments made under the contract is to the contract price.

3. For purposes of this section, 'ascribed cost' means the wholesale price which the seller would have been required to pay to obtain the personal property to be delivered under the contract in an arm's-length wholesale transaction during the previous fiscal year. Wholesale price means the average wholesale price during the fiscal year in the relevant market.

4. Funds held in trust with respect to a contract may be disbursed upon the death of the person for whom the personal property is to be used, or upon delivery of the personal property, or at any time upon the mutual consent of the parties.

Page 3

5. In lieu of the separate trust account for each contract, the seller may establish a common trust

fund for all or a portion of the contracts for which trust accounts are required.

Sec. 15. *NEW SECTION.* RECORDS AND REPORTING REQUIREMENTS.

1. A seller whose contracts are subject to this chapter shall keep accurate records of the total amount of payments received under each contract, the institutions in which trust funds are maintained, the total amounts deposited in trust and the amount deposited with respect to each contract, a reconciliation of the total trust balance with the individual balances, the earnings of trust funds, and the disbursements from trust funds. These records shall be subject to examination at any time by the auditor of state or by his or her designee. The seller also shall file with the auditor of state, not later than forty-five days after the end of the fiscal year of the seller, an annual report on forms supplied by the seller which shall include the name and business address of the seller, the dates of the fiscal year of the seller, the name and address of the trustee, the name and address of each depository, the balance of funds held in trust for each contract as of the end of the fiscal year and a reconciliation of these balances with the total amount of trust funds on deposit with each depository as of the end of the fiscal year, the current rate of interest or earnings being earned by the trust account, the total obligation of the seller for which the trusts are established at the seller's current cost, and other information required by the auditor of state.

2. The annual report supplied by the seller under subsection one (1) of this section shall include the following statement:

'This report is required by law to be submitted to the auditor of state. Any person who willfully submits false or fraudulent information in this report commits an aggravated misdemeanor.'

3. The attorney general or his or her representative may commence an equitable action in the district court of the county in which the seller engages in the business governed by this chapter to obtain equitable remedies as necessary to compel compliance with the provisions of this section. The district court may grant equitable relief as appropriate.

Sec. 16. *NEW SECTION.* FRADULENT REPORT—PENALTY. A person who is required to submit an annual report

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to the auditor of state under section fifteen (15), subsection one (1), of this Act, and who knowingly submits false information in the report, commits an aggravated misdemeanor.

Sec. 17. *NEW SECTION.* FRADULENT SALES—PENALTY. A person who represents the sale of personal property as a prearranged funeral commits an aggravated misdemeanor.

Sec. 18. *NEW SECTION.* EXCEPTION. This chapter does not apply to a contract which is subject to the provisions of chapter five hundred twenty-three A (523A) of the Code."

3. Page 4, lines 16 and 17, by striking the words "chapter seventeen A (17A) of the Code" and inserting in lieu thereof the words "sections two (2) through seven (7) of this Act".

4. Page 4, line 18, by inserting after the period the words "Sections thirteen (13) through seventeen (17) of this Act do not apply to a contract executed prior to the effective date of this Act. A person who was subject to chapter five hundred twenty-three A (523A) of the Code prior to the effective date of this Act, and who becomes subject to sections thirteen (13) through eighteen (18) of this Act on the effective date of this Act shall maintain trust funds which were established under chapter five hundred twenty-three A (523A) of the Code as it existed prior to the effective date of this act according to the provisions of chapter five hundred twenty-three A (523A) of the Code as it existed prior to the effective date of this Act until released according to the provisions of that prior law."

5. By renumbering sections.

ELIZABETH R. MILLER
CLOYD E. ROBINSON
TOM SLATER
CHARLES P. MILLER
ARTHUR L. GRATIAS
DALE L. TIEDEN
ROBERT M. CARR
JOHN N. NYSTROM

S—5494

Amend Senate File 2192 as follows:

1. Page 6, line 11, by striking the words "state commission" and inserting in lieu thereof the word "department".

2. Page 6, line 12, by striking the word "its" and inserting in lieu thereof the words "the state commission's".

3. Page 6, line 30, by inserting before the word "or" the words "the director of the department of soil conservation,".

ELIZABETH R. MILLER

S—5495

Amend Senate File 2351 as follows:

1. Page 1, line 4, by inserting after the word "held" the words *"during the second week of January"*.

BERL E. PRIEBE
NORMAN G. RODGERS
JACK W. HESTER

S—5496

Amend Senate File 2351 as follows:

1. Page 1, by inserting after line 8 the following new section:

"Sec. 2. This Act is effective July 1, 1981."

NORMAN G. RODGERS
BERL E. PRIEBE

S—5497

Amend the Schwengels amendment, S—5483, to Senate File 2349 as follows:

1. Page 1, line 5, by inserting after the word "entity" the words "licensed under chapter one hundred fifty-six (156) of the Code".

C. JOSEPH COLEMAN

S—5498

Amend Senate File 2333 as follows:

1. Page 1, line 29, by inserting after the word "department" the following "or a sign bearing the international symbol of accessibility painted on the surface of the handicapped parking spaces"

EDGAR H. HOLDEN
ALVIN V. MILLER

S—5499

Amend amendment S—5488 to Senate File 2333

as follows:

1. Page 1, line 4, by striking the word "If" and inserting in lieu thereof the following: "For public and private buildings and facilities other than residences which provide forty-eight or more parking spaces, and for residences which provide".

2. Page 1, line 5, by striking the words "are provided".

3. Page 1, by striking line 10 and inserting in lieu thereof the following: "which are not residences and which provide forty-eight or more parking spaces or residences which provide twelve or more parking spaces, shall".

RICHARD COMITO

S—5500

Amend Senate File 2356 as follows:

1. Page 1, by inserting after line 12 the following new sections:

"Sec. ____ . Section six hundred one G point one (601G.1), subsection two (2), Code 1979, is amended to read as follows:

2. 'Agency' means all governmental entities, departments, boards, commissions, councils or institutions *of the state and its political subdivisions*, and any officer, employee or member thereof acting or purporting to act in the exercise of [his] *that individual's* official duties, but it does not include:

a. Any court or judge or appurtenant judicial staff.

b. The members, committees, or permanent or temporary staffs of the Iowa general assembly.

c. The governor of Iowa or his *or her* personal staff.

d. Any instrumentality formed pursuant to an interstate compact and answerable to more than one state.

Sec. ____ . Section six hundred one G point nine (601G.9), subsection one (1), Code 1979, is amended to read as follows:

1. [He] *The citizens' aide* may investigate, on complaint or on [his] *the citizens' aide's* own motion, any administrative action of any agency, without regard to the finality of the administrative action, except that [he] *the citizens' aide* shall not investigate the complaint of an employee of an agency in regard to that employee's employment relationship with the

agency *unless the complaint is made under section three (3) of this Act.*

Sec. ____. Section six hundred one G point nine (601G.9), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The citizens' aide shall investigate the complaint of any employee who alleges that he or she has been subjected to an action or lack of action in violation of section four (4) of this Act. If the citizens' aide concludes that a violation of section four (4) of this Act has occurred, the procedure prescribed by section six hundred one G point sixteen (601G.16), subsection five (5) of the Code, shall be followed. If the agency declines to resolve the situation, within twenty working days, in a manner which the citizens' aide believes is sufficient to remedy the action or lack of action constituting the violation of section four (4) of

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this Act, the complainant may bring an action in mandamus against the agency under chapter six hundred sixty-one (661) of the Code.

Sec. ____. Chapter six hundred one G (601G), Code 1979, is amended by adding the following new section:

NEW SECTION. REPRISALS FOR CERTAIN DISCLOSURES PROHIBITED. An agency shall not take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in a position with that agency as a reprisal for a disclosure of information by that employee which the employee reasonably believes evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. This section does not apply if the disclosure of that information is prohibited by statute. An agency which violates this section and refuses to remedy the violation shall be subject to an order of mandamus compelling it to do so. A plaintiff who prevails in a mandamus action brought pursuant to this section is entitled to recover attorney's fees from the agency against which the order of mandamus is directed."

2. Amend the title, line 3, by inserting after the word "law" the words ", providing for investigation of complaints by the citizens' aide,".

3. Renumber sections and correct internal references as are necessary in accordance with this

amendment.

BOB RUSH
STEPHEN W. BISENIUS

S—5501

For the text of this House amendment, see pages 1034-1035 of the Senate Journal.

S—5502

Amend House File 733 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter four hundred twenty-two (422), Code 1979, is amended by adding sections two (2) through five (5) of this Act as a new division.

Sec. 2. *NEW SECTION.*

1. In addition to other taxes imposed by this chapter and taxes imposed on real property, a tax is imposed on the increase in the appraised value of agricultural land as a result of a change in the use of the agricultural land. The rate of tax shall be based upon the holding period of the person changing the use of the agricultural land as follows:

Length of holding period in years:		Rate of tax on the increase in the appraised value:
At least	Less than	
	1	50.0%
1	2	47.5
2	3	45.0
3	4	42.5
4	5	40.0
5	6	37.5
6	7	35.0
7	8	32.5
8	9	30.0
9	10	27.5
10		25.0

2. As used in this division, 'agricultural land' means land, as of the date of the change in use, which is assessed for property tax purposes as agricultural property.

There shall be a presumption that agricultural land is not used for agricultural purposes whenever one of the following occurs:

a. The land has not been used for agricultural purposes for longer than twelve months.

b. The platting or subdividing of the land is recorded.

c. Actual construction is begun on a building or structure which is not primarily suitable for use for agricultural purposes.

d. Any other occurrence which would lend the assessor to believe that the land is no longer being used for agricultural purposes.

Sec. 3. *NEW SECTION.* Whenever the assessor of the jurisidiction in which the agricultural land is located determines that the agricultural land is no longer being used for agricultural purposes, the assessor shall notify the department of revenue and

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the owner of record that the agricultural land is no longer used for agricultural purposes and the approximate date the change took place. The notification to the owner of record of the agricultural land shall be by certified mail and shall also state that the owner shall be liable for the tax imposed under this division as a result of the change in use.

The owner of record of agricultural land for which the assessor has determined that it is no longer used for agricultural purposes may appeal the assessor's determination to the district court of the county in which the agricultural land is located by giving written notice of the appeal to the assessor within twenty days from the date of mailing of notice of the determination of the change in use by the assessor.

Sec. 4. *NEW SECTION.*

1. Upon notification to it by the assessor of a change in use of agricultural land, the department of revenue shall arrange for the appraisal of the agricultural land. The appraisal shall be done by the department of revenue, the assessor in whose jurisdiction the agricultural land is located or a private appraiser or combination thereof as arranged for by the department of revenue. The appraisal shall determine the value of the agricultural land as used for agricultural purposes and the value as used for the purpose for which the change took place, if ascertainable, otherwise the value for the best use, with the values determined as of the approximate date the change in use took place.

2. After determination of the appraised values, the department of revenue shall notify the owner of record by certified mail of those appraised values and the amount of the increase in appraised value which is subject to tax under this division. The amount of the increase in appraised value which is

subject to tax is the amount which the appraised value of the land as used for other than agricultural purposes exceeds the appraised value of the land as used for agricultural purposes as both values are determined under this section.

3. The owner of record of the land for which the department of revenue has determined the appraised values and the amount of the increase in appraised value which is subject to tax under subsections one (1) and two (2) of this section may appeal the department of revenue's determination to the district court of the county in which the land is located by giving written notice of the appeal to the department of revenue within twenty days from the date of mailing

Page 3

of notice of the determination of the appraised values and increase in appraised value subject to tax.

Sec. 5. *NEW SECTION.* The due date for filing the tax return and paying the tax shall be twelve months after the date of mailing of notice of the increase in appraised value subject to tax under this division by the department of revenue as provided in section three (3) of this Act. The provisions of sections four hundred twenty-two point twenty-four (422.24) through four hundred twenty-two point twenty-six (422.26) of the Code are applicable to the tax imposed under this division.

The taxpayer's holding period of agricultural land, the change in use of which subjects the taxpayer to tax under this division, is determined, as if the change in use was a sale or exchange, under the Internal Revenue Code of 1954, as defined in section four hundred twenty-two point four (422.4) of the Code, except as provided in this subsection. As to any person whose holding period is claimed by the taxpayer or cannot be determined under the Internal Revenue Code of 1954, the holding period shall not exceed the time for which the person has had actual title in his or her own name, and shall include the time the real property was so held prior to the effective date of this Act. If a husband and wife are joint tenants, the amount of time the agricultural land was held by one spouse alone before that spouse created the joint tenancy shall be added to the holding period. If the joint tenancy is dissolved by reason of death, the holding period during the joint tenancy shall be added to the holding period of the surviving spouse owning the real property in his or her own name.

Sec. 6. *NEW SECTION.* The person liable for the tax imposed under this division is the owner of record of the agricultural land as of the date the land is changed to a use other than for agricultural purposes.

Sec. 7. Section four hundred forty-five point sixty-three (445.63), Code 1979, is repealed.

Sec. 8. This Act takes effect January first following its enactment."

2. Title page, by striking the title and inserting in lieu thereof the words "An act to impose an additional tax on the change in use of agricultural land and imposing penalties for violations and repealing the recapture of taxes provision."

NORMAN G. RODGERS
DAVID M. READINGER
ROLF V. CRAFT

S—5503

Amend House File 2520 as amended, passed and reprinted by the House as follows:

1. Page 3, by inserting after line 1 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section three (3), subsection three (3), is amended to read as follows:

3. BUREAU OF LABOR

For salaries and support of not more than [ninety-two] *ninety-three* point twelve full-time equivalent positions, maintenance and miscellaneous purposes ..... $ 1,181,330 $ [1,177,511] *1,198,511*

Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section five (5), subsection one (1), is amended to read as follows:

DEPARTMENT OF JUSTICE

1. For the general office of attorney general for salaries and support of not more than one hundred thirty point fifty full-time equivalent positions, maintenance and miscellaneous purposes ..... $ 2,135,620 $ [2,120,793] *2,138,793*"

2. Page 4, by inserting after line 19 the following:

"Sec. ____. There is appropriated from the general fund of the state to the state commission of athletics for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the sum of three thousand five hundred (3,500) dollars, or so much thereof as is necessary, for membership in boxing associations, actual expenses, and mileage of meetings, office expenses, and travel of the athletic commissioner's advisory committee."

3. By renumbering the sections to conform with this amendment.

4. Amend the title, lines 5 and 6, by striking the words "an additional appropriation" and inserting in lieu thereof the words "additional appropriations".

COMMITTEE ON APPROPRIATIONS
JOHN S. MURRAY, Chairperson

S—5504

For the text of this House amendment, see pages 1036-1040 of the Senate Journal.

S—5505

Amend Senate File 2332 as follows:

1. Page 7, by striking all of lines 3 through 11.

EDGAR H. HOLDEN

S—5506

Amend Senate File 2320 as follows:

1. Page 11, by inserting after line 26 the following new section:

"Sec. ____. Section three hundred four point seventeen (304.17), Code 1979, is amended to read as follows:

304.17 EXEMPTION—DUTY OF BOARD OF REGENTS. The [highway division of the] *state* department of transportation and the agencies and institutions under the control of the state board of regents [shall be] *are* exempt from the records management manual and the provisions of this chapter. However, the state [highway division] *department of transportation* and the state board of regents shall adopt rules for their employees, agencies, and institutions which [shall be] *are* consistent with the objectives of this chapter. The rules shall be approved by the state records commission and be subject to the provisions of chapter 17A."

2. By correcting section numbers and internal references as made necessary by this amendment.

LUCAS J. DE KOSTER

S—5507

Amend Senate File 2313 as follows:

1. Page 1, by striking lines 2 and 3 and inserting in lieu thereof the words "Act, 'residential service contract' means contract or".

2. By striking page 1, line 10 through page 8, line 8, and inserting in lieu thereof the following:

"Sec. ____. *NEW SECTION.* EXCLUSION FROM INSURANCE LAWS. A residential service contract shall not be deemed an insurance policy or insurance contract for any of the purposes of title twenty (XX) of the Code."

3. Amend the title, by striking lines 1 through 3 and inserting in lieu thereof the words "An Act exempting residential service contracts from the insurance laws of this state."

BOB RUSH

S—5508

Amend the Drake amendment, S—5401, to House File 2482 as amended, passed and reprinted by the House as follows:

1. Page 1, line 25, by striking the word "fiscal" and inserting in lieu thereof the word "calendar".

2. Page 1, line 30, by striking the word "fiscal" and inserting in lieu thereof the word "calendar".

RICHARD F. DRAKE

S—5509

Amend amendment S—5328 to House File 2410 as amended, passed and reprinted by the House as follows:

1. Page 3, line 15, by striking the word "oldest".

2. Page 5, by striking line 10 and inserting in lieu thereof the words *"Act"* the words *"or"*.

JOANN ORR

S—5510

Amend Senate File 2333 as follows:

1. Page 1, by striking lines 3 through 6, and inserting in lieu thereof the following:

"*NEW SUBSECTION.* For public and private buildings and facilities other than residences which provide forty-eight or more parking spaces, at least one percent of the parking spaces provided shall be set aside as handicapped parking spaces as defined in section six hundred one E point one (601E.1) of the Code."

2. Page 1, by striking lines 9 through 16, and inserting in lieu thereof the following:

"*NEW SECTION.* Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide forty-eight or more parking spaces, shall set aside at least one percent of the parking spaces provided as handicapped parking spaces as defined in section six hundred one E point one (601E.1) of the Code.

Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, which are residences and which provide twelve or more parking spaces, shall set aside at least one handicapped parking space as defined in section six hundred one E point one (601E.1) of the Code for each individual dwelling unit in which a handicapped person resides."

RICHARD COMITO

S—5511

Amend Senate File 2361 as follows:

1. Page 10, line 20, by striking the word "paragraphs" and inserting in lieu thereof the word "paragraph".

2. Page 10, by striking lines 34 and 35.

3. Page 11, by striking lines 1 through 4.

JOHN W. JENSEN
RICHARD F. DRAKE

S—5512

Amend Senate File 2361 as follows:

1. Page 2, by striking lines 9 through 13 and inserting in lieu thereof the following new section:

"Sec. ____. Section three hundred twenty-one point thirty-four (321.34), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-one (71), section three (3), is amended to read as follows:

5. MULTIYEAR PLATES. In lieu of issuing annual

registration plates for trailers and semitrailers, the [county treasurer or] department may issue [a] multiyear registration [plate] *plates* for a three-year period *for trailers and semitrailers licensed under chapter three hundred twenty-six (326) of the Code* upon payment of the appropriate registration fee. Fees from three-year payments shall not be reduced or prorated [under the provisions of chapter 326]."

2. Page 3, by striking lines 25 through 35.

3. Page 4, by striking lines 1 and 2.

4. Page 9, by striking lines 26 through 35.

5. Page 10, by striking lines 1 through 17.

6. Page 22, line 21, by inserting after the word "issued" the words "by the county treasurer".

7. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

JOHN W. JENSEN
RICHARD F. DRAKE

S—5513

Amend Senate File 2025 as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section one hundred eighty-eight point forty-nine (188.49), Code 1979, is amended to read as follows:

188.49 NEGLECTED ANIMALS. Any person may take charge of any animal when the owner fails to properly take care and provide for it, and may furnish the same with proper care, either on his own premises or on the premises of the owner, and shall have a lien on the animal for the same, and the reasonable value of such care may be collected by him from the said owner. *Furthermore, any animal removed from the possession of the owner for failure to properly care for and provide for the animal, shall not be returned to the owner until a hearing has been held by a magistrate on the suitability of returning the animal to the owner's possession. If it is determined that there is no reasonable likelihood that the owner will properly care for the animal, if the animal is returned to that person's possession, the owner's property rights in the animal shall be terminated and the animal shall be disposed of as though it had been abandoned.*"

BASS VAN GILST

S—5514

Amend Senate File 2333 as follows:

1. Page 1, by inserting before line 1, the following:

"Sec. ____. Section one hundred three A point twenty-one (103A.21), subsection three (3), Code 1979, is amended to read as follows:

3. As an alternative to filing criminal charges as provided in this section, the commissioner may file a petition in the district court and obtain injunctive relief for any violation of this chapter *or chapter one hundred four A (104A) of the Code.*"

2. Page 1, by inserting after line 6 the following:

"Buildings and facilities required under this subsection to provide handicapped parking spaces shall set aside at least one such space."

3. Page 1, by inserting after line 16 the following:

"Buildings and facilities required under this section to provide handicapped parking spaces shall set aside at least one such space."

4. By renumbering sections and internal references as necessary.

NORMAN J. GOODWIN

S—5515

Amend Senate File 2296 as follows:

1. Page 3, lines 7 and 8, by striking the words "state road use tax fund" and inserting in lieu thereof the words "department of public instruction for the use of the school budget review committee".

BERL E. PRIEBE

S—5516

Amend Senate File 2333 as follows:

1. Page 4, by striking lines 20 through 26 and inserting in lieu thereof the following:

"a. Establishing procedure for applying to the department for issuance of a *permanent or temporary* [special] *handicapped* identification device under this section.

b. Requiring persons [issued special identification devices to furnish evidence at appropriate intervals that they remain physically handicapped to the extent described by subsection 1] *who seek permanent handicapped identification devices to furnish evidence upon initial*

application that they are permanently handicapped; and requiring persons who seek temporary handicapped identification device to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at six month intervals that they remain physically handicapped."

BERL E. PRIEBE
NORMAN G. RODGERS
FORREST V. SCHWENGELS
ALVIN V. MILLER
ARTHUR L. GRATIAS
RICHARD COMITO
LOWELL L. JUNKINS
EDGAR H. HOLDEN
DALE L. TIEDEN

S—5517

Amend Senate File 2333 as follows:

1. Page 1, line 6, by inserting after the word "Code." the following: "This subsection applies only to public buildings and facilities."

2. Page 1, line 10, by striking the words "and private".

3. Page 1, line 15, by inserting after the word "to" the word "public".

4. Page 5, by inserting after line 32, the following:

"3. Each space shall be clearly designated as a handicapped parking space by the display of the international symbol of accessibility either on a sign or painted on the surface of the space, or as prescribed by the department."

EDGAR H. HOLDEN
ALVIN V. MILLER

S—5518

Amend Senate File 2025 as follows:

1. Page 2, by inserting after line 2 the following new section:

"Sec. ____. Chapter seven hundred seventeen (717), Code 1979, is amended by adding the following new section:

NEW SECTION. ACCIDENTS. If a domestic animal is involved in an accident on a public street or highway while not in the control of its owner the owner is guilty of a simple misdemeanor."

STEPHEN W. BISENIUS

S—5519

Amend Senate File 2333 as follows:

1. Page 5, by inserting after line 32 the following:

"3. Each space shall be clearly designated as a handicapped parking space by the display of the international symbol of accessibility either on a sign or painted on the surface of the space, or as prescribed by the department."

EDGAR H. HOLDEN
ALVIN V. MILLER

S—5520

Amend Senate Joint Resolution 2001 as follows:

1. Page 4, line 3, by striking the word "temporarily".

2. Page 4, line 5, by striking the word "two-thirds" and inserting in lieu thereof the words "a majority".

3. Page 4, line 6, by striking the words "and approved by the governor".

ALVIN V. MILLER
C.W. HUTCHINS
JOHN SCOTT

S—5521

Amend House File 2305, as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 28 through 30 and inserting in lieu thereof the following: "special features, and [no] land shall *not* be acquired or accepted [which] *unless*, in the opinion of the board and the state conservation commission, *it* is [of low value] *suitable or, in the case of exchange, is suitable and of substantially the same value as the property exchanged*".

ARNE WALDSTEIN
A.R. KUDART
CHARLES P. MILLER

S—5522

Amend Senate File 2313 as follows:

1. Page 7, by striking line 32 through page 8, line 3, and inserting in lieu thereof the following:

"2. A service contract, guarantee, or warranty guaranteeing or warranting the repair or service of an appliance, system or component provided such service contract, guarantee or warranty is issued by a person who has repaired or serviced the appliance, system or component at the time of, or prior to, issuance of such contract, guarantee or warranty and, provided further, that the person issuing the service contract, guarantee or warranty, is not a licensed service company."

IRVIN L. BERGMAN

S—5523

Amend Senate Joint Resolution 2001 as follows:

1. Page 1, line 35 by striking the words "by vote of the electors".

ARTHUR A. SMALL, JR.

S—5524

Amend House File 2492 as amended, passed and reprinted by the House as follows:

DIVISION S—5524A

1. By striking page 1, line 4, through page 2, line 24 and inserting in lieu thereof the following:

"Chapter one hundred seventeen (117), section one (1), is amended to read as follows:

However, a public utility [shall have the right] *may* at any time after [said] rates, charges, schedules or regulations have been suspended for ninety days [to] place in effect any or all of [such] *the* suspended rates, charges, schedules or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected [thereunder] in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. [Such] *The* rate of interest shall be *a reasonable rate as determined by the commission, but* not less than five percent per annum, [nor more than twelve percent per annum,] *and the interest shall be* compounded annually."

DIVISION S—5524B

2. Page 3, by striking lines 13 through 27 and inserting in lieu thereof the following:

"e. A person borrowing money or obtaining credit for business or agricultural purposes, or a person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars for personal, family or household purposes. As used in this paragraph, 'agricultural purpose' ".

DIVISION S—5524C

3. Page 6, line 17, by striking the word "retail".

DIVISION S—5524D

4. Page 7, by striking lines 10 through 17 and inserting in lieu thereof the following:

"Sec. 4. Section three hundred twenty-two point nineteen (322.19), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

322.19 RETAIL INSTALLMENT TRANSACTION—FINANCE CHARGE. A retail installment transaction may include a finance charge at any rate agreed to in writing by the parties.

'Finance charge' shall be as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code.

This section supersedes any conflicting interest rate or finance charge limitation contained in the Code, including but not limited to the provisions of chapters five hundred thirty-five (535) and five

DIVISION S—5524D (cont'd.)

hundred thirty-seven (537) of the Code."

DIVISION S—5524E

5. By striking page 7, line 20 through page 8, line 2, and inserting in lieu thereof the following:

"NEW SECTION. MOBILE HOME AND MODULAR HOME RETAIL INSTALLMENT CONTRACT—FINANCE CHARGE. A retail installment contract or agreement for the sale of a mobile home or modular home may include a finance charge at any rate agreed to in writing by the parties.

'Finance charge' shall be as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code.

This section supersedes any conflicting interest rate or finance charge limitation contained in the Code, including but not limited to the provisions of chapters five hundred thirty-five (535) and five hundred thirty-seven (537) of the Code."

DIVISION S—5524F

6. By striking page 8, line 6, through page 9, line 8, and inserting in lieu thereof the following:

"Code, is amended by striking the section and inserting in lieu thereof the following:

SECTION 1. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. SEMITRAILER OR TRAVEL TRAILER RETAIL INSTALLMENT CONTRACT—FINANCE CHARGES. A retail installment contract or agreement for the sale of a semitrailer or travel trailer may include a finance charge at any rate agreed to in writing by the parties.

'Finance charge' shall be as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code.

This section supersedes any conflicting interest rate or finance charge limitation contained in the Code, including but not limited to the provisions of chapters five hundred thirty-five (535) and five hundred thirty-seven (537) of the Code."

DIVISION S—5524G

7. Page 9, line 13, by striking the word *"eighteen"* and inserting in lieu thereof the word *"twenty-one"*.

DIVISION S—5524H

8. Page 9, line 28, by striking the word *"eighteen"* and inserting in lieu thereof the word *"twenty-one"*.

DIVISION S—5524I

9. Page 9, by inserting after line 29 the following:

"Sec. 9. Section five hundred thirty-seven point two thousand two hundred two (537.2202), subsection three (3), Code 1979, is amended to read as follows:

3. If the billing cycle is monthly, the charge

may not exceed an amount equal to one and one-half percent of [that part of] the maximum amount pursuant to subsection 2 [which is five hundred dollars or less and one and one-fourth percent of that part of the

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DIVISION S—5524I (cont'd.)

maximum amount which is more than five hundred dollars]. If the billing cycle is not monthly, the maximum charge for the billing cycle shall bear the same relation to the applicable monthly maximum charge as the number of days in the billing cycle bears to three hundred sixty-five divided by twelve. A billing cycle is monthly if the closing date of the cycle is the same date each month or does not vary by more than four days from the regular date.

Sec. 10. Section five hundred thirty-seven point two thousand four hundred two (537.2402), subsection three (3), Code 1979, is amended to read as follows:

3. If the billing cycle is monthly, the charge may not exceed an amount equal to one and one-half percent of [that part of] the maximum amount pursuant to subsection 2 [which is five hundred dollars or less and one and one-fourth percent of that part of the maximum amount which is more than five hundred dollars]. If the billing cycle is not monthly, the maximum charge for the billing cycle shall bear the same relation to the applicable monthly maximum charge as the number of days in the billing cycle bears to three hundred sixty-five divided by twelve. A billing cycle is monthly if the closing date of the cycle is the same date each month or does not vary by more than four days from the regular date."

DIVISION S—5524J

10. Page 9, by striking lines 30 through 35.

DIVISION S—5524K

11. Page 10, by inserting after line 9 the following:

"3. Sections four (4), five (5) and six (6) of this Act apply only with respect to contracts executed on or after the effective date of this Act. Sections seven (7) and eight (8) of this Act apply only with respect to loans or extensions of credit made or granted on or after the effective date of this Act.

Sections nine (9) and ten (10) of this Act apply only with respect to loan or credit account balances which arise out of loans or credit made or extended on or after the effective date of this Act."

12. By renumbering sections and subsections.

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S—5525

Amend the committee on Education amendment, S—5314, to Senate File 202 as follows:

1. Page 1, lines 45 and 46, by striking the words ", officers, guests, and employees" and inserting in lieu thereof the words "and guests".

2. Page 4, line 4, by inserting after the period the following:

"The resolution shall state that taxes, appropriations, and other funds of the merged area or of the state of Iowa shall not be pledged for or used to pay the bonds or notes or the interest on the bonds or notes, but bonds or notes are payable only as to both principal and interest from the net rents, profits, and income derived from the operation of students residence halls and dormitories, including dining facilities and other incidental facilities, at the institutions operated by the board."

3. Page 4, line 44, by inserting after the word "at" the words "student residence halls and dormitories, including dining facilities and other incidental facilities, at".

4. Page 4, line 45, by inserting after the word "for" the words "student residence halls and dormitories, including dining facilities and other incidental facilities, at".

5. Page 4, line 46, by striking the words "Bonds or notes".

6. Page 4, by striking lines 47, 48 and 49.

7. Page 6, line 11, by inserting after the word "notes" the words ", if the aid, gifts or grants were designated for such purposes when applied for or accepted".

EDGAR H. HOLDEN

S—5526

Amend the committee on Education amendment, S—5314, to Senate File 202 as follows:

1. Page 1, lines 13 and 14, by striking the words

"residence halls and dormitories" and inserting in lieu thereof the words "residencies".

2. Page 1, lines 28 and 29, by striking the words "residence halls and dormitories" and inserting in lieu thereof the word "residencies".

3. Page 1, by inserting after line 29 the following:

"5. 'Student residencies' means low-rise, apartment-style or single occupancy dwellings of three stories or less."

4. Page 1, lines 33 and 34, by striking the words "residence halls and dormitories" and inserting in lieu thereof the word "residencies".

5. Page 1, lines 44 and 45, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

6. Page 1, lines 47 and 48, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

7. Page 3, line 6, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

8. Page 3, lines 37 and 38, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

9. Page 4, lines 8 and 9, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

10. Page 4, line 33, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

11. Page 4, lines 41, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

12. Page 5, lines 8 and 9, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

13. Page 5, line 31, by striking the words "residence halls and dormitories" and inserting in lieu thereof the words "student residencies".

14. Page 6, line 48, by striking the word "dormitories" and inserting in lieu thereof the word "residencies".

15. Page 7, line 3, by striking the word "dormitories" and inserting in lieu thereof the word "residencies".

16. Page 7, line 5, by striking the word

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"dormitories" and inserting in lieu thereof the words

"student residencies".

17. Page 7, line 16, by inserting before the word ", dormitories" the words "residence halls".

18. Page 7, line 17, by striking the words "and dormitories" and inserting in lieu thereof the word "residencies".

JOE BROWN

S—5527

Amend Senate Joint Resolution 2001 as follows:

1. Page 1, by striking lines 20 through 22 and inserting in lieu thereof the following: "instrumentalities of a government. 'Local Government' includes all political subdivisions except cities and counties in the state, including but not limited to school districts, special".

ROBERT M. CARR

S—5528

Amend Senate File 2320 as follows:

1. Page 26, by inserting after line 22 the following new section:

"Sec. ____. Section forty-eight (48) of House File 687, Acts of the Sixty-eighth General Assembly, 1980 Session, is amended by striking the section."

2. By correcting section numbers and internal references as made necessary by this amendment.

LUCAS J. DE KOSTER

S—5529

Amend Senate File 2025 as follows:

1. Page 2, by inserting after line 2 the following new section:

"Sec. ____. Chapter seven hundred seventeen (717), Code 1979, is amended by adding the following new section:

NEW SECTION. ACCIDENTS. If a domestic animal is involved in a motor vehicle accident on a public street or highway while not in the control of its owner the owner is guilty of a simple misdemeanor."

STEPHEN W. BISENIUS

S—5530

Amend House amendment S—5345 to Senate File 2102

as follows:

1. Page 2, by inserting after line 20, the following:

"____. Page 7, by striking lines 27 through 31 and inserting in lieu thereof the following:

'Sec. 10. Section two hundred twenty-nine point twenty-one (229.21), subsection one (1), Code 1979, as amended by section thirty (30) of House File 687, Sixty-eighth General Assembly, 1980 Session, is amended to read as follows:

1. [As soon as practicable after the adoption of this Act the] *The* judges in each judicial district shall'."

LUCAS J. DE KOSTER

S—5531

Amend Senate File 2360 as follows:

1. Page 9, line 12, by inserting after the word "reports." the words "This compilation is composed of facility cost reports received prior to February 1, 1980."

2. Page 9, line 17, by inserting after the word "reports." the words "This compilation is composed of facility cost reports received prior to November 1, 1980."

LUCAS J. DE KOSTER

S—5532

Amend House File 54 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following:

"Sec. ____. Section forty-six point sixteen (46.16), Code 1979, is amended to read as follows:

46.16 TERMS OF JUDGES.

1. Subject to the provisions of sections 605.24 and 605.25 and to removal for cause:

[1] *a.* The initial term of office of judges of the supreme court, court of appeals and district court shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year; and

[2] *b.* The regular term of office of judges of the supreme court retained at a judicial election shall be eight years, and of judges of the court of appeals and district court so retained shall be six years, from the expiration of their initial or previous

regular term as the case may be.

For the purpose of initial appointments to the court of appeals, two of the judges appointed shall serve an irregular term ending December [30] *thirty-first* of the fourth year after expiration of the initial term prescribed in subsection 1 and two of the judges appointed shall serve an irregular term ending December [30] *thirty-first* of the fifth year after expiration of the initial term prescribed in subsection 1. Expiration of irregular terms shall be deemed expiration of regular terms for all purposes.

2. Subject to removal for cause, the initial term of office of a district associate judge shall be for one year after appointment and until January first following the next judicial election after expiration of such year, and the regular term of office of a district associate judge retained at a judicial election shall be four years from the expiration of the initial or previous regular term, as the case may be.

Sec. ___. Section forty-six point twenty (46.20), Code 1979, is amended to read as follows:

46.20 DECLARATION OF CANDIDACY. At least ninety days prior to the judicial election preceding expiration of his or her initial or regular term of office, a judge of the supreme court, court of appeals or district court including district associate judges may file a declaration of candidacy with the state commissioner of elections, whereupon such judge shall stand for retention or rejection at that election. If a judge fails to file such declaration, his or

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her office shall be vacant at the end of his or her term. District associate judges filing such a declaration shall stand for retention in the [county] *judicial election district* of their residence."

2. Page 1, by striking line 21 and inserting in lieu thereof the following:

"602.28 DISTRICT ASSOCIATE JUDGES.

1. The regular judges".

3. By striking page 1, line 20 through page 29, line 6, and inserting in lieu thereof the following:

"2. Judicial magistrates who were appointed for terms of office pursuant to either section six hundred two point fifty-one (602.51) or section six hundred two point fifty-nine (602.59) of the Code, and who are in office on January 1, 1981, and who meet the qualifications for appointment to the office of

district associate judge, shall become district associate judges on January 1, 1981. Alternates who are appointed pursuant to section six hundred two point seventy-one (602.71) of the Code, and who are in office on January 1, 1981, and who meet the qualifications for appointment to the office of district associate judge, shall become alternate district associate judges on January 1, 1981, and shall be subject to section ten (10) of this Act.

3. Judicial magistrates and alternate judicial magistrates who become district associate judges by virtue of subsection two (2) of this section shall stand for retention in office at the judicial election in 1982. Irrespective of the existing terms of office to which they were appointed, these magistrates shall serve as district associate judges until January 1, 1983. Those who are retained in office at the judicial election in 1982 shall begin the regular four-year term of office for district associate judges on January 1, 1983. Those who are not retained in office at the judicial election 1982 shall cease to hold office on January 1, 1983.

4. A judicial magistrate who was appointed pursuant to section six hundred two point fifty-one (602.51), six hundred two point fifty-nine (602.59) or six hundred two point seventy-one (602.71) of the Code, and who is in office on January 1, 1981, but who does not meet the qualifications for appointment to the office of district associate judge, shall continue to serve as a judicial magistrate until the expiration of the term to which the person was appointed or until the person otherwise leaves office. Upon the person's leaving office, the vacancy shall be filled as provided in section nine (9) of this Act."

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4. Page 2, line 11, by striking the word "county" and inserting in lieu thereof the words "[county] *judicial election district*".

5. Page 2, by striking lines 14 through 21 and inserting in lieu thereof the following: "[The term of office of the judges who are retained in office at the judicial election shall extend for four years after January 1 next following the election, and the term of office of the judges who are not retained in office at such a judicial election shall extend until January 1 next following such election. District associate judges shall cease to hold office upon attaining age seventy-two.]"

6. Page 3, by striking lines 7 through 29 and inserting in lieu thereof the following:

"Sec. ____. Section six hundred two point thirty-one (602.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section thirteen (13) is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. The annual salary of each district associate judge, payable from the general fund of the state of Iowa, shall be a sum set by the general assembly. District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties away from the city of their residence, in accordance with section 605.2. District associate judges *who were municipal court judges prior to July 1, 1973, and* who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund. *A person who becomes a district associate judge on the effective date of this Act by virtue of section three (3) of this Act or who is appointed to the office of district associate judge after the effective date of this Act shall be a member of the Iowa public employees' retirement system as long as the person continues to hold office as a district associate judge.*"

7. Page 9, by striking lines 8 through 28 and inserting in lieu thereof the following:

"Sec. ____. Section six hundred two point fifty-four (602.54), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section fourteen (14), is amended to read as follows:

602.54 SALARY EXPENSES. Each judicial magistrate

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shall receive a salary payable from the general fund of the state, and [also his or her actual and necessary] expenses [in the performance of his or her duties while away from the city of his or her residence,] in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided [herein] *in section six hundred two point fifty-eight (602.58) of the Code*, shall be the sum set by the general assembly. [The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary in

an amount set by the general assembly. Judicial magistrates appointed pursuant to section 602.51 except district associate judges shall be members of the Iowa public employees' retirement system.] Judicial magistrates appointed pursuant to either section 602.50 or section 602.58 may elect to be members of the Iowa public employees' retirement system upon filing notice in writing with the Iowa department of job service and the court administrator of the judicial department."

8. Page 15, line 1, by striking the numerals "1980" and inserting in lieu thereof the numerals "1981".

9. By renumbering sections and correcting internal references.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5533

Amend House File 685 as amended, passed and reprinted by the House as follows:

1. Page 1, line 15, by striking the words "three years" and inserting in lieu thereof the words "one year".

2. Page 1, by striking line 26 through page 2, line 6.

3. By correcting section numbers and internal references as made necessary by this amendment.

4. Amend the title, lines 4 and 5, by striking the words ", granting the department of social services rule-making authority to implement this Act,".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5534

Amend House File 2463 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 14 through 20 and inserting in lieu thereof the following: "[at seventeen dollars and fifty cents] *forty dollars* per day *each* and necessary expenses, to be paid out of the funds of the drainage or levee district for each day necessarily expended in the".

COMMITTEE ON AGRICULTURE
IRVIN L. BERGMAN, Chairperson

S—5535

Amend amendment S—5493 to Senate File 2349 as follows:

1. Page 1, lines 45 and 46, by striking the words "within thirty days following receipt from the buyer of full payment" and inserting in lieu thereof the words "upon receipt of payment".

2. Page 2, by striking lines 3 through 12 and inserting in lieu thereof the words "the seller shall, upon receipt of each payment, deposit in trust an amount which is of the same relation to one hundred ten percent of the ascribed cost as the amount of the payment is to the contract price. Trust funds shall be deposited".

PATRICK J. DELUHERY

S—5536

Amend amendment S—5493 to Senate File 2349 as follows:

1. Page 3, by inserting after line 4 the following:

"Sec. ___. *NEW SECTION.*

1. A seller whose contracts are subject to this chapter shall disclose to each buyer in writing at least once each year that trust funds are required by law to be maintained with respect to each contract; that the seller's accounts and records are subject to examination by the state department of health; and that the buyer, or the buyer's attorney, or a member of the buyer's immediate family, or another person designated by the buyer, is entitled to inspect the seller's copy of the annual certification submitted by the seller to the commissioner under this chapter, and to be given information respecting the status of trust funds required with respect to the buyer's contract. The commissioner shall adopt rules specifying the form and the time and manner of making the disclosure required under this subsection.

2. The seller shall maintain at the principal business office a copy of each annual certification submitted to the commissioner under this chapter, and shall make these copies and information respecting the status of trust funds relating to a contract available upon request to the buyer under a contract, or to the buyer's attorney, or a member of the buyer's immediate family, or another person designated by the buyer."

PATRICK J. DELUHERY

S—5537

Amend amendment S—5493 to Senate File 2349 as follows:

1. By striking page 1, line 42 through page 3, line 4, and inserting in lieu thereof the following:

"Sec. ____ . *NEW SECTION.* TRUST EXEMPTION.

1. The commissioner may adopt rules pursuant to chapter seventeen A (17A) of the Code exempting qualified sellers from those provisions of this chapter which require a seller to deposit funds in trust. A seller is not exempt from those provisions unless the person applies to the commissioner pursuant to rules as adopted and is issued a certificate of exemption by the commissioner.

2. Rules adopted by the commission shall contain financial responsibility requirements to be satisfied by an applicant for exemption which, in the opinion of the commissioner, are sufficient to provide protection for buyers which is at least equal to the trust requirements of this chapter.

3. Upon not less than five days notice and opportunity for hearing pursuant to the notice, the commissioner may upon reasonable grounds revoke a certificate of exemption. Failure by a seller to deliver personal property or services as required by the contract constitutes reasonable grounds for revocation of a certificate of exemption. A seller whose certificate of exemption has been revoked shall satisfy the trust requirements of this chapter within ten days after the date the revocation takes effect, either by depositing money in trust equal to the required trust amount, or by submitting to the commissioner a corporate surety bond which is issued by a surety company licensed to do business in this state and which contains a penal sum equal to the required trust amount. If the seller fails to satisfy the trust requirements as provided in this subsection within this ten-day period, the commissioner shall apply to the district court for Polk county for appointment of a receiver."

STEPHEN W. BISENIUS
LOWELL L. JUNKINS
FORREST V. SCHWENGELS

S—5538

Amend amendment S—5493 to Senate File 2349 as follows:

1. Page 1, by striking lines 2 through 41.
2. Page 1, by striking lines 42 through 45 and inserting in lieu thereof the following:
"___. Page 4, by inserting after line 13 the following:
'Sec. 11. *NEW SECTION.* ALTERNATE TRUST PROVISIONS--CERTAIN SELLERS.
1. A seller, other than a person licensed under chapter one hundred fifty-six (156) of the Code, shall, within thirty days following'."
3. Page 2, lines 24 and 25, by striking the words and figure "included in the annual report of the seller required by section fifteen (15)" and inserting in lieu thereof the words and figure "reported in the annual certification required by section five (5)".
4. By striking page 3, line 5 through page 4, line 4.
5. Page 4, by striking lines 9 through 16.
6. Page 4, by striking lines 17 through 19 and inserting in lieu thereof the following:
"___. Page 4, line 18, by inserting after the period the words and figure 'Section eleven (11) of this Act does not apply to a contract executed'."
7. Page 4, lines 23 and 24, by striking the words and figures "sections thirteen (13) through eighteen (18)" and inserting in lieu thereof the words and figure "section eleven (11)".
8. By renumbering as necessary.

FORREST V. SCHWENGELS

S--5539

Amend Senate File 2349 as follows:
1. By striking page 1, line 1, through page 4, line 13 and inserting in lieu thereof the following:
"Section 1. This Act is enacted as a new chapter one hundred thirty-five F (135F) of the Code.
Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this chapter, unless the context otherwise requires:
1. 'Seller' means any person, firm, corporation or other entity engaged in the pre-need sale of personal property, including but not limited to a casket, vault, crypt, or any other burial receptacle, used in conjunction with the final disposition of a dead human body, or in the pre-need sale of services of a funeral director in connection with the final disposition of a dead human body.
2. 'Commissioner' means the state commissioner of public health.

Sec. 3. *NEW SECTION.* RULES.

1. The commissioner shall adopt rules as necessary to administer and enforce the provisions of this chapter.

2. The commissioner shall adopt rules prescribing procedures, requirements and accounting methods and practices to be followed by sellers in establishing and maintaining trust accounts and pertinent records.

Sec. 4. *NEW SECTION.* AUDITS AND EXAMINATIONS.

1. The commissioner shall provide by rule for the audit or examination of books of account and other records to be maintained under this chapter. A seller shall comply with these rules and shall make all books of account and other pertinent records available to the commissioner for examination.

2. The commissioner may provide by rule that an audit conducted by a certified public accountant be submitted by a seller in lieu of an audit or examination conducted by the commissioner.

Sec. 5. *NEW SECTION.* ANNUAL CERTIFICATION—PENALTY.

1. Every seller shall submit to the commissioner once each year a written statement which is signed by the seller and notarized, and which contains the following information:

a. Identification of each financial institution in which trust funds are maintained.

b. Authorization for the commissioner to investigate, audit and verify all funds, accounts, safe deposit boxes or other forms in which trust funds are held by or in a financial institution identified under paragraph a of this subsection.

c. Other information required by rules of the

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commissioner.

d. A declaration that the information contained in the statement is truthful, accurate and complete.

2. The commissioner shall provide by rule for the form, content and date of filing of the statement to be submitted under subsection one (1) of this section.

3. A person who knowingly submits false information in a statement submitted under subsection one (1) of this section commits a serious misdemeanor.

Sec. 6. *NEW SECTION.* REMEDIAL ORDERS.

1. Upon notice and opportunity for hearing, the commissioner may issue a remedial order against a person who is in violation of the requirements of

this chapter. The respondent shall comply with the remedial order within such reasonable period of time as may be stated by the commission in the order. The use of this authority by the commissioner is discretionary, and is not required as a condition precedent to any other criminal or civil proceeding.

2. A hearing under this section shall be conducted as a contested case under chapter seventeen A (17A) of the Code. Notice must be served upon the respondent by personal service as in civil actions, notwithstanding contrary provisions of section seventeen A point twelve (17A.12), subsection one (1) of the Code.

Sec. 7. *NEW SECTION.* JUDICIAL ASSISTANCE.

1. The commissioner may commence an action in the district court to obtain such remedial orders as may be necessary to stop or prevent violations of this chapter.

2. The commissioner may commence an action in the district court to compel compliance with the requirements of this chapter, including rules promulgated under this chapter, or to compel compliance with a remedial order issued by the commissioner under section six (6) of this Act.

Sec. 8. *NEW SECTION.* TRUST FUND ESTABLISHED. Whenever an agreement is made by any seller in a pre-need sale for the sale of personal property to be used in connection with the final dispostion of a dead human body or the furnishing of professional services of a funeral director, eighty percent of all payments made under the agreement, including interest thereon, shall be and remain trust funds until occurrence of the death of the person for whose benefit the funds were paid, unless the funds are sooner released to the person making such payment.

Sec. 9. *NEW SECTION.* DEPOSIT OF FUNDS. All trust

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funds under section eight (8) of this Act shall be deposited in a bank or trust company authorized to transact business in this state within thirty days after the receipt thereof and shall be held in a separate trust account or in one common trust fund under a trust agreement in the name of the depositor in trust for the designated beneficiary until the trust fund is released under either of the conditions provided in section five hundred twenty-three A point one (523A.1) of the Code.

Sec. 10. *NEW SECTION.* VIOLATION—PENALTY. Any

seller, agent or representative who fails to deposit funds in a trust account as required by this chapter commits an aggravated misdemeanor."

2. Page 4, by striking lines 14 through 17 and inserting in lieu thereof the following:

"Sec. ____. Chapter five hundred twenty-three A (523A), Code 1979, is repealed. It is the intent of the general assembly that the repeal of chapter five hundred twenty-three A (523A) of the Code and the enactment of sections eight (8), nine (9) and ten (10) of this Act shall be deemed a continuation of the law as contained in chapter five hundred twenty-three A (523A) of the Code, except to the extent amended by sections eight (8), nine (9) and ten (10) of this Act.

Sec. ____. This Act takes effect January first following enactment. However, the commissioner of public health may adopt rules pursuant to this Act prior to the effective date of this Act".

3. By renumbering sections.

4. Amend the title, by striking lines 2 through 5 and inserting in lieu thereof the words "and procedures of the commissioner of health for purposes of the administration and enforcement of laws relating to pre-need sales".

FORREST V. SCHWENGELS
STEPHEN W. BISENIUS
LOWELL L. JUNKINS

S—5540

Amend amendment S—5448 to Senate File 2337 as follows:

1. By inserting after line 13 the following:

"____. Page 10, line 19, by striking the word 'Such' and inserting in lieu thereof the words '[Such] *Both the uninsured motor vehicle or hit-and-run motor vehicle coverage, and the underinsured motor vehicle*'."

2. By striking lines 21 and 22 and inserting in lieu thereof the following:

"____. Page 11, line 1, by striking the word 'Nothing' and inserting in lieu thereof the words '[Nothing] *Except with respect to a policy containing both underinsured motor vehicle coverage and uninsured or hit-and-run motor vehicle coverage, nothing*'.

____. Page 11, by striking line 9 and inserting in lieu thereof the words "insurance with the minimum limits for bodily injury or death".

____. Page 11, by striking lines 14 through 33."

3. By striking lines 23 through 27 and inserting

in lieu thereof the following:
"____. Page 12, by striking lines 1 through 3 and inserting in lieu thereof the following:
'Sec. ____. Sections sixteen (16) and seventeen (17) of this Act apply only to policies of insurance issued or renewed on or after the effective date of this Act.' "

BOB RUSH

S—5541

For the text of this House amendment, see page 1109 of the Senate Journal.

S—5542

For the text of this House amendment, see pages 1124-1125 of the Senate Journal.

S—5543

Amend Senate File 2361 as follows:
1. Page 20, by inserting after line 34 the following new sections:
"Sec. ____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:
NEW SECTION. Notwithstanding the provisions of this chapter, a city may, by ordinance, prohibit the operation of a motorized bicycle upon the streets or highways within the corporate limits of the city.
Sec. ____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:
NEW SECTION. A person under eighteen years of age shall not operate or ride motorcycle or motorized bicycle upon the public streets and highways of this state without wearing protective headgear."

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5544

Amend House File 2533 as passed by the House as follows:
1. Page 1, lines 19, 20 and 21, by striking the words *", so long as the facility enrolls no children who are less than three years of age".*

COMMITTEE ON HUMAN RESOURCES
JULIA B. GENTLEMAN, Chairperson

S—5545

Amend House File 701 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the words "health and mental retardation service providers working cooperatively with state mental health and mental retardation facilities, is meeting most mental health and mental retardation service needs of those".

2. Page 1, line 8, by inserting after the word "health" the words "and mental retardation".

3. Page 1, by striking lines 11 through 14 and inserting in lieu thereof the words "individuals receiving publicly supported mental health and mental retardation services in Iowa. It is the purpose of sections one (1) through nineteen (19) of this Act to continue and to strengthen the mental health and mental retardation services now available in the state of Iowa, to make".

4. By striking page 1, line 18 through page 10, line 5, and inserting in lieu thereof the following:

"Sec. 2. *NEW SECTION.* DEFINITIONS. As used in sections one (1) through nineteen (19) of this Act:

1. 'Autistic persons' means individuals, regardless of age, with severe communication and behavior disorders that become manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn and participate in social relationships. 'Autistic persons' include but is not limited to those individuals afflicted by infantile autism, profound aphasia and childhood psychosis.

2. 'Commission' means the mental health and mental retardation commission.

3. 'Commissioner' means the commissioner of social services.

4. 'Department' means the department of social services.

5. 'Division' means the division of mental health and mental retardation of the department of social services.

6. 'Director' means the director of the division of mental health and mental retardation of the department of social services.

7. 'Comprehensive services' means the mental health services mandated by United States Pub. L. No. 94-63, and the mental retardation services delineated in the annual state mental retardation plan.

Sec. 3. *NEW SECTION.* IOWA MENTAL HEALTH AUTHORITY. The division is designated the Iowa mental health

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authority for the purpose of directing the benefits of United States Pub. L. No. 79-487, 60 Stat. L. 538 (1946) and amendments thereto. This designation does not preclude the board of regents from authorizing or directing any institution under its jurisdiction to carry out educational, prevention and research activities in the areas of mental health and mental retardation. The Iowa mental health authority may contract with the board of regents or any institution under the board's jurisdiction to perform any of these functions.

Sec. 4. *NEW SECTION.* IOWA MENTAL HEALTH AUTHORITY--DUTIES. In its capacity as the Iowa mental health authority, the division shall:

1. Prepare and administer state mental health and mental retardation plans for the provision of comprehensive services within the state. In doing so, the division shall consult with the state department of health, the board of regents or a body designated by the board for that purpose, the office for planning and programming or a body designated by the director of the office for that purpose, the department of public instruction, the department of substance abuse, the department of job services and any other appropriate governmental body, in order to facilitate coordination of services provided to mentally ill and mentally retarded individuals in the state of Iowa. The state mental health and mental retardation plan shall incorporate county mental health and mental retardation plans.

2. Assist county coordinating boards in developing a program for community mental healthis state who need them.

3. Emphasize the provision of outpatient services by community mental health centers and local mental retardation providers as a preferable alternative to inpatient hospital services.

4. Prescribe and provide for enforcement of minimum standards for the maintenance and operation of community mental health centers.

5. Prescribe and provide for enforcement of minimum standards for the maintenance and operation of county care facilities.

6. Prescribe minimum standards for the maintenance and operation of public or private facilities offering services to mentally retarded individuals, which are

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not subject to licensure by the department of social services or the state department of health.

7. Have authority to apply for, receive and administer federal aids, grants, and gifts for purposes relating to mental health and mental retardation.

8. Administer the state community mental health and mental retardation services fund established by section seven (7) of this Act.

9. Encourage, foster and facilitate coordination of services with the objective of developing and maintaining in the state a mental health and mental retardation service delivery system to provide comprehensive services to all persons in this state who need them, regardless of the place of residence or economic circumstances of those persons.

10. Encourage, foster and facilitate applied research and preventive educational activities related to causes and appropriate treatment for mental illness and mental retardation. The director may designate, or enter into agreements with, private or public agencies to carry out this function.

11. Promote coordination of community based services with those of the mental health institutes, hospital-schools and security medical facility.

12. Provide consultation and technical assistance to patients' advocates appointed pursuant to section two hundred twenty-nine point nineteen (229.19) of the Code, in cooperation with the judicial system and the care review committees appointed for county care facilities pursuant to section one hundred thirty-five C point twenty-five (135C.25) of the Code.

13. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, and programs or facilities as well as those of the department itself.

14. Provide technical assistance to agencies and organizations, to aid them in meeting standards which are established, or with which compliance is required, under statutes administered by the division, including but not limited to chapters two hundred twenty-seven (227) and two hundred thirty A (230A) of the Code.

Sec. 5. *NEW SECTION.* MENTAL HEALTH AND MENTAL RETARDATION COMMISSION.

1. There is established a state mental health and mental retardation commission consisting of fifteen members appointed by the governor with approval of two-thirds of the members of the senate. Commission members shall be appointed on the basis of interest and experience in the fields of mental health or

mental retardation, in a manner so that, if possible,

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the composition of the commission will comply with the pertinent requirements of United States Pub. L. No. 94-63 relative to a state mental health advisory council, and so as to insure adequate representation from both the mental health and mental retardation fields. At least two members of the commission shall be members of county boards of supervisors at the time of their appointment to the commission.

2. Five members shall be appointed to the commission prior to July first of each year for terms of three years beginning July first of that year. However, of the initial appointees to the commission, the governor shall designate five to serve terms ending June thirtieth of the second succeeding year, five to serve terms ending June thirtieth of the third succeeding year, and five to serve terms ending June thirtieth of the fourth succeeding year after the year in which this section takes effect. Vacancies on the commission shall be filled by appointment by the governor. An appointment to fill a vacancy occurring when the general assembly is not in session expires thirty days after the convening of the next regular session; an appointment to fill a vacancy occurring during a session of the general assembly is for the balance of the unexpired term and is subject to approval of two-thirds of the members of the senate. No member shall be appointed for more than two consecutive three-year terms.

3. Members of the commission shall qualify by taking the oath of office prescribed by law for state officers. At its first meeting after July first of each year, the commission shall organize by electing a chairperson and a vice chairperson for terms of one year. Commission members are entitled to forty dollars per diem and reimbursement for actual and necessary expenses incurred while engaged in their official duties, to be paid from funds appropriated to the department.

Sec. 6. *NEW SECTION.* DUTIES OF COMMISSION—RULE-MAKING AUTHORITY.

1. The commission shall:

a. Advise the division on administration of the overall state plans for comprehensive services.

b. Adopt necessary rules which relate to mental health and mental retardation programs and services.

c. Adopt standards for accreditation of community mental health centers and comprehensive community

mental health programs recommended under section two hundred thirty A point sixteen (230A.16) of the Code.

d. Adopt standards for the delivery of mental

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retardation services by the division, or by any other public or private facility not subject to licensure by the department of social services or the state department of health, and review the standards employed by the state department of health or the department of social services for licensing facilities which provide services to the mentally retarded.

e. Adopt standards for accreditation of county care facilities.

f. Assure that proper appeal procedures are available to persons aggrieved by decisions, actions or circumstances relating to accreditation.

g. Award grants from the special allocation fund of the community mental health and mental retardation services fund pursuant to section eleven (11) of this Act, as well as other moneys that may become available to the division for grant purposes.

h. Annually, submit to the governor and the general assembly:

(1) A report concerning the activities of the commission.

(2) Recommendations formulated by the commission for changes in law which are believed desirable.

i. Beginning not later than three years after the effective date of this Act, and continuing once every two years thereafter, submit to the governor and the general assembly an evaluation of:

(1) The extent to which mental health and mental retardation services stipulated in the state plan are actually available to persons in each county in the state.

(2) The cost-effectiveness of the services being provided by each of the state mental health institutes established under chapter two hundred twenty-six (226) of the Code and state hospital-schools established under chapter two hundred twenty-two (222) of the Code.

(3) The cost effectiveness of programs carried out by randomly and otherwise selected providers receiving money from the community mental health and mental retardation services fund established under section seven (7) of this Act.

2. The commission shall have all of the powers and duties, with respect to the operation and conduct

of the division of mental health and mental retardation, that are vested in the council on social services by subsections two (2) through seven (7) of section two hundred seventeen point three (217.3) of the Code with respect to the operation and conduct of all of the other divisions of the department of

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social services.

Sec. 7. *NEW SECTION.* STATE COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SER-".

5. Page 10, line 8, by inserting after the word "health" the words "and mental retardation".

6. Page 10, line 12, by striking the word "commission" and inserting in lieu thereof the word "department".

7. Page 10, line 17, by inserting after the word "health" the words "and mental retardation".

8. Page 10, line 21, by striking the word "seventy" and inserting in lieu thereof the word "eighty".

9. Page 10, line 24, by striking the figure "15" and inserting in lieu thereof the figure "8".

10. Page 10, line 26, by inserting after the word "health" the words "and mental retardation".

11. Page 10, lines 28 and 29, by striking the words and figures "sixteen (16) of this Act, subject to the requirements of section seventeen (17)" and inserting in lieu thereof the words and figures "nine (9) of this Act, subject to the requirements of section ten (10).

12. Page 10, line 30, by striking the word "director" and inserting in lieu thereof the word "division".

13. By striking page 11, line 6 through page 13, line 3, and inserting in lieu thereof the following:

"Sec. 9. *NEW SECTION.* FORMULA FOR DISTRIBUTION OF GENERAL ALLOCATION.

1. It is the intent of the general assembly that the general allocation of the community mental health and mental retardation services fund be distributed as to insure that each county participates in the distribution of the funds, to recognize past efforts made by individual counties to support mental health and mental retardation state institutional services, and to recognize both individual counties as entities and the distribution of the state population across counties.

2. In distributing the general allocation, each county shall receive an amount equal to the sum of

the following two factors:

a. Fifty percent of the general allocation divided by a factor of ninety-nine.

b. Fifty percent of the general allocation multiplied by a factor equal to that county's proportionate share of the total state population.

Sec. 10. *NEW SECTION.* REQUIREMENTS OF COUNTIES RECEIVING GENERAL ALLOCATION MONEY.

1. A county is entitled to receive money from

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the general allocation of the state community mental health and mental retardation services fund in any fiscal year in an amount determined by section nine (9) of this Act, if that county:

a. Raised by county levy and expended for mental health and mental retardation services, in the preceding fiscal year, an amount of money at least equal to the amount so raised and expended for those purposes during the fiscal year beginning July 1, 1979.

(1) For the purpose of paragraph a of this subsection, money "raised by county levy and expended for mental health and mental retardation services" means, with reference to any fiscal year beginning after the effective date of this Act, the total amount of money expended by the county from the county mental health and institutions fund for the purposes authorized by subsection two (2), paragraphs a, b and c, and subsections three (3) through six (6) of section four hundred forty-four point twelve (444.12) of the Code, exclusive of state money received from the general allocation of the community mental health and mental retardation services fund and of any third party reimbursement to the county. With reference to the fiscal year beginning July 1, 1979, money 'raised by county levy and expended for mental health and mental retardation services' means the total amount levied and expended by the county under section four hundred forty-four point twelve (444.12) of the Code as the section read at the time that levy was made, adjusted by a procedure prescribed by rules promulgated by the auditor of state, in consultation with the director, to exclude nonmental health and nonmental retardation expenditures which the county made in that fiscal year from the proceeds of that levy.

(2) Each county shall, as soon as practicable after the effective date of this Act, begin

preparations to adopt and shall within two years after that date implement an accounting and financial reporting procedure for recording expenditures for mental health and mental retardation services, in conformity with rules promulgated by the auditor of state, in consultation with the director. It is the intent of this subparagraph that the Seventieth General Assembly, at its 1983 Session, reconsider the requirements of paragraph a of this subsection with a view to possible adjustments to more precisely measure each county's financial effort in support of mental health and mental retardation services.

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b. Submits or joins other counties in submitting, prior to September fifteenth of each year, an application for a share of the general allocation for the succeeding fiscal year which is in conformity with subsection two (2) of this section.

2. An application may be filed by a county or jointly by two or more counties. The application shall consist of:

a. An annual plan to improve or maintain availability and accessibility of comprehensive services to residents of the county or counties, which is found by the division to be in substantial compliance with the requirements of sections one (1) through nineteen (19) of this Act. The annual plan will be found in substantial compliance with those requirements if it:

(1) Indicates that the services for which the county or counties intend to use general allocation money are comprehensive services or other services mandated or authorized by law, and are offered by accredited providers where accreditation standards are applicable.

(2) Demonstrates the availability and accessibility of comprehensive services by establishing or maintaining formal agreements for purchase of services or grant relationships with providers of such services, and by extending eligibility for those services to all residents of the county or counties who are unable to assume the full cost of their care.

(3) Demonstrates effective implementation of any annual plan submitted by the county or counties under this subsection for the preceding fiscal year.

b. Evidence that the county, or each county which is a party to a joint application, is in compliance with subsection one (1), paragraph a of this section.

3. General allocation moneys shall not be used to match special allocation moneys.

4. Each application submitted under this section shall be for a period of at least one year and shall be acted upon promptly by the division, which shall notify the applicant county or counties of its action on the application no later than November first of the year in which the application is submitted. Money from the general allocation of the fund shall be disbursed on a quarterly basis to the counties entitled to the money under section nine (9) of this Act and this section. Counties receiving the money shall submit quarterly financial and plan status reports in the manner prescribed by the division.

5. A county shall return to the treasurer of state

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not later than September thirtieth of each year for placement in the general allocation of the state community mental health and mental retardation services fund, an amount equal to the amount by which expenditures by the county under section four hundred forty-four point twelve (444.12), subsection six (6) of the Code during the fiscal year ending the preceding June thirtieth were less than the total of that county's share of the state community mental health and mental retardation services fund for that preceding fiscal year.

Sec. 11. *NEW SECTION.* SPECIAL ALLOCATION. The special allocation of the state community mental health and mental retardation services fund may be used by the division to make grants-in-aid to counties, combinations of counties, or their designees to establish or expand community-based mental health and mental retardation services and thereby provide to persons in a particular county or area one or more new mental health or mental retardation services, in furtherance of the".

14. Page 13, by striking from line 9 the words "community services".

15. By striking page 13, line 12 through page 14, line 11 and inserting in lieu thereof the words "and conditions agreed to by the division and the grantee. The grantee shall be responsible for supporting the cost of the project for which the special allocation grant is made with funds other than those obtained from the special allocation, in an amount equal to at least twenty-five percent of the total cost of the project. Any proposed project which will offer services other than comprehensive

services may be considered for a special allocation grant if the relevancy of the project to the needs of mentally ill and mentally retarded individuals is demonstrated to the satisfaction of the division.

Sec. 12. *NEW SECTION.* PARTIAL REIMBURSEMENT TO COUNTIES FOR LOCAL INPATIENT MENTAL HEALTH CARE AND TREATMENT.

1. Each county which pays, from county funds budgeted under section four hundred forty-four point twelve (444.12), subsection six (6) of the Code, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections fifteen (15) through eighteen (18) of this act for treatment as an inpatient of a hospital facility, other than a state mental health institute, which has twenty or more beds designated as a mental health program accredited by the

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accreditation program for psychiatric facilities of the joint commission on accreditation of hospitals, is entitled to reimbursement from the state for a portion of the daily cost so incurred by the county. However, a county is not entitled to reimbursement under this subsection for any cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter two hundred forty-nine A (249A) of the Code, or who is entitled to have his or her care or treatment paid for by any other third party payer, or who is admitted for preliminary diagnostic evaluation under sections fifteen (15) through eighteen (18) of this Act. The amount of reimbursement for the cost of treatment of a local inpatient to which a county is entitled under this subsection, on a per-patient-per-day basis, is an amount equal to twenty percent of the average of the respective state mental health institutes' individual average daily patient costs in the most recent calendar quarter for the program in which the local inpatient would have been served if he or she had been admitted to a state mental health institute."

16. Page 14, by striking line 14 and inserting in lieu thereof the words "division a claim in a form prescribed by the director".

17. Page 14, line 17, by striking the words "department. The department" and inserting in lieu thereof the words "director. The director".

18. Page 14, by striking line 30 and inserting in lieu thereof the following:

"Sec. 13. *NEW SECTION.* AUTHORITY OF DIRECTOR

TO LEASE FACILITIES. The director may enter into agreements under which any facility or portion of a facility administered by the division is leased to a department or division of state government, a county or group of counties, or a private nonprofit corporation organized under chapter five hundred four A (504A) of the Code. Any lease executed under this section shall require that the lessee operate the leased premises so as to deliver comprehensive services, as well as other services delivered by an agency of state or county government, when appropriate.

Sec. 14. *NEW SECTION.* AUTISM UNIT.

1. The director may organize and establish an autism unit at any institution or facility being administered by the division, to provide psychiatric and related services and other specific programs to meet the needs of autistic persons, and to furnish appropriate diagnostic evaluation services. The director may designate a portion of the physical

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facilities of any such institution to be occupied by the offices and facilities of the autism unit, and determine the extent to which that unit may effectively make use of the services of the institution's staff and what staff personnel should be employed for and assigned specifically to the autism unit.

2. In addition to any other method of referral, admission, commitment or transfer provided by chapters two hundred twenty-two (222) and two hundred twenty-nine (229) of the Code, a person may be referred directly to the autism unit by courts, law enforcement agencies, or state correctional institutions. However, a person so referred shall not be admitted to the autism unit unless a preadmission diagnostic evaluation indicates that the person is likely to benefit from the unit's services, and the admission of that person to the unit would not cause the unit's patient load to exceed its capacity.

Sec. 15. *NEW SECTION.* PRELIMINARY DIAGNOSTIC EVALUATION."

19. Page 15, by striking lines 7 and 8 and inserting in lieu thereof the words "sections sixteen (16), seventeen (17) and eighteen (18) of this Act."

20. Page 15, lines 9 and 10, by striking the words and figures "sections twenty (20) through twenty-three (23)" and inserting in lieu thereof the words and figures "this section and sections sixteen (16) through eighteen (18)".

21. Page 15, line 17, by striking the figure "21" and inserting in lieu thereof the figure "16".

22. Page 15, line 19, by striking the figure "1980" and inserting in lieu thereof the figure "1981".

23. Page 15, line 20, by striking the word and figure "twenty (20)" and inserting in lieu thereof the word and figure "fifteen (15)".

24. Page 15, line 28, by striking the word and figure "twenty (20)" and inserting in lieu thereof the word and figure "fifteen (15)".

25. Page 15, line 35 through page 16, line 1, by striking the word and figure "twenty-three (23)" and inserting in lieu thereof the word and figure "eighteen (18)".

26. Page 16, line 2, by striking the figure "22" and inserting in lieu thereof the figure "17".

27. Page 16, line 4, by striking the word and figure "twenty-one (21)" and inserting in lieu thereof the word and figure "sixteen (16)".

28. Page 16, line 13, by striking the word and figure "twenty (20)" and inserting in lieu thereof

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the word and figure "fifteen (15)".

29. Page 17, line 31, by inserting after the word "department" the words "of substance abuse".

30. Page 17, line 33, by striking the figure "23" and inserting in lieu thereof the figure "18".

31. Page 18, line 3, by striking the word and figure "twenty (20)" and inserting in lieu thereof the word and figure "fifteen (15)".

32. By striking page 18, line 14 through page 26, line 7 and inserting in lieu thereof the following:

"Sec. 19. *NEW SECTION.* COUNTY MENTAL HEALTH AND MENTAL RETARDATION COORDINATING BOARD.

1. The board of supervisors of each county in this state shall, independently or in conjunction with one or more other county boards of supervisors, either establish a county or joint county mental health and mental retardation coordinating board or constitute the board or the joint boards of supervisors as the ex officio mental health and mental retardation coordinating board. If a separate mental health and mental retardation coordinating board is established, it shall be composed of persons who have demonstrated a concern for mental health and mental retardation services and its size shall be determined by the board or joint boards of supervisors. One or more county supervisors may be named to serve on a separate mental health and mental retardation coordinating board.

If the board or joint boards of supervisors serve ex officio as the mental health and mental retardation coordinating board, it shall establish an advisory board composed of persons who have demonstrated a concern for mental health and mental retardation services, and who are not governmental officials, to advise the coordinating board with respect to the coordinating board's functions under subsection two (2) of this section.

2.. The duties of the county or joint county mental health and mental retardation coordinating board are:

a. Development of a plan for the provision of mental health and mental retardation services in the counties represented by the membership of the board, consistent with the state mental health and mental retardation plans.

b. An annual fiscal accounting of the use of state monies appropriated through the community mental health and mental retardation services fund for use in the respective counties.

c. Coordination of, and monitoring of the quality of, mental health and mental retardation services in their local service area, including, but not limited

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to, those services provided by community mental health centers, community hospitals, county care facilities, local service agencies and local offices of the department of social services.

d. Nomination of potential recipients of grant money made available from the director for development of mental health and mental retardation services.

Sec. 20. Section two hundred seventeen point two (217.2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

There is hereby created within the department of social services a council on social services which shall act in a policy-making and advisory capacity on matters within the jurisdiction of the department, *except those matters under the jurisdiction of the division of mental health and mental retardation.* The council shall consist of five members appointed by the governor with the consent of two-thirds of the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of social services. Such appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. The term of each member of the council shall be for

six years, except that those initially appointed shall serve as follows:

Sec. 21. Section two hundred seventeen point three (217.3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

[The] *Except as otherwise provided by section six (6), subsection two (2), of this Act, the* council [of] *on* social services shall:"

33. Page 26, lines 13 and 14, by striking the words "[health] *retardation services*" and inserting in lieu thereof the words "health *and mental retardation*".

34. Page 26, by striking lines 23 through 32 and inserting in lieu thereof the following:

"*NEW SECTION.* DIRECTOR OF DIVISION OF MENTAL HEALTH AND MENTAL RETARDATION. The director of the division of mental health and mental retardation shall be qualified in the general field of mental health or of mental retardation services, and preferably in both fields. The director shall have at least five years of experience as an administrator in one or both of these fields."

35. Page 27, by striking lines 4 through 14 and inserting in lieu thereof the following:

"*NEW SECTION.* RESPONSIBILITIES OF DIRECTOR. The

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director of the division of mental health and mental retardation shall administer the provisions of sections one (1) through nineteen (19) of this Act, and shall be responsible for and in control of the administration of institutions and programs intended to provide care, treatment and supervision of mentally ill and mentally retarded individuals. In particular, the director shall be in control of and administer the state institutions established by chapters two hundred twenty-two (222) and two hundred twenty-six (226) of the Code, and any other state institutions or facilities designated pursuant to law to provide care, treatment and supervision of mentally ill and mentally retarded individuals. The director shall also carry out such other functions and duties as may be delegated to the director by the commissioner of social services."

36. By striking page 27, line 21 through page 28, line 18 and inserting in lieu thereof the following:

"*NEW SECTION.* The director of the division of mental health and mental retardation may also be directed by the commissioner of social services to

carry out any or all of the following additional powers, duties and responsibilities:

1. Establish psychiatric services for all institutions under the control of the commissioner of social services in order that patients in these institutions shall receive the psychiatric services that are necessary and proper.

2. Appoint professional consultants to furnish advice on any matters pertaining to mental health or mental retardation. The consultants shall be paid as provided by an appropriation of the general assembly.

3. Act as compact administrator with power to effectuate the purposes of and make necessary rules to implement interstate compacts on mental health.

4. Insure that the purposes of the state institutions for the care and treatment of mentally ill and mentally retarded individuals are carried into effect, and to that end shall have all necessary powers not inconsistent with law.

5. Establish and supervise suitable standards of treatment and care of patients in all state institutions for the care and treatment of mentally ill and mentally retarded individuals.

6. Establish the qualifications of all officers, physicians, nurses, attendants and other employees responsible for the care and treatment of patients.

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7. Prepare a budget and reports as required by law or as directed by the commissioner."

37. By striking page 28, line 19 through page 32, line 29 and inserting in lieu thereof the following:

"Sec. ____ . Section two hundred eighteen point three (218.3), subsection two (2), Code 1979, is amended to read as follows:

2. The director of the division of mental health *and mental retardation* of the department of social services shall have primary authority and responsibility relative to the following institutions: Glenwood State Hospital-School, Woodward State Hospital-School, Mental Health Institute, Cherokee, Iowa, Mental Health Institute, Clarinda, Iowa, Mental Health Institute, Independence, Iowa and Mental Health Institute, Mount Pleasant, Iowa."

38. Page 32, by striking line 31, and inserting in lieu thereof the words and figure "unnumbered paragraph one (1), Code 1979, is".

39. Page 32, lines 33 and 34, by striking the

words "[health] *retardation services*" and inserting in lieu thereof the words "health *and mental retardation*".

40. By striking page 33, line 2 through page 47, line 24, and inserting in lieu thereof the words "for the mentally retarded and the mental health institutes."

41. Page 47, lines 28 and 29, by striking the words "[the division of] mental health [of the department of social services]" and inserting in lieu thereof the words "the division of mental health *and mental retardation* of the department of social services".

42. Page 48, by striking lines 4 through 19.

43. Page 48, lines 22 and 23, by striking the words "[health] *retardation services*" and inserting in lieu thereof the words "health *and mental retardation*".

44. Page 48, lines 29 and 30, by striking the words "[health] *retardation services*" and inserting in lieu thereof the words "health *and mental retardation*".

45. Page 49, line 2, by striking the words "[health] *retardation services*" and inserting in lieu thereof the words "health *and mental retardation*".

46. Page 49, by striking lines 6 through 12.

47. Page 49, by striking line 14 and inserting in lieu thereof the words "subsection three (3), Code 1979, is amended".

48. Page 49, by striking lines 16 through 18.

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49. Page 49, line 20, by striking the words "[health] *retardation services*" and inserting in lieu thereof the words "health *and mental retardation*".

50. By striking page 49, line 22 through page 50, line 9.

51. Page 50, by striking lines 14 and 15 and inserting in lieu thereof the words "the division of mental health *and mental retardation* of the department of social services."

52. By striking page 50, line 18 through page 52, line 27 and inserting in lieu thereof the following:

"227.2 INSPECTION. [Said]

1. The state director shall make, or cause to be made, at least [two inspections] *one accreditation inspection* each year of every *county care facility. The state director, upon receipt of a complaint or with other good cause, may make or cause to be made a review of any other* private [and] *or* county institution

wherein mentally ill *or mentally retarded* persons [are kept. Such] *reside. The* inspection shall be made by the state director or by some competent and disinterested person, appointed by [him. Inspectors shall be persons who are] *the state director, who is* acquainted with and interested in the [handling and] care of [mental patients and] *mentally ill and mentally retarded persons. The objective of the inspection or review shall be an evaluation of the programming and treatment provided by the facility. After each inspection of a county care facility, the person who made the inspection* shall [be required to consult and advise] *communicate* with the county authorities on plans and practices that will improve the care given patients and shall make [such] recommendations to the state director for [co-ordinating] *coordinating* and improving the relationships between the [stewards] *administrators* of county care facilities, the state director, the superintendents of [hospitals] *state mental health institutes, community mental health centers,* and other [co-operating] *cooperating* agencies, as will make for improved and more satisfactory care of patients. [Written] *A written* report as to [such inspections] *each inspection of a county care facility under this section* shall be filed with the state director and shall [embrace] *include:*

[1] *a.* The capacity of said institution for the care of [patients] *residents.*

[2] *b.* The number, [and] sex, *ages and primary diagnoses* of the [patients kept] *residents* therein.

[3. The arrangement, method of construction, and

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adaptability of buildings for the purposes intended.

4. The condition of buildings as to sewerage, ventilation, light, heat, cleanliness, means of water supply, fire escapes, and fire protection.]

[5]. *c.* The care of [patients] *residents,* their food, clothing, [medical] treatment *plan,* [and] employment, *and opportunity for recreational activities and for productive work intended primarily as therapeutic activity.*

[6] *d.* The number, [kind] *job classification,* sex, duties, and salaries of all employees.

[7] *e.* The cost to the state or county of maintaining mentally ill [patients therein] *or mentally retarded persons in a county care facility,* separate from the cost of maintaining [sane paupers any] *residents who are not mentally ill or mentally retarded.*

[8] *f.* The recommendations given to and received

from county authorities on methods and practices that will improve the conditions under which the county care facility is operated.

[9. Such] *g. Any failure to comply with standards for care of mentally ill and mentally retarded persons in county care facilities, adopted under this Act which is not covered in information submitted pursuant to paragraphs a through f of this subsection, and* any other matters [as] *which* the state director may require.

2. A copy of the written report prescribed by subsection one (1) of this section shall be furnished to the county board of supervisors, to the county mental health and mental retardation coordinating board (or to its advisory board, if the county board of supervisors constitutes ex officio the coordinating board) to the administrator of the facility inspected and to its care review committee, to the state department of health and to the commission on the aging.

3. The state department of health shall inform the division of mental health and mental retardation of any action by the department to suspend, revoke or deny renewal of any license issued by the department to a county care facility, and the reasons for the action. The state department of health shall also furnish to the division of mental health and mental retardation all information referred to in paragraph d. of subsection one (1) of this section which the department of health obtains by inspection or otherwise under chapter one hundred thirty-five C (135C) of the Code. The state director shall direct inspectors appointed under this section not to gather any of the information so furnished by the department of

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health.

4. In addition to the [aforesaid] inspections *required or authorized by this section,* the state director shall [make or] cause to be made an [inspection] *evaluation* of each [county care facility where mental patients are kept] *person cared for in a county care facility* at least once each year by [a competent psychiatrist employed by the state hospital in the hospital district where the county care facility is located] *one or more qualified mental health, mental retardation or medical professionals, whichever is appropriate.*

a. It is the responsibility of the state to secure the annual evaluation for each individual who is on convalescent leave from a state mental health institute

and who has not been discharged from that facility. It is the responsibility of the county to secure the annual evaluation for all other mentally ill persons in the county care facility.

b. It is the responsibility of the state to secure the annual evaluation for each individual who is on convalescent leave from a state hospital-school and who has not been discharged from that facility. It is the responsibility of the county to secure the annual evaluation for all other mentally retarded persons in the county care facility.

c. It is the responsibility of the county to secure an annual evaluation of each resident of a county care facility to whom neither paragraph a nor paragraph b of this subsection is applicable.

5. [Such inspection] *The evaluations required by subsection four (4) of this section* shall include an examination of each [mental patient] *person* which shall reveal the [patient's] *person's* condition of *mental and physical* health and the likelihood of improvement or discharge and such other recommendations concerning the care of [patients] *those persons* as the [inspector] *evaluator* deems pertinent. One copy of [said inspection report] *the evaluation* shall be filed with the state director[, one copy mailed to the county board of supervisors] and one copy [mailed to the steward] *shall be filed with the administrator* of the facility inspected."

53. Page 53, line 8, by inserting after the word "ILL" the words "AND MENTALLY RETARDED".

54. Page 53, line 10, by inserting after the word "health" the words "and mental retardation".

55. Page 53, line 11, by striking the words "formulate and".

56. Page 53, line 13, by inserting after the word

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"ill" the words "and mentally retarded".

57. Page 53, line 14, by inserting after the word "ill" the words "and mentally retarded".

58. Page 53, line 20, by inserting after the word "benefit." the words "When adopting or revising standards under this section, the state director shall designate an advisory committee representing administrators of county care facilities, county coordinating boards and county care facility care review committee members to assist in the establishment or revision of standards."

59. By striking page 53, line 23 through page 54, line 1, and inserting in lieu thereof the

following:

"227.6 REMOVAL OF [PATIENTS] *RESIDENTS.* [Said state director, in case of failure] *If a county care facility fails* to comply with [his] rules[,] *and standards adopted under this chapter, the state director* is authorized to remove all [said] mentally ill *and mentally retarded* persons [kept] *cared for* in such institutions at public expense, to the proper state [hospital] *mental health institute or hospital-school*, or to some private or county institution or hospital for the care of the mentally ill *or mentally retarded* that has complied with the rules prescribed by [said] *the* state director[, such]. *The* removal of patients, if to a state [hospital, to] *mental health institute or hospital-school, shall* be made by an attendant or attendants sent from the [state hospital] *institute or hospital-school.* If a female is removed under the provisions of this section, at least one attendant shall be a female. *If the state director finds that the needs of mentally ill and mentally retarded persons being served by any other county or private institution are not being adequately met there, those persons may be removed from that facility upon order of the state director."*

60. Page 54, by striking lines 6 and 7 and inserting in lieu thereof the words "the division of mental health *and mental retardation* of the department of social services."

61. Page 54, by striking lines 8 through 14 and inserting in lieu thereof the following:

"Sec. ____. Section two hundred twenty-nine point fifteen (229.15), subsection three (3), Code 1979, is amended to read as follows:

3. When a patient has been placed in a facility other than a hospital pursuant to section 229.14, subsection 4, a report on the patient's condition and prognosis shall be made to the court which so placed the patient, at least once every six months,

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unless the court authorizes annual reports. [The] *A* report shall be submitted within fifteen days [following the inspection, required by section 227.2, of] *after* the facility in which the patient has been placed *is evaluated as required by section two hundred twenty-seven point two (227.2), subsection four (4) of the Code, as amended by this Act. The court may in its discretion waive the requirement of an additional report between the annual evaluations. If the state director exercises the authority to remove residents*

from a county care facility or other county or private institution under section two hundred twenty-seven point six (227.6) of the Code, the director shall promptly notify each court which placed in that facility any resident so removed."

62. Page 54, line 16, by inserting after the figure "1979" the words "as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-five (55), section one (1),".

63. Page 54, line 28, by striking the words "[percent] *the proportion*" and inserting in lieu thereof the words "*eighty* percent".

64. By striking page 54, line 35 through page 55, line 14.

65. Page 55, by striking lines 15 through 30 and inserting in lieu thereof the following:

"Sec. ____. Section two hundred thirty point twenty-four (230.24), Code 1979, is amended to read as follows:

230.24 PSYCHIATRIC TREATMENT—MENTAL HEALTH CENTER. The county board of supervisors are authorized to expend from the county mental health and institutions fund established by section 444.12 funds for psychiatric examination and treatment of persons in need thereof, or for professional evaluation, treatment, and habilitation of mentally retarded persons, in each county which has facilities available for such treatment, and any county not having such facilities may contract through its board of supervisors with any other county, which has facilities for psychiatric examination and treatment or for professional evaluation, treatment, and habilitation of mentally retarded persons, for the use thereof. [However, the county board of supervisors shall not expend from such fund for treatment other than in a state institution an amount which would exceed eight dollars per capita for counties having less than forty thousand population.]"

66. Page 55, line 34 through page 56, line 1, by striking the words "[the division of] mental health

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of the department of social services]" and inserting in lieu thereof the words "the division of mental health *and mental retardation* of the department of social services."

67. Page 56, line 8, by striking the words "[authority] *commission*" and inserting in lieu thereof the word "authority".

68. Page 56, lines 13 through 15, by striking

the words "not exceeding two hundred fifty dollars per thousand population or major fraction thereof in the county" and inserting in lieu thereof the words "[not exceeding two hundred fifty dollars per thousand population or major fraction thereof in the county] *determined by the board*".

69. By striking page 56, line 30 through page 57, line 29.

70. Page 57, line 32, by striking the word *"state"*.

71. Page 57, line 33, by inserting after the word "[authority]" the words *"and mental retardation"*.

72. Page 57, line 34, by inserting after the word *"health"* the words *"and mental retardation"*.

73. Page 57, line 35 through page 58, line 1, by striking the words "formulate and" and inserting in lieu thereof the words "[formulate and]".

74. Page 58, line 11, by striking the word *"state"*.

75. Page 58, line 12, by inserting after the word "[authority]" the words *"and mental retardation"*.

76. Page 58, line 13, by inserting after the word *"health"* the words *"and mental retardation"*.

77. Page 58, line 14, by striking the word "formulating" and inserting in lieu thereof the words "[formulating] *establishing*".

78. Page 58, line 15, by striking the word *"state"*.

79. Page 58, line 16, by inserting after the word "[authority]" the words *"and mental retardation"*.

80. Page 58, by striking lines 21 through 24 and inserting in lieu thereof the words *"mental health center boards of directors.* The standards established under this section shall".

81. Page 59, line 18, by striking the words "[Iowa] *department of* mental health [authority]" and inserting in lieu thereof the words "Iowa mental health authority".

82. Page 59, line 29, by striking the words *"state director of mental health"* and inserting in lieu thereof the words *"director of mental health and mental retardation"*.

83. Page 59, line 31, by inserting after the word "[authority]" the words *"and mental retardation"*.

84. Page 60, lines 1 and 2, by striking the words

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"[Iowa] *department of* mental health [authority]" and inserting in lieu thereof the words "Iowa mental health authority".

85. Page 60, line 14, by inserting after the word *"health"* the words *"and mental retardation"*.

86. By striking page 60, line 24 through page

63, line 13, by inserting in lieu thereof the following:

"Sec. ____. Chapter two hundred sixty-two (262), Code 1979, is amended by adding the following new section:

NEW SECTION. RESEARCH, EDUCATION, PREVENTION PROGRAMS IN MENTAL HEALTH AND MENTAL RETARDATION. The Iowa mental health authority may contract with the board of regents or any institution under the board's jurisdiction to establish and maintain programs of education, prevention and research in the fields of mental health and mental retardation. The board may delegate responsibility for these programs to the state psychiatric hospital, the university hospital, or any other appropriate entity under the board's jurisdiction. If the board proposes such programs for other than academic purposes, the programs shall be coordinated with the Iowa mental health authority.

87. Page 64, lines 9 and 10, by striking the words *"may deem advisable of the cost of"* and inserting in lieu thereof the words "may deem advisable of the cost of".

88. Page 65, line 20, by inserting after the word *"health"* the words *"and mental retardation"*.

89. Page 65, line 28, by inserting after the word *"health"* the words *"and mental retardation"*.

90. Page 65, line 29, by inserting after the word *"health"* the words *"and mental retardation"*.

91. Page 67, by striking lines 4 through 35.

92. Page 68, line 2, by inserting after the figure "1979," the words "as the chapter is amended by Acts of the Sixty-eighth General Assembly, 1979 Session chapter fifty-four (54), sections one (1) and two (2),".

93. Page 68, line 5, by inserting after the figure "1979" the words ", as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section two (2)".

94. Page 68, by striking lines 6 through 32 and inserting in lieu thereof the following:

"Sec. ____. Sections two hundred twenty-seven point sixteen (227.16), two hundred twenty-seven point seventeen (227.17) and two hundred twenty-seven point

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eighteen (227.18), Code 1979, are repealed effective July 1, 1981."

95. By striking page 68, line 33 through page 69, line 5 and inserting in lieu thereof the following:

"Sec. ____. The effective dates of the various provisions of this Act are as follows:

1. Each section of this Act which includes within it an effective date provision applicable to that section, shall be governed by that provision.

2. This section and sections five (5) and twelve (12) of this Act take effect July 1, 1980.

3. Notwithstanding the permanent provisions of section five (5) of this Act, the governor may appoint the intitial members of the mental health and mental retardation commission after July 1, 1980 and shall complete the appointments no later than October 1, 1980. As soon as practicable after appointment of its initial members is completed, the commission shall organize. Its duty prior to January 1, 1981 shall be to advise the commissioner of social services and the director of the division of mental health of the department of social services on preparations to implement this Act.

4. Sections one (1), two (2), three (3), four (4), six (6), thirteen (13), fourteen (14), and nineteen (19) of this Act take effect January 1, 1981.

5. The appropriation made to the Iowa mental health authority by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsection four (4), and any other appropriation made to the Iowa mental health authority by any Act of the Sixty-eighth General Assembly, shall be deemed to be appropriations to the Iowa mental health authority as designated by section three (3) of this Act, effective January 1, 1981. Effective on that date, the comptroller shall transfer the unexpended balance of each such appropriation as necessary to give effect to this subsection.

6. Sections seven (7) through eleven (11), fifteen (15) through eighteen (18) of this Act take effect July 1, 1981.

7. All sections not governed by the foregoing provisions of this section are effective January 1, 1981."

96. Title, by striking all in line 1 after the word "establish" and lines 2 through 10, and inserting in lieu thereof the words "within the department of social services a division of mental health and mental retardation, prescribe its powers and duties, transfer to it certain responsibilities presently imposed by

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law on the Iowa mental health authority, provide for a state mental health and mental retardation commission

as a policy-making body for the division of mental health and mental retardation, and make amendments in conformity with these".

COMMITTEE ON HUMAN RESOURCES
JULIA B. GENTLEMAN, Chairperson

S—5546

Amend Senate File 2322 as follows:

1. Page 1, line 2, by inserting after the words "motor fuels" the word "distillate".

2. Page 4, by striking lines 21 through 28.

3. Page 4, line 31, by striking the word "franchisor" and inserting in lieu thereof the words "executor or administrator of the estate of the deceased franchisee".

4. Page 4, by striking line 32 and inserting in lieu thereof the word "franchise."

5. Page 4, by striking line 33 through page 5, line 4.

6. Page 5, lines 6 and 7, by striking the words "and there has been no intervening operation of the franchise by the franchisor".

7. Page 5, by striking lines 11 and 12.

8. Page 5, line 16, by inserting after the word "both" the words "within one year of the date the franchisor fails to comply with the requirements of this section".

CLOYD E. ROBINSON

S—5547

Amend Senate File 2361 as follows:

1. Page 13, by striking lines 18 through 30 and inserting in lieu thereof the following:

"NEW UNNUMBERED PARAGRAPH. A chauffeur's license shall not be required for a person to operate road construction and maintenance equipment while engaged in road construction and maintenance work, including the movement of the road construction and maintenance equipment to and from the work site under its own power. The department shall adopt rules pursuant to chapter seventeen A (17A) of the Code specifying each type of road construction and maintenance equipment for which a chauffeur's license is not required for the operation of the equipment."

RICHARD F. DRAKE

S—5548

Amend House File 2520 as amended, passed and

reprinted by the House as follows:

1. By striking page 3, line 35 through page 4, line 7, and inserting in lieu thereof the following word and figures "purposes ..... $336,670 [$336,051]".

JOHN S. MURRAY

S—5549

Amend Senate File 2361 as follows:

1. Page 8, by inserting after line 19 the following:

"Sec. ____. Section three hundred twenty-one point one hundred twenty-three (321.123), subsection one (1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Travel trailers and fifth-wheel travel trailers, except those in manufacturer's or dealer's stock, an annual fee to twenty cents per square foot of floor space computed on the exterior overall measurements, but excluding three feet occupied by an trailer hitch as provided by and certified to by the owner, to the nearest whole dollar, which amount shall not be prorated or refunded; except the annual fee for travel trailers of any type, when registered in Iowa for the first time *or when removed from a manufacturer's or dealer's stock*, shall be prorated on a monthly basis. The registrant of a travel trailer of any type shall be issued a "travel trailer" plate. It is further provided the annual fee thus computed shall be limited to seventy-five percent of the full fee after the sixth registration."

CLOYD E. ROBINSON

S—5550

Amend Senate File 2361 as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section three hundred twenty-one point one (321.1), subsection one (1), Code 1979, as amended by House File seven hundred forty-seven (747), section two (2), enacted by the Sixty-eighth General Assembly, 1980 Session and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1), and two (2), and chapter seventy-four (74), section twenty-two (22), is amended by adding the following new paragraph:

NEW PARAGRAPH. Any steering axle dolly, auxiliary axle or other integral part of another vehicle which

in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle."

2. Page 8, by inserting after line 19 the following new section:

"Sec. ___. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection four (4), Code 1979, as amended by House File seven hundred forty-seven (747), section six (6), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended by striking the subsection and inserting in lieu thereof the following:

4. This section shall not apply to a rubber-tired farm tractor not operated for hire upon the public highways."

3. Page 22, by inserting after line 20 the following new section:

"Sec. ___. House File seven hundred forty-seven (747), section twelve (12), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended to read as follows:

Sec. 12. The department shall issue permits for the period beginning fifteen days following the effective date of this Act to December 31, 1980 to interstate and intrastate carriers that apply for registration authority at a weight higher than the current registered gross weight. The department shall assess a prorated fee from the schedule of fees set forth in section five (5) of this Act. Permit fees shall be payable on an annual basis. A minimum fee of ten dollars shall be collected by the department. [Trucks, motor trucks, and truck tractors registered under the provisions of section three hundred twenty-one point one hundred twenty-two (321.122) of the Code on the effective date of this Act shall not be eligible to reregister under section three hundred

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twenty-one point one hundred twenty-one (321.121) of the Code during the 1980 registration year.] The commission shall adopt temporary rules as are necessary to implement the provisions of this Act as it relates to revised registrations in 1980 and temporary rules adopted for this purpose are not rules as defined in section seventeen A point two (17A.2), subsection seven (7), of the Code and shall not be subject to chapter seventeen A (17A) of the Code."

4. Renumber sections and correct internal

references as may be necessary in accordance with this amendment.

RICHARD F. DRAKE
JOHN W. JENSEN

S—5551

Amend House File 2305 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 8 the following:

"Sec. 2. Section one hundred eleven A point six (111A.6), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Upon the adoption [of any county of the provisions] of this chapter, the [county] board of supervisors of [such] *the* county may by resolution appropriate an amount of money from the general fund of the county for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board of supervisors may temporarily transfer by resolution, any unobligated funds from the general fund of the county to the county conservation fund in anticipation of or to match committed receipts of federal [funds from the Heritage Conservation and Recreation Service] *or state aid funds*. The transferred funds shall be returned to the general fund of the county within [such] *a* time not to exceed five years as specified by the board of supervisors or upon receipt of the federal *or state* funds, whichever date is earlier. The board of supervisors may levy or cause to be levied an annual tax, in addition to all other taxes, of not more than twenty-seven cents per thousand dollars of the assessed value of all real and personal property subject to taxation within [such] *the* county, upon proper certification by [said] *the* county conservation board made pursuant to and in compliance with all of the provisions of chapter 24, which tax shall be collected by the county treasurer as other taxes are collected, and shall be paid into a separate [and distinct] fund to be known as the county conservation fund, to be paid out upon [the] warrants drawn by the county auditor upon requisition of the county conservation board for the payment of expenses incurred in carrying out the powers and duties of [said] *the* conservation board. The county conservation board shall [have no power or authority to] *not* contract any debt or obligation in any year in excess of the moneys in the hands of the county treasurer immediately available for such

purposes, except the board of supervisors may authorize deferred payments for land acquisition purchases not to exceed one-fourth of the annual conservation fund levy nor to extend over a period of *more than* ten years [or], *and* except for projects to be financed from unobligated funds in the county conservation fund [and] *or* committed federal [matching] *or state* grants. Any single expenditure of, or contract to expend,

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a sum of five thousand dollars [shall be] *is* subject to the provisions of chapter 23. Gifts, contributions and bequests of money and all rent, licenses, fees and charges and other revenue or money received or collected by the board shall be deposited in the county conservation fund to be used for the purchase of land, property and equipment and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified."

DALE L. TIEDEN
ARTHUR A. SMALL, JR.

S—5552

Amend Senate File 2361 as follows:

1. Page 2, by striking lines 14 through 35.
2. Page 3, by striking lines 1 through 24.
3. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

EDGAR H. HOLDEN

S—5553

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 25, by striking the word "an" and inserting in lieu thereof the words "a percentage".
2. Page 1, line 33, by striking the words "formal proceedings were commenced" and inserting in lieu thereof the words "application was filed".
3. Page 2, line 2, by striking the words "result in" and inserting in lieu thereof the word "constitute".
4. Page 2, by striking lines 11 through 13 and

inserting in lieu thereof the words "with respect to which a rate filing is pending until the expiration of twelve months following the date the prior application was filed or until the commission has issued a final order in the previously filed rate proceedings, whichever is earlier, unless the public utility applies".

5. Page 2, line 22, by striking the words "as of" and inserting in lieu thereof the words "published in".

ROLF V. CRAFT

S—5554

Amend House File 2475 as passed by the House as follows:

1. Page 1, line 13, by inserting after the word "administrator" the following: *"except that the ratio of the salary of the administrator for a given school year when added to the other expenses which make up the general administrative program budget to the total budget of the area education agency for the given school year shall not exceed the ratio of the general adminstrative program budget for the school year beginning July 1, 1979, to the total budget of that area education agency for the school year beginning July 1, 1979".*

2. Page 1, by inserting after line 26 the following: *"For the purpose of this subsection, general administrative program budget includes the general administrative program budget plus the salaries and employee benefits for persons employed in special education instructional programs administration, special education support services administration, media services administration, and educational services administration."*

ROBERT M. CARR

S—5555

Amend Senate File 2230 as follows:

1. Page 1, by striking lines 4 through 10 and inserting in lieu thereof the following:

"NEW UNNUMBERED PARAGRAPH. The provisions of this section requiring the filing of a verified claim shall not apply to the reversion of railroad property outside the limits of a city or contiguous to property classified as agricultural property within the limits of a city if the reversion is caused by the property

being abandoned for railway purposes and the abandonment occurs after the effective date of this Act. The holder of such a reversionary interest may bring an action based upon the interest regardless of whether a verified claim has been filed under this section at any time after July 4, 1965."

RAY TAYLOR
ARTHUR A. SMALL, JR.
RICHARD R. RAMSEY

S—5556

Amend House File 2513 as passed by the House as follows:

1. Page 2, line 11, by inserting after the word "members" the words ", which shall not take effect until they have been submitted to and adopted by the auditor as rules pursuant to chapter seventeen A (17A) of the Code".

2. Page 3, by striking lines 21 through 26 and inserting in lieu thereof the following:

"Sec. 6. *NEW SECTION.* RULES OF AUDITOR. The auditor".

3. Page 13, line 10, by inserting after the word "Iowa" the words "; however thrift certificates are not guaranteed by the state of Iowa".

4. Page 15, by inserting after line 19 the following:

"Sec. _____. *NEW SECTION.* LIABILITIES. The state of Iowa is not liable for any actions or omissions of the auditor in administering the Iowa industrial loan corporation thrift guaranty Act. Members of the guaranty corporation shall be liable for losses incurred as a result of such actions or omissions. The guaranty corporation shall defend the auditor of state and employees of the auditor against any action commenced against any of them individually as a result of acts or omissions arising from the administration of the Act, and shall indemnify and hold them harmless for any losses caused by such acts or omissions."

5. By renumbering sections.

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S—5557

Amend Senate File 2361 as follows:

1. Page 2, lines 34 and 35, by striking the words "dollars, which shall be in addition to the regular

annual registration fee." and inserting in lieu thereof the word "dollars."

2. Page 3, lines 3 and 4, by striking the words "in addition to the regular annual registration fee".

BASS VAN GILST
C. W. HUTCHINS

S—5558

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 9, by inserting after line 8 the following:

"Sec. _____. Section five hundred thirty-six A point twenty-three (536A.23), subsection one (1), unnumbered paragraph one (1), Code 1979 Supplement, is amended to read as follows:

1. Charge, receive or collect interest at a rate exceeding [nine] *ten* cents on the hundred by the year except that the interest may be computed when the note is made on the full amount of the cash advanced on the loan from the date of the note to the date of the final installment thereof, and the interest so computed may be included in the note, notwithstanding any agreement to pay the entire amount in installments; or the interest may be computed on the amount of the note and discounted or collected in advance when the loan is made, notwithstanding any agreement to pay the entire amount in installments. If the note is repayable in other than equal monthly installments, the interest may be an amount computed on the basis of the effective rates permitted as provided above; provided, however, there shall be no compounding of interest and when an interest rate as authorized herein is advertised, or negotiated for with a prospective borrower, with intent that it be computed by either of the two methods authorized herein, they being the "add on" method or the "discount" method, in such case such rate shall be further decribed as to the method of computation to be used, but interest computed by either method shall be stated to the borrower as provided in section 537.3210."

2. By reunmbering sections.

EDGAR H. HOLDEN

S—5559

Amend Senate File 2361 as follows:

1. Page 8, by inserting after line 19 the following

new section:

"Sec. _____. Section three hundred twenty-one point one hundred twenty-two (321.122), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. In lieu of annual or semiannual registration as required in section three hundred twenty-one point one hundred five (321.105) of the Code, a motor truck which is used primarily in highway construction and maintenance may be registered for a period of nine months for a fee equal to three-fourths of the annual registration fee. Any motor truck registered under this subsection shall not be used during the months of January, February, and March of the year in which it is registered at three-fourths of the annual registration fee and shall be stored on private property. A motor truck only registered for three quarters in any year shall not be eligible for a refund of the registration fees. If a motor truck registered under this subsection is registered for a nine-month period and the motor truck is used on the highways of the state during the months of January, February, or March, the motor truck shall immediately be registered for the full year and any penalties or interest for late registration shall accrue and be payable at the time of registration."

CLARENCE CARNEY

S—5560

Amend Senate File 2361 as follows:

1. Page 20, by inserting after line 34 the following new sections:

"Sec. _____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. Notwithstanding the provisions of this chapter, a city may, by ordinance, prohibit persons under sixteen years of age to operate a motorized bicycle upon the streets or highways within the corporate limits of the city.

Sec. _____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. A person under eighteen years of age shall not operate or ride a motorcycle or motorized bicycle upon the public streets and highways of this state without wearing protective headgear."

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5561

Amend Senate File 2361 as follows:

1. Page 22, by inserting after line 20 the following new sections:

"Sec. _____. Section eight hundred five point eight (805.8), subsection two (2), paragraph b, Code 1979, is amended to read as follows:

b. For registration violations under sections [321.17,] 321.32, 321.34, 321.37, 321.38, 321.41, and 321.189, subsection 3, the scheduled fine is five dollars. For violations of sections 321.32 and 321.189, subsection 3, the case shall be dismissed without imposition of fine or costs if a license or registration valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

Sec. _____. Section eight hundred five point eight (805.8), subsection two (2), paragraph n, Code 1979, is amended to read as follows:

n. *For violation of registration provisions under section three hundred twenty-one point seventeen (321.17);* [For] violation of intrastate hauling on foreign registration under sections 321.54 and 321.55; use of registration under section 321.99 and display of registration or plates under 321.98, the schedule fine is twenty dollars."

LUCAS J. DE KOSTER
RICHARD F. DRAKE

S—5562

Amend House File 2138, as amended, passed and reprinted by the House as follows:

1. Page 1, line 11, by inserting after the word "devices" the words "except parking meters".

COMMITTEE ON EDUCATION
W. R. BILL HANSEN, Chairperson

S—5563

Amend House File 695, as passed by the House, as follows:

1. Page 1, by inserting after line 11 the following section:

"Sec. _____. Section two hundred ninety-seven point seven (297.7), subsection three (3), unnumbered paragraphs one (1) and two (2), Code 1979, are amended

to read as follows:

Before an election is held on the issuance of general obligation bonds for the construction or renovation of any school building, *immediately upon receipt of a petition filed under section two hundred ninety-six point two (296.2) of the Code,* the board shall inform the board of the area education agency in which the school district is located. The chairperson of the area education agency shall call a meeting of the boards of directors of the school district proposing the issuance of general obligation bonds, the boards of school districts contiguous to that school district, and the board of the area education agency, for the purpose of discussing enrollment trends of that school district and school districts contiguous to it and solutions to the enrollment changes in the various school districts, including the possibility of school district reorganization. *The meeting shall be held within thirty days following the notification of the board of the area education agency in which the school district is located.* The chairperson of the board of the area education agency shall preside at the meeting unless the chairperson is a resident of the school district proposing the issuance of general obligation bonds. In that case, the vice chairperson shall preside at the meeting.

[Following] *Immediately following* discussion at the meeting, the board of directors of the area education agency shall [meet] *convene* to make recommendations concerning alternative solutions to the construction or renovation of the school building which shall be made to the school district proposing to issue general obligation bonds. *The recommendations shall be received by the board of the school district proposing the issuance of general obligation bonds not later than three days following the date of the meeting."*

2. By numbering sections as necessary.

COMMITTEE ON EDUCATION
W. R. BILL HANSEN, Chairperson

S—5564

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 4, line 29, by inserting after the word "assumed" the words ", provided, however, that in no event shall a lender collect a loan processing

fee which exceeds one thousand dollars".

ARNE WALDSTEIN
JAMES E. BRILES
DALE L. TIEDEN
CLOYD E. ROBINSON

S—5565

Amend the Carney amendment, S—5559, to Senate File 2361 as follows:

1. Page 1, lines 10 and 11, by striking the words "which is used primarily in highway construction and maintenance".

BERL E. PRIEBE

S—5566

Amend the committee on Commerce amendment, S—5524, to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 3, line 14, by striking the word "one-half" and inserting in lieu thereof the words "[one-half] *three-quarters*".

CLARENCE CARNEY
CLOYD E. ROBINSON
RICHARD COMITO
BOB RUSH
C. W. HUTCHINS
RICHARD F. DRAKE
MERLIN D. HULSE
GARY L. BAUGHER
NORMAN G. RODGERS
IRVIN L. BERGMAN

S—5567

Amend Senate File 2361 as follows:

DIVISION S—5567A

1. Page 20, by inserting after line 34 the following:

"Sec. _____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. Notwithstanding the provisions of this chapter, a city may, by ordinance, prohibit persons under sixteen years of age from operating a motorized bicycle upon the streets or highways within the corporate limits of the city."

DIVISION S—5567B

2. Page 20, by inserting after line 34 the following:

"Sec. _____. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. A person under eighteen years of age shall not operate or ride a motorcycle or motorized bicycle upon the public streets and highways of this state without wearing protective headgear."

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5568

Amend the committee on Ways and Means amendment, S—5567, to Senate File 2361 as follows:

1. Page 1, line 17, by striking the word "eighteen" and inserting in lieu thereof the word "sixteen".

2. Page 1, line 18, by striking the words "motorcycle or".

RICHARD COMITO

S—5569

Amend Senate File 2361

DIVISION S—5569A

1. Page 2, by striking lines 28 through page 3, line 4, and inserting in lieu thereof the words "application to the department of transportation, order special registration plates designed by the department of transportation in cooperation with the adjutant general which plates signify that the applicant was a prisoner of war as defined in this subsection. The application shall be approved by the department of transportation, in consultation with the adjutant general, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates shall be five dollars. The department of transportation shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee."

DIVISION S—5569B

2. Page 3, by striking lines 11 through 21, and inserting in lieu thereof the words "to the department of transportation, order special registration plates designed by the department of transportation in cooperation with the adjutant general which plates signify that the applicant is a member of the national guard. The application shall be approved by the department of transportation, in consultation with the adjutant general, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates shall be the regular annual registration fee. The department of transportation shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. Special registration".

SUE YENGER
BASS VAN GILST

S—5570

Amend amendment S—5524 to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 27, by inserting after the word "credit" the words "in an amount which exceeds twenty-five thousand dollars".

BOB RUSH

S—5571

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 3, line 13, by inserting after the word "credit" the words "in an amount which exceeds twenty-five thousand dollars".

BOB RUSH

S—5572

Amend Senate File 2361 as follows:

1. Page 11, by striking lines 23 and 24 and inserting in lieu thereof the words "beside the driver. [such] *The* license shall expire *on the expiration of the special need,* on the licensee's eighteenth birthday or upon issuance of a [temporary]".

2. Page 11, line 25, by inserting after the words *"license"* the words ", *whichever comes first*".

JOHN S. MURRAY

S—5573

For the test of this House amendment, see pages 1159-1183 of the Senate Journal.

S—5574

Amend Senate File 2357 as follows:

DIVISION S—5574A

1. By striking page 6, line 17 through page 7, line 10 and inserting in lieu thereof the following:

"Sec. 10. *NEW SECTION.* GOVERNING BODY OF WATERSHED FUNDING DISTRICT. The board of each conservancy district shall be the governing body of each watershed funding district established, pursuant to sections eleven (11) through sixteen (16) of this Act, in that conservancy district. When administering a watershed funding district, the board shall have all the powers and duties granted it by section four hundred sixty-seven D point six (467D.6) of the Code."

DIVISION S—5574B

2. Page 11, by striking lines 9 through 31 and inserting in lieu thereof the following:

"Sec. 17. *NEW SECTION.* REFERENDUM BEFORE LEVYING SPECIAL ANNUAL TAX.

1. Before a watershed funding district may levy a special annual tax under section eighteen (18) of this Act, the board governing that district must obtain the approval of at least fifty percent of the landowners in the watershed funding district at a referendum election. Each owner of a tract of land within the watershed funding district, as shown by the transfer books in the office of the county auditor or auditors, as the case may be, shall be entitled to one vote in the referendum.

2. When the board determines that it is desirable to levy a special annual tax under section eighteen (18) of this Act, it shall order that a referendum election be held at some convenient place within the watershed funding district or, if no convenient place is available there, at some point conveniently accessible to owners of land in the watershed funding district, and shall set a time for the referendum

not less than forty nor more than sixty days from the date of the order. The board shall appoint from the freeholders of the watershed funding district at least three polling place election officials to conduct the referendum. It shall not be mandatory for the county commissioner of elections to oversee the conducting of elections held under this section, but such elections shall be conducted in accordance with the provisions of chapter forty-nine (49) of the Code where those provisions are not in conflict with this section.

3. Before an election is held under this section, the appointed polling place election officials shall obtain from the county recorder or recorders and auditor or auditors, as the case may be, a copy of so much of the record of the establishment of the

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DIVISION S—5574B (cont'd)

watershed funding district as will show the lands included therein, and a list of the present record owners of those lands. Any individual who acquires ownership of land in the watershed funding district after the information required by this subsection is prepared shall be entitled to vote in the referendum upon presenting to the polling place election officials evidence satisfactory to them that that individual has acquired title to land in the watershed funding district. Each landowner in the watershed funding district who is eighteen years of age or over, and each artificial person owning land therein, is entitled to one vote in the election, except that no more than one vote shall be cast on behalf of any particular tract or parcel of land, even if two or more persons share title to that land.

Sec. 18. *NEW SECTION.* SPECIAL ANNUAL TAX.

1. The board, in its capacity as governing board of a watershed funding district, may levy a special annual tax upon all land within that watershed funding district, not exceeding one dollar and eight cents per one thousand dollars of assessed value of taxable land in the watershed funding district, after the board has both:

a. Obtained agreement to carry out recommended soil erosion and sediment control measures on not less than fifty percent of the land situated in the watershed funding district.

b. Obtained approval of fifty percent of the landowners in the district at a referendum held as provided in section seventeen (17) of this Act."

3. Title, by striking lines 3, 4 and 5 and inserting in lieu thereof the words "establishment of watershed funding districts and for the board of directors of the conservancy district within which a watershed funding district is established to act as the governing board of the watershed funding district,".

DALE L. TIEDEN

S—5575

Amend amendment S—5524 to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 37, by inserting after the numerals "1979," the words "as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand two hundred (2200), section one (1)".

EDGAR H. HOLDEN

S—5576

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 25, by striking the words "result in" and inserting in lieu thereof the word "constitute".

ROLF V. CRAFT

S—5577

Amend Senate File 2349 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. This Act is enacted as a new chapter one hundred thirty-five F (135F) of the Code.

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this chapter, unless the context otherwise required:

1. 'Seller' means any person, firm, corporation or other entity engaged in the pre-need sale of personal property, including but not limited to a casket, vault, or any other burial receptacle, used in conjunction with the final disposition of a dead human body, or in the pre-need sale of services of a funeral director in connection with the final disposition of a dead human body.

2. 'Commissioner' means the state commissioner of public health.

Sec. 3. *NEW SECTION.* RULES.

1. The commissioner shall adopt rules as necessary to administer and enforce the provisions of this chapter.

2. The commissioner shall adopt rules prescribing procedures, requirements and accounting methods and practices to be followed by sellers in establishing and maintaining trust accounts and pertinent records.

Sec. 4. *NEW SECTION.* AUDITS AND EXAMINATIONS.

1. The commissioner shall provide by rule for the audit or examination of books of account and other records to be maintained under this chapter. A seller shall comply with these rules and shall make all books of account and other pertinent records available to the commissioner for examination.

2. The commissioner may provide by rule that an audit conducted by a certified public accountant be submitted by a seller in lieu of an audit or examination conducted by the commissioner.

Sec. 5. *NEW SECTION.* ANNUAL CERTIFICATION—PENALTY.

1. Every seller shall submit to the commissioner once each year a written statement which is signed by the seller and notarized, and which contains the following information:

a. Identification of each financial institution in which trust funds are maintained.

b. Authorization for the commissioner to investigate, audit and verify all funds, accounts, safe deposit boxes or other forms in which trust funds are held by or in a financial institution identified under paragraph a of this subsection.

c. Other information required by rules of the

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commissioner.

d. A declaration that the information contained in the statement is truthful, accurate and complete.

2. The commissioner shall provide by rule for the form, content and date of filing of the statement to be submitted under subsection one (1) of this section.

3. A person who knowingly submits false information in a statement submitted under subsection one (1) of this section commits a serious misdemeanor.

Sec. 6. *NEW SECTION.* REMEDIAL ORDERS.

1. Upon notice and opportunity for hearing, the

commissioner may issue a remedial order against a person who is in violation of the requirements of this chapter. The respondent shall comply with the remedial order within such reasonable period of time as may be stated by the commissioner in the order. The use of this authority by the commissioner is discretionary, and is not required as a condition precedent to any other criminal or civil proceeding.

2. A hearing under this section shall be conducted as a contested case under chapter seventeen A (17A) of the Code. Notice must be served upon the respondent by personal service as in civil actions, notwithstanding contrary provisions of section seventeen A point twelve (17A.12), subsection one (1) of the Code.

Sec. 7. *NEW SECTION.* JUDICIAL ASSISTANCE.

1. The commissioner may commence an action in the district court to obtain such remedial orders as may be necessary to stop or prevent violations of this chapter.

2. The commissioner may commence an action in the district court to compel compliance with the requirements of this chapter, including rules promulgated under this chapter, or to compel compliance with a remedial order issued by the commissioner under section six (6) of this Act.

Sec. 8. *NEW SECTION.* TRUST FUND ESTABLISHED. Whenever an agreement is made by any seller in a pre-need sale for the sale of personal property to be used in connection with the final disposition of a dead human body or for the furnishing of professional services of a funeral director, eighty percent of all payments made under the agreement, including interest thereon, shall be and remain trust funds until occurrence of the death of the person for whose benefit the funds were paid, unless the funds are sooner released to the person making such payment.

Sec. 9. *NEW SECTION.* DEPOSIT OF FUNDS. All trust

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funds under section eight (8) of this Act shall be deposited in a bank or trust company authorized to transact business in this state within thirty days after the receipt thereof and shall be held in a separate trust account or in one common trust fund under a trust agreement in the name of the depositor in trust for the designated beneficiary until the trust fund is released under either of the conditions provided in section eight (8) of this Act.

Sec. 10. *NEW SECTION.* TRUST EXEMPTION.

1. The commissioner may adopt rules pursuant to chapter seventeen A (17A) of the Code exempting qualified sellers from those provisions of this chapter which require a seller to deposit funds in trust. A seller is not exempt from those provisions unless the seller applies to the commissioner pursuant to rules so adopted and is issued a certificate of exemption by the commissioner.

2. Rules adopted by the commissioner shall contain financial responsibility requirements to be satisfied by an applicant for exemption which, in the opinion of the commissioner, are sufficient to provide protection for buyers which is at least equal to the trust requirements of this chapter.

3. Upon not less than five days notice and opportunity for hearing pursuant to the notice, the commissioner may upon reasonable grounds revoke a certificate of exemption. Failure by a seller to deliver personal property or services as required by the contract constitutes reasonable grounds for revocation of a certificate of exemption. A seller whose certificate of exemption has been revoked shall satisfy the trust requirements of this chapter within ten days after the date the revocation takes effect, either by depositing money in trust equal to the required trust amount, or by submitting to the commissioner a corporate surety bond which is issued by a surety company licensed to do business in this state and which contains a penal sum equal to the required trust amount. If the seller fails to satisfy the trust requirements as provided in this subsection within this ten-day period, the commissioner shall apply to the district court for Polk county for appointment of a receiver.

Sec. 11. *NEW SECTION.* FRAUDULENT SALES—PENALTY. A person who represents the sale of personal property as a prearranged funeral commits an aggravated misdemeanor.

Sec. 12. *NEW SECTION.* VIOLATION—PENALTY. Any seller, agent or representative who fails to deposit

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funds in a trust account as required by this chapter commits an aggravated misdemeanor.

Sec. 13. Chapter five hundred twenty-three A (523A), Code 1979, is repealed. It is the intent of the general assembly that the repeal of chapter five hundred twenty-three A (523A) of the Code and

the enactment of sections eight (8), nine (9) and twelve (12) of this Act shall be deemed a continuation of the law as contained in chapter five hundred twenty-three A (523A) of the Code, except to the extent amended by sections eight (8), nine (9) and twelve (12) of this Act.

Sec. 14. This Act takes effect January first following enactment. However, the commissioner of public health may adopt rules pursuant to this Act prior to the effective date of this Act to take effect on the effective date of this Act."

2. Amend the title by striking lines 1 through 7 and inserting in lieu thereof the words "An Act relating to pre-need sales of goods or services used in the final disposition of dead human bodies, and providing for the regulation of sellers by the commissioner of health, and providing penalties."

FORREST V. SCHWENGELS
STEPHEN W. BISENIUS
LOWELL L. JUNKINS

S—5578

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 4, line 24, by striking the words "less fifteen thousand dollars".

BASS VAN GILST

S—5579

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 4, by striking lines 22 through 29 and inserting in lieu thereof the words "to July 1, 1983, a loan processing fee in an amount as agreed to in writing by the parties, and in the event of an assumption of a prior loan undertaken on or after the effective date of this Act and prior to July 1, 1983, the lender may collect a loan processing fee in an amount as agreed to in writing by the lender and the person assuming the loan. As used in this subsection, the term 'loan' means".

STEPHEN W. BISENIUS

S—5580

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 3, lines 18 and 19, by striking the words "the discount rate on ninety-day commercial paper" and inserting in lieu thereof the words "the sum of the discount rate on ninety-day commercial paper plus the largest of any accompanying surcharges".

JOANN ORR

S—5581

Amend amendment S—5524 to House File 2492 as follows:

1. Page 1, by striking line 24 and inserting in lieu thereof the following: *"and the interest shall be* compounded annually. *The public utility shall not place into effect any portion of any suspended rates, charges, schedules or regulations of any subsequent rate filing relating to services with respect to which a rate filing is pending within twelve months following the date a prior application was filed or until after the commission has issued a final order in any previously filed rate proceedings, whichever is earlier, unless the public utility applies to the commission for authority and receives authority to place a portion of the subsequent filed rate filing into effect on an interim basis."*

GARY L. BAUGHER
ROBERT M. CARR
ARTHUR L. GRATIAS
JULIA B. GENTLEMAN

S—5582

Amend the committee on Commerce amendment, S—5524, to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 7 through 24 and inserting in lieu thereof the following:

"However, a public utility [shall have the right] at any time after [said] *the* rates, charges, schedules or regulations have been suspended for ninety days, *may request the authority* to place in effect any or all of [such] *the* suspended rates, charges, schedules or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected thereunder in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. *In determining that portion, if any, of the*

utility's proposed increase in rates and charges to be placed in effect subject to refund, the commission shall at a minimum allow the rates and charges which, consistent with the principles of the utility's last rate case, will allow the utility the opportunity to earn a return on common stock equity equal to that which the commission held reasonable and just in the utility's last rate case. If the commission fails to make such a determination within thirty days of the request, the utility may place in effect any or all of the suspended rates, charges, schedules or regulations. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. [Such] *The* rate of interest shall be *a reasonable rate as determined by the commission, but* not less than five percent per annum, [nor more than twelve percent per annum,] *and the interest shall be* compounded annually."

ARTHUR A. SMALL, JR.

S—5583

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 9, line 35, by inserting after the figure "1981." the words "The provisions of this Act shall terminate as of April, 1981."

WILLIAM D. PALMER
GEORGE R. KINLEY
TOM SLATER
JOE BROWN
ALVIN V. MILLER
ROBERT M. CARR
C. W. HUTCHINS
JOHN SCOTT
LOWELL L. JUNKINS
NORMAN G. RODGERS
JOANN ORR

S—5584

Amend amendment S—5524 to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 7 through 24 and inserting in lieu thereof the following:

"However, a public utility, [shall have the right] at any time after [said] *the* rates, charges, schedules or regulations have been suspended for ninety days, *may request the authority* to place in effect any or all of [such] *the* suspended rates, charges, schedules

or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected thereunder in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. *In determining that portion, if any, of the utility's proposed increase in rates and charges to be placed in effect subject to refund, the commission shall at a minimum allow rates and charges which, consistent with regulatory principles established by the commission in prior rate cases involving the same type of public utility service, will allow the utility the opportunity to earn a return on common stock equity equal to that which the commission held reasonable and just in the most recent rate case involving the same type of public utility service. If the commission fails to make a determination within sixty days of the request, the utility may place in effect, under bond and subject to refund as otherwise provided in this paragraph, any or all of the suspended rates, charges, schedules or regulations.* The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. [Such] *The* rate of interest shall be *a reasonable rate as determined by the commission, but* not less than five percent per annum, [not more than twelve percent per annum,] *and the interest shall be* compounded annually."

PATRICK J. DELUHERY
BOB RUSH
JULIA B. GENTLEMAN
ARTHUR A. SMALL, JR.

S—5585

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 3, line 35, by striking the words "and before".

2. Page 4, line 1, by striking the words "July 1, 1983,".

STEPHEN W. BISENIUS

S—5586

Amend amendment S—5524 to House File 2492 as amended, passed and reprinted by the House as follows:

1. By striking page 1, line 34 through page 2, line 1 and inserting in lieu thereof the following:
"4. Page 7, by striking lines 10 through 17."

ROBERT M. CARR

S—5588

Amend House File 2492 as amended, passed and reprinted by the House as follows:
1. Page 4, line 25, by inserting after the word "assumption" the words "or refinancing".
2. Page 4, line 28, by inserting after the word "assumption" the words "or refinancing".
3. Page 4, line 29, by inserting after the word "assumed" the words "or refinanced".

GEORGE R. KINLEY

S—5589

Amend House File 2492 as amended, passed and reprinted by the House as follows:
1. Page 2, by inserting after line 24 the following:
"Sec. 2. Chapter five hundred twenty-four (524), division eight (VIII), Code 1979, is amended by adding the following new section:
NEW SECTION. A state bank may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The state bank shall be deemed to be acting in a fiduciary capacity with respect to these funds. A bank which maintains an escrow account with respect to real property which is mortgaged to the bank, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. The summary shall be delivered or mailed not later than January thirty-first of the following year. The summary shall contain all of the following information:
1. The name and address of the mortgagee.
2. The name and address of the mortgagor.
3. A summary of escrow account activity during the calendar year as follows:
a. The balance of the escrow account at the beginning of the year.
b. The aggregate amount of deposits to the escrow account during the year

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the calendar year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year.

Sec. 3. Chapter five hundred thirty-three (533), Code 1979, is amended by adding the following new section:

NEW SECTION. A credit union may act as an escrow

Page 2

agent, and may receive deposits and made disbursements from deposits in that capacity. The credit union shall be deemed to be acting in a fiduciary capacity with respect to these funds. A credit union which maintains an escrow account with respect to real property which is mortgaged to the credit union, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. The summary shall be delivered or mailed not later than January thirty-first of the following year. The summary shall contain all of the following informaion:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the calendar year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.
(5) All other withdrawals.
d. The balance of the escrow account at the end of the year.
4. A summary of loan principal for the calendar year as follows:
a. The amount of principal outstanding at the beginning of the year.
b. The aggregate amount of payments against principal during the year.
c. The amount of principal outstanding at the end of the year.
Sec. 4. Chapter five hundred thirty-four (534) Code 1979, is amended by adding the following new section:
NEW SECTION. A savings and loan association may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The association shall be deemed to be acting in a fiduciary capacity with respect to these funds. A savings and loan association which maintains an escrow account with respect to real property which is mortgaged to the association, whether or not the

Page 3

mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. The summary shall be delivered or mailed not later than January thirty-first of the following year. The summary shall contain all of the following information:
1. The name and address of the mortgagee.
2. The name and address of the mortgagor.
3. A summary of escrow account activity during the calendar year as follows:
a. The balance of the escrow account at the beginning of the year.
b. The aggregate amount of deposits to the escrow account during the year.
c. The aggregate amount of withdrawals from the escrow account for each of the following categories:
(1) Payments against loan principal.
(2) Payments against interest.
(3) Payments against real estate taxes.
(4) Payments for real property insurance premiums.
(5) All other withdrawals.
d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the calendar year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year."

2. Page 10, by inserting after line 9 the following:

"____. Sections two (2), three (3) and four (4) of this Act apply to mortgage loan accounts which are in existence as of January first following the effective date of this Act and those which are established on or after January first following the effective date of this Act. The disclosures required by sections two (2), three (3) and four (4) of this Act apply only with respect to calendar years commencing on or after January first following the effective date of this Act."

3. By renumbering sections and correcting internal references.

ARNE WALDSTEIN
RICHARD R. RAMSEY

S—5590

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. By striking page 4, line 16 through page 5, line 2, and inserting in lieu thereof the following:

"____. A lender shall not collect, in connection with any loan made pursuant to a written agreement executed by the borrower on or after the effective date of this Act and prior to January 1, 1983, or in connection with any loan made pursuant to a written commitment by the lender mailed or delivered to the borrower on or after the effective date of this Act and prior to July 1, 1983, or in connection with any assumption of a prior loan which is assumed on or after the effective date of this Act and prior to July 1, 1983, any origination fee, closing fee, commitment fee or similar charge. Whenever the borrower under any loan made pursuant to a written agreement executed by the borrower on or after the effective date of this Act and prior to July 1, 1983, or pursuant to a written commitment by the lender mailed or delivered to the borrower on or after the effective date of this Act and prior to July 1, 1983,

including a person who has assumed such a loan, prepays part or all of the outstanding balance of the loan, the lender shall not receive an amount in payment of interest which is greater than the amount determined by applying the rate of interest agreed upon by the lender and the borrower to the unpaid balance of the loan for the period of time during which the borrower had the use of the money loaned, and the lender shall not impose any penalty or other charge in addition to the amount of interest due as a result of the repayment of the loan at a date earlier than is required by the terms of the loan agreement; Provided, however, that this limitation does not prohibit a lender from requiring not more than thirty day's notice of a borrower's intent to repay the entire outstanding balance of a loan if the payment of that balance, together with any partial prepayments previously made on the loan, will result in the repayment of the loan at a date earlier than is required by the terms of the loan agreement. If any lender collects an amount of interest greater than that permitted by this subsection, or imposes any penalty or charge prohibited by this subsection, the borrower shall have the right to recover all amounts unlawfully collected by the lender from that borrower, plus attorney fees and court costs incurred in any action necessary to effect recovery. This subsection supersedes the provisions of section five hundred

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thirty-five point eight (535.8), subsection two (2), paragraph a, Code 1979 Supplement."

JOANN ORR

S—5591

Amend the committee on Commerce amendment, S—5524, to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 2, line 47, by striking the word "one-half" and inserting in lieu thereof the words "[one-half] *three-quarters*".

2. Page 3, line 14, by striking the word "one-half" and inserting in lieu thereof the word "[one-half] *three-quarters*".

CLARENCE CARNEY
GARY L. BAUGHER

RICHARD COMITO
JOHN W. JENSEN
ARTHUR L. GRATIAS
IRVIN L. BERGMAN
NORMAN G. RODGERS
MERLIN D. HULSE

S—5592

Amend amendment S—5524 to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking line 26 and inserting in lieu thereof the following: "than four days from the regular date.

Sec. _____. Section five hundred thirty-seven point three thousand three hundred eleven (537.3311), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A card issuer shall not discriminate, as between sellers who permit a cardholder to use the credit card to purchase or lease property or services, with respect to fees, charges, discounts or other consideration payable by a seller to the card issuer as a result of permitting a cardholder to use the credit card for these purposes."

ROBERT M. CARR

S—5593

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. By striking page 2, line 34 through page 3, line 3, and inserting in lieu thereof the words "for deed, and including the refinancing or assumption of a prior loan by a new borrower if the lender releases the original borrower from all personal liability with respect to the loan;".

RICHARD R. RAMSEY
BOB RUSH

S—5594

Amend House File 2492 as amended, passed and reprinted by the House as follows:

DIVISION S—5594A

1. Page 4, line 25, by inserting after the word "assumption" the words "or refinancing".

2. Page 4, line 28, by inserting after the word "assumption" the words "or refinancing".

3. Page 4, line 29, by inserting after the word "assumed" the words "or refinanced".

DIVISION S—5594B

4. Page 4, line 29, by inserting after the word "assumed." the following: "A loan processing fee collected under the authority of this paragraph is deemed a reimbursement of expenses to be incurred by the lender in the event the obligation or an interest in the obligation is subsequently sold by the lender. A fee which does not exceed the maximum amount permitted by this paragraph is conclusively presumed to be the amount of the lender's expenses in the event of sale. However, if the obligation or an interest in the obligation has not been sold upon the expiration of thirty-six months after the date of closing the loan, the lender shall repay the entire amount of the fee without interest to the borrower within thirty days.".

GEORGE R. KINLEY

S—5595

Amend House File 2492 as amended, passed and reprinted by the House as follows:

DIVISION S—5595A

1. By striking page 4, line 16 through page 5, line 2, and inserting in lieu thereof the following:

"_____. A lender shall not collect, in connection with any loan made pursuant to a written agreement executed by the borrower on or after the effective date of this Act and prior to July 1, 1983, or in connection with any loan made pursuant to a written commitment by the lender mailed or delivered to the borrower on or after the effective date of this Act and prior to July 1, 1983, or in connection with any assumption of a prior loan which is assumed on or after the effective date of this Act and prior to July 1, 1983, any origination fee, closing fee, commitment fee or similar charge. If any lender imposes any charge prohibited by this subsection, the borrower shall have the right to recover all amounts unlawfully collected by the lender from that borrower, plus attorney fees and court costs incurred in any action necessary to effect recovery. This

subsection supersedes the provisions of section five hundred thirty-five point eight (535.8), subsection two (2), paragraph a, Code 1979 Supplement."

DIVISION S—5595B

2. Page 5, by inserting after line 2 the following:

"____. Whenever the borrower under any loan made pursuant to a written agreement executed by the borrower on or after the effective date of this Act and prior to July 1, 1983, or pursuant to a written commitment by the lender mailed or delivered to the borrower on or after the effective date of this Act and prior to July 1, 1983, including a person who has assumed such a loan, prepays part or all of the outstanding balance of the loan, the lender shall not receive an amount in payment of interest which is greater than the amount determined by applying the rate of interest agreed upon by the lender and the borrower to the unpaid balance of the loan for the period of time during which the borrower had the use of the money loaned, and the lender shall not impose any penalty or other charge in addition to the amount of interest due as a result of the repayment of the loan at a date earlier than is required by the terms of the loan agreement; Provided, however, that this limitation does not prohibit a lender from requiring not more than thirty day's notice of a borrower's intent to repay the entire outstanding balance of a loan if the payment of that balance, together with any partial prepayments previously made on the loan, will result in the repayment of the loan

DIVISION S—5595B (cont'd.)

at a date earlier than is required by the terms of the loan agreement. If any lender collects an amount of interest greater than that permitted by this subsection, or imposes any penalty or charge prohibited by this subsection, the borrower shall have the right to recover all amounts unlawfully collected by the lender from that borrower, plus attorney fees and court costs incurred in any action necessary to effect recovery."

JOANN ORR

S—5596

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 7, by inserting after line 9, the following:

"Sec. ____. Section five hundred thirty-five point eight (535.8), subsection two (2), Code 1979 Supplement, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. If the purpose of the loan is to enable the borrower to purchase real estate, any provision of a loan agreement which prohibits the borrower from transferring his or her interest in the real estate to a third party, or any provision which requires or permits the lender to make a change in the interest rate, the repayment schedule or the term of the loan as a result of a transfer by the borrower of his or her interest in the real estate to a third party shall not be enforceable if at the time the borrower transfers his or her interest in the real property, the borrower maintains all of his or her personal liability to the lender with respect to the loan."

RICHARD R. RAMSEY
GARY L. BAUGHER
ELIZABETH R. MILLER
ARTHUR A. SMALL, JR.

S—5597

For the text of this House amendment, see page 1201 of the Senate Journal.

S—5598

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 9, by inserting after line 35 the following:

"Sec. ____. The general assembly of the state of Iowa hereby declares and states that it does not want any of the provisions of Public Law No. 96-221 (94 stat. 132), section 501, subsection (a), paragraph (1), to apply with respect to loans, mortgages, credit sales, and advances made in this state; and that it does not want of the provisions of Public Law No. 96-221 (94 stat. 132), Part B (section 511, subsections (a) and (b)), to apply with respect to loans made in this state; and that it does not want any of the provisions of any of the amendments contained in

Public Law No. 96-221 (94 stat. 132), sections 521, 522 and 523 to apply with respect to loans made in this state; and that it does not want any of the provisions of Public Law No. 96-221 (94 stat. 132), section 524 to apply with respect to loans made in this state. It is the intent of the general assembly of the state of Iowa in enacting this section to exercise all authority granted by Congress and to satisfy all requirements imposed by Congress in Public Law No. 96-221 (94 stat. 132), section 501 subsection (b), paragraph (2), and section 512, and section 524 subsection (i), paragraph (3), and section 525, for the purpose of rendering the provisions of Public Law No. 96-221 (94 stat. 132), Title V, inapplicable in this state."

2. By renumbering sections.

EDGAR H. HOLDEN

S—5599

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 5 the following:

"Sec. _____. Section five hundred twenty-four point nine hundred one (524.901), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-eight (128), section sixteen (16), is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding the other provisions of this section, a state bank located in a city having a population of more than five hundred shall not make a loan secured by a lien on real property if an officer or employee of the bank is engaged as a real estate agent for purposes of the sale of the real property to which the loan relates."

ARNE WALDSTEIN
NORMAN G. RODGERS
GARY L. BAUGHER
JAMES V. GALLAGHER
ROLF V. CRAFT
ROBERT M. CARR
SUE YENGER

S—5600

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 4, lines 18 and 19, by striking the words "and prior to July 1, 1983".
2. Page 4, lines 21 and 22, by striking the words "and prior to July 1, 1983".

EDGAR H. HOLDEN

S—5601

Amend Senate File 2192 as follows:
1. Page 7, by striking lines 12 and 13.
2. Page 8, line 20, by striking the words "based upon the state policy guidelines".
3. By striking page 8, line 30, through page 9, line 1.

RAY TAYLOR

S—5602

Amend the Holden amendment, S—5598, to House File 2492 as amended, passed and reprinted by the House as follows:
1. Page 1, line 30, by inserting after the words "state." the words "All provisions of this Act shall terminate as of April 1, 1981, with the exception of this section."

WILLIAM D. PALMER
GEORGE R. KINLEY
TOM SLATER
JOE BROWN
ALVIN V. MILLER
ROBERT M. CARR
C.W. HUTCHINS
JOHN SCOTT
LOWELL L. JUNKINS
NORMAN G. RODGERS
JOANN ORR
JAMES V. GALLAGHER

S—5603

Amend House File 2492 as amended, passed and reprinted by the House as follows:
1. Page 7, by inserting after line 9 the following:
"Sec. ____. Section five hundred thirty-five point eight (535.8), subsection two (2), paragraph c, Code 1979 Supplement, is amended to read as follows:
c. If the purpose of the loan is to enable the borrower to purchase a single-family or two-family dwelling, for his or her residence, any provision

of a loan agreement which prohibits the borrower from transferring his or her interest in the property to a third party for use by the third party as his or her residence, or any provision which requires or permits the lender to make a change in the interest rate, the repayment schedule or the term of the loan as a result of a transfer by the borrower of his or her interest in the property to a third party for use by the third party as his or her residence shall not be enforceable [except as provided in the following sentence] *provided the borrower maintains all personal liability on the loan.* [If the lender on reasonable grounds believes that its security interest or the likelihood of repayment is impaired, based solely on criteria which is not more restrictive than that used to evaluate a new mortgage loan application, the lender may accelerate the loan, or to offset any such impairment, may adjust the interest rate, the repayment schedule or the term of the loan. A provision of a loan agreement which violates this paragraph is void.] *The provisions of this paragraph are retroactive."*

RICHARD R. RAMSEY
GARY L. BAUGHER
ARTHUR A. SMALL, JR.

S—5604

Amend House File 2541 as amended, passed and reprinted by the House as follows:

1. Page 1, lines 6 and 7, by striking the words "under eighteen years of age" and inserting in lieu thereof the words "born after January 1, 1965,".

2. Page 1, line 14, by striking the word "ten" and inserting in lieu thereof the word "eight".

ELIZABETH R. MILLER

S—5605

Amend Senate File 2297 as follows:

1. Page 1, line 10, by striking the words "ambulance services" and inserting in lieu thereof the words "emergency medical transportation services, equipment and supplies".

LUCAS J. DE KOSTER

S—5606

Amend the Holden amendment, S—5598, to House File

2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 11, by inserting after the word "want" the word "any".

EDGAR H. HOLDEN

S—5607

Amend amendment S—5524 to House File 2492 as amended, passed and reprinted by the House as follows:

1. By striking page 1, line 34 through page 2, line 1, and inserting in lieu thereof the following:

"____. Page 7, by striking lines 10 through 17 and inserting in lieu thereof the following:

'Sec. ____. Section three hundred twenty-two point nineteen (322.19), unnumbered paragraphs two (2) and three (3), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand two hundred (2200), section one (1), are amended to read as follows:

Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and [one-half] *three-fourths* percent per month simple interest on the declining balance of the amount financed.

Class 2. Any new motor vehicle not in Class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to [one and three fourths] *two* percent per month simple interest on the declining balance of the amount financed.' "

EDGAR H. HOLDEN

S—5608

Amend Senate File 2361 as follows:

1. Page 20, lines 31 and 32, by striking the words "solicit funds for any purpose from or sell or".

2. Page 20, line 34, by inserting after the word "highway." the words "Solicitation of funds by charitable and non-profit organizations is lawful."

C.W. HUTCHINS

S—5609

Amend Senate File 2361 as follows:

1. Page 12, by inserting after line 24 the following new section:

"Sec. ____. Section three hundred twenty-one point two hundred ten (321.210), subsection four (4), Code 1979, is amended to read as follows:

4. [Is incompetent to drive a motor vehicle] *is physically or mentally incapable of safely operating a motor vehicle."*

ROBERT M. CARR

S—5610

Amend Senate File 2361 as follows:

1. Page 13, by inserting after line 30 the following new section:

"Sec. ____. Section three hundred twenty-one point two hundred thirty-six (321.236), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Providing by ordinance that a person holding a valid chauffeur's or operator's license may operate a self-propelled golf cart on city streets during the period beginning one-half hour after sunrise and ending one-half hour before sunset. Self-propelled golf carts are excepted from the licensing requirements of this chapter for that purpose if otherwise in compliance with the applicable city ordinance. Golf carts operated on city streets shall meet lighting, braking, or other safety requirements required by statute or ordinance."

RICHARD R. RAMSEY
JAMES E. BRILES
SUE YENGER
NORMAN G. RODGERS

S—5611

Amend the Ramsey, et al., amendment S—5610 to Senate File 2361 as follows:

1. Page 1, line 12, by striking the word "licensing" and inserting in lieu thereof the word "registration".

RICHARD R. RAMSEY

S—5612

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 4, line 29, by inserting after the word "assumed" the words "; provided that if the purpose

of the loan or commitment by the lender is to enable the borrower to purchase from a builder a one-family to four-family dwelling, the construction of which was commenced within the twelve-month period immediately preceding the date of the loan or commitment, then the lender may, in addition to the loan processing fee collectable from the borrower under this section, collect from the builder who built and is selling the dwelling a fee in an amount which does not exceed three percent of the principal amount of the loan to be made to the borrower".

STEPHEN W. BISENIUS
ROBERT M. CARR

S—5613

Amend Senate File 2335 as follows:

1. Page 1, by striking lines 4 through 11 and inserting in lieu thereof:

"NEW SUBSECTION. Providing by ordinance that a person holding a valid chauffeur's or operator's license may operate a self-propelled golf cart on city streets during the period beginning one-half hour after sunrise and ending one-half hour before sunset. Self-propelled golf carts are excepted from the registration requirements of this chapter four that purpose if otherwise in compliance with the applicable city ordinance. Golf carts operated on city streets shall meet lighting, braking, or other safety requirements required by statute or ordinance."

RICHARD R. RAMSEY
JAMES E. BRILES
SUE YENGER
NORMAN G. RODGERS

S—5614

Amend Senate File 2357 as follows:

DIVISION S—5614A

1. Page 8, line 14, by inserting after the word "whether" the words "the owners of".

2. Page 8, line 15, by striking the word "landowners" and inserting in lieu thereof the word "land".

DIVISION S—5614B

3. Page 21, by striking lines 4 and 5.

DALE L. TIEDEN

S—5615

Amend the Schwengels, et al., amendment S—5577 to Senate File 2349 as follows:

1. Page 3, lines 47 and 48, by striking the words "an aggravated misdemeanor" and inserting in lieu thereof the words "a fradulent practice".

2. Page 4, line 2, by striking the words "an aggravated misdemeanor" and inserting in lieu thereof the words "a fradulent practice".

LUCAS J. DE KOSTER
RICHARD R. RAMSEY

S—5616

Amend the Schwengels, et al., amendment S—5577 to Senate File 2349 as follows:

1. Page 1, line 9, by inserting after the word "entity" the words "licensed under chapter one hundred fifty-six (156) of the Code".

C. JOSEPH COLEMAN

S—5617

Amend Senate Joint Resolution 2001 as follows:

1. Title page, by striking lines 2 through 4 and inserting in lieu thereof the words "of the State of Iowa by adopting an index for limiting revenue and budgeting responsibilities of elected officials and requiring future changes in taxing policy be confined to counterbalancing the expansion of services by eliminating existing services using local referenda."

JULIA B. GENTLEMAN
JOHN S. MURRAY

S—5618

Amend House File 275 as amended, passed and reprinted by the House as follows:

1. Page 1, line 6, by striking the words "serious misdemeanor" and inserting in lieu thereof the words "simple misdemeanor for the first offense, and a serious misdemeanor for the second and each subsequent offense".

JACK W. HESTER

S—5619

Amend House File 654 as amended, passed and reprinted by the House as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section nine hundred seven point three (907.3), subsection one (1), unnumbered paragraph two (2), Code 1979, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. The offense is a violation of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code.

Sec. 2. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraphs one (1) and five (5), Code 1979, are amended to read as follows:

Whoever operates a motor vehicle upon the public highways of this state while *having thirteen hundredths or more of one percent by weight of alcohol in the blood or while* under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or any combination of such substances shall, upon conviction or a plea of guilty, be guilty of a serious misdemeanor for the first offense and shall be imprisoned in the county jail for not less than two days; be guilty of an aggravated misdemeanor for the second offense and shall be imprisoned in the county jail not less than seven days; and be guilty of a class 'D' felony for a third offense and each offense thereafter.

For the purposes of this section, *evidence that there was at the time thirteen hundredths or more of one percent by weight of alcohol in the blood shall be admited as per se evidence that the defendant was under the influence of an alcoholic beverage, and* evidence that there was, at the time, more than ten hundredths of one percentum by weight of alcohol in his blood shall be admitted as presumptive evidence that the defendant was under the influence of an alcoholic beverage. No previous conviction for, or plea of guilty to, an offense under this section occurring more than six years prior to the date of the violation being charged shall be used to determine that the violation being charged is a second, third or subsequent offense."

A.R. KUDART
JOHN W. JENSEN
RAY TAYLOR
JULIA B. GENTLEMAN

ELIZABETH R. MILLER
RICHARD F. DRAKE
BERL E. PRIEBE
JOANN ORR
NORMAN J. GOODWIN
ARTHUR L. GRATIAS
JOE BROWN
SUE YENGER

S—5620

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 9, by inserting after line 8 the following:

"Sec. ____. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection fifteen (15), paragraph b, subparagraph two (2), Code 1979, is amended by striking the subparagraph and inserting in lieu thereof the following:

(2) A loan secured by a first lien on land given to finance the acquisition of that land."

2. Page 9, by striking lines 23 through 25 and inserting in lieu thereof the following: "addition, with respect to a consumer loan [not secured by a first lien on a dwelling of the debtor given to finance the acquisition of that dwelling], a supervised financial".

3. By renumbering the sections as necessary.

EDGAR H. HOLDEN

S—5621

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 9, by inserting after line 35 the following:

"Sec. 10. Section five hundred thirty-five point two (535.2), subsection four (4), Code 1979 Supplement, is amended by striking that subsection.

Sec. 11. With respect to any written agreement which was executed prior to August 3, 1978, and which contained a provision for the adjustment of the interest rate specified in that agreement, and which was governed by the limitation contained in section five hundred thirty-five point two (535.2), subsection four (4), Code 1979 Supplement, the interest rate may be adjusted after the effective date of this Act according to the terms of the agreement to any rate of interest permitted by the laws of this state as

of the date an adjustment in interest is to be made. This section does not authorize adjustment of interest in any manner other than that expressly permitted by the terms of the written agreement, and nothing contained in this section or section ten (10) of this Act authorized the collection of additional interest with respect to any portion of a debt which was paid or repaid prior to the effective date of an interest-rate adjustment."

2. By renumbering sections and correcting internal references.

EDGAR H. HOLDEN
RICHARD F. DRAKE

S—5622

Amend amendment S—5524 to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 7 through 24 and inserting in lieu thereof the following:

"However, a public utility, [shall have the right] at any time after [said] *the* rates, charges, schedules or regulations have been suspended [for ninety days], *may request the authority* to place in effect any or all of [such] *the* suspended rates, charges, schedules or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected thereunder in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. *In determining that portion, if any, of the utility's proposed increase in rates and charges to be placed in effect subject to refund, the commission shall at a minimum allow rates and charges which, consistent with regulatory principles established by the commission in prior rate cases involving the same type of public utility service, will allow the utility the opportunity to earn a return on common stock equity equal to that which the commission held reasonable and just in the most recent rate case involving the same type of public utility service. If the commission fails to make a determination within ninety days of the request, the utility may place in effect, under bond and subject to refund as otherwise provided in this paragraph, any or all of the suspended rates, charges, schedules or regulations.* The commission shall establish a rate of interest

to be paid by a public utility to persons receiving refunds. [Such] *The* rate of interest shall be *a reasonable rate as determined by the commission, but* not less than five percent per annum, [not more than twelve percent per annum,] *and the interest shall be* compounded annually."

PATRICK J. DELUHERY
JOHN S. MURRAY
JULIA B. GENTLEMAN

S—5623

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 4, line 29, by striking the period and inserting in lieu thereof the words "; provided that if the purpose of the loan or commitment by the lender is to enable the borrower to purchase from a builder a one-family to four-family dwelling, the construction of which was commenced within the twelve-month period immediately preceding the date of the loan or commitment, then the lender may, in addition to the loan processing fee collectable from the borrower under this section, collect from the builder who built and is selling the dwelling a fee in an amount which does not exceed three percent of the principal amount of the loan to be made to the borrower, but as a condition of collecting this fee from the builder the lender shall reduce the interest rate otherwise payable by the borrower on the loan by one percentage point for each percentage point of fee received from the builder and by a like proportion for fractional amounts.".

STEPHEN W. BISENIUS
ROBERT M. CARR

S—5624

Amend House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 9, by inserting after line 35 the following:

"Sec. ____ . *NEW SECTION.* CONSUMER CREDIT FINANCE CHARGES.

1. The finance charge limitations contained in sections five hundred thirty-seven point two thousand two hundred one (537.2201), five hundred thirty-seven point two thousand two hundred two (537.2202), five hundred thirty-seven point two thousand four hundred

one (537.2401) and five hundred thirty-seven point two thousand four hundred two (537.2402) of the Code, as amended by this Act, shall be in effect as provided in this Act until January 1, 1981. Commencing January 1, 1981, and January first of each year thereafter, the finance charge limitations which shall be in effect during the respective calendar year shall be as provided in this section.

2. Commencing January 1, 1981, and each respective year thereafter, the maximum finance charge to be in effect for purposes of sections five hundred thirty-seven point two thousand two hundred one (537.2201), five hundred thirty-seven point two thousand two hundred two (537.2202), five hundred thirty-seven point two thousand four hundred one (537.2401) and five hundred thirty-seven point two thousand four hundred two (537.2402) of the Code shall be dependent upon the base discount rate and relative discount rate on sales of United States treasury bills.

3. The 'base discount rate' for purposes of this section shall be equal to the percentage which is the arithmetic average of the weekly discount rates as reported and published by the United States treasury department for United States treasury bills with six-month maturities sold at auction at each of the weekly auctions held during the 1979 calendar year. For purposes of this section the basic discount rate is equal to ten point zero one seven percent.

4. The 'relative discount rate' for purposes of this section shall be the weekly discount rate as reported and published by the United States treasury department for United States treasury bills sold at auction at the weekly auction held on or immediately prior to December fifteenth of a calendar year, commencing with the 1979 calendar year.

5. Immediately after December fifteenth of each calendar year the superintendent of banking shall obtain from the United States treasury department the relative discount rate of that calendar year,

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as defined in subsection four (4) of this section. The superintendent shall compare that relative discount rate to the base discount rate and shall determine the maximum finance charges to be in effect during the following year according to the following:

a. If the relative discount rate in December of any calendar year is greater than the base discount rate, then the maximum finance charges to be in effect

during the following year shall be as follows:

(1) For purposes of consumer credit transactions governed by section five hundred thirty-seven point two thousand two hundred one (537.2201) or five hundred thirty-seven point two thousand four hundred one (537.2401) of the Code, twenty-one percent per year.

(2) For purposes of consumer credit transactions governed for section five hundred thirty-seven point two thousand two hundred two (537.2202) or five hundred thirty-seven point two thousand four hundred two (537.2402) of the Code, one and three-fourths percent per month.

b. If the relative discount rate in December of any calendar year is equal to or less than the base discount rate, then the maximum finance charges to be in effect during the following year shall be as follows:

(1) For purposes of consumer credit transactions governed by section five hundred thirty-seven point two thousand two hundred one (537.2201) or five hundred thirty-seven point two thousand four hundred one (537.2401) of the Code, eighteen percent per year.

(2) For purposes of consumer credit transactions governed by section five hundred thirty-seven point two thousand two hundred two (537.2202) or five hundred thirty-seven point two thousand four hundred two (537.2402) of the Code, one and one-half percent per month..

6. The superintendent of banking shall cause to be published, as a notice in the Iowa administrative bulletin and as a legal notice in a newspaper of general circulation published in Polk county, the maximum finance charges to be in effect during a calendar year, as determined pursuant to subsection five (5) of this section. These notices shall be published as soon after the maximum charges have been determined. However, the maximum charges as specified in subsection five (5) of this section shall be in effect as of January first, irrespective of the publication of or the failure to publish these notices.

7. A debt incurred during a calendar year shall be subject to the maximum finance charge in effect

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for that transaction during that calendar year, and until fully paid, whether or not fully paid within that calendar year. For purposes of this subsection, each extension of credit or payment of money pursuant

to open-end credit shall be deemed a separate debt."

GEORGE R. KINLEY
ARTHUR A. SMALL, JR.

S—5625

Amend the Holden amendment, S—5598, to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 30 by inserting after the words "state." the words "All provisions of this Act shall terminate as of April 1, 1982, with the exception of this section."

BERL E. PRIEBE
C.W. HUTCHINS
WILLIAM D. PALMER
GEORGE R. KINLEY
CHARLES P. MILLER
JOHN SCOTT
LOWELL L. JUNKINS

S—5627

Amend amendment S—5598 to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 30, by inserting after the period the words "Section two (2) of this Act expires July 1, 1983. All other provisions of this Act except this section expire July 1, 1981."

GEORGE R. KINLEY
LOWELL L. JUNKINS

S—5628

Amend the Holden amendment, S—5598, to House File 2492 as amended, passed and reprinted by the House as follows:

1. Page 1, line 30 by inserting after the words "state." the words "All provisions of this Act shall terminate as of April 1, 1983, with the exception of this section."

JAMES V. GALLAGHER

S—5629

Amend the Schwengels, et al., amendment S—5577 to Senate File 2349 as follows:

1. Page 2, line 40, by inserting after the word "seller" the words "licensed under chapter one hundred

fifty-six (156),".

2. Page 2, by inserting after line 39 the following:

"A seller who is subject to chapter five hundred sixty-six A (566A), within thirty days following receipt from the buyer of the purchase price under this agreement, shall deposit an amount equal to at least one hundred fifty percent of the average wholesale cost of the personal property to be delivered under the agreement. If partial payment is made the seller shall deposit in trust a proportionate share representing one hundred fifty percent of the wholesale cost of the personal property. These funds shall remain in trust until occurrence of the death of the person for whose benefit the funds were paid unless the funds are sooner released by mutual consent of the parties to the agreement."

ROBERT M. CARR

S—5630

Amend House File 2516 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 8.

2. Page 1, line 13, by striking the words "and not legitimized or" and inserting in lieu thereof the words "whose paternity has not been acknowledged and who has not been".

3. Page 1, line 28, by striking the word "probabililty" and inserting in lieu thereof the word "probability".

4. By correcting section numbers and internal references as made necessary by this amendment.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5631

Amend House File 2340 as amended, passed and reprinted by the House as follows:

1. Page 1, line 10, by inserting after the word "districts" the words "and to include in the proposal a division of the assets and liabilities of the dissolving school district".

2. Page 2, line 15, by striking the word "dissolution" and inserting in lieu thereof the word "commission".

3. Page 2, by striking line 16 and inserting in lieu thereof the words "shall also send a copy of

the dissolution proposal by registered mail to the boards of directors of all".

4. Page 2, by striking lines 18 and 19 and inserting in lieu thereof the words "will be attached. If the board of a district to which area of the affected school district will be attached objects to the attachment, within ten days following receipt of the dissolution proposal the board shall send its objections in writing to the commission. The commission may consider the objections and may modify the dissolution proposal. If the dissolution proposal is modified, the commission shall notify by registered mail the boards of directors of all school districts to which area of the affected school district will be attached."

5. Page 2, lines 20 and 21, by striking the word "and the boards of contiguous school districts".

6. Page 2, line 34, by striking the word "chairperson" and inserting in lieu thereof the word "president".

7. Page 3, line 2, by striking the words "If changes are made by".

8. Page 3, by striking lines 3 and 4 and inserting in lieu thereof the words "The board shall notify by registered mail the boards of directors of all school districts to which area of the affected school district will be attached and the state board of public instruction of the contents of the dissolution proposal adopted by the board. If the board of a district to which area of the affected school district will be attached objects to the attachment, that portion of the dissolution proposal will not be included in the proposal voted upon under section six (6) of this Act and the state board of public instruction shall attach the area to a contiguous school district. If the board of a district to which area of the affected school district will be attached objects to the division of assets and liabilities contained in the dissolution proposal, section two

Page 2

hundred seventy-five point thirty (275.30) of the Code shall apply for the division of assets and liabilities to that district."

9. Page 3, by striking lines 10 and 11, and inserting in lieu thereof the words "comply with reorganization procedures specified in this chapter."

10. Page 5, line 8, by striking the word "two"

and inserting in lieu thereof the word "one".

11. Page 5, by striking lines 10, 11 and 12 and inserting in lieu thereof the words "vacation, salary or".

12. Page 5, line 13, by inserting after the words "based on" the words "the employee's".

13. Page 5, by striking lines 16 through 19 and inserting in lieu thereof the words and figure "nineteen (279.19) of the Code."

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5632

Amend the Tieden amendment, S—5574, to Senate File 2357 as follows:

1. Page 1, line 20, by striking the words "at least" and inserting in lieu thereof the words "more than".

2. Page 1, by striking lines 39 through 42 and inserting in lieu thereof the words "conduct the referendum. The county commissioner of elections shall oversee the election, and section forty-seven point two (47.2), subsection two (2), of the Code shall apply. The election shall be conducted in accordance".

3. Page 2, line 3, by inserting after the word "lands." the words "Each such owner shall be sent a notice of the referendum by certified mail."

DALE L. TIEDEN

S—5633

Amend amendment S—5577 to Senate File 2349 as follows:

1. Page 4, by inserting after line 2 the following:

"Sec. 13. *NEW SECTION.* SCOPE. This chapter applies only to persons licensed under chapter one hundred fifty-six (156) of the Code.

Sec. 14. Sections fifteen (15) through twenty (20) of this Act are enacted as a new chapter of the Code.

Sec. 15. *NEW SECTION.* SALES OF PERSONAL PROPERTY TO BE USED AT DEATH.

1. When an agreement is made by a person, other than a person licensed under chapter one hundred fifty-six (156) of the Code, to deliver personal

property which is customarily used in the final disposition or memorialization of a dead human body and the personal property is to be delivered at an uncertain future date, the seller shall establish and maintain records and accounts as required by this chapter until the death of the person for whom the personal property is to be used or until delivery is made, whichever occurs earlier. The seller must clearly disclose in writing that the contract is for the sale of personal property and that funeral service is not included.

2. For purposes of this chapter, delivery is deemed to have been made when the personal property to be delivered under the contract is in a bonded warehouse and is identifiable as the property of the buyer or is released to the buyer.

As used in this chpater the term 'personal property' includes, but is not limited to, a vault, memorial, vase, urn, or any combination of those, intended for or used in the burial, memorialization or interment of a dead human body. The term does not include cemetery lots, graves, mausoleum cyrpts, turf top crypts, niches or columbaria.

3. This chapter does not apply to wholesale transactions.

Sec. 16. *NEW SECTION.* TRUST REQUIRED—PROVISIONS OF TRUST.

1. A seller who is subject to section fifteen (15) of this Act shall, within thirty days following receipt from the buyer of full payment under the contract, deposit in trust an amount equal to at least one hundred ten percent of the ascribed cost of the personal property to be delivered under the contract, as determined in the manner provided in subsection three (3) of this section; provided that if the price

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to be paid by the buyer is payable in installments over a term which exceeds thirty-six months or if the contract is payable in more than three installments and any scheduled payment is more than twice as large as the average of earlier scheduled payments, then the seller shall, within thirty days following the end of each of the sellers fiscal years, deposit in trust an amount which is of the same relation to one hundred ten percent of the ascribed cost as the sum of the payments made during the fiscal year is to the contract price. Trust funds shall be deposited

with a financial institution authorized to transact business in this state, and shall be held in a trust account in the name of the depositor in trust for the designated beneficiary.

2. When a trust account has been established under subsection one (1) of this section, the seller annually shall make an additional deposit to compensate for any annual increase in the ascribed cost of personal property remaining to be delivered under the contract. The deposit shall be made not later than thirty days after the end of the seller's fiscal year, and shall be included in the annual report of the seller required by section seventeen (17) of this Act. Immediately after the end of the seller's fiscal year the seller shall recalculate ascribed cost for the contract in the manner provided in subsection three (3) of this section. The amount of the deposit shall be equal to the excess, if any, of the ascribed cost of the personal property remaining to be delivered according to the contract, as recalculated for the fiscal year just commenced, over the net balance of the trust account; provided that if the buyer has not made full payment, the deposit shall be equal to an amount which is of the same relation to such excess as the sum of payments made under the contract is to the contract price.

3. For purposes of this section, 'ascribed cost' means the wholesale price which the seller would have been required to pay to obtain the personal property to be delivered under the contract in an arm's-length wholsesale transaction during the previous fiscal year. Wholesale price means the average wholesale price during the fiscal year in the relevant market.

4. Funds held in trust with respect to a contract may be disbursed upon the death of the person for whom the personal property is to be used, or upon delivery of the personal property, or at any time upon the mutual consent of the parties.

5. In lieu of a separate trust account for each

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contract, the seller may establish a common trust fund for all or a portion of the contracts for which trust accounts are required.

Sec. 17. *NEW SECTION.* RECORDS AND REPORTING REQUIREMENTS.

1. A seller whose contracts are subject to this chapter shall keep accurate records of the total

amount of payments received under each contract, the institutions in which trust funds are maintained, the total amounts deposited in trust and the amount deposited with respect to each contract, a reconciliation of the total trust balance with the individual balances, the earnings of trust funds, and the disbursements from trust funds. These records shall be subject to examination at any time by the auditor of state or by his or her designee. The seller also shall file with the auditor of state, not later than forty-five days after the end of the fiscal year of the seller, an annual report on forms supplied by the seller which shall include the name and business address of the seller, the dates of the fiscal year of the seller, the name and address of the trustee, the name and address of each depository, the balance of funds held in trust for each contract as of the end of the fiscal year and a reconciliation of these balances with the total amount of trust funds on deposit with each depository as of the end of the fiscal year, the current rate of interest or earnings being earned by the trust account, the total obligation of the seller for which the trusts are established at the seller's current cost, and other information required by the auditor of state.

2. The annual report supplied by the seller under subsection one (1) of this section shall include the following statement:

'This report is required by law to be submitted to the auditor of state. Any person who willfully submits false or fraudulent information in this report commits an aggravated misdemeanor.'

3. The attorney general or his or her representative may commence an equitable action in the district court of the county in which the seller engages in the business governed by this chapter to obtain equitable remedies as necessary to compel compliance with the provisions of this section. The district court may grant equitable relief as appropriate.

Sec. 18. *NEW SECTION.* FRAUDULENT REPORT—PENALTY. A person who is required to submit an annual report to the auditor of state under section seventeen (17),

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subsection one (1), of this Act, and who knowingly submits false information in the report, commits an aggravated misdemeanor.

Sec. 19. *NEW SECTION.* FRAUDULENT SALES—PENALTY.

A person who represents the sale of personal property as a prearranged funeral commits an aggravated misdemeanor.

Sec. 20. *NEW SECTION.* EXCEPTION. This chapter does not apply to a contract which is subject to the provisions of sections one (1) through thirteen (13) of this Act."

2. Page 4, line 17, by inserting after the period the words "Sections fifteen (15) through twenty (20) of this Act do not apply to a contract executed prior to the effective date of this Act. A person who was subject to chapter five hundred twenty-three A (523A) of the Code prior to the effective date of this Act, and who becomes subject to sections fifteen (15) through twenty (20) of this Act on the effective date of this Act shall maintain trust funds which were established under chapter five hundred twenty-three A (523A) of the Code as it existed prior to the effective date of this act according to the provisions of chapter five hundred twenty-three A (523A) of the Code as it existed prior to the effective date of this Act until released according to the provisions of that prior law."

3. By renumbering sections.

JOE BROWN

S—5634

Amend House amendment S—5230 to Senate File 432 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 34 the following:

"____. Page 6, by inserting before line 18 the following:

'Sec. ____. *NEW SECTION.* DISCIPLINE—EXCEPTION. A facility licensed under this Act or under chapter two hundred thirty-seven A (237A) of the Code which receives a child who has been referred to the facility by the department because of suspected child abuse shall not subject any child cared for in the facility to any form of corporal punishment, even if the parent of a child gives written permission to subject the child to corporal punishment.' "

JULIA B. GENTLEMAN

S—5635

Amend House File 736 as amended, passed and

reprinted by the Senate as follows:

1. Page 2, lines 2 and 3, by striking the word and figure "four (4)" and inserting in lieu thereof the word and figure "five (5)".

2. Page 2, line 8, by inserting after the word "delivered" the words "and the franchisor has given the franchisee notice that the franchisor is unable to provide the requested motor fuel".

3. Page 2, by striking lines 24 through 27 and inserting in lieu thereof the following:

"c. The franchisee has requested motor fuel from the set-aside program administered by the energy policy council under section ninety-three point seven (93.7), subsection nine (9), of the Code and allocation from the set-aside program has been denied and the director of the energy policy council determines that the franchisee has demonstrated that a special hardship exists in the community served by the franchisee relating to the public health, safety and welfare, as specified under the rules of the energy policy council."

4. Page 3, by inserting after line 7 the following new subsection:

"5. A franchisee who sells motor fuel supplied from a source other than the franchisor shall also fully indemnify the franchisor against any claims asserted by a user arising out of the sale of motor fuel not required from the franchisor."

5. Page 3, by striking lines 8 through 12.

6. Page 3, by striking lines 13 through 17 and inserting in lieu thereof the following:

"Sec. ____. The provisions of this Act shall be applicable only to franchise agreements entered into after the effective date of this Act."

COMMITTEE ON ENERGY
RICHARD R. RAMSEY, Chairperson

S—5636

Amend House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 1, line 31, by inserting after the word "which" the words "shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and".

2. Page 1, by striking lines 33 and 34, paragraph a.

3. By relettering the remaining paragraphs of subsection 3.

4. Page 2, line 29, by inserting before the word "housing" the word "model".

COMMITTEE ON CITIES
DAVID M. READINGER, Chairperson

S—5637

Amend House File 2469 as passed by the House as follows:

1. Page 1, line 8, by striking the words "order and" and inserting in lieu thereof the word "order,".

2. Page 1, line 9, by striking the words "for recording".

3. Page 1, line 9, by striking the word "recorder" and inserting in lieu thereof the word "auditor".

4. Page 1, lines 10 and 11, by striking the words ", who shall notify the county auditor of the transfer" and inserting in lieu thereof the words "and a copy of the certificate to the recorder of that county".

5. Page 1, lines 12 and 13, by striking the words ", however the certificates shall be recorded whether the costs are paid or not".

6. Page 1, line 17, by striking the words "[AUDITOR] *RECORDER*" and inserting in lieu thereof the word "AUDITOR".

7. Page 1, line 23, by striking the word "and".

8. Page 1, line 24, by striking the words "[auditor] *recorder*" and inserting in lieu thereof the word "auditor".

9. Page 1, line 25, by striking the words *", who shall notify the county auditor of the transfer"* and inserting in lieu thereof the words *"and a copy of the certificate to the recorder of that county"*.

10. Page 1, line 28, by striking the words "[AUDITOR] *RECORDER*" and inserting in lieu thereof the word "AUDITOR".

11. Page 1, line 32, by striking the words "[auditor] *recorder*" and inserting in lieu thereof the word "auditor".

12. Page 1, by striking line 35 through page 2, line 1 and inserting in lieu thereof the words "inventory or report *and shall deliver to the recorder of that county a copy of the certificate.* Any fees for certificates".

13. Page 2, lines 3 and 4, by striking the words ", but the certificates shall be filed whether fees are paid or not" and inserting in lieu thereof the words "[, but the certificates shall be filed whether

42 fees are paid or not]".

COMMITTEE ON COUNTY GOVERNMEN
JAMES E. BRILES, Chairperson

S—5638

1 Amend House File 2550 as amended, passed and
2 reprinted by the House, as follows:

DIVISION S—5638A

3 1. Page 1, line 3, by striking the words "SERVICE
4 INTERRUPTION" and inserting in lieu thereof the words
5 "ENERGY CONSERVATION".
6 2. Page 1, by striking lines 7 through 16 and
7 inserting in lieu thereof the following:
8 "2. Rules of the commission shall relate to
9 reducing or limiting the peak-load period consumption."
10 3. Page 1, line 17, by striking the figure "4"
11 and inserting in lieu thereof the figure "3".
12 4. Page 1, by striking lines 29 through 31 and
13 inserting in lieu thereof the following: "programs
14 shall be cost effective. The commission may initiate
15 these programs as pilot".
16 5. Page 1, line 32, by striking the words "in
17 order".
18 6. Page 2, line 5, by striking the word "the".
19 7. Page 2, line 6, by striking the words "rate
20 making treatment of the costs of" and inserting in
21 lieu thereof the words "rates for".

DIVISION S—5638B

22 8. Page 2, line 7, by inserting after the word
23 "program." the following: "Nothing in this paragraph
24 subjects the rates of municipal utilities to the
25 regulatory authority of the commission."
26 9. By renumbering as necessary.

COMMITTEE ON ENERGY
RICHARD R. RAMSEY, Chairperson

S—5639

1 Amend Senate File 2305 as follows:

DIVISION S—5639A

2 1. Page 1, line 8, by inserting after the word
3 "municipality" the words "unless the failure to inspect
4 or negligent inspection was a proximate cause of

the damage".

DIVISION S—5639B

2. Page 1, by striking line 9 through page 2, line 6.

EDGAR H. HOLDEN

S—5640

Amend Senate File 2360 as follows:

1. Page 1, line 9, by striking the word *"6,516,584"* and inserting in lieu thereof the word *"6,628,584"*.

2. Page 1, by inserting after line 9 the following:

"It is the intent of the general assembly that one hundred twelve thousand (112,000) dollars of the above fiscal year 1981 appropriation shall be used to continue the implementation of an Integrated Client Information System".

TOM SLATER
ROBERT M. CARR

S—5641

Amend Senate File 2360 as follows:

1. Page 8, line 1 by striking the word *"2,200,000"* and inserting in lieu thereof the word *"2,800,000."*

TOM SLATER
ROBERT M. CARR

S—5642

Amend Senate File 2360 as follows:

1. Page 9, by inserting after line 3 the following new section:

"Sec. ___. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section ten (10), subsection four (4), is amended to read as follows:

4. It is the intent of the general assembly that the department shall maintain a system of current needs budgeting in computing monthly assistance grants for ADC recipients until the department has presented to the governor and the joint social services appropriations subcommittee of the Sixty-eighth General Assembly a study and report including a cost-benefit comparison and client impact comparison between prior-month budgeting and current needs budgeting. The report shall be submitted on December 3, 1979. *Further*

the department shall not implement a prior-month budgeting system on a statewide basis without first establishing its cost-effectiveness through at least a one-year pilot program employing prior-month budgeting in selected Iowa counties."

TOM SLATER
ROBERT M. CARR

S—5643

For the text of this House amendment, see page 1269 of the Senate Journal.

S—5644

Amend House File 2495 as amended, passed and reprinted by the House, as follows:

DIVISION S—5644B

1. Page 1, by striking lines 13 and 14 and inserting in lieu thereof the words "A strip".

DIVISION S—5644C

2. Page 1, lines 19 and 20, by striking the words "visual search or".

DIVISION S—5644B (cont'd.)

3. Page 1, line 20, by inserting after the word "mouth" the words ", ears or nose".

4. Page 1, line 22, by striking the words "visual search" and inserting in lieu thereof the words "physicial probe of a body cavity".

5. Page 1, line 26, by inserting after the word "mouth" the words ", ears or nose".

DIVISION S—5644A

6. Page 1, line 27, by inserting after the word "physician" the words "unless voluntarily waived in writing by the arrested person".

DIVISION S—5644B (cont'd.)

7. Page 1, lines 29 and 30, by striking the words and figure "except as provided in paragraph six (6)".

8. Page 1, by striking lines 33 through 35.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5645

Amend Senate File 2360 as follows:

1. Page 6, by striking line 31 and inserting in lieu thereof the following:

"

102,225,000

It is the intent of the general assembly that the department of social services shall use not more than five million dollars of the amount appropriated by this subsection to provide treatment under the medical assistance program to medically indigent persons, in or reasonably near their home communities, in lieu of transporting such medically indigent persons to the university hospital for treatment under chapter two hundred fifty-five (255) of the Code."

2. Page 11, by inserting after line 35 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section eight (8), subsection two (2), paragraph b, is amended to read as follows:

b. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients [as provided in] *under* chapter two hundred fifty-five (255) of the Code *as modified by this paragraph*..... $19,437,000

$[20,394,000]
15,394,000

Notwithstanding chapter two hundred fifty-five (255) of the Code, it is the intent of the general assembly that the medical assistance program established under chapter two hundred forty-nine A (249A) of the Code shall be the primary resource for providing medical treatment at public expense to persons who are medically indigent."

TOM SLATER
ROBERT M. CARR

S—5646

Amend Senate File 2360 as follows:

1. Page 7, line 9, by striking the word *"6,920,000"* and inserting in lieu thereof the word *"7,420,000"*.

2. Page 7, line 13, by striking the word *"fourteen"* and inserting in lieu thereof the word *"fifteen"*.

3. Page 7, line 15, by striking the word *"nine"*

and inserting in lieu thereof the word *"ten"*.

BERL E. PRIEBE

S—5647

Amend House File 2509, as amended, passed and reprinted by the House, as follows:

1. Page 1, line 15, by inserting after the word "year" the words "minus the amount included in district cost per pupil for special education support services".

2. Page 1, line 34, by inserting after the word "district" the words "and the base year's state percent of growth".

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5648

Amend Senate File 2360 as follows:

1. Page 6, by inserting after line 14 the following new section:

"Sec. ____ . Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section six (6), subsection three (3), is amended to read as follows:

3. The state mental health institutes' daily per diem as determined pursuant to section two hundred thirty point twenty (230.20) of the Code shall be billed at eighty percent for each fiscal year[.] *with the following exception:*

For the mental health institute at Clarinda costs exceeding the highest per diem cost by program at any of the other three mental health institutes for the most recent quarter shall be billed to the state at sixty percent for fiscal year 1981."

TOM SLATER
ROBERT M. CARR

S—5649

Amend Senate File 2360 as follows:

DIVISION S—5649B

1. Page 6, by striking line 20 and inserting in lieu thereof the following:

"

54,600,000".

DIVISION S—5649A

2. Page 6, by striking line 31 and inserting in

lieu thereof the following:
"
97,755,000".
3. By striking page 8, line 23, through page 9, line 3.
4. Page 9, line 11, by striking the words and figure "March 31" and inserting in lieu thereof the word and figure "June 30".
5. Page 9, line 12, by inserting after the word "reports." the words and figures "This compilation is composed of facility cost reports received prior to May 1, 1980."
6. Page 9, line 17, by inserting after the word "reports." the words and figures "This compilation is composed of facility cost reports received prior to November 1, 1980. It is the intent of the general assembly that six months of the time lag be eliminated."

BERL E. PRIEBE

S—5650

Amend Senate File 2360 as follows:
1. Page 6, by inserting after line 31 the following:
"Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under section seven (7) of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under section seven (7) of this Act which exists on June 30, 1981 shall revert to the fund from which it was appropriated."

STEPHEN W. BISENIUS

S—5651

Amend Senate File 2367 as follows:
1. Page 5, by striking lines 8 through 10 and inserting in lieu thereof the words:
"determines that other fuel and purchased electricity money is not available to the state board of regents for fuel".

JOHN N. NYSTROM
BASS VAN GILST
ARTHUR A. SMALL, JR.

S—5652

Amend Senate File 2360 as follows:

1. Page 3, by inserting after line 16 the following words *"The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-1983 budget request."*

SUE YENGER
MERLIN D. HULSE
TOM SLATER
ROBERT M. CARR
LOWELL L. JUNKINS
JAMES E. BRILES
STEPHEN W. BISENIUS
FORREST V. SCHWENGELS

S—5653

Amend Senate File 2360 as follows:

1. Page 1, line 9, by striking the figure *"6,516,584"* and inserting in lieu thereof the figure *"6,628,584"*.

2. Page 1, by inserting after line 9 the following words *"It is the intent of the general assembly that up to one hundred twelve thousand (112,000) dollars of the above fiscal year 1981 appropriation may be used to continue the implementation of an integrated* client information system."

3. Page 6, by inserting after line 31 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly chapter eight (8), section eight (8), subsection five (5), is amended to read as follows:

5. For contractual services-medical carrier

$1,084,000 [$1,232,000] *$1,120,000"*

TOM SLATER
ROBERT M. CARR
LUCAS J. DE KOSTER

S—5654

Amend House File 2520 as amended, passed and

reprinted by the House, as follows:

1. Page 2, by inserting after line 23 the following:

"Notwithstanding the provisions of subsection eight (8) of section eighteen point twelve (18.12) of the Code, proceeds received from the sale of excess Terrace Hill personal property shall be added to the funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection five (5), and shall be used for the restoration of Terrace Hill in the same manner as the funds appropriated in that subsection."

FORREST V. SCHWENGELS

S—5655

Amend House File 717 as amended, passed and reprinted by the House as follows:

1. Page 3, line 8, by inserting after the word "rule." the words "A timber buyer whose bond has been forfeited shall not engage in the business of buying timber for one year after the forfeiture."

COMMITTEE ON NATURAL RESOURCES
ELIZABETH R. MILLER, Chairperson

S—5656

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 6, line 28, by striking the words "at least" and inserting in lieu thereof the words "[at least]".

COMMITTEE ON NATURAL RESOURCES
ELIZABETH R. MILLER, Chairperson

S—5657

Amend Senate File 2360 as follows:

1. Page 6, by inserting after line 31 the following:

"Sec. 8. Section sixty-eight A point seven (68A.7), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Reports of induced terminations of pregnancies filed under section ten (10) of this Act.

Sec. 9. Section two hundred thirty-four point one (234.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'Induced termination of pregnancy' means the lawful and purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus.

Sec. 10. Chapter two hundred thirty-four (234), Code 1979, is amended by adding the following new section:

NEW SECTION. REPORTS OF INDUCED TERMINATIONS OF PREGNANCIES. The person in charge of an institution located in this state in which an induced termination of pregnancy is performed shall report the induced termination of pregnancy to the division within five days after the induced termination of pregnancy is performed. If the induced termination of pregnancy was not performed in an institution, the physician in attendance shall prepare and file the report. The reports required under this section are not public records as defined in chapter sixty-eight A (68A) of the Code, shall be available to the department of health but shall not be incorporated into the system of vital statistics, and shall not include the name of the person upon whom the induced termination of pregnancy is performed. The reports are for statistical purposes and shall be used for medical and health purposes only. The department of social services shall adopt rules under chapter seventeen A (17A) of the Code relating to the content of report forms, method of reporting, and disposition of reports."

2. By renumbering the sections to conform with this amendment.

STEPHEN W. BISENIUS

S—5658

Amend House File 2520 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 19 the following:

"Sec. ____ . Section three hundred eighty-seven point three (387.3), subsection one (1), is amended to read as follows:

1. A sponsor from a city of less than twenty-five hundred population by the last available federal census *or a homeowner's association organized as a nonprofit corporation in an unincorporated area* may apply to the committee for a grant for a community development project. The application must be sponsored by the city government or by an organization representing a

broad cross-section of the community."

NORMAN G. RODGERS

S—5659

Amend Senate File 2360 as follows:

1. Page 6, by striking line 20 and inserting in lieu thereof the following:

"*54,600,000*".

2. Page 6, by striking line 31 and inserting in lieu thereof the following:

"*97,755,000*

It is the intent of the general assembly that assistance shall be granted under chapter two hundred forty-nine A (249A) of the Code to an expectant mother in the last trimester of pregnancy if she qualifies on a financial basis for, but is otherwise ineligible to receive, aid to dependent children. The department of social services shall continue in effect, or update as may be necessary, the rules adopted as required by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seven (7), section one (1), subsection two (2)."

3. By striking page 8, line 23, through page 9, line 3.

4. Page 9, line 11, by striking the words and figure "March 31" and inserting in lieu thereof the word and figure "June 30".

5. Page 9, line 12, by inserting after the word "reports." the words and figures "This compilation is composed of facility cost reports received prior to May 1, 1980."

6. Page 9, line 17, by inserting after the word "reports." the words and figures "This compilation is composed of facility cost reports received prior to November 1, 1980. It is the intent of the general assembly that six months of the time lag be eliminated."

BERL E. PRIEBE

S—5660

Amend House amendment S—5230 to Senate File 432 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 34 the following:

"___. Page 6, by inserting before line 18 the

following:

'Sec. ____. *NEW SECTION.* DISCIPLINE—WRITTEN PERMISSION—IMMUNITY—NOTICE.

1. Any written permission, given to a facility licensed under this Act or under chapter two hundred thirty-seven A (237A) of the Code, to subject a child to corporal punishment shall be signed by both of the child's parents, if known and living. The written permission shall include a grant of immunity from all charges by the parents for actions taken by the facility or its employees which were reasonably believed by the facility or its employees to carry out the permitted corporal punishment.

2. Any facility licensed under chapter two hundred thirty-seven A (237A) of the Code which administers corporal punishment shall post a sign in a prominent place notifying visitors that the facility administers corporal punishment upon the written permission of parents. The facility shall send a written statement at least once every calendar year to each parent of a child receiving care in the facility during that year. The statement shall notify the parents that the facility administers corporal punishment upon the written permission of parents.' "

JOHN S. MURRAY

S—5661

Amend Senate File 2360 as follows:

1. Page 2, by inserting after line 5 the following:

"The department shall pay supplemental benefits to any correctional officer who has been injured in the course of employment by a resident of a state correctional institution and who is eligible for temporary disability benefits under section eighty-five point thirty-three (85.33) of the Code. The supplemental benefits shall equal the difference between the officer's spendable weekly earnings and the officer's weekly benefit amount as computed under chapter eighty-five (85) of the Code."

ROBERT M. CARR
LOWELL L. JUNKINS

S—5662

Amend House File 2520 as amended, passed and reprinted by the House as follows:

1. Page 3, by inserting after line 1 the following:

"Sec. ____. Acts of the Sixty-eighth General

Assembly, 1979 Session, chapter three (3), section four (4), subsection three (3), unnumbered paragraph two (2), is amended to read as follows:

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordinating unit shall provide for not less than fifty census data training sessions throughout the state, *and shall negotiate a joint statistical agreement with the United States bureau of the census. The census data center coordinating unit shall be the agency designated in Iowa to approve all such agreements with the bureau of the census.*"

FORREST V. SCHWENGELS

S—5663

Amend House File 707 as amended, passed and reprinted by the House as follows:

1. By striking page 1, line 31 though page 4, line 17, and inserting in lieu thereof the following:

Sec. 2. *NEW SECTION.* DEFINTIONS. As used in this Act, unless the context requires otherwise:

1. "Chief election officer" means the state comissioner of elections as defined by section forty-seven point one (47.1) of the Code.

2. "Commission" means the reapportionment commission established pursuant to this Act.

3. "Federal census" means the decennial census required by federal law to be conducted by the United States bureau of the census in every year ending in zero.

4. "Four selecting authorities" means:

a. The majority floor leader of the state senate.

b. The minority floor leader of the state senate.

c. The majority floor leader of the state house of representatives.

d. The minority floor leader of the state house of representatives.

5. "Lobbyist" means an individual:

a. Who is required to register, or is defined as a lobbyist, by the rules adopted by the senate or the house of representatives, or by both bodies jointly, pursuant to section sixty-eight B point ten (68B.10), subsection two (2) of the Code; and

b. Who receives compensation, not including reimbursable expenses, for the activities that subject

that individual to any of the requirements described in paragraph a of this subsection.

6. "Plan" means a plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Act.

7. "Politicial party office" means an elective or appointive office in the national or state organization of a political party, as defined by section forty-three point two (43.2) of the Code.

8. "Public office" means an elective or appointive office or employment in the executive, legislative or judicial branch or in an independent establishment of the federal government or the government of this state.

9. "Relative" means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,

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stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Sec. 3. *NEW SECTION.* REAPPORTIONMENT COMMISSION.

1. In each year ending in zero, a reapportionment commission shall be established as follows:

a. By May first, the chief election officer shall give notice of the establishment of the commission reasonably calculated to give all interested parties an opportunity to apply for a position on the commission or offer nominations to the four selecting authorities.

b. No earlier than June first, but no later than July first, each of the four selecting authorities shall certify to the chief election officer his or her appointment of a person to serve on the commission. If a selecting authority does not certify a selection by July first, the other selecting authority of his or her party shall have ten days thereafter within which to certify to the chief election officer the appointment of a second person to serve on the commission.

c. By August first, the four commissioners so selected shall select, by a vote of at least three members, and shall certify to the chief election officer the fifth member who shall serve as the chairperson. The commission may not exercise any of its powers or perform any of its other duties until

the fifth member is selected.

d. A vacancy on the commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

2. No person shall be appointed to the commission who:

a. Is not an eligible elector of the state at the time of selection.

b. Holds public or political party office.

c. Is a relative of or is employed by a member of the state house of representatives, state senate, or United States house of representatives.

d. Is or has within two years prior to selection been a lobbyist.

3. No member or employee of the commission shall:

a. Hold or campaign for public or political party office while a member or employee of the commission, except as permitted by section four (4), subsection two (2) of this Act.

b. Participate in or contribute to a political campaign of a candidate for state or federal elective office while a member or employee of the commission.

c. Hold or campaign for a seat in the state house

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of representatives, state senate, or United States house of representatives for four years after the effective date of the plan.

d. Directly or indirectly attempt to influence for compensation a member or state member of the congress of the United States or the general assembly, other than as a representative of the commission on a matter within the jurisdiction of the commission, while a member or employee of the commission and for one year after the effective date of the plan.

Sec. 4. *NEW SECTION.* STAFF AND BUDGET OF THE COMMISSION.

1. The commission shall employ an executive director and not to exceed three additional staff persons as necessary to enable the commission to carry out is duties. The executive director and the other persons employed by the commission are exempt from the state merit system and shall serve at the pleasure of the commission. The executive director is responsible for the administrative operations of the commission and shall perform the duties delegated or assigned by the commission. Any counsel employed under this section is not subject to the provisions

of section thirteen point seven (13.7) of the Code. The commission may obtain the services of experts and consultants as necessary to carry out its duties.

2. The director of the legislative service bureau, by agreement with the commission and with approval of the legislative council, may temporarily assign one or more members of the legislative service bureau staff to serve on the commission staff on either a full-time or a part-time basis. A bureau staff member so assigned shall work under the direction of the commission or its executive director when engaged in the preparation of a plan or plans, and shall not discuss with members or staff of the general assembly the plan or plans under development or consideration by the commission, except with the prior knowledge and consent of the commission, until the plan or plans are proposed for public comment pursuant to section seven (7), subsection one (1) of this Act.

3. The general assembly shall appropriate funds to enable the commission to carry out its duties. Members and employees shall receive compensation and reimbursement for actual and necessary expenses as provided for in the budget.

Sec. 5. *NEW SECTION.* DUTIES OF THE COMMISSION. In addition to other duties prescribed by law, the commission shall:

1. Promulgate, in accordance with chapter seventeen

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A (17A) of the Code, rules to carry out the provisions of this Act. The rules shall provide that three members of the commission present and voting constitute a quorum to do business and that the votes of a a majority of the members present are required for any official action of the commission.

2. Preserve all information filed with and developed by the commission. This information, other than personal information in the commission's personnel records, shall be available for public inspection and copying as provided by chapter sixty-eight A (68A) of the Code.

3. Prepare and maintain written transcripts of all meetings of three or more members of the commission. The transcripts shall be available within a reasonable time after the meeting for public inspection and copying during regular office hours.

4. Maintain an indexed central file of the records of written and oral communications between representatives of the commission and persons outside

the commission. Each commissioner and each staff member designated by the commission shall keep a record of all communications with persons outside the commission on matters before the commission. Each record shall inlcude the date and place of the communication, the names and affiliations of all participants, and the nature of the communication. Records need not be made of communications that are solely requests for information or communications with members of the press.

5. Prepare and publish a report for each preliminary plan and for the final plan. Each report shall be available to the public at the time a plan is published, and shall inlcude but need not be limited to:

a. The population and the percentage deviation from the average district population for every district.

b. An explanation of the standards used in developing the plan with a justification of any deviation in a district from the average district population.

c. A map of the districts.

6. Perform other tasks prescribed by law, and undertake any activity it deems necessary for the fair and expeditious completion of its mandate.

Sec. 6. *NEW SECTION.* POWERS OF THE COMMISSION.

1. The commission may require persons to appear and testify before the commission and to produce all books, records, files, papers, maps, and documents

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it deems necessary for the development of a reapportionment plan.

2. The chairperson of the commission or a commissioner acting in behalf of the chairperson may administer oaths to persons who appear before the commission.

3. The commission, upon petition by a witness and subject to the rules promulgated by the commission, may reimburse the witness for necessary expenses incurred in preparing for and making an appearance before the commission.

Sec. 7. *NEW SECTION.* DEVELOPMENT OF THE PLAN.

1. By April first of each year ending in one, the commission shall prepare for public comment at least one preliminary plan for legislative and congressional districts. The commission may, by a vote of at least three members, propose no more than

two preliminary plans for public comment. The chairperson may propose one additional preliminary plan for public comment.

2. The commission shall hold at least one public hearing in every existing congressional district in the state on the preliminary plan or plans. The commission shall give notice of the public hearings reasonably calculated to give interested parties adequate opportunity to comment. By April twentieth of each year ending in one, the commission shall complete the required series of public hearings on the preliminary plan or plans.

3. By May first of each year ending in one, the commission shall adopt, by a vote of at least three members, and publish a final plan and file it with the secretary of the senate and the chief clerk of the house of representatives. The commission shall give notice of the publication of the plan reasonably calculated to give interested parties adequate opportunity to file comments on the plan with the secretary of the senate or the chief clerk of the house.

4. If the basic tabulations of the population from the federal census are not available to the commission on or before February first of the year ending in one, the commission may extend each of the dates set forth in this section by a number of days equal to the number of days after February first that the population tabulations become available.

Sec. 8. *NEW SECTION.* GENERAL ASSEMBLY ACTION ON PLAN.

1. Upon the filing of the commission's final plan with the secretary of the senate and the chief clerk

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of the house of representatives, they shall send a copy to the legislative service bureau which shall prepare a bill embodying the plan. The bill shall be delivered to the referring officers of each house, who shall act in accordance with such procedures as each house may adopt. The secretary of the senate and the chief clerk of the house shall notify the members of the respective bodies of any comments on the final plan which have been filed with them.

2. It is the intent of this Act that the general assembly shall bring the bill embodying the commission's final plan to a vote in either the senate or the house of representatives expeditiously, but not less than fourteen days after the plan is filed

under section seven (7), subsection three (3) of this Act, under a procedure or rule permitting no amendments. It is further the intent of this Act that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule.

3. If the bill embodying the commission's final plan fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall at once so notify the commission and transmit to it such information as the senate or the house may direct regarding reasons why the plan was not approved. The commission has fourteen days from the date the notice is received to consider the reasons for failure to approve the plan and to revise the final plan if the commission members deem it appropriate to do so. At or before expiration of the fourteen-day period, the commission shall again adopt, by a vote of at least three members, a final plan and publish and file it as required by section seven (7), subsection three (3) of this Act. If the plan so adopted has been revised from the one originally filed under that subsection, the secretary of the senate and the chief clerk of the house shall proceed in accordance with subsection one (1) of this section.

4. It is the intent of this Act that when a bill embodying a final plan adopted and filed under subsection three (3) of this section has been prepared and introduced it shall be expeditiously brought to a vote in either the senate or the house of representatives, provided that if the plan has been revised from the one originally filed under section seven (7), subsection three (3) of this Act the general

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assembly shall allow fourteen days for public review and comment before acting upon the bill. It is further the intent of this Act that when a bill embodying a final plan is considered under this subsection, regardless of whether the plan has been revised from the one originally filed, the bill shall be subject to amendment in the same manner as other bills.

Sec. 9. *NEW SECTION.* CONCLUSION OF COMMISSION'S FUNCTIONS.

1. When the revision of legislative and congressional districts required by the constitution

becomes effective and all known legal challenges thereto have been resolved, the commission shall cease operations and shall take all necessary steps to conclude its business. This shall include preparation of a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties, including records of public hearings, data collected, transcripts of hearings and meetings, written communications, and other information of a similar nature. The commission shall deliver all such material to the chief election officer, who shall provide for the permanent preservation of this official record.

2. The supreme court may reconstitute the commission if necessary to comply with a court order to prepare a new plan.

Sec. 10. *NEW SECTION.* REDISTRICTING STANDARDS.

2. Page 4, lines 29 and 30, by striking the words "absolute value of the total" and inserting in lieu thereof the words "total of the absolute values of the".

3. Page 8, line 35, by striking the words and figure "subparagraph one (1) of".

4. By striking page 10, line 20 through page 11, line 9.

5. Page 11, line 12, by striking the words "legislative service bureau" and inserting in lieu thereof the word "commission".

6. Page 11, line 14, by striking the words "the bureau".

7. Page 11, line 16, by inserting after the word "used" the words "by the commission or the legislative service bureau".

8. Page 11, line 25, by inserting after the word "the" the words "commission and by the".

9. Page 11, line 31, by striking the word and figure "Sec. 6. This Act" and inserting in lieu thereof the words and figure "3. This section".

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10. Page 11, by inserting after line 34 the following:

"Sec. 12. Section nineteen A point three (19A.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The executive director and the other employees of the reapportionment commission

established in each year ending in zero under section three (3) of this Act."

COMMITTEE ON STATE GOVERNMENT
JACK N. NYSTROM, Chairperson

S—5664

Amend Senate File 2360 as follows:

1. Page 7, line 9, by striking the figure *"6,920,000"* and inserting in lieu thereof the figure *"7,170,000"*.

2. Page 7, line 13, by striking the word *"fourteen"* and inserting in lieu thereof the word *"fifteen"*.

3. Page 7, line 15, by striking the word *"nine"* and inserting in lieu thereof the word *"ten"*.

BERL E. PRIEBE

S—5665

Amend House File 2562 as amended, passed and reprinted by the House as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section five hundred ninety-eight point thirteen (598.13), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

598.13 FINANCIAL STATEMENTS FILED. Both parties shall disclose their financial status. A showing of special circumstances shall not be required before the disclosure is ordered. A statement of net worth set forth by affidavit on a form prescribed by the supreme court and furnished without charge by the clerk of the district court shall be filed by each party prior to the dissolution hearing, unless waived by both parties.

Failure to comply with the requirements of this section constitutes failure to make discovery as provided in rule of civil procedure one hundred thirty-four (134) of the Code.

Sec. 2. Section five hundred ninety-eight point twenty-one (598.21), Code 1979, is amended to read as follows:

598.21 ALIMONY—CUSTODY OF CHILDREN—CHANGES. When a dissolution of marriage is decreed, the court may make such order in relation to the children, property, parties, and the maintenance of the parties as shall be justified. *The court shall consider the contribution of each party to the marriage, and may*

consider the value of each party's contribution in homemaking and child care services. The order may include provision for joint custody of the children by the parties. Orders relating to custody of children shall be subject to the provisions of chapter 598A.

Subsequent changes may be made by the court in these respects when circumstances render them expedient.

Sec. 3. Chapter five hundred ninety-eight (598), Code 1979, is amended by adding the following new section:

NEW SECTION. ORDER TO VACATE. Notwithstanding section five hundred sixty-one point fifteen (561.15) of the Code, the court may order either party to vacate the homestead pending entry of a decree of dissolution upon a showing that the other party or the children are in imminent danger of physicial harm if the order is not issued."

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S—5666

Amend House File 2546 as amended, passed and reprinted by the House as follows:

1. Page 1, line 18, by striking the word "commingled" and inserting in lieu thereof the words "confined with livestock from another source".

2. Page 1, by striking lines 23 through 31 and inserting in lieu thereof the following:

"(2) If the livestock have been confined with livestock from another source or assembled from two or more sources within the previous thirty days, the livestock shall be represented as being 'assembled livestock'. As used in this subparagraph, 'confined with livestock from another source' means the placement of livestock in a livestock auction market, yard, or other unitary facility in which livestock from another source are confined, but does not include livestock confined at the facility where the sale takes place if such confinement is for less than forty-eight hours prior to the day of sale; provided that livestock which are not sold after being confined with livestock from another source at a facility and offered for sale shall be deemed 'assembled livestock' for the thirty-day period following the day when offered for sale."

COMMITTEE ON AGRICULTURE
IRVIN L. BERGMAN, Chairperson

S—5667

Amend House File 2501 as follows:

1. Page 1, by inserting after line 6 the following new section:

"Sec. ____. Chapter six hundred ninety-two (692), Code 1979, is amended by adding the following new section:

NEW SECTION. DATA TO ARRESTING AGENCY. The clerk of the district court shall forward conviction and disposition data to the criminal justice agency making the arrest within thirty days of final court disposition of the case."

RICHARD R. RAMSEY
FORREST V. SCHWENGELS
ROBERT M. CARR

S—5668

Amend House File 685 as amended, passed and reprinted by the House as follows:

1. Page 1, line 23, by striking the word "aggravated" and inserting in lieu thereof the word "serious".

2. Page 1, line 24, by striking the word "and" and inserting in lieu thereof the word ",".

3. Page 1, line 25, by inserting after the figure "(714.10)" the words and figure "and seven hundred fourteen point eleven (714.11)".

JOHN S. MURRAY

S—5669

Amend House File 685 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 6 the following new section:

"Sec. ____. Senate Concurrent Resolution 102 is hereby repealed."

BOB RUSH

S—5670

Amend House File 2566 as amended, passed and reprinted by the House as follows:

1. Page 1, line 5, by striking the words "and approximate weight".

2. Page 1, line 6, by striking the word "the".

COMMITTEE ON AGRICULTURE
IRVIN L. BERGMAN, Chairperson

S—5671

Amend Senate Joint Resolution 2001 as follows:

1. Page 6, line 20 by inserting after the word "decreases." the words "However, such increases in revenue limits as may from time to time be provided for local school districts, Area Education Agencies, Area colleges, and Board of Regents institutions shall not be subject to the provisions of this section."

JOANN ORR

S—5672

Amend House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 2, line 32, by striking the word "shall" and inserting in lieu thereof the word "may".

RAY TAYLOR
CALVIN O. HULTMAN

S—5673

Amend House File 2537 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 6 the following:

"8. Notwithstanding the provisions of section five hundred fourteen B point five (514B.5), subsection three (3) of the Code, the commissioner may waive the requirement that health maintenance organizations impose those deductible and coinsurance charges contained in federal government contracts. If waived the commissioner shall require that health maintenance organizations impose reasonable deductible and coinsurance charges."

EDGAR H. HOLDEN

S—5674

Amend the Kudart, et al., amendment, S—5619, to House File 654 as amended, passed and reprinted by the House as follows:

1. Page 1, line 32, by striking the words *"per se"* and inserting in lieu thereof the word *"presumptive"*.

LUCAS J. DE KOSTER

S—5675

Amend Senate Joint Resolution 2001 as follows:

1. Page 3, line 8, by striking the figure "1977-78" and inserting in lieu thereof the figure "1978-79".

2. Page 3, line 12, by striking the figure "1977-78" and inserting in lieu thereof the figure "1978-79".

3. Page 3, line 15, by striking the figure "1977-78" and inserting in lieu thereof the figure "1978-79".

4. Page 5, line 22, by striking the figure "1977-78" and inserting in lieu thereof the figure "1978-79".

BOB RUSH

S—5676

Amend House File 654 as amended, passed and reprinted by the House as follows:

1. Page 1, line 5, by striking the word *"ten"* and inserting in lieu thereof the word *"thirteen"*.

2. Page 1, by striking lines 16 through 20, and inserting in lieu thereof the following:

"For the purposes of this section, evidence that there was, at the time, more than [ten] *eight* hundredths of one percentum by weight of alcohol in his *or her* blood shall be admitted as presumptive evidence that the defendant was under the influence of an alcoholic beverage. No previous conviction for, or plea of".

RAY TAYLOR
LUCAS J. DE KOSTER

S—5677

Amend House File 707 as amended, passed and reprinted by the House, as follows:

1. By striking page 1, line 31 through page 4, line 17, and inserting in lieu thereof the following:

Sec. 2. *NEW SECTION.* DEFINITIONS. As used in this Act, unless the context requires otherwise:

1. "Chief election officer" means the state commissioner of elections as defined by section forty-seven point one (47.1) of the Code.

2. "Commission" means the reapportionment commission established pursuant to this Act.

3. "Federal census" means the decennial census required by federal law to be conducted by the United

States bureau of the census in every year ending in zero.

4. "Four selecting authorities" means:

a. The majority floor leader of the state senate.

b. The minority floor leader of the state senate.

c. The majority floor leader of the state house of representatives.

d. The minority floor leader of the state house of representatives.

5. "Lobbyist" means an individual:

a. Who is required to register, or is defined as a lobbyist, by the rules adopted by the senate or the house of representatives, or by both bodies jointly, pursuant to section sixty-eight B point ten (68B.10), subsection two (2) of the Code; and

b. Who receives compensation, not including reimbursable expenses, for the activities that subject that individual to any of the requirements described in paragraph a of this subsection.

6. "Plan" means a plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Act.

7. "Political party office" means an elective or appointive office in the national or state organization of a political party, as defined by section forty-three point two (43.2) of the Code.

8. "Public office" means an elective or appointive office or employment in the executive, legislative or judicial branch or in an independent establishment of the federal government or the government of this state.

9. "Relative" means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,

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stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Sec. 3. *NEW SECTION.* REAPPORTIONMENT COMMISSION.

1. In each year ending in zero, a reapportionment commission shall be established as follows:

a. By July first, the chief election officer shall give notice of the establishment of the commission reasonably calculated to give all interested parties an opportunity to apply for a position on the commission or offer nominations to the four selecting

authorities.

b. No earlier than July fifteenth, but no later than August first, each of the four selecting authorities shall certify to the chief election officer his or her appointment of a person to serve on the commission. If a selecting authority does not certify a selection by August first, the other selecting authority of his or her party shall have ten days thereafter within which to certify to the chief election officer the appointment of a second person to serve on the commission.

c. By September first, the four commissioners so selected shall select, by a vote of at least three members, and shall certify to the chief election officer the fifth member who shall serve as the chairperson. Should the four commissioners initially selected fail to select a fifth member by September first, the chief justice of the supreme court shall select the fifth member not later than September fifteenth.

d. A vacancy on the commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

2. No person shall be appointed to the commission who:

a. Is not an eligible elector of the state at the time of selection.

b. Holds public or political party office.

c. Is a relative of or is employed by a member of the state house of representatives, state senate, or United States house of representatives.

d. Is or has within two years prior to selection been a lobbyist.

3. No member or employee of the commission shall:

a. Hold or campaign for public or political party office while a member or employee of the commission, except as permitted by section four (4), subsection two (2) of this Act.

b. Participate in or contribute to a political campaign of a candidate for state or federal elective

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office while a member or employee of the commission.

c. Hold or campaign for a seat in the state house of representatives, state senate, or United States house of representatives for four years after the effective date of the plan.

d. Directly or indirectly attempt to influence

for compensation a member or staff member of the congress of the United States or the general assembly, other than as a representative of the commission on a matter within the jurisdiction of the commission, while a member or employee of the commission and for one year after the effective date of the plan.

Sec. 4. *NEW SECTION.* STAFF AND BUDGET OF THE COMMISSION.

1. The commission shall employ an executive director and not to exceed ten additional staff persons as necessary to enable the commission to carry out its duties. The executive director and the other persons employed by the commission are exempt from the state merit system and shall serve at the pleasure of the commission. The executive director is responsible for the administrative operations of the commission and shall perform the duties delegated or assigned by the commission. Any counsel employed under this section is not subject to the provisions of section thirteen point seven (13.7) of the Code. The commission may obtain the services of experts and consultants as necessary to carry out its duties.

2. The general assembly shall appropriate funds to enable the commission to carry out its duties. Members and employees shall receive compensation and reimbursement for actual and necessary expenses as provided for in the budget.

Sec. 5. *NEW SECTION.* DUTIES OF THE COMMISSION. In addition to other duties prescribed by law, the commission shall:

1. Promulgate, in accordance with chapter seventeen A (17A) of the Code, rules to carry out the provisions of this Act. The rules shall provide that three members of the commission present and voting constitute a quorum to do business and that the votes of a majority of the members present are required for any official action of the commission.

2. Preserve all information filed with and developed by the commission. This information, other than personal information in the commission's personnel records, shall be available for public inspection and copying as provided by chapter sixty-eight A (68A) of the Code.

3. Prepare and maintain written transcripts of

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all meetings of three or more members of the commission. The transcripts shall be available within

a reasonable time after the meeting for public inspection and copying during regular office hours.

4. Maintain an indexed central file of the records of written and oral communications between representatives of the commission and persons outside the commission. Each commissioner and each staff member designated by the commission shall keep a record of all communications with persons outside the commission on matters before the commission. Each record shall include the date and place of the communication, the names and affiliations of all participants, and the nature of the communication. Records need not be made of communications that are solely requests for information or communications with members of the press.

5. Prepare and publish a report for each preliminary plan and for the final plan. Each report shall be available to the public at the time a plan is published, and shall include but need not be limited to:

a. The population and the percentage deviation from the average district population for every district.

b. An explanation of the standards used in developing the plan with a justification of any deviation in a district from the average district population.

c. A map of the districts.

6. Perform other tasks prescribed by law, and undertake any activity it deems necessary for the fair and expeditious completion of its mandate.

Sec. 6. *NEW SECTION.* POWERS OF THE COMMISSION.

1. The commission may require persons to appear and testify before the commission and to produce all books, records, files, papers, maps, and documents it deems necessary for the development of a reapportionment plan.

2. The chairperson of the commission or a commissioner acting in behalf of the chairperson may administer oaths to persons who appear before the commission.

3. The commission, upon petition by a witness and subject to the rules promulgated by the commission, may reimburse the witness for necessary expenses incurred in preparing for and making an appearance before the commission.

Sec. 7. *NEW SECTION.* DEVELOPMENT OF THE PLAN.

1. By April first of each year ending in one,

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the commission shall prepare for public comment at

least one preliminary plan for legislative and congressional districts. The commission may, by a vote of at least three members, propose no more than two preliminary plans for public comment. The chairperson may propose one additional preliminary plan for public comment.

2. The commission shall hold at least one public hearing in every existing congressional district in the state on the preliminary plan or plans. The commisson shall give notice of the public hearings reasonably calculated to give interested parties adequate opportunity to comment. By April twentieth of each year ending in one, the commission shall complete the required series of public hearings on the preliminary plan or plans.

3. By May first of each year ending in one, the commission shall adopt, by a vote of at least three members, and publish a final plan and file it with the secretary of the senate and the chief clerk of the house of representatives. The commission shall give notice of the publication of the plan reasonably calculated to give interested parties adequate opportunity to file comments on the plan with the secretary of the senate or the chief clerk of the house.

4. If the basic tabulations of the population from the federal census are not available to the commission on or before February first of the year ending in one, the commission may extend each of the dates set forth in this section by a number of days equal to the number of days after February first that the population tabulations become available.

Sec. 8. *NEW SECTION.* GENERAL ASSEMBLY ACTION ON PLAN.

1. Upon the filing of the commission's final plan with the secretary of the senate and the chief clerk of the house of representatives, they shall send a copy to the legislative service bureau which shall prepare a bill embodying the plan. The bill shall be delivered to the referring officers of each house, who shall act in accordance with such procedures as each house may adopt. The secretary of the senate and the chief clerk of the house shall notify the members of the respective bodies of any comments on the final plan which have been filed with them.

2. It is the intent of this Act that the general assembly shall bring the bill embodying the commission's final plan to a vote in either the senate or the house of representatives expeditiously, but

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not less than fourteen days after the plan is filed under section seven (7), subsection three (3) of this Act, under a procedure or rule permitting no amendments. It is further the intent of this Act that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule.

3. If the bill embodying the commission's final plan fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall at once so notify the commission and transmit to it such information as the senate or the house may direct regarding reasons why the plan was not approved. The commission has fourteen days from the date the notice is received to consider the reasons for failure to approve the plan and to revise the final plan if the commission members deem it appropriate to do so. At or before expiration of the fourteen-day period, the commission shall again adopt, by a vote of at least three members, a final plan and publish and file it as required by section seven (7), subsection three (3) of this Act. If the plan so adopted has been revised from the one originally filed under that subsection, the secretary of the senate and the chief clerk of the house shall proceed in accordance with subsection one (1) of this section.

4. It is the intent of this Act that when a bill embodying a final plan adopted and filed under subsection three (3) of this section has been prepared and introduced it shall be expeditiously brought to a vote in either the senate or the house of representatives, provided that if the plan has been revised from the one originally filed under section seven (7), subsection three (3) of this Act the general assembly shall allow fourteen days for public review and comment before acting upon the bill. It is further the intent of this Act that when a bill embodying a final plan is considered under this subsection, regardless of whether the plan has been revised from the one originally filed, the bill shall be subject to amendment in the same manner as other bills.

Sec. 9. *NEW SECTION.* CONCLUSION OF COMMISSION'S FUNCTIONS.

1. When the revision of legislative and congressional districts required by the constitution

becomes effective and all known legal challenges thereto have been resolved, the commission shall cease

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operations and shall take all necessary steps to conclude its business. This shall include preparation of a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties, including records of public hearings, data collected, transcripts of hearings and meetings, written communications, and other information of a similar nature. The commission shall deliver all such material to the chief election officer, who shall provide for the permanent preservation of this official record.

2. The supreme court may reconstitute the commission if necessary to comply with a court order to prepare a new plan.

Sec. 10. *NEW SECTION.* REDISTRICTING STANDARDS.

2. Page 4, lines 29 and 30, by striking the words "absolute value of the total" and inserting in lieu thereof the words "total of the absolute values of the".

3. Page 8, line 35, by striking the words and figure "subparagraph one (1) of".

4. By striking page 10, line 20 through page 11, line 9.

5. Page 11, line 12, by striking the words "legislative service bureau" and inserting the word "commission".

6. Page 11, line 14, by striking the words "the bureau".

7. Page 11, line 16, by inserting after the word "used" the words "by the commission or the legislative service bureau".

8. Page 11, line 25, by inserting after the word "the" the words "commission and by the".

9. Page 11, line 31, by striking the following: "Sec. 6. This Act" and inserting in lieu thereof the following: "3. This section".

10. Page 11, by inserting after line 34 the following:

"Sec. 12. Section nineteen A point three (19A.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The executive director and the other employees of the reapportionment commission

established in each year ending in zero under section three (3) of this Act."

TOM SLATER
ROBERT M. CARR
JOE BROWN
LOWELL L. JUNKINS
C.W. HUTCHINS
CHARLES P. MILLER
NORMAN G. RODGERS
JAMES V. GALLAGHER
ALVIN V. MILLER
BASS VAN GILST

S—5678

Amend House File 315 as amended, passed and reprinted by the House as follows:

1. Page 1, line 4, by inserting after the word "action" the words "against an architect, engineer, or contractor".

RICHARD R. RAMSEY

S—5679

Amend Senate Joint Resolution 2001 as follows:

1. Page 3, by striking line 18 and inserting in lieu thereof the following: "to the taxpayers only after the state has deposited to a state contingency fund the amount necessary to assure a rainy day fund to provide revenue if incoming revenue does not meet the state comptroller's projections for the next fiscal year. This fund shall be no less than four per cent of the previous year's general fund. Revenue in excess of this contingency fund shall be".

WILLIAM D. PALMER

S—5680

Amend House File 2493, as passed by the House, as follows:

1. Page 1, line 3, by inserting after the word "paragraph" the following: "and inserting in lieu thereof the following:

The one-cent handling fee shall not apply to empty beverage containers intended to be refillable by the manufacturer.

Sec. 2. Section four hundred fifty-five C point twelve (455C.12), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session,

chapter one hundred thirteen (113), section four (4), is amended by adding the following new subsection:

NEW SUBSECTION.

a. A dealer or person operating a redemption center shall not knowingly redeem or attempt to redeem an empty beverage container and collect the refund value and one-cent handling fee directly or indirectly from a manufacturer or distributor if the dealer or person operating a redemption center has reasonable cause to know that the empty beverage container was not originally sold by the manufacturer or distributor and the empty beverage container was redeemable from the manufacturer or distributor originating the sale of the beverage container in the geographic location where the empty beverage container was redeemed from a consumer or dealer.

b. A dealer or person operating a redemption center who violates paragraph a of this subsection is guilty of a fraudulent practice."

2. Amend the title, line 2, by inserting after the word "fee" the words "providing for the redemption of beverage containers, and providing a penalty".

DAVID M. READINGER

S—5681

Amend House File 701 as amended, passed and reprinted by the House, as follows:

1. Page 1, line 7, by inserting after the word "that" the words "there are some persons unserved or underserved and that".

2. Page 1, lines 12 and 13, by striking the words and figures "twenty-four (24)" and inserting in lieu thereof the words and figures "twenty-seven (27)".

3. Page 1, line 16, by inserting after the word "basis," the words "regardless of race, creed, national origin, handicap, age or six,".

4. Page 1, line 18, by inserting after the word "in" the words and figures "one (1) through twenty-seven (27) of".

5. Page 1, by inserting after line 21 the following:

"4. 'Comprehensive services' means the mental health services delineated by United States Public Law 94-63, as amended to January 1, 1980.

5. 'Autistic persons' means individuals, regardless of age, with severe communication and behavior disorders that become manifest during the early stages

of childhood development and that are characterized by a severely disabled inability to understand, communicate, learn and participate in social relationships. 'Autistic persons' includes but is not limited to those individuals afflicted by infantile autism, profound aphasia and childhood psychosis."

6. Page 2, line 21, by inserting after the word "commission" the words ", and shall be appointed from a list of nominees submitted by the Iowa state association of counties".

7. Page 3, by striking lines 18 through 21 and inserting in lieu thereof the following:

"2. Review and adopt a comprehensive state plan for delivery of mental health services, and advise the director on administration of the plan."

8. By striking page 3, line 30 through page 4, line 8 and inserting in lieu thereof the words "comprehensive mental health services to persons in this state, regardless of their place of residence, handicap or economic circumstances."

9. Page 4, line 9, by striking the words "Establish and" and inserting in lieu thereof the words "Approve the director's recommendation to establish or".

10. Page 4, line 17, by striking the word "Oversee" and inserting in lieu thereof the words "Advise the director on".

11. Page 4, by inserting after line 23 the following new subsection:

Page 2

"____. Review and approve standards for the accreditation of mental health programs at county care facilities."

12. Page 5, by striking lines 2 and 3 and inserting in lieu thereof the following:

"(1) The extent to which comprehensive mental health services are actually available".

13. Page 5, line 28, by striking the words "while holding that office".

14. By striking page 6, line 6 through page 7, line 2 and inserting in lieu thereof the following:

"2. Formulate a comprehensive state plan for the delivery of mental health services and administer the plan, following its approval by the commission.

3. Establish and administer procedures for the department.

4. Oversee administration of the state mental health institutes established under chapter two hundred

twenty-six (226) of the Code with the advice of the commission, so as to insure that the purposes of the state institutions for the care and treatment of mentally ill individuals are carried into effect.

5. Establish and supervise standards of treatment and care of patients in all state, public and private institutions for the care and treatment of mentally ill individuals.

6. Establish the qualifications of all officers, physicians, nurses, attendants and other employees of the department responsible for the care and treatment of patients.

7. With the advice and approval of the commission and of the council on social services, formulate, establish, adopt, supervise, and revise standards for care of and services to mentally ill persons residing in county care facilities.

8. With the advise and approval of the commission, formulate, establish, adopt, supervise and revise accreditation standards for community mental health centers and comprehensive mental health programs.

9. Enforce the standards for care of and services to mentally ill persons in county care facilities and community mental health programs.

10. Act as compact administrator with power to effectuate the purposes of and make necessary rules to implement interstate compacts on mental health.

11. Prepare a budget for the department, and any reports required by law or requested by the commission.

12. When authorized by the commission, appoint professional consultants, who shall be paid from funds appropriated to the department, to advise the

Page 3

commission or the department on any manner pertaining to mental health.

13. Respond to comments and complaints from the public, professionals, and employees of the department regarding the quality and availability of mental health services, and report regularly to the commission on these matters.

14. With approval of the commission, accept gifts, grants, devises or bequests from any source, including the federal government, and exercise powers necessary to preserve the property so acquired and to make use of the property for the purposes for which the property was given, devised or bequeathed.

15. With the approval of the commission, expend

moneys from the support allocation of the department as reimbursement for replacement or repair of personal items belonging to an employee of the department which are damaged or destroyed by clients of the department during the employee's tour of duty, provided that the reimbursement shall not exceed seventy-five dollars for each item.

16. Appoint the superintendents of the mental health institutes and the division heads of the department.

17. Perform other duties assigned by the commission consistent with law."

15. Page 7, by striking lines 27 through 31 and inserting in lieu thereof the following:

"3. Promoting coordination of community-based services with other state, public and private providers and other state agencies serving individuals with mental health needs.

4. Providing technical assistance in order to help community mental health providers meet accreditation standards, and thereby facilitate and improve the delivery of mental health services.

5. Providing consultation and technical assistance, in coordination with the judicial council, to patients' advocates appointed pursuant to section two hundred twenty-nine point nineteen (229.19) of the Code.

6. Providing coordination and technical assistance to care."

16. Page 8, line 14, by striking the word "Monitoring" and inserting in lieu thereof the words "Coordinating with the judicial council in monitoring".

17. Page 8, line 27, by inserting after the word "services." the words "In doing so, the division shall consult with the state department of health, the board of regents or a body designated by the board for that purpose, the office for the developmentally disabled,

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the department of public instruction, the department of substance abuse, the department of job service, county mental health coordinating boards established pursuant to section twenty-seven (27) of this Act, and any other appropriate governmental body, in order to facilitate coordinating of services provided to mentally ill individuals in the state of Iowa."

18. Page 9, line 5, by striking the word "Planning" and inserting in lieu thereof the words "Performing planning".

19. Page 9, by inserting after line 5 the following new subsection:

"____. Assisting communities in developing a program for community mental health services within the state, based on the need for comprehensive services and services offered by existing public and private facilities, with the goal of providing comprehensive services to all persons in this state who need them."

20. Page 9, by inserting after line 10 the following new subsection:

"____. Monitoring the progress of mental health services providers generally in meeting the goals of the state mental health plan."

21. Page 9, by striking lines 22 through 27 and inserting in lieu thereof the following:

"3. Facilitate applied research and preventive educational activities related to causes and appropriate treatment for mental illness, and communicate the findings of those activities to other divisions within the department. The director may designate, or enter into agreements with, private or public agencies to carry out this function."

22. Page 9, lines 28 and 29, by striking the words "and the commission".

23. Page 9, line 34, by inserting after the word "divisions" the words "and the superintendent of each of the state mental health institutes".

24. Page 10, by striking lines 2 through 4.

25. Page 10, line 21, by striking the word "seventy" and inserting in lieu thereof the word "eighty".

26. By striking page 11, line 7 through page 12, line 26 and inserting in lieu thereof the following:

"ALLOCATION.

1. It is the intent of the general assembly that the general allocation of the community mental health services fund be distributed so as to insure that each county participates in the distribution of the funds, to recognize past efforts made by individual counties to support mental health and state

Page 5

institutional services, and to recognize both individual counties as entities and the distribution of the state population across counties.

2. In distributing the general allocation, each county shall receive an amount equal to the sum of the following two factors:

a. Fifty percent of the general allocation divided by a factor of ninety-nine.

b. Fifty percent of the general allocation multiplied by a factor equal to that county's proportionate share of the total state population.

Sec. 17. *NEW SECTION.* REQUIREMENTS OF COUNTIES RECEIVING GENERAL ALLOCATION MONEY.

1. A county is entitled to receive money from the general allocation of the state community mental health services fund in any fiscal year in an amount determined by section sixteen (16) of this Act, if that county:

a. Raised by county levy and expended from the proceeds of that levy for mental health services, in the preceding fiscal year, an amount of money at least equal to the amount so raised and expended for those purposes during the fiscal year beginning July 1, 1978.

(1) For the purpose of paragraph a of this subsection, money "raised by county levy and expended from the proceeds of that levy for mental health services" means, with reference to any fiscal year beginning after the effective date of this Act, the total amount of money raised by county property tax levy and expended by the county from the county mental health and institutions fund for the purposes authorized by subsection two (2), paragraphs a and c, subsection four (4), paragraph a, and subsection six (6) of section four hundred forty-four point twelve (444.12) of the Code, as that section is amended by this Act, exclusive of state money received from the general allocation of the community mental health services fund, the county assistance fund, federal revenue sharing funds and any other federal funds received by the county, and of any third party reimbursement to the county. With reference to the fiscal year beginning July 1, 1978, money "raised by county levy and expended from the proceeds of that levy for mental health services" means the total amount levied and expended by the county under section four hundred forty-four point twelve (444.12) of the Code as the section read at the time that levy was made, adjusted by a procedure prescribed by rules promulgated by the auditor of state, in consultation

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with the director and the county finance committee, to include only mental health expenditures which the county made in that fiscal year from the proceeds

of that levy.

(2) Each county shall, as soon as practicable after the effective date of this Act, begin preparations to adopt and shall within two years after that date implement an accounting and financial reporting procedure for recording expenditures for mental health services, in conformity with rules promulgated by the auditor of state, in consultation with the county finance committee and the director. It is the intent of this subparagraph that the Seventieth General Assembly, at its 1983 Session, reconsider the requirements of paragraph a of this subsection with a view to possible adjustments to more precisely measure each county's financial effort in support of mental health services.

b. Submits or joins other counties in submitting, prior to September fifteenth of each year, an application for a share of the general allocation for the succeeding fiscal year which is in conformity with subsection two (2) of this section.

2. An application may be filed by a county or jointly by two or more counties. The application shall consist of:

a. An annual plan to improve or maintain availability and accessibility of comprehensive services to residents of the county or counties, which is found by the director to be in substantial compliance with the requirements of sections one (1) through nineteen (19) of this Act. The annual plan will be found in substantial compliance with those requirements if it:

(1) Indicates that the services for which the county or counties intend to use general allocation money are comprehensive services or other services mandated or authorized by law, and are offered by accredited providers where accreditation standards are applicable.

(2) Demonstrates continuing efforts to improve the availability and accessibility of comprehensive services by establishing or maintaining formal agreements for purchase of services or grant relationships with providers of such services, and by extending eligibility for those services to all residents of the county or counties who are unable to assume the full cost of their care.

(3) Demonstrates effective implementation of any annual plan submitted by the county or counties under

this subsection for the preceding fiscal year.

b. Evidence that the county, or each county which is a party to a joint application, is in compliance with subsection one (1), paragraph a of this section.

3. Each application submitted under this section shall be for a period of at least one year and shall be acted upon promptly by the director, who shall notify the applicant county or counties of its action on the application no later than November first of the year in which the application is submitted. Money from the general allocation of the fund shall be disbursed on a quarterly basis to the counties entitled to the money under section sixteen (16) of this Act and this section. Counties receiving the money shall submit quarterly financial and plan status reports in the manner prescribed by the director.

4. A county shall return to the treasurer of state not later than September thirtieth of each year for placement in the general allocation of the state community mental health services fund, an amount equal to the amount by which expenditures by the county under section four hundred forty-four point twelve (444.12), subsection six (6) of the Code, as amended by this Act, during the fiscal year ending the preceding June thirtieth were less than the total of that county's share of the state community mental health services fund for that preceding fiscal year.

5. All amounts returned to, or not disbursed from the".

27. Page 18, by inserting after line 28 the following:

"Sec. 25. *NEW SECTION.* AUTHORITY OF DIRECTOR TO LEASE FACILITIES. The director may enter into agreements under which any facility or portion of a facility administered by the department is leased to a department or division of state government, a county or group of counties, or a private nonprofit corporation organized under chapter five hundred four A (504A) of the Code. Any lease executed under this section shall require that the lessee operate the leased premises so as to deliver comprehensive services, as well as other services delivered by an agency of state or county government, when appropriate.

Sec. 26. *NEW SECTION.* AUTISM UNIT.

1. The director may organize and establish an autism unit at any institition or facility being administered by the department, to provide psychiatric and related services and other specific programs to meet the needs of autistic persons, and to furnish appropriate diagnostic evaluation services. The

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director may designate a portion of the physical facilities of any such institution to be occupied by the offices and facilities of the autism unit, and determine the extent to which that unit may effectively make use of the services of the institution's staff and what staff personnel should be employed for and assigned specifically to the autism unit.

2. In addition to any other method of referral, admission, commitment or transfer provided by chapters two hundred twenty-two (222) and two hundred twenty-nine (229) of the Code, a person may be referred directly to the autism unit by courts, law enforcement agencies, or state correctional institutions. However, a person so referred shall not be admitted to the autism unit unless a preadmission diagnostic evaluation indicates that the person is likely to benefit from the unit's services, and the admission of that person to the unit would not cause the unit's patient load to exceed its capacity.

Sec. 27. *NEW SECTION.* COUNTY MENTAL HEALTH COORDINATING BOARD.

1. The board of supervisors of each county in this state shall, independently or in conjunction with one or more other county boards of supervisors, either establish a county or joint county mental health coordinating board or constitute the board or the joint boards of supervisors as the ex officio mental health coordinating board. If a separate mental health coordinating board is established, it shall be composed of persons who have demonstrated a concern for mental health services and its size shall be determined by the board or joint boards of supervisors. One or more county supervisors may be named to serve on a separate mental health coordinating board. If the board or joint boards of supervisors serve ex officio as the mental health coordinating board, it shall establish an advisory board composed of persons who have demonstrated a concern for mental health services, and who are not elected governmental officials, to advise the coordinating board with respect to the coordinating board's functions under subsection two (2) of this section.

2. The duties of the county or joint county mental health coordinating board are:

a. Development of a plan for the provision of

mental health services in the counties represented by the membership of the board.

b. Coordination of mental health services in their

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local service area, including, but not limited to, those services provided by community mental health centers, community hospitals, county care facilities, and other local human service agencies.

c. Nomination of potential recipients of grant money made available from the state director for development of mental health services."

28. Page 18, lines 29 and 30, by striking the words and figures "twenty-five (25)" and inserting in lieu thereof the words and figures "twenty-eight (28)".

29. By striking page 50, line 19 through page 52, line 27, and inserting in lieu thereof the following:

"*1. The* state director *and the commissioner of social services* shall make, or cause to be made, at least [two inspections] *one accreditation inspection* each year of every *county care facility. Either the state director or the commissioner of social services upon receipt of a complaint or with other good cause, may make or cause to be made a review of any other* private [and] *or* county institution wherein mentally ill *or mentally retarded* persons [are kept] *reside.* [Such] *The* inspection shall be made by the state director *or the commissioner of social services* or by some competent and disinterested person, appointed by [him.] [Inspectors shall be persons who are] *the state director or commissioner, who is* acquainted with and interested in the [handling and] care of [mental patients and] *mentally ill and mentally retarded persons. The objective of the inspection or review shall be an evaluation of the programming and treatment provided by the facility. After each inspection of a county care facility, the person who made the inspection* shall [be required to] consult and advise with the county authorities on plans and practices that will improve the care given [patients] *residents* and shall make [such] recommendations to the state director for [co-ordinating] *coordinating* and improving the relationships between the [stewards] *administrators* of county care facilities, the state director, *the commissioner of social services,* the superintendents of [hospitals] *state mental health institutes and state*

hospital schools, community mental health centers, and other [co-operating] *cooperating* agencies, as will make for improved and more satisfactory care of [patients] *residents.* [Written] *A written* report as to [such inspections] *each inspection of a county care facility or other county or private facility under this section* shall be filed with the state director

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or commissioner and shall [embrace] *include:*

[1] *a.* The capacity of said institution for the care of [patients] *residents.*

[2] *b.* The number, [and] sex, *ages and primary diagnoses* of [the patients kept] *all persons residing* therein.

[3. The arrangement, method of construction, and adaptability of buildings for the purposes intended.

4. The condition of buildings as to sewerage, ventilation, light, heat, cleanliness, means of water supply, fire escapes, and fire protection.]

[5] *c.* The care of [patients] *residents,* their food, clothing, [medical] treatment, [and] employment, *and opportunity for recreational activities and for productive work intended primary as therapeutic activity.*

[6] *d.* The number, [kind] *job classification,* sex, duties, and salaries of all employees.

[7. The cost to the state or county of maintaining mentally ill patients therein, separate from the cost of maintaining same paupers.]

[8] *e.* The recommendations given to and received from county authorities on methods and practices that will improve the conditions under which the county care facility is operated.

[9. Such] *f. Any failure to comply with standards adopted under section one hundred four (104) of this Act which is not covered in information submitted pursuant to paragraphs a through e of this subsection, and any* other matters [as] *which* the state director *or commissioner* may require.

2. A copy of each written report prescribed by subsection one (1) of this section shall be furnished to the county board of supervisors, to the administrator of the facility inspected and to its care review committee, to the state department of health, the state department of mental health, the state department of social services, and to the commission on the aging.

3. The state department of health shall inform the department of mental health and the department of social services of any action by the department of health to suspend, revoke or deny renewal of any license issued by the department to a county care facility, and the reasons for the action. The state department of health shall also furnish to the department of mental health and department of social services all information referred to in paragraph d of subsection one (1) of this section which the department of health obtains by inspection or otherwise

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under chapter one hundred thirty-five C (135C) of the Code. The state director shall direct inspectors appointed under this section not to gather any of the information so furnished by the department of health.

4. In addition to the [aforesaid] inspections *required or authorized by this section,* the state director *and the commissioner of social services* shall [make or] cause to be made an [inspection] *evaluation* of each [county care facility where mental patients are kept] *person cared for in a county care facility* at least once each year by [a competent psychiatrist employed by the state hospital in the hospital district where the county care facility is located] *one or more qualified mental health or mental retardation professionals.*

a. It is the responsibility of the state department of mental health to secure an annual evaluation for each individual who is on convalescent leave from a state mental health institute and who has not been discharged from that facility. It is the responsibility of the state department of mental health to consult with the state department of social services when so requested in the evaluation for each individual who is on convalescent leave from a state hospital school who has not been discharged from that facility. It is the responsibility of the county to secure an annual evaluation for all other mentally ill persons in the county care facility.

b. It is the responsibility of the state department of social services to secure an annual evaluation for each individual who is on convalescent leave from a state hospital school and who has not been discharged from that facility. The state department of social services shall consult with the state department of

mental health when it is in the best interest of the individual. It is the responsibility of the county to secure an annual evaluation for all other mentally retarded persons in the county care facility. The county shall consult with the state department of mental health when it is the best interest of the individual when securing the annual evaluation for all other mentally retarded persons in the county care facility.

c. The county board of supervisors shall cause to be made an annual medical evaluation of each resident of a county care facility to whom neither paragraph a or paragraph b of this subsection is applicable.

d. The county responsibilities under this

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subsection shall apply only when the appropriation to the community mental health services fund created by section fourteen (14) of this Act is equal to at last four million dollars per year.

5. [Such inspection] *The evaluations required by subsection four (4) of this section* shall include an examination of each [mental patient] *resident* which shall reveal the [patient's] *resident's* condition of *mental and physical* health and the likelihood of improvement or discharge and such other recommendations concerning the care of [patients] *those persons* as the [inspector] *evaluator* deems pertinent. One copy of [said inspection report] *the evaluation* shall be filed with the state director, *one copy shall be filed with the commissioner of social services,* one copy mailed to the county board of supervisors and one copy [mailed to the steward] *shall be filed with the administrator* of the facility inspected."

30. Page 53, by striking lines 8 through 20 and inserting in lieu thereof the following:

"NEW SECTION. STANDARDS FOR CARE IN COUNTY CARE FACILITIES. The state director and the commissioner of social services, with the approval respectively of the mental health commission and the council on social services and in accordance with chapter seventeen A (17A) of the Code, shall jointly formulate and jointly adopt and may jointly revise standards for the care of and services to mentally ill and mentally retarded persons residing in county care facilities. The objective of the standards is to insure that mentally ill and mentally retarded persons are not only adequately fed, clothed and housed, but

also that individualized treatment plans are established that will include reasonable opportunities for productive work, recreational activities and therapeutic programming suited to their physical and mental abilities. When formulating or revising standards under this section, the state director and commissioner shall jointly consult with a designated advisory committee, agreed upon by both directors, representing county care facility administrators, care review committees, and county supervisors to assist in the formulation or revision of standards. Each group shall have equal representation on the advisory committee."

31. Page 54, line 35, by striking the figure "1979" and inserting in lieu thereof the figure "1980".

32. Page 55, line 3, by striking the figure "1981". and inserting in lieu thereof the figure "1981".

33. Page 55, line 6, by striking the figure "1981"

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and inserting in lieu thereof the figure "1982".

34. Page 55, line 9, by striking the figure "1982" and inserting in lieu thereof the figure "1983".

35. Page 55, line 12, by striking the figure "1983" and inserting in lieu thereof the figure "1984".

36. Page 58, lines 8 and 9, by striking the words "those of the psychiatric committee of the joint committee on accreditation of hospitals and other" and inserting in lieu thereof the words "[those of the psychiatric committee of the joint committee on accreditation of hospitals and other]".

37. Page 65, by striking lines 7 through 12 and inserting in lieu thereof the following:

"a. In lieu of admission or commitment to, *or upon discharge, removal, or transfer from*, a state mental health institute[, hospital school, or other facility] established pursuant to chapter [222] *two hundred twenty-six (226) of the Code.*

b. [Upon] *In lieu of admission or commitment to, or upon* discharge, removal, or transfer from a [state mental health institute or] state hospital-school or other institution established pursuant to chapter 222."

38. Page 65, line 25, by inserting after the word *"center"* the words *", county care facility"*.

39. Page 68, line 2, by striking the figure "1980" and inserting in lieu thereof the figure "1981".

40. Page 68, line 9, by striking the figure "1979"

and inserting in lieu thereof the figure "1980".
41. Page 68, by striking line 15 and inserting in lieu thereof the figure "1981."
42. Page 68, by striking lines 18 through 21 and inserting in lieu thereof the words "the department of social services shall".

SUE YENGER
W.R. BILL HANSEN
TOM SLATER
CHARLES P. MILLER
JOHN W. JENSEN
MERLIN D. HULSE
ELIZABETH R. MILLER
RICHARD F. DRAKE
LOWELL L. JUNKINS
ALVIN V. MILLER
FORREST V. SCHWENGELS
JAMES E. BRILES
BERL E. PRIEBE
STEPHEN W. BISENIUS
ROBERT M. CARR
JOANN ORR
NORMAN G. RODGERS
JAMES V. GALLAGHER
JOHN R. SCOTT
DALE L. TIEDEN
ARNE WALDSTEIN
IRVIN L. BERGMAN
C. JOSEPH COLEMAN
CLARENCE CARNEY
ARTHUR A. SMALL, JR.
BOB RUSH
C.W. HUTCHINS

S—5682

Amend the committee on State Government amendment, S—5663, to House File 707 as amended, passed and reprinted by the House as follows:
1. Page 2, line 6, by striking the word "May" and inserting in lieu thereof the word "July".
2. Page 2, line 12, by striking the words "June first" and inserting in lieu thereof the words "July fifteenth".
3. Page 2, line 13, by striking the word "July" and inserting in lieu thereof the word "August".
4. Page 2, line 17, by striking the word "July" and inserting in lieu thereof the word "August".
5. Page 2, line 22, by striking the word "August"

14 and inserting in lieu thereof the word "September".

JOHN S. MURRAY

S—5683

For the text of this House amendment, see pages 1332-1333 of the Senate Journal.

S—5684

For the text of this House amendment, see pages 1330-1332 of the Senate Journal.

S—5685

1 Amend House File 2340 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, line 29, by striking the words
4 "certificated or noncertificated".
5 2. By striking page 4, line 34 through page 5,
6 line 3 and inserting in lieu thereof the following:
7 "apply for the new positions. The board shall give
8 preference to qualified personnel from the dissolved
9 school district who seek employment with the school
10 district. If two employees of the dissolved district
11 apply".
12 3. Page 5, line 4, by striking the word
13 "certificated".

CLARENCE CARNEY
RAY TAYLOR
JOHN W. JENSEN

S—5686

1 Amend the committee on State Government amendment,
2 S—5663, to House File 707 as amended, passed and
3 reprinted by the House as follows:
4 1. Page 2, by striking lines 26, 27 and 28 and
5 inserting in lieu thereof the words "chairperson.
6 Should the four commissioners initially selected fail
7 to select a fifth member by September first, the chief
8 justice of the supreme court shall select the fifth
9 member not later than September fifteenth."

TOM SLATER

S—5687

1 Amend amendment S—5665 to House File 2562 as
2 follows:
3 1. Page 1, by inserting after line 48 the following
4 new section:

"Sec. ____ . This Act takes effect January 1, 1981, and applies to actions filed on or after that date."

A.R. KUDART

S—5688

Amend House File 2537 as amended, passed and reprinted by the House as follows:

1. Page 3, line 1, by inserting after the period the words "Any rule which establishes standards for the definition of 'physician' shall require that a policy or contract specifically disclose whether or not coverage for chiropractic services is included."

2. Page 6, by inserting after line 7 the following:

"____ . A statement disclosing whether or not coverage for chiropractic services is included."

CHARLES P. MILLER
ROLF V. CRAFT
JOHN W. JENSEN
ROBERT M. CARR
BERL E. PRIEBE
DALE L. TIEDEN
JOE BROWN
MERLIN D. HULSE
RAY TAYLOR
WILLIAM D. PALMER
JACK W. HESTER
GEORGE R. KINLEY
RICHARD COMITO
LOWELL L. JUNKINS
C. JOSEPH COLEMAN
ALVIN V. MILLER
JAMES V. GALLGHER
C.W. HUTCHINS
BASS VAN GILST
ELIZABETH R. MILLER
BOB RUSH
JAMES E. BRILES
TOM SLATER
ARNE WALDSTEIN
GARY L. BAUGHER
RICHARD F. DRAKE
SUE YENGER

S—5689

Amend amendment S—5644 to House File 2495 as follows:

1. Page 1, by inserting after line 2 the following:
"____. Page 1, line 6, by inserting after the word 'person' the words 'or a physical probe of any body cavity'."
2. Page 1, by striking lines 9 through 11 and inserting in lieu thereof the following:
"____. Page 1, by striking lines 22 through 25 and inserting in lieu thereof the words 'be performed under sanitary conditions. A physical probe of a body cavity'."
3. By renumbering and correcting internal references as made necessary by this amendment.

BOB RUSH

S—5690

Amend House File 2537 as amended, passed and reprinted by the House as follows:
1. Page 1, line 7, by inserting after the word "individual" the words "and group".
2. Page 1, line 9, by inserting after the word "individual" the words "and group".
3. Page 1, line 16, by inserting after the word "individual" the words "and group".
4. Page 1, line 19, by inserting after the word "individual" the words "and group".
5. Page 1, line 21, by inserting after the word "individual" the words "and group".
6. Page 1, line 34, by inserting after the word "individual" the words "and group".
7. Page 2, line 10, by inserting after the word "individual" the words "and group".
8. Page 2, line 11, by inserting after the word "individual" the words "and group".
9. Page 3, line 3, by inserting after the word "individual" the words "and group".
10. Page 3, line 4, by inserting after the word "individual" the words "and group".
11. Page 3, line 27, by inserting after the word "individual" the words "and group".
12. Page 4, line 23, by inserting after the word "individual" the words "and group".
13. Page 5, line 10, by inserting after the word "individual" the words "and group".
14. Page 7, line 33, by inserting after the word "individual" the words "and group".

RAY TAYLOR

S—5691

Amend House File 2537 as amended, passed and reprinted by the House as follows:

1. Page 9, by inserting after line 17 the following new section:

"Sec. ____ . Section five hundred fourteen A point nine, (514A.9) Code 1979, is amended to read as follows:

514A.9 Violation. Any person, partnership or corporation willfully violating any provision of this chapter or order of the commissioner made in accordance with this chapter, [shall forfeit to the people of the state a sum not to exceed one hundred dollars for each such violation, which may be recovered by a civil action] *is guilty of a serious misdemeanor.* The commissioner may also suspend or revoke the license of a insurer or agent for any such willfull violation."

RICHARD R. RAMSEY

S—5692

Amend House File 2575 as amended, passed and reprinted by the House as follows:

1. Page 1, line 21, by striking the word "permanent".

2. Page 1, by striking lines 26 and 27 and inserting in lieu thereof the words "commission may require a temporary construction easement of a greater width for the installation of".

ROLF V. CRAFT

S—5693

For the text of this House amendment, see pages 1359-1360 of the Senate Journal.

S—5694

For the text of this House amendment, see page 1359 of the Senate Journal.

S—5695

For the text of this House amendment, see page 1358 of the Senate Journal.

S—5696

For the text of this House amendment, see page 1361 of the Senate Journal.

S—5697

For the text of this House amendment, see page 1361 of the Senate Journal.

S—5698

For the text of this House amendment, see pages 1361-1362 of the Senate Journal.

S—5699

For the text of this House amendment, see pages 1362-1363 of the Senate Journal.

S—5700

For the text of this House amendment, see page 1362 of the Senate Journal.

S—5701

Amend the Yenger, et al., amendment, S—5681, to House File 701 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 28 the following:

"____. Page 2, line 19, by inserting after the word 'one' the word 'voting.' "

TOM SLATER

S—5702

Amend the Yenger, et al., amendment, S—5681 to House File 701 as amended, passed and reprinted by the House as follows:

1. Page 7, by inserting after line 29 the following:

"____. By striking page 13, line 18 through page 14, line 11 and inserting in lieu thereof the following:

'1. Each county which pays, from county funds budgeted under section four hundred forty-four point twelve (444.12), subsection six (6) of the Code, as amended by this Act, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections twenty (20) through twenty-three (23) of this Act for treatment as an inpatient of a hospital facility, other than a state mental health institute, which has a distinct mental health program and which is accredited by the joint commission on accreditation of hospitals, is entitled to reimbursement from the state for a portion of the daily cost so incurred

by the county. However, a county is not entitled to reimbursement under this subsection for any cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter two hundred forty-nine A (249A) of the Code, or who is entitled to have his or her care or treatment paid for by any other third party payer, or who is admitted for preliminary diagnostic evaluation under sections twenty (20) through twenty-three (23) of this act. The amount of reimbursement for the cost of care and treatment of a local inpatient to which a county is entitled under this subsection, on a per-patient-per-day basis, is an amount equal to twenty percent of the average of the respective state mental health institutes' individual average daily patient costs in the most recent calendar quarter for the program in which the local inpatient would have been served if he or she had been admitted to a state mental health institute.' "

TOM SLATER

S—5703

For the text of this House amendment, see pages 1368-1369 of the Senate Journal.

S—5704

Amend the Yenger, et al., amendment, S—5681, to House File 701 as amended, passed and reprinted by the House as follows:

1. Page 7, by inserting after line 29 the following:

"____. Page 15, line 19, by striking the figure '1980' and inserting in lieu thereof the figure '1981'."

2. Page 9, by inserting after line 11 the following:

"____. Page 26, line 22, by inserting after the word 'Session' the words ', as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section two (2), or on January first following enactment of this Act, whichever is later'.

____. Page 27, line 3, by inserting after the word 'Session' the words ', as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section two (2), or on January first following enactment of this Act, whichever is later'.

____. Page 27, line 20, by inserting after the

word 'Session' the words ', as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section two (2), or on January first following enactment of this Act, whichever is later'."

3. Page 13, by striking lines 26 and 27 and inserting in lieu thereof the following:

"____. Page 68, line 2, by striking the word and figures 'July 1, 1980' and inserting in lieu thereof the word and figures 'January 1, 1981'."

4. Page 13, by inserting after line 34 the following:

"____. Page 69, by inserting after line 5 the following:

'3. Notwithstanding the provisions of sections two hundred twenty-five B point two (225B.2) and two hundred twenty-five B point eight (225B.8), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), sections one (1) and two (2), the division of mental health resources of the department of social services and the Iowa mental health authority shall continue to be governed respectively by sections two hundred seventeen point ten (217.10) through two hundred seventeen point twelve (217.12), Code 1977 and chapter two hundred twenty-five B (225B), Code 1977, until January 1, 1981, or until a date not later than July 1, 1981 if the governor delays implementation under

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section two hundred twenty-five B point two (225B.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section one (1).

4. The appropriation made to the Iowa mental health authority by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsection four (4), and any other appropriation made to the Iowa mental health authority by any Act of the Sixty-eighth General Assembly, and the appropriation made to the division of mental health resources of the department of social services by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section one (1), subsection one (1), and the appropriation made to the state mental health institutes by acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section six (6), subsection one (1), and any other appropriation made to the division or to the mental

health institutes by any Acts of the Sixty-eighth General Assembly, shall be deemed to be appropriations to the department of mental health as designated by section three (3) of this Act, effective January 1, 1981, or on a date not later than July 1, 1981 if the governor delays implementation under section two hundred twenty-five B point two (225B.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section one (1).' "

RICHARD F. DRAKE

S—5705

Amend the committee on Human Resources amendment, S—5545, to House File 701 as amended, passed and reprinted by the House as follows:

1. By striking page 5, line 43 through page 6, line 1 and inserting in lieu thereof the following:

"2. Notwithstanding the provisions of section two hundred seventeen point three (217.3), subsection six (6), of the Code, the commission may promulgate the rules authorized by subsection one (1) of this section by the procedure prescribed in chapter seventeen A (17A) of the Code, without prior review and approval of those rules by the council on social services."

2. Page 13, by striking lines 8 through 33.

3. Page 22, by inserting after line 31 the following:

"____. Page 65, line 22, by inserting after the word "services" the words "or mental retardation services".

JULIA B. GENTLEMAN

S—5706

Amend House File 2546, as amended, passed and reprinted by the House, as follows:

1. Page 1, line 34, by inserting after the word "sale" the words "by the owner, an agent for the owner, or the person who is conducting the auction".

2. Page 1, line 34, by inserting after the period the following: "The exclusion of warranties shall not apply if the disclosure contains representations that are untrue except as to the person who is conducting the auction, unless he or she knew or should have known

that the disclosures were untrue."

RICHARD R. RAMSEY
LUCAS J. DE KOSTER

S—5707

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 13, line 7, by inserting after the word "them." the words "Each person who identifies himself or herself to the commissioners or staff of a soil conservation district as a prospective purchaser of agricultural land in the district shall be given information, prepared in accordance with rules of the department of soil conservation, which clearly explains the provisions of section thirteen (13) of this Act."

2. By striking page 14, line 33 through page 15, line 3 and inserting in lieu thereof the following:

"1. It is the intent of this Act that, effective January 1, 1981, each tract of agricultural land which has not been plowed or used for growing row crops at any time within fifteen years prior to that date, shall for purposes of this section be considered classified as agricultural".

3. Page 15, line 6, by inserting after the word "commissioners" the words "of the soil conservation district in which the land is located".

4. Page 15, lines 10 and 11, by striking the words "had not previously been" and inserting in lieu thereof the words "were not considered".

5. Page 15, by inserting after line 20 the following:

"2. When receiving an application for state cost sharing funds to pay a part of the cost of establishing a permanent or temporary soil and water conservation practice, the commissioners of the soil conservation district to which the application is submitted shall require the applicant to state in writing whether to the best of the applicant's knowledge, the land on which the proposed practice will be established is land considered to be classified as agricultural land under conservation cover, as defined in subsection one (1) of this section. An applicant who knowingly makes a false statement of material facts or who falsely denies knowledge of material facts in completing the written statement required by this subsection commits a simple misdemeanor and, in addition to the penalty prescribed therefor by law,

shall be required to repay to the department of soil conservation any cost sharing funds made available to the applicant in reliance on the false statement or false denial."

6. Page 15, by inserting after line 27 the following:

"Sec. ____. As soon as reasonably possible after

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July 1, 1980, the commissioners of each soil conservation district in the state shall publish, in a newspaper of general circulation in the district, a notice advising owners and operators of agricultural land in the district of the provisions of section thirteen (13) of this Act. The notice shall be drawn up in accordance with rules of the department of soil conservation."

7. Page 15, line 29, by striking the word and figure "twelve (12)" and inserting in lieu thereof the word and figure "thirteen (13)".

8. Title, line 7, by inserting after the word "resources" the words ", and prescribing a penalty for knowingly making a false statement of material facts or falsely denying knowledge of material facts on a cost sharing application".

FORREST V. SCHWENGELS

S—5708

Amend House File 2509 as amended, passed and reprinted by the House as follows:

1. Page 1, line 22, by striking the word "The" and inserting in lieu thereof the words "If a school district's budget enrollment for the school year in which the intitial election is held is three hundred twenty-five or less, the".

RAY TAYLOR
BERL E. PRIEBE

S—5709

Amend House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 1, line 5, by inserting after the word "ordinance" the words "the latest version of".

2. Page 1, by striking lines 11 and 12 and inserting in lieu thereof the following:

"c. The basic housing code promulgated by the building officials conference of America."

DAVID M. READINGER

S—5710

For the text of this House amendment, see page 1378 of the Senate Journal.

S—5711

For the text of this House amendment, see pages 1378-1381 of the Senate Journal.

S—5712

Amend House File 2546 as amended, passed and reprinted by the House:

1. Page 1, line 22, by striking the word "thirty" and inserting in lieu thereof the word "forty-five".

BERL E. PRIEBE
ARNE WALDSTEIN

S—5713

Amend the committee on Agriculture amendment, S—5666, to House File 2546 as amended, passed and reprinted by the House as follows:

1. Page 1, line 10, by striking the word "thirty" and inserting in lieu thereof the word "forty-five".

2. Page 1, line 23, by striking the word "thirty-day" and inserting in lieu thereof the word "forty-five day".

BERL E. PRIEBE
ARNE WALDSTEIN

S—5714

Amend House File 2561 as amended, passed and reprinted by the House, as follows:

DIVISION S—5714A

1. Page 1, by striking line 1 and inserting in lieu thereof the following:

"Section 1. Section four hundred sixty-seven A point four (467A.4), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section seventy-one (71), is

amended to read as follows:

1. There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of soil conservation. The department shall be administered in accordance with the policies of the state soil conservation committee, which shall *approve administrative rules proposed by the department before the rules are promulgated pursuant to chapter seventeen A (17A) of the Code. The state soil conservation committee shall* consist of a chairperson and twelve members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural extension service, or the director's designee, the secretary of agriculture, or the secretary's designee, the director of the state conservation commission or the director's designee, and the director of the Iowa natural resources council or the director's designee. Eight voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh and eighth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and one appointed to be a representative of the mining industry. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. The director of the department of environmental quality shall be an ex officio nonvoting member. The committee shall adopt a seal, which seal shall be judicially noticed, and may perform acts, hold public hearings, and promulgate

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DIVISION S—5714A (cont'd.)

rules as provided in chapter 17A as necessary for the execution of its functions under this chapter.

Sec. 2. Section four hundred sixty-seven A point four".

2. Page 1, by inserting after line 35 the following:

"(9) A member of the state soil conservation committee.

(10) The state conservationist of the United States soil conservation service, or that officer's designee".

3. Page 2, line 2, by striking the words and figures "sixteen (16), Code 1979, is" and inserting in lieu thereof the words and figures "four (4) and sixteen (16), Code 1979, are".

DIVISION S—5714B

4. Page 2, by inserting after line 3 the following:

"4. To co-operate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner or occupier of lands within the district, in the carrying on of erosion-control and watershed protection and flood prevention operations within the district, subject to such conditions as the commissioners may deem necessary to advance the purposes of this chapter. *Except as otherwise required by section four hundred sixty-seven A point forty-eight 467A.48) of the Code, state cost sharing funds shall not be used to pay more than fifty percent of the cost of establishing any permanent soil and water conservation practice, as defined by section four hundred sixty-seven A point forty-two (467A.42), subsection two (2), of the Code."*

DIVISION S—5714A (cont'd.)

5. Page 4, line 8, by inserting after the word "purchasing" the words "or renting".

6. Page 4, line 29, by striking the word "or" and inserting in lieu thereof the words "and, if appropriate, the".

ARNE WALDSTEIN

S—5715

Amend House File 48 as amended, passed and reprinted by the House as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. *NEW SECTION.* TITLE. This Act may

be cited as the "State Mandates Act".

Sec. 2. *NEW SECTION.* FINDINGS AND PURPOSE.

1. The general assembly finds that preceding actions of state government in specifying the manner, standards, and conditions under which public services are rendered to citizens by the political subdivisions of this state in some cases have not resulted in equitable relationships between the state government and its political subdivisions. Some state actions have dealt in detail with the internal management of the political subdivisions; some have specified the establishment of new services and facilities without providing new revenue sources or financial participation by the state to meet the additional costs; and other actions have specified the adoption of high service standards without a complete assessment of the impact on the expenditures and tax rates of the political subdivisions.

2. It is the purpose of this Act to:

a. Provide for the collection and periodic publication of information on existing and future state and federal mandates.

b. Enunciate policies, criteria, and procedures to govern future state-initiated specification of local government services, standards, employment conditions, and retirement benefits that necessitates increased expenditures by political subdivisions and to avoid the imposition of state standards on essentially local responsibilities without appropriate reimbursement or other appropriate fiscal participation on the part of state government.

Sec. 3. *NEW SECTION.* DEFINITIONS. As used in this act, unless the context otherwise requires:

1. "Political subdivision" means a city, county, township, or school district.

2. "State mandate" means a state constitutional, statutory, or administrative rule or action which requires a political subdivision of the state to establish, expand, or modify its activities in a manner which necessitates additional expenditures of local revenue, excluding an order issued by a court of this state.

3. "Political subdivision organization and structure mandate" is a state mandate which affects any of the following:

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a. The form of a political subdivision and the

adoption and revision of political subdivision charters.

b. The establishment of multicounty districts, councils of government, or other forms and structures for interlocal cooperation and coordination.

c. The holding of local elections.

d. The designation of public officers, and their duties, powers, and responsibilities.

e. The prescription of administrative practices and procedures for local governing bodies.

4. "Due process mandate" is a state mandate which affects any of the following:

a. The administration of justice.

b. Notification and conduct of public hearings.

c. Procedures for administrative and judicial review of actions taken by local governing bodies.

d. Protection of the public from malfeasance, misfeasance, or nonfeasance by officials of political subdivisions.

5. "Benefit spillover" is the process of accrual of social or other benefits from a governmental service to jurisdictions adjacent to, or beyond the jurisdiction of the political subdivision providing the service.

6. "Service mandate" is a state mandate which creates or expands a governmental service or a delivery standard for a governmental service which has substantial benefit spillover. A service mandate may relate to any of the following services:

a. Elementary and secondary education.

b. Public health.

c. Public hospitals.

d. Public assistance.

e. Air pollution control.

f. Water pollution control.

g. Solid waste treatment and disposal.

A state mandate that expands the duties of a public official by requiring the provision of additional services is a service mandate.

7. "Interlocal equity mandate" is a state mandate requiring political subdivisions to act so as to benefit other political subdivisions or to refrain from acting to avoid injury to, or conflict with, other jurisdictions including, but not limited to mandates related to:

a. Land use regulations.

b. Tax assessment procedures for equalization purposes.

c. Environmental standards.

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8. "Tax exemption mandate" is a state mandate that exempts private property or other specified items from the local tax base including, but not limited to:

a. Exemption of personal property from the property taxation.

b. Exemption of active and passive solar property from property taxation.

c. Exemption of pollution control equipment from property taxation.

9. "Personnel mandate" is a state mandate affecting for political subdivisions any of the following:

a. Salaries and wages.

b. Employee qualifications and training except when any civil service commission, professional licensing board, or personnel board or agency established by state law sets and administers standards relative to merit-based recruitment of candidates for employment or conducts and grades examinations and rates candidates in order of their relative excellence for purposes of making appointments or promotions to positions in the competitive division of the classified service of the public employer served by the commission, board or agency.

c. Hours, location of employment, and other working conditions.

d. Fringe benefits including insurance, health, medical care, retirement and other benefits.

10. "Existing state mandate" means a state mandate which is in effect on the effective date of this Act.

11. "Implied federal requirement" means a federal law, rule, regulation, executive order, guideline, standards, or other federal action which has the effect of law and which does not directly require the state to take action affecting its political subdivisions but will result in a loss of federal funds or federal tax credits if state action is not taken to comply with the federal action.

12. "Cost" means the net cost of an activity or service provided by a political subdivision of the state. The net cost is the actual cost to the state if the state were to provide the activity or mandate unless otherwise determined by the general assembly when imposing the state mandate.

Sec. 4. *NEW SECTION.* STATE MANDATE INFORMATION.

1. The state comptroller shall:

a. Adopt rules under chapter seventeen A (17A)

of the Code as necessary to carry out the duties and responsibilities assigned to the office of the state comptroller under this Act.

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b. Review political subdivision applications for reimbursement claims submitted under section ten (10) of this Act.

c. Hear complaints and suggestions from political subdivisions and other organizations relating to state mandates.

d. Report at least biennially to the governor and the general assembly regarding the administration of this Act including any proposed changes.

2. a. Within two years after the effective date of this Act, the legislative service bureau, with the assistance of the state comptroller, shall collect and tabulate information on the nature and scope of each existing state mandate including, but not limited to:

(1) Identity of the type of political subdivision and agency or official of the political subdivision to which a state mandate is directed.

(2) The estimated annual cost of the state mandate if the cost is identifable.

(3) The amount of state financial participation in meeting the identifiable cost, if any.

(4) The state agency responsible for supervising the implementation of the state mandate.

(5) A brief description of the state mandate and a citation of its origin in law or administrative rule or order.

b. The information specified in paragraph a of this subsection shall be published in a state mandate catalog. After its initial publication, the catalog shall be updated following each annual legislative session to include each new state mandate enacted and the estimated additional identifiable costs, if any, imposed upon the political subdivisions of the state. The state mandate catalog shall be revised and published each five years beginning with the year of initial publication.

c. The legislative service bureau shall also include in the catalog information comparable to the information specified in paragraph a of this subsection for federal legislative, executive and judicial mandates to the extent this information is reasonably available.

Sec. 5. *NEW SECTION.* STATE POLICY OBJECTIVE STATEMENT.

1. A bill, joint resolution or administrative rule which imposes or enlarges a state mandate to a political subdivision, shall include a state policy objective statement indicating the purpose for imposing the state mandate and the extent to which the state

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policy objective is not attainable without the state mandate. When a bill or joint resolution is reported from committee, the committee report shall indicate whether a state policy objective statement is required and, if a statement is not included in the bill or joint resolution, the statement shall be attached to the committee report.

2. An administrative rule imposing a state mandate shall also include a statement of the estimated cost of the state mandate to the political subdivisions or a statement that additional costs are not anticipated.

Sec. 6. *NEW SECTION.* NONREIMBURSABLE STATE MANDATES.

1. The cost of the following state mandates are not reimbursable by the state:

a. An existing state mandate.

b. A political subdivision organization and structure mandate, a due process mandate, and an interlocal equity mandate.

c. A state mandate which:

(1) Accommodates a request from political subdivisions.

(2) Results in no new governmental duties or provides for the exercise of a discretionary power using mandatory procedures.

(3) Provides only clarifying, nonsubstantive change in an earlier state mandate.

(4) Imposes additional duties which can be carried out by existing staff at no appreciable cost increase

(5) Imposes a cost which is recovered from federal, state, or other external financial aid.

(6) Imposes an additional annual cost of less than ten thousand dollars or less than one dollar per capita, whichever sum is less, for an affected political subdivision.

(7) Results from an implied federal requirement.

2. The general assembly may exclude a state mandate from reimbursement for a unique or compelling policy

reason, which reasons shall be stated in the Act establishing the state mandate.

Sec. 7. *NEW SECTION.* REIMBURSABLE STATE MANDATES.

1. The following costs to a political subdivision for a state mandate are reimbursable by the state:

a. The costs of a political subdivision resulting from the implementation of a service mandate. If a state or federal aid program exists when the service mandate is imposed and the costs resulting from the service mandate constitute an allowable expediture under the federal or state aid program, only the net

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increase to the political subdivision payable from revenue which is not obtained from the state or federal aid program is reimbursable by the state.

b. The loss in revenue to a political subdivision resulting from a tax exempt mandate. The loss of revenue does not include potential revenue from a class or type of property which was not assessed and taxed when the tax exempt mandate became effective.

c. The costs of a political subdivision resulting from the implementation of a personnel mandate except a personnel mandate which establishes a minimum retirement benefit or affects the personnel qualifications for employees of a political subdivision.

2. If a political subdivision has been providing a service at its option which subsequently becomes a reimbursable state mandate, the subsequent cost of the service is reimbursable by the state and the political subdivision shall proportionately reduce its property tax levy by the amount that the reimbursement replaces property tax revenues which were being expended on the service. However, for purposes of calculating a school district's state aid, a school district's foundation tax levy shall not be decreased as a result of the cost reimbursement.

Sec. 8. *NEW SECTION.* REIMBURSEMENT ESTIMATION--PROCEDURES.

1. When a bill or joint resolution is requested, the legislative service bureau shall make an initial determination of whether the bill or joint resolution will impose a state mandate. If a state mandate is included, the fact shall be included in the explanation of the bill or joint resolution.

2. If a bill or joint resolution contains a state mandate, a copy of the prepared draft shall be sent to the legislative fiscal bureau which, after

consultation with the state comptroller, shall determine if the state mandate is reimbursable as provided in this Act. If the proposed legislation imposes a reimbursable state mandate, the legislative fiscal bureau shall prepare an estimate of the amount of reimbursement for the appropriation committees of the general assembly.

3. The cost estimate required under subsection two (2) of this section shall be the estimated cost required during the first fiscal year of the proposed legislation's operation to reimburse the affected political subdivisions. If the effective date of the legislation is delayed beyond the beginning of the next fiscal year, the estimate shall also include

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the estimated cost required for reimbursement for the following full fiscal year. If proposed legislation is amended to include a state mandate which may be reimbursable as provided in this Act, the legislative service bureau shall notify the presiding officers of the house of representatives and the senate of the fact. A determination as to whether the state mandate is reimbursable and the estimated cost of the mandate shall be made at the direction of the presiding officer of the house in which the amendment is adopted. The notification shall be printed in the journal of the respective houses of the general assembly.

Sec. 9. *NEW SECTION.* APPROPRIATION OF REIMBURSEMENT FUNDS.

1. For the initial fiscal year during which cost reimbursement is authorized under this Act, reimbursement funds shall be provided as follows:

a. Proposed legislation including a reimbursable state mandate shall provide an appropriation for the cost reimbursement.

b. An administrative rule or order containing a reimbursable state mandate shall be accompanied by an appropriation bill to provide for the reimbursement or an appropriation item shall be included in the executive budget for the next fiscal year.

2. For fiscal years following the intitial fiscal year, appropriation items for the reimbursement costs shall be included in the executive budget or supplemental budget requests.

Sec. 10. *NEW SECTION.* REIMBURSEMENT PROCEDURES.

1. For the initial fiscal year during which cost

reimbursement is authorized under this Act, a political subdivision which is eligible for a state mandate reimbursement, shall submit a claim for the cost reimbursement within sixty days after the effective date of the state mandate to the state comptroller. The claim shall include an estimate of the increased costs required by the state mandate for the initial fiscal year or remainder of the fiscal year. The state comptroller shall review the claim and reimbursement costs estimate and pay the claim from funds appropriated for that purpose. The state comptroller may audit the records of the political subdivision to verify the actual amount of state mandate cost and may reduce a claim which is determined to be excessive or unreasonable.

2. For subsequent fiscal years, a political subdivision shall submit its claim for cost

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reimbursement before October first of each year. The state comptroller shall review and pay the claim from funds appropriated for that purpose, subject to an audit of the political subdivision's records or reduction of the amount of the claim as authorized under subsection one (1) of this section. The state comptroller shall adjust the payment to correct for an underpayment or overpayment which occurred during the preceding fiscal year.

3. The state comptroller shall provide forms and adopt procedures, pursuant to chapter seventeen A (17A) of the Code, as necessary to provide for the effective administration of this section.

4. Reimbursement funds received by a political subdivision under this Act may be used for any public purpose.

Sec. 11. *NEW SECTION.* APPEAL OF CLAIMS.

1. A state mandate appeal board is created. The state board shall hear and decide claims by political subdivisions of this state which allege that the political subdivisions have not been reimbursed for all reimbursable costs of state mandates payable by the state as provided in this Act.

2. The membership of the state board shall consist of the governor or a designee of the governor, the auditor of state, the treasurer of state and two additional members who shall be full-time officers or employees of a political subdivision of this state. The governor's designee shall not be the state comptroller or an employee of the state comptroller's

office. The two additional members shall be appointed by the governor for two-year terms with the approval of two-thirds of the members of the senate. The term of office shall begin on January first of the year of appointment and an appointive member shall serve until a successor is appointed and qualifies. A vacancy shall be filled for the unexpired term. The two additional members are entitled to necessary travel and other expenses incurred while engaged in the duties of office. Expenses of the board are payable from funds appropriated to the state comptroller.

3. The state mandate appeal board shall adopt procedures for receiving claims under this section and for providing hearings on the claims. The procedures shall be adopted in accordance with chapter seventeen A (17A) of the Code. The hearing procedure shall provide for presentation of evidence by the claimant and the state comptroller. The concurrence of a majority of the board members shall be required

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to approve a claim submitted under this section.

4. Claims submitted under this section for cost reimbursement as provided under section ten (10) of this Act shall be limited to the following:

a. A claim alleging that the state comptroller incorrectly reduced the payments to the political subdivision under section ten (10) of this Act.

b. A claim alleging that a reimbursement payment was denied by the state comptroller because the cost was incorrectly identified as a nonreimburseable cost excluded from payment under section six (6) of this Act.

5. The state board may increase, decrease or deny a claim filed under this section. The decision of the state board is final.

6. The state comptroller shall pay the amount of a claim awarded under this section in the same manner as claims are paid under section ten (10) of this Act.

Sec. 12. EFFECTIVE DATE. This Act becomes effective January first following its enactment.

2. Amend the title, by striking lines 1 through 5 and inserting in lieu thereof the following: "An Act relating to state mandates imposed on political subdivisions of the state."

DAVID M. READINGER

S—5716

Amend House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1 the following new section:

"Sec. ____. Section four hundred forty-two point two (442.2), subsection two (2), Code 1979, is amended to read as follows:

2. The amount paid to each school district for the tax credit for livestock under section 427.17 shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the taxable value of livestock assessed for taxation in the district as of January 1, 1973, determined pursuant to section 427.17, and adjusted to actual value as provided in Acts of the Sixty-fifth General Assembly, chapter 1231, section 174. *A school district is hereby authorized to levy a tax on all of the taxable property within the district in an amount equal to the difference between the amount due to a school district from the personal property tax replacement fund for the preceding year and the amount actually received during the preceding fiscal year from the personal property tax replacement fund.*"

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

EDGAR H. HOLDEN

S—5717

Amend House File 2546 as amended, passed and reprinted by the House as follows:

1. Page 1, line 34, by inserting after the word "sale" the words "by the owner, an agent for the owner, or the person who is conducting the auction".

2. Page 1, line 34, by inserting after the period the following: "The exclusion of warranties shall not apply if the disclosure contains representations that are untrue except as to the person who is conducting the auction, unless he or she knew that the disclosures were untrue."

RICHARD R. RAMSEY

S—5718

Amend Senate File 2297 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter four hundred forty-four (444), Code 1979, is amended by adding the following new section:

NEW SECTION. OPTIONAL AMBULANCE SERVICE LEVY. The board of supervisors may levy not more than twenty-seven cents per thousand dollars of assessed value to support ambulance service provided for the county under section three hundred thirty-two point three (332.3), subsection twenty-three (23) of the Code, or under section three hundred forty-seven point fourteen (347.14), subsection thirteen (13) of the Code, if the county general fund levy authorized by section four hundred forty-four point nine (444.9), subsection two (2) of the Code is at the maximum amount permitted by that subsection and the board finds by resolution that it is not feasible to support ambulance service from the general fund. However:

1. If the board of supervisors has budgeted an amount from the general fund to support ambulance service which is less than the amount that would be raised in the county by a levy of twenty-seven cents per thousand dollars of assessed value, and the board finds by resolution that it is not feasible to provide additional support for ambulance service from the general fund, the board may levy under this section an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted from the general fund to support ambulance service.

2. If the county has established a county general hospital under chapter three hundred forty-seven (347) of the Code, and the board of trustees of that hospital has budgeted for support of ambulance service some part of the proceeds of a levy for operation and maintenance of the hospital, made under section three hundred forty-seven point twenty-seven (347.27), unnumbered paragraph four (4) of the Code, and the board of trustees finds by resolution that it is not feasible to provide additional support for ambulance service from the proceeds of that levy, the board of supervisors may levy under this paragraph an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted to support ambulance service from the county general hospital operation and maintenance levy. No tax

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levied under this subsection shall be applicable to a township in which ambulance service is being provided by the township trustees pursuant to section three hundred fifty-nine point forty-two (359.42) of the Code.

Sec. 2. This Act takes effect January first following its enactment."

SUE YENGER

S—5719

Amend the committee on Cities amendment, S—5636, to House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 1, lines 6 and 7, by striking the words "and certification of inspected rental housing,".

ARTHUR A. SMALL, JR.

S—5720

Amend House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 30, the following:

"8. A city of any size shall adopt a housing code relating to smoke detector systems in rental housing."

C.W. HUTCHINS

S—5721

Amend House File 2504 as passed by the House as follows:

1. Page 1, by inserting after line 12 the following:

"Sec. ____. Section three hundred seventy-two point thirteen (372.13), subsection eight (8), Code 1979, is amended to read as follows:

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the change is adopted, and the council shall not adopt such an ordinance changing the compensation of the mayor or council members during the months of November and December immediately following a regular city election. A change in the compensation of council members shall become effective

for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. [No] *Except as provided in section one (1) of this Act, an* elected city officer shall *not* receive any other compensation for any other city office or city employment during that officer's term of office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period such compensation as determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor."

2. By numbering sections to conform with the amendment.

JOANN ORR
RAY TAYLOR

S—5722

For the text of this House amendment, see page 1406 of the Senate Journal.

S—5723

For the text of this House amendment, see page 1406 of the Senate Journal.

S—5724

Amend House amendment S—5684 to Senate File 2090 as amended, passed and reprinted as follows:

1. Page 2, by inserting after line 9 the following:

"Sec. 4. Section four hundred twenty-five point seventeen (425.17), subsection eleven (11), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section three (3), is amended by striking the subsection and inserting in lieu thereof the following:

11. 'Base year' means the calendar year last ending before the claim is filed.

Sec. 5. Section four hundred twenty-five point twenty (425.20), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), sections six (6), is amended to read as follows:

425.20 FILING DATE. A claim for reimbursement for rent constituting property taxes paid shall not be paid or allowed, unless the claim is actually filed

with and in the possession of the department of revenue on or before October thirty-first of the year following the base year.

A claim for credit for property taxes due shall not be paid or allowed unless the claim is actually filed with the county treasurer [on or before September thirtieth of] *between January first and July first immediately preceding* the fiscal year during which the property taxes are due and contains an affidavit of the claimant's intent to occupy the homestead for six months or more during the fiscal year [for] *beginning in the calendar year in* which the claim is filed. The county treasurer shall submit the claim to the director of revenue on or before [October fifteenth] *August first* of each year.

In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension prior to November first, *or July first in the case of claim for credit for property taxes due*, the director may extend the time for filing a claim for reimbursement or credit for a period not to exceed two months."

2. Page 2, line 10, by striking the quotation marks.

3. Page 2, by inserting after line 43 the following:

"____. Page 3, line 9, by inserting after the word 'Act' the words ', except for sections four (4) and five (5) of this Act' ".

"____. Page 3, line 13, by inserting after the

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period the words 'Sections four (4) and five (5) of this Act are effective January 1, 1981.' "

4. By numbering and renumbering as is necessary.

C.W. HUTCHINS
CHARLES P. MILLER
JOHN SCOTT
LUCAS J. DE KOSTER

S—5725

Amend House File 717 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking line 35 through page 4, line 5, and inserting in lieu thereof the following:

"4. a. With the written consent of timber buyer,

the commission, its agents and other employees may inspect the premises and records of the timber buyer.

b. If the timber buyer refuses admittance, or if prior to such refusal the director demonstrates the necessity for a warrant, the director may make application under oath to the district court of the county in which the premises or records are located for the issuance of a search warrant.

c. In the application the director shall state that an inspection of the premises or record designated in the application may result in evidence tending to reveal the existence of violations of the provisions of this Act or rule issued by the commission pursuant to this Act. The application shall describe the premises or records to be inspected, give the date of the last inspection if known, give the date and time of the proposed inspection, declare the need for such inspection, recite that notice of desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry out the purpose of the statute or rule pursuant to which inspection is to be made.

d. The court may issue a search warrant, after examination of the applicant and any witnesses, if the court is satisfied that there is probable cause to believe the existence of the allegations contained in the application.

e. In making investigations, examinations or surveys pursuant to the authority of this subsection the director must execute the warrant in a reasonable manner within ten days after its date of issuance."

DALE L. TIEDEN

S—5726

Amend House amendment S—5501 to Senate File 435 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 6 through 48 and inserting in lieu thereof: "appointed to the commission. Cities with a population of more than fifty thousand shall not appoint more than one-third of the members to the commission of an area of historical significance that are members of a city zoning commission appointed pursuant to chapter four hundred fourteen (414) of the Code."

ROBERT M. CARR
A.R. KUDART

S—5727

Amend House amendment S—5230 to Senate File 432 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 34 the following:

"____. Page 6, by inserting before line 18 the following:

'Sec. ____. *NEW SECTION.* DISCIPLINE—CONDITIONS. Corporal punishment administered by a facility licensed under this Act or under chapter two hundred thirty-seven A (237A) of the Code shall only be administered by those employees who possess baccalaureate decrees and have completed a minimum of twenty semester hours in child psychology and twenty semester hours in early childhood education. Qualified employees shall not delegate the responsibility for administering corporal punishment.' "

SUE YENGER

S—5728

Amend House amendment S—5711 to Senate File 358 as passed by the Senate as follows:

1. Page 1, by inserting after line 26 the following:

"____. Page 1, line 23, by striking the words ', or opthalmic dispensers'.

____. Page 1, line 24, by inserting after the word 'state' the words 'or an opthalmic dispenser certified under this act'."

TOM SLATER

S—5729

Amend Senate amendment S—5720 to House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the following:

"8. A city of any size which has not adopted a housing code relating to the installation and maintenance of smoke detectors is subject to and shall be considered to have adopted the following provisions relating to smoke detectors:

a. For the purpose of the issuance of a policy of fire insurance, construction of apartment buildings

with more than four units, hotels, motels and rooming houses begun after December 31, 1980 shall include the installation of at least one smoke detector per apartment, per hotel or motel unit and per rooming house bedroom. All smoke detectors shall display either an underwriters laboratory or a factory mutual label. All apartment buildings with more than four units, hotels, motels and rooming houses, existing on January 1, 1981, shall comply with the installation requirements of this paragraph by January 1, 1984.

b. After December 31, 1980 an insurance company shall not issue an initial policy of fire insurance for an apartment building with more than four units, a hotel, motel, or rooming house, the construction of which is begun after December 31, 1980, unless the insurance company, upon inspection, determines that the requirements of paragraph a of this subsection are met. After December 31, 1983 an insurance company shall not issue a renewal policy of fire insurance for any apartment building with more than four units, or any hotel, motel, or rooming house, that was constructed before January 1, 1981, unless the insurance company, upon inspection, determines that the requirements of paragraph a of this subsection are met. If the installation requirements are met and an insurance company provides insurance coverage for an apartment building, the insured shall only be required to inspect all smoke detectors as in place and operable when tenants vacate a unit of occupancy. If an apartment tenant or rooming house roomer finds that a smoke detector is inoperable the insured or the insured's designee shall correct the situation within fourteen days after written notification by the tenant or roomer to the insured or the insured's designee."

RICHARD COMITO

S—5730

For the text of this House amendment, see pages 1439-1444 of the Senate Journal.

S—5731

For the text of this House amendment, see pages 1446-1447 of the Senate Journal.

S—5732

For the text of this House amendment, see page 1444 of the Senate Journal.

S—5733

For the text of this House amendment, see pages 1444-1446 of the Senate Journal.

S—5734

For the text of this House amendment, see page 1444 of the Senate Journal.

S—5735

Amend House File 2546 as amended, passed and reprinted by the House as follows:

1. Page 1, by adding after line 31 the following new unnumbered paragraph:

"If the livestock are represented as being 'assembled livestock', the name and address of the present owner shall be disclosed."

BERL E. PRIEBE
DALE L. TIEDEN

S—5736

Amend House File 2546 as amended, passed and reprinted by the House as follows:

1. Page 1, line 15, by striking the word "apparently".

ARTHUR A. SMALL, JR.

S—5737

Amend House File 2493 as passed by the House as follows:

1. Page 1, line 3, by inserting after the word "paragraph" the following: "and inserting in lieu thereof the following:

The one-cent handling fee shall not apply to empty beverage containers intended to be refillable by the manufacturer."

DAVID M. READINGER

S—5738

Amend House File 654 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 1 through 24 and inserting in lieu thereof the following:

"Section 1. Section three hundred twenty-one point two hundred eighty-one (321.281), Code 1979, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Whoever operates a motor vehicle upon the public highways of this state while having thirteen hundredths or more of one percent by weight of alcohol in the blood shall, upon conviction or a plea of guilty, be guilty of a serious misdemeanor for the first offense and shall be imprisoned in the county jail for not less than two days; be guilty of an aggravated misdemeanor for the second offense and shall be imprisoned in the county jail not less than seven days; and be guilty of a class 'D' felony for a third offense and each offense thereafter.

NEW UNNUMBERED PARAGRAPH. The crime of operating a motor vehicle under the influence of alcohol is an offense separate and distinct from the offense of operating a motor vehicle while having thirteen hundredths or more of one percent by weight of alcohol in the blood. A person shall not be convicted and sentenced for both offenses under this section.

Sec. 2. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph five (5), Code 1979, is amended to read as follows:

For the purposes of this section, evidence that there was, at the time, more than ten hundredths *but less than thirteen hundredths* of one percentum by weight of alcohol in [his] *the* blood shall be admitted as presumptive evidence that the defendant was under the influence of an alcoholic beverage. No previous conviction for, or plea of guilty to, an offense under this section occurring more than six years prior to the date of the violation being charged shall be used to determine that the violation being charged is a second, third or subsequent offense."

RICHARD R. RAMSEY

S—5739

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking lines 6 through 10 and inserting in lieu thereof the following:

"NEW SUBSECTION. To enter into special funding agreements which, notwithstanding subsection four (4) of this section, provide for cost sharing up to sixty percent of the cost of a project including five or more contiguous farm units which have at least five hundred or more acres of farmland and which constitute at least seventy-five percent of the agricultural land lying within a watershed or

subwatershed, where the owners jointly agree to a watershed conservation plan in conjunction with their respective farm unit soil conservation plans."

ARNE WALDSTEIN

S—5740

Amend House File 733 as passed by the House as follows:

1. Page 1, by striking line 1 through page 4, line 21, and inserting in lieu thereof the following:

"Section 1. This Act shall be codified as a division of chapter four hundred forty-one (441) of the Code.

Sec. 2. *NEW SECTION.* Agricultural realty surrounded by already developed residential or commercial property shall not be subject to recapture taxes when the use of the property changes."

2. Amend the title, line 1, by striking the words "on certain classes" and inserting in lieu thereof the words "on a certain class".

C. JOSEPH COLEMAN

S—5741

Amend House amendment S—5733 to Senate File 2148 as follows:

1. Page 1, by inserting after line 1 the following:

"1. Page 1, line 1, by inserting after the word 'subsections' the word and figure 'one (1),'.

2. Page 1, by inserting after line 3 the following:

'1. "Candidate" means any individual who has taken affirmative action to seek nomination or election to a public office but shall exclude any judge standing for retention in a judicial election. *An individual who is a candidate for election to a public office ceases to be a candidate on the day of the election at which that office is filled, except that an individual who is an unsuccessful candidate for nomination to a public office in a primary election ceases to be a candidate on the day of that primary election or, if the primary is inconclusive, on the day the nomination to that office is decided as provided by law.*' "

2. Page 1, by inserting after line 29 the following:

"____. Page 1, by inserting after line 27 the following:

'Sec. ____. Section fifty-six point four (56.4), Code 1979, is amended by adding the following new

unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. Reports filed with the commission shall not be used for reporting of gifts as required by chapter sixty-eight B (68B) of the Code, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, House File six hundred eighty-seven (687), section seven (7).' "
3. Page 1, by inserting after line 37 the following:
"____. Page 3, by inserting after line 17 the following:
'Sec. ____. Section fifty-six point six (56.6), subsection five (5), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:
5. An individual who ceases to be a candidate shall thereafter dissolve his or her candidate's committee as soon as all debts and obligations incurred before the date that individual ceased to be a candidate are paid and the remaining money in the account is distributed according to the organization statement. A candidate or an individual who has ceased to be a candidate shall not use any contribution received by his or her candidate's committee to purchase any service, travel, entertainment,

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hospitality or other thing, directly or indirectly, for the personal use of that individual or of a member of his or her immediate family. A payment from funds contributed to a candidate's committee is for personal use if the payment has a substantial personal benefit to the candidate or former candidate or to a member of his or her immediate family, and does not have more than a negligible campaign related benefit.' "

EDGAR H. HOLDEN

S—5742

Amend House File 2561 as amended, passed and reprinted by the House as follows:
1. Page 4, by striking line 9 and inserting in lieu thereof the words "by his or her tenant or tenants. If a landowner has multiple farm tenants, the land on which farming operations are being conducted by each tenant shall constitute a separate farm unit. This definition does".
2. Page 5, lines 6 and 7, by striking the words

", conditioned on the furnishing by" and inserting in lieu thereof the words "or, with the approval of the commissioners of".

3. Page 5, line 8, by inserting after the word "located" the words ", a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the soil conservation district".

4. Page 5, line 11, by inserting after the word "plan" the words ", or a portion of the plan".

ROLF V. CRAFT

S—5743

Amend House File 761 as amended, passed and reprinted by the House as follows:

1. Page 1, line 7, by striking the words "to read as follows" and inserting in lieu thereof the words "by adding the following new unnumbered paragraph".

2. Page 1, by striking lines 8 through 20 and inserting in lieu thereof the following:

"NEW UNNUMBERED PARAGRAPH. The director of revenue shall adjust for each calendar year the dollar amounts specified in this section by multiplying the original dollar amounts by the product of the annual inflation factor for the 1981 calendar year and the annual inflation factor for each subsequent calendar year. The adjusted dollar amounts shall apply to the estates of decedents dying during the calendar year for which the latest adjustments have been made. For purposes of this section, the "annual inflation factor" for a calendar year is the sum of one hundred percent and the annual percent change during the previous calendar year of the implicit price deflator for the gross national product computed for the entire previous calendar year by the bureau of economic analysis of the United States department of commerce."

3. Title page, line 3, by inserting after the word "increasing" the words "by indexing".

ROLF V. CRAFT

S—5744

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 2, line 8, by striking the words *"county recorder of the county"* and inserting in lieu thereof the words *"soil conservation district"*.

DALE L. TIEDEN
BERL E. PRIEBE

S—5745

For the text of this House amendment, see pages 1485-1494 of the Senate Journal.

S—5746

Amend House amendment S—5733 to Senate File 2148 as passed by the Senate as follows:

1. Page 1, line 49, by striking the words *"chapter if the"* and inserting in lieu thereof the word *"chapter."*

2. By striking page 1, line 50, through page 2, line 6.

BOB RUSH

S—5747

Amend House amendment S—5230 to Senate File 432 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 34 the following:

"Sec. ____. *NEW SECTION.* A facility licensed under this Act or a facility subject to the licensing requirements of chapter two hundred thirty-seven A (237A) of the Code, if providing child day care, shall be exempt for a period of two hours or less in any day from the limitation of simultaneously providing child day care for a maximum of six children."

C.W. HUTCHINS

S—5748

For the text of this House amendment, see pages 1483-1485 of the Senate Journal.

S—5749

Amend Senate amendment S—5720 to House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the following:

"8. A city of any size which does not have a housing code provision relating to the installation and maintenance of smoke detectors is subject to and shall be considered to have adopted the following provision relating to smoke detectors:

a. Before a financial institution makes or renews a loan secured by a mortgage on real estate the

proceeds of which were to be used for the purpose of acquiring or improving real property in the form of an apartment building with more than four units, a hotel or motel, the mortgagor shall certify to the financial institution that at least one smoke detector per apartment, hotel or motel unit is or will be installed and operable. All smoke detectors shall display either an underwriters laboratory or a factory mutual label.

b. The owner of such real property or the owner's designee shall inspect all smoke detectors as in place and operable when a tenant vacates a unit of occupancy. If a tenant finds that a smoke detector is inoperable the owner or the owner's designee shall correct the situation within fourteen days after written notification by the tenant to the owner or the owner's designee."

RICHARD COMITO

S—5750

Amend House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 30 the following:

"8. No rent shall be recoverable by the owner or lessee of any dwelling which does not comply with the housing code adopted by the city until such time as the dwelling does comply with the housing code adopted by the city.".

TOM SLATER

S—5751

Amend House amendment S—5733 to Senate File 2148 as follows:

1. Page 1, by striking line 13 and inserting in lieu thereof the following:

"*NEW SUBSECTION.* 'Ballot issue' means either of the following:

a. A question,".

2. Page 1, by inserting after line 19 the following:

"b. A proposed amendment to the Constitution of the state of Iowa, introduced in either house of the general assembly for consideration pursuant to Article X of that Constitution."

BOB RUSH

S—5752

Amend House amendment S—5733 to Senate File 2148 as follows:

1. Page 1, by inserting after line 29 the following:

"____. Page 2, line 30, by striking the words and figures 'paragraph b, Code 1979, is' and inserting in lieu thereof the words and figures 'paragraphs b and d, Code 1979, are'.

2. Page 1, by inserting after line 37 the following:

____. Page 3, by inserting after line 17 the following:

'd. The name and mailing address of each person who has made one or more in kind contributions to the committee when the aggregate market value of the in kind contribution in a calendar year exceeds the amount specified in subsection 3, paragraph "b," of this section. In kind contributions shall be designated on a separate schedule from schedules showing contributions of money, *and the estimated market value of each in kind contribution shall be listed.*' "

BOB RUSH

S—5753

Amend House File 2536 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 18, the following new lettered paragraph:

"i. Authority by ordinance to provide that no rent shall be recoverable by the owner or lessee of any dwelling which does not comply with the housing code adopted by the city until such time as the dwelling does comply with the housing code adopted by the city.".

GARY L. BAUGHER
RICHARD R. RAMSEY

S—5754

Amend House File 2554 as follows:

1. Page 1, by striking lines 5 and 6 and inserting in lieu thereof the words "income tax refund any debt, which is assigned to the department of social services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible

as a public assistance recipient, which has accrued through written contract,".

2. Page 1, by striking line 19 and inserting in lieu thereof the words ", which is assigned to the department of social services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued".

3. Page 2, line 14, by striking the word "rights" and inserting in lieu thereof the words "its rights or the rights of an individual not eligible as a public assistance recipient".

4. Page 3, by striking lines 17 through 22 and inserting in lieu thereof the following:

"h. Notwithstanding section four hundred twenty-two point sixteen (422.16), subsection nine (9) and section four hundred twenty-two point twenty-five (422.25) of the Code, the payment of interest is not required on the amount of setoff under this section. However; any amount erroneously setoff shall accrue interest at the rate per month or fraction thereof specified in section four hundred twenty-two point sixteen (422.16), subsection nine (9) of the Code until refunded. This interest shall be refunded by the department of social services. There is appropriated out of funds which have been appropriated to the department of social services sufficient funds to carry out the provisions of this paragraph."

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5755

Amend amendment S—5635 to House File 736 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 3 through 5 and inserting in lieu thereof the following:

"1. Page 2, by striking lines 2 and 3 and inserting in lieu thereof the following: 'available source under the state set-aside assignments, or subject to sub-sections two (2) through five (5) of this section and provided the franchisee has done all' ".

2. Page 1, by striking line 20.

3. Page 1, by striking lines 23 through 29.

4. Page 1, by striking line 30 and inserting in lieu thereof the following:

"5. Page 3, by striking lines 8 through 12 and inserting in lieu thereof the following:

'Purchases of motor fuel in accordance with this

section are not good cause for termination of a franchise.' "

5. Page 1, line 34, by inserting after the word "into" the words "or renewed".

EDGAR H. HOLDEN

S—5756

For the text of this House amendment, see pages 1513-1514 of the Senate Journal.

S—5757

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 3, line 22, by inserting after the word "practices" the words ", provided that the commissioners of a soil conservation district shall not use state cost sharing funds to pay such incentives in any fiscal year when requests which seek cost sharing for eligible permanent soil and water conservation practices, but which do not seek incentive payments under this subsection, are sufficient to use all of the state cost sharing funds made available to the district for that year."

DALE L. TIEDEN

S—5758

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 15, by inserting after line 20 the following:

"Sec. ____. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHEN COMMISSIONER IS COMPLAINANT. A soil conservation district commissioner who is an owner or occupant of land being damaged by sediment has the same right as any other person in like circumstances to file a complaint under section four hundred sixty-seven A point forty-seven (467A.47) of the Code, however a commissioner who is the complainant shall not vote on the question whether, on the basis of the inspection made pursuant to the complaint, the commissioners shall issue an administrative order under section four hundred sixty-seven A point forty-seven (467A.47) of the Code."

DALE L. TIEDEN

S—5759

Amend Senate File 2148 as passed by the Senate as follows:

1. Page 1, by inserting after line 14 the following section:

"Sec. ____. Section fifty-six point two (56.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'Special interest committee' means a political committee authorized under the provisions of section fifty-six point twenty-nine (56.29), subsection three (3)."

2. Page 3, line 16, by striking the figure *"$25"* and inserting in lieu thereof the figure *"$100"*.

CLOYD E. ROBINSON

S—5760

Amend House amendment S—5733 to Senate File 2148 as passed by the Senate as follows:

1. Page 1, by inserting after line 26 the following:

"NEW SUBSECTION. 'Special interest committee' means a political committee authorized under the provisions of section fifty-six point twenty-nine (56.29), subsection three (3)."

2. Page 1, by striking lines 34 through 37 and inserting in lieu thereof the following:

"6. Page 3, line 16, by striking the figure *'$25'* and inserting in lieu thereof the figure *'$100'*."

CLOYD E. ROBINSON

S—5761

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 2, line 30, by inserting after the word "subsection." the following new sentence: *"The agreement to refund shall not create a lien on the land, but shall be a charge personally against the owner of the land at the time of removal, alteration or modification which gives rise to the need for a refund."*

LUCAS J. DE KOSTER
RICHARD R. RAMSEY

S—5762

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 3, line 23, by striking the words "shall be" and inserting in lieu thereof the words "may, notwithstanding subsection four (4) of this section, provide for cost sharing up to sixty percent of the cost of establishing any permanent soil and water conservation practice where the establishment of that practice involves a construction project which begins after June first but before August fifteenth of any calendar year. Incentive payments under this subsection may also include, or may be limited to".

C.W. HUTCHINS
ARTHUR L. GRATIAS

S—5763

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 10, line 35, by striking the word "Each" and inserting in lieu thereof the words "Upon request of the owner or operator of a farm unit located in this state, that".

2. Page 11, line 5, by inserting after the word "state" the words "for which one has been requested".

3. Page 11, line 9, by inserting after the word "folder" the words ", as the basis for a farm unit soil conservation plan".

4. Page 11, by striking line 14 and inserting in lieu thereof the words "a copy of the".

5. Page 11, by striking line 19 and inserting in lieu thereof the following:

"b. Where the owner or operator of a farm unit has requested and received a conservation folder under paragraph a of this subsection, the commissioners of the soil conservation district in which that farm unit is located".

6. Page 11, line 21, by striking the words "each farm unit within the district" and inserting in lieu thereof the words "that farm unit".

7. Page 11, line 26, by striking the words "make every reasonable effort to".

8. Page 11, line 28, by striking the words "and to" and inserting in lieu thereof the words "and shall".

9. By striking page 11, line 33 through page 12, line 6, and inserting in lieu thereof the words "participation in the preparation of the plan."

DALE L. TIEDEN

S—5764

Amend House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking line 8 and inserting in lieu thereof the following: *"and file, in the office of the soil conservation district of the county".*

DALE L. TIEDEN
BERL E. PRIEBE

S—5765

Amend the Tieden amendment, S—5764, to House File 2561 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 5 the following:

"2. Page 2, line 30, by inserting after the word 'subsection.' the words *'Each soil conservation district which has entered into agreements under this subsection shall file in the office of the county recorder a statement that there are in effect in that county certain agreements covenanted under this subsection which place upon owners of agricultural land the obligation to maintain permanent soil conservation practices established with public cost-sharing money, and that failure to do so may result in an obligation to refund a portion of the public cost-sharing money used to establish the practices.'* "

RICHARD R. RAMSEY
DALE L. TIEDEN

S—5766

For the text of this House amendment, see pages 1523-1524 of the Senate Journal.

S—5767

Amend Senate File 2192 as follows:

1. Page 1, by striking line 1 through page 17, line 28 and inserting in lieu thereof the following:

"Section 1. *NEW SECTION.* STATEMENT OF LEGISLATIVE INTENT. It is the intent of the general assembly of the state of Iowa to encourage rational land use development that will result in the preservation of agricultural land and its development for production of food and other agricultural products and in the orderly and well-planned growth of urban areas. It is the purpose of this Act to make available through dissemination of information and educational programs a means by which agricultural land may be enhanced

as a viable segment of the state's economy and as an economic and environmental resource of major importance. It is further the intent of the general assembly that the importance of the environment of this state for the public health, safety, and general welfare be emphasized and encouraged for the benefit of present and future generations.

Sec. 2. *NEW SECTION.* STATEMENT OF LEGISLATIVE POLICY. The control of land use should rest primarily with the private owner of land resources. In order to assure this control, the general assembly intends to place emphasis on local citizen participation in the development of land use goals and objectives, and local educational programs to disseminate its benefits.

Sec. 3. *NEW SECTION.* DEFINITIONS. As used in this Act unless the context otherwise requires:

1. 'Commission' means the state land use commission.

2. 'Director' means the director of the state land use commission.

3. 'Land use' means the spatial distribution of activity patterns, including residential, agricultural, industrial, commercial and recreational uses.

4. 'Critical area' means a geographic area where substantial evidence indicates that uncontrolled or incompatible development would result in damage to the environment and would conflict with land use policy. A critical area shall be an area of significant historical, natural, environmental or recreational resources.

Sec. 4. *NEW SECTION.* COMMISSION CREATED. There is created a state land use commission consisting of the chairperson of the state soil conservation committee and six other voting members appointed by the governor and subject to confirmation by the senate. Of the appointive members, one shall be appointed

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from each congressional district and no more than three of the six members shall be members of the same political party.

The commission shall organize annually by the election of a chairperson and vice chairperson from its membership. Meetings may be called by the chairperson at any time and shall be called as soon as possible upon the request of a majority of the members. The presence of four members 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 commission, not otherwise in the full-time employment of a public agency, is entitled to receive the sum of forty dollars for each day while engaged in the discharge of official duties. Each member shall also receive reimbursement for travel and other necessary expenses incurred in the performance of official duties.

Of the members initially appointed, two shall be appointed to terms of one year, two shall be appointed to terms of two years, and two shall be appointed to terms of three years. Thereafter all members shall be appointed to terms of three years.

Sec. 5. *NEW SECTION.* DUTIES OF THE COMMISSION. The commission shall:

1. Develop a comprehensive land use policy and policy guidelines based on the testimony received by the temporary state land preservation policy commission.

2. Issue siting permits for the acquisition or change of use of land by state agencies and political subdivisions.

3. Institute educational programs on land use through the extension services of Iowa state university of science and technology and other public and private educational institutions or organizations.

4. Provide for the preparation and revision of an inventory of the state's land and natural resources. The inventory shall designate the critical areas in the state.

5. Make a study of state and federal laws as they apply to land use decision-making and development in this state.

6. Authorize the application for, receipt, and expenditure of any private or public funds for the purpose of carrying out the provisions of this Act.

7. Make a concise annual report to the governor and the general assembly conforming to the provisions of chapter seventeen (17) of the Code.

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8. Approve a budget for the commission relating to its powers and duties under this Act.

9. Approve all contracts and agreements between the commission and other public or private persons or agencies relating to its powers and duties under this Act.

10. Appoint a director who shall have extensive experience in land use planning as well as administrative ability.

11. Obtain an adequate public employees fidelity bond to cover those employees of the commission accountable for property or funds of this state under this Act.

12. Adopt, amend, or repeal internal rules for the effective administration of this Act.

13. Provide citizens with adequate 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 use policy determination.

Sec. 6. *NEW SECTION.* PROCEEDINGS AND APPEALS. Appeals of any decisions or actions taken and the rules promulgated by the commission shall be undertaken pursuant to chapter seventeen A (17A) of the Code.

Sec. 7. *NEW SECTION.* POWERS AND DUTIES OF THE DIRECTOR. In addition to other powers and duties provided by law, the director shall:

1. Recommend to the commission the adoption of internal rules that are necessary for the effective administration of the commission under this Act.

2. Establish or reorganize, with approval of the commission, the administrative structure of the commission's staff.

3. Prepare, pursuant to chapter eight (8) of the Code, a budget for the commission relating to its duties under this Act.

4. Perform other duties assigned by the commission.

5. Appoint, with the approval of the commission, the technical, professional, secretarial, and clerical staff deemed necessary to accomplish the purposes of this act, subject to the provisions of chapter nineteen A (19A) of the Code.

The director may appoint a member of the staff to be acting director in the director's absence. Such acting director shall have the powers delegated by the director.

The director and other employees of the commission shall receive, in addition to a salary, their

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necessary traveling and related expenses when engaged in the performance of their official duties.

Sec. 8. *NEW SECTION.* SITING PERMITS. A state agency or political subdivision of the state shall not acquire land or change the use of land owned by

it without obtaining a siting permit from the commission. The commission may reject, approve or approve subject to conditions the application for the permit based upon the compliance of the proposed activity with the state land use policy and policy guidelines."

2. By renumbering the sections to conform with this amendment.

3. Amend the title by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act to provide for a state land use policy, creating a state land use commission, and to provide for the powers and duties of the state land use commission,"

RAY TAYLOR
BERL E. PRIEBE

S—5768

Amend Senate File 2370 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. This bill provides a three-year term for a Calhoun county supervisor who is elected in November, 1980, to succeed a county supervisor who was elected in November, 1976, but whose four-year term of office did not commence until January, 1978. The single three-year term for the person elected to that supervisor office in November, 1980 will correct the present situation where the transition from a three-year term to a four-year term under Acts of the Sixty-third General Assembly, 1969 Session, chapter 218 was not properly made."

2. Amend the explanation by striking lines 19 through 27 and inserting in lieu thereof the following:

"Notwithstanding sections thirty-nine point eight (39.8), thirty-nine point eighteen (39.18) and three hundred thirty-one point one (331.1) of the Code, the term of office of a county supervisor elected to that office in November, 1976, for a four-year term which commenced in January, 1978, shall expire on the first day of January, 1982, which is not a Sunday or legal holiday. A successor to that office of county supervisor shall be elected at the general election in November, 1980, for a three-year term which shall commence in January, 1982, and expire on the first day of January, 1985, which is not a Sunday or legal holiday. Thereafter, the term of office of a successor to that office of county supervisor shall be four years, except as otherwise provided by section three hundred thirty-

one point twenty-five (331.25), subsection two (2) or three hundred thirty-one point twenty-six (331.26), subsection four (4) of the Code."

GARY L. BAUGHER
JOHN W. JENSEN
TOM SLATER
ROBERT M. CARR
BOB RUSH
GEORGE R. KINLEY
WILLIAM D. PALMER
RAY TAYLOR
RICHARD COMITO
ROLF V. CRAFT
RICHARD R. RAMSEY
JOHN SCOTT
C. JOSEPH COLEMAN
ARTHUR A. SMALL, JR.
JOE BROWN
BERL E. PRIEBE
ARTHUR L. GRATIAS
CLOYD E. ROBINSON
BASS VAN GILST
JAMES E. BRILES
CLARENCE CARNEY

S—5769

Amend House amendment S—5756 to Senate File 2197 as passed by the Senate as follows:

1. Page 1, by striking line 35 and inserting in lieu thereof the following: *"jurisdiction.* [However, that amount remitted to the]".

2. Page 1, line 36 by inserting before the word "appropriate" the word *"The"*.

3. Page 1, line 36 by striking the words "out of" and inserting in lieu thereof the words "[out of] *to receive"*.

4. Page 1, line 37 by striking the word "shall" and inserting in lieu thereof the word "[shall]".

5. Page 1, line 38 by striking the words "be deposited" and inserting in lieu thereof the words "[be deposited] *is the appropriate county which shall deposited the fee"*.

ELIZABETH R. MILLER

S—5770

Amend House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting before line 1, the following section:

"Section 1. Section two hundred seventy-three point two (273.2), Code 1979, is amended by adding the following new subsection following subsection five (5):

NEW SUBSECTION. Assistance in establishing programs for gifted and talented children."

2. Page 1, by inserting before line 1 the following sections:

"Sec. ____. Section two hundred seventy-three point three (273.3), subsection thirteen (13), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty (60), section one (1), is amended to read as follows:

13. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281 *within the limits of funds provided under section two hundred eighty-one point nine (281.9) and chapter four hundred forty-two (442) of the Code.* The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county located wholly or partially in the merged area. The notice shall specify the date which shall be not later than November 10 of each year, time, and location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of public instruction, on forms provided by the department, no later than December 1 preceding the next fiscal year for approval. [The state board shall forward copies of the budgets of the area education agencies to the state comptroller. The state board and the state comptroller shall establish a maximum statewide amount for approved budgets for the area education agencies. If the state board and the state comptroller cannot agree upon a maximum statewide amount, that amount shall be established by the school budget review committee.] The state board shall review the proposed budget of each area education agency [with consideration given to the maximum statewide amount established pursuant to this subsection,] and shall prior to January 1 either grant approval or return the budget without approval with comments of the state board included. Any unapproved budget shall be resubmitted to the state board for final approval.

Sec. ____. Section two hundred seventy-three point

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five (273.5), subsection six (6), Code 1979, is amended to read as follows:

6. Submit to the department of public instruction special education instructional and support program plans and applications [including those for new or expanded programs and services], subject to criteria listed in chapter 281 and this chapter, for approval by November 1 of each year for the school year commencing the following July 1. [For the school years subsequent to the school year beginning July 1, 1975, the director shall include in the program plans submitted to the department for support services the costs necessary to fund the newly identified nonpublic school pupils served by the area with support services not previously counted in the program plans for support services.]"

3. Page 1, by inserting before line 1 the following sections:

"Sec. ____. Section two hundred eighty-five point one (285.1), subsections three (3) and four (4), Code 1979, are amended to read as follows:

3. In [any] *a* district where transportation by school bus is impracticable or where school bus service is not available, the board may require [the] parents or [guardian] *guardians* to [transport] *furnish transportation for* their children to the [school] *schools* designated for attendance. The parent or guardian shall be reimbursed for such transportation service for [elementary] *public and nonpublic school* pupils by the board of *the* resident district [for the distance one way from the pupil's residence to the school designated for attendance at the rate of fifty-six cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be reimbursed eighty dollars per pupil per year for such service, provided however no family shall receive more than one hundred sixty dollars per year for transporting the members of the family who attend high school. The provisions of this section shall apply to eligible nonpublic school pupils as well as to eligible public school pupils. However, reimbursement for nonpublic school pupils shall not exceed eighty dollars per pupil per year. The provisions of this subsection shall be effective for transportation of children commencing with the second semester of the school year beginning July 1, 1975.] *in an amount equal to eighty dollars plus*

the following percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined

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by the department of public instruction:

a. For the school year commencing July 1, 1980, twenty-five percent.

b. For the school year commencing July 1, 1981, fifty percent.

c. For the school year commencing July 1, 1982 and each school year thereafter, seventy-five percent.

However, a parent or guardian shall not receive reimbursement for furnishing transportation for more than two family members who attend high school.

4. In all districts where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the [parent] *parents* or [guardian] *guardians of public and nonpublic school pupils* to [transport] *furnish transportation for* their children up to two miles to connect with [a vehicle] *vehicles* of transportation. The [parent] *parents* or [guardian] *guardians* shall be reimbursed for such transportation by the [board] *boards* of *the* resident [district] *districts* at the rate of twenty-eight cents per mile per day, one way, per family for the distance from *the* pupil's residence to the bus route.

Sec. ____. Section two hundred eighty-five point one (285.1), subsection sixteen (16), Code 1979, is amended to read as follows:

16. *a* If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence, the pupil may be transported by the district of residence to a public school or other location within the district of the pupil's residence. A public school district in which a nonpublic school is located may establish school bus collection locations within its district from which nonresident nonpublic school pupils may be transported to and from a nonpublic school located in the district. If a pupil receives such transportation, the district of the pupil's residence shall be relieved of any requirement to provide transportation.

b. As an alternative to [the provisions enumerated in] *paragraph a of* this subsection, subject to [the provisions of] section 285.9, subsection 3, where practicable, and at the option of the public school district in which a nonpublic school pupil resides,

the school district may transport a nonpublic school pupil to a nonpublic school located outside the boundary lines of the public school district if the nonpublic school is located in a school district contiguous to the school district which is transporting the nonpublic school pupils, or may contract with

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the contiguous public school district in which a nonpublic school is located for the contiguous school district to transport the nonpublic school pupils to the nonpublic school of attendance within the boundary lines of the contiguous school district.

c. If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence and the district of residence meets the requirements of subsections fourteen (14) through sixteen (16) of this section by using subsection seventeen (17), paragraph c, of this section and the district in which the nonpublic school is located is contiguous to the district of the pupil's residence and is willing to provide transportation under subsection seventeen (17), paragraph a or b, of this section, the district in which the nonpublic school is located may provide transportation services, subject to section two hundred eighty-five point nine (285.9), subsection three (3), of the Code and may make the claim for reimbursement under section two hundred eighty-five point two (285.2) of the Code. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shall be relieved of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located.

Sec. ____. Section two hundred eighty-five point one (285.1), subsection seventeen (17), paragraph c, Code 1979, is amended to read as follows:

c. Utilizing the transportation reimbursement provision of subsection 3. [However, no reimbursement shall exceed eighty dollars per nonpublic school pupil per year.]

Sec. ____. Section two hundred eighty-five point sixteen (285.16), Code 1979, is amended to read as follows:

285.16 'NONPUBLIC SCHOOL' DEFINED. As used in this chapter, the term 'nonpublic school' means those nonpublic schools approved by the department of public instruction as provided in section 257.25 *and nonpublic institutions which comply with state board of public instruction standards for providing special education programs.*"

4. Page 1, by inserting before line 1 the following section:

"Sec. ____. Section four hundred forty-two point

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three (442.3), Code 1979, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, 1972, is seventy percent of the state cost per pupil. For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. *However, for the school year beginning July 1, 1980, the state foundation base shall be the same as the state foundation base for the school year beginning July 1, 1979.* The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid."

5. Page 1, by inserting before line 1 the following section:

"Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended to read as follows:

For school years subsequent to the school year beginning July 1, 1978, a state percent of growth for the budget year shall be computed by the state comptroller prior to September 15 in the base year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following four percentages of growth *except as otherwise provided in paragraph c of this subsection:*"

6. Page 1, by inserting before line 1 the following sections:

"Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph b, Code

1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by striking the paragraph and inserting in lieu thereof the following:

b. The difference in the gross national product implicit price deflator published by the bureau of economic analysis, United States department of commerce, computed or estimated as a percentage of change for the following:

(1) From the value for the quarter ending December thirty-first eighteen months prior to the beginning of the base year to the value for the quarter ending

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December thirty-first six months prior to the beginning of the base year.

(2) From the value for the quarter ending December thirty-first six months prior to the beginning of the base year to the value for the quarter ending December thirty-first six months prior to the beginning of the budget year.

The computation of the percentage change in the gross national product implicit price deflator shall be based, to the extent possible, on the latest available values for these deflators published by the bureau of economic analysis.

Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new paragraph as paragraph c:

NEW PARAGRAPH. c. If the average of the percentages computed or estimated under paragraph b of this subsection exceeds the average of the percentages computed or estimated under paragraph a of this subsection, the state percent of growth shall be the average of the two percentages of growth computed or estimated under paragraph a of this subsection."

7. Page 1, line 5, by inserting after the word "amended" the words "but not as renumbered".

8. Page 1, by inserting after line 26 the following sections:

"Sec. ____. Section four hundred forty-two point seven (442.7), subsection five (5), paragraphs d and e, Code 1979, as the section is amended but not as

renumbered by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), are amended to read as follows:

d. For [each year following] the school year beginning July 1, [1975] *1976 and ending with the school year beginning July 1, 1980,* by adding to the basic allowable growth an amount to compensate for the additional costs of special education support services provided through the area education agency. For the school years beginning July 1, 1978 and July 1, 1979 only, the total amount for each area shall be equal to the total amount approved for special education support services for the base year times one hundred percent plus the state percent of growth. In addition to the amount provided in this paragraph to each area for the school years beginning July 1, 1978 and July

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1, 1979 to compensate for the additional costs of special education support services, each area may be granted by the state board an additional amount to serve children newly-identified as requiring the services pursuant to plans submitted by the special education director of the area education agency as required by section 273.5. The total of additional amounts granted throughout the state by the state board for the school year beginning July 1, 1978 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1977 times four and eighty-seven hundredths percent, and for the school year beginning July 1, 1979 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1978 times three percent. For the school year beginning July 1, 1980 [and each school year thereafter] the total amount for the state for special education support services shall not exceed the total amount approved for special education support services for the base year times one hundred percent plus the state percent of growth, and the total amount for each area shall be determined by the state board of public instruction pursuant to plans submitted by the special education director of the area education agency as required by section 273.5, which shall be modified as necessary and approved by the state board of public instruction according to the criteria and limitations of section 273.5 and chapter 281 and within the total amount

for the state provided in this paragraph. The amount of additional allowable growth per pupil for the budget year for each district in an area shall be determined by dividing the total amount for the area so determined by the weighted enrollment of the area for the budget year.

e. For *the school years prior to the school year beginning July 1, 1981, for* the additional allowable growth computed under paragraphs 'c' and 'd' of this subsection, the state board of public instruction, in co-operation with the appropriate personnel of the area education agency, shall determine the amounts for each area education agency, as required and the state comptroller shall calculate the amounts of additional allowable growth for each district necessary to fund the total special education support services costs as increased for the budget year under paragraph 'd' of this subsection, and shall calculate the amounts due from each district to its area education agency by multiplying the additional allowable growth per

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pupil necessary to fund the total special education support services costs as increased for the budget year under paragraph 'd' of this subsection by the weighted enrollment in the district for the budget year. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for this purpose and the balance of state aid will paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year."

9. Page 1, by inserting after line 26 the following section:

"Sec. ____. Section four hundred forty-two point seven (442.7), subsection five (5), Code 1979, as the section is amended but not as renumbered by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through

ten (10), is amended by adding the following new paragraph:

NEW PARAGRAPH. By the state comptroller under section four hundred forty-two point thirty-five (442.35) of the Code."

10. Page 1, by inserting after line 26 the following section:

"Sec. ____. Section four hundred forty-two point seven (442.7), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new subsection:

NEW SUBSECTION. ALLOWABLE GROWTH. For the school year beginning July 1, 1981, the state comptroller shall add to the allowable growth of affected school districts, an amount equal to the difference between the amount per pupil in weighted enrollment for the approved budget for the school year beginning July 1, 1980 for special education support services in that area education agency and the amount per pupil in weighted enrollment for the amount certified to generate funds for the school year beginning July 1, 1980 for special education support services in

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the area education agency and shall adjust the state cost per pupil accordingly."

11. Page 2, by inserting after line 17 the following:

"With regard to values of gross national product implicit price deflators, the recomputation of the state percent of growth for the previous year shall be made only with respect to the value of the deflator for the quarter which occurred subsequent to the calculation of the state percent of growth for the previous year. If subsection one (1), paragraph c, of this section is used in the calculation of the state percent of growth for the previous year, the calculation made in subsection one (1), paragraph b, of this subsection shall not be used in the recomputation of the state percent of growth for the previous year."

12. Page 2, by inserting after line 29 the following section:

"Sec. ____. Section four hundred forty-two point eight (442.8), unnumbered paragraph two (2), Code 1979, as the section is amended by acts of the Sixty-

eighth General Assembly, 1979 Session, chapter one hundred six (106), section eleven (11), is amended to read as follows:

However, for the budget years beginning July 1, 1980, [July 1, 1981,] July 1, 1982, and July 1, 1983, the state cost per pupil shall equal the base year's state cost per pupil plus the allowable growth for the budget year plus an adjustment to the state cost per pupil. For the budget years beginning July 1, 1980, [July 1, 1981,] July 1, 1982, and July 1, 1983, the adjustment to the state cost per pupil is twenty dollars per pupil, [six dollars per pupil,] seven dollars per pupil, and eight dollars per pupil, respectively."

13. Page 2, by inserting after line 29 the following section:

"Sec. ____. Section four hundred forty-two point eight (442.8), unnumbered paragraph three (3), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section eleven (11), is amended to read as follows:

[For each] *Commencing with the* school year [subsequent to the school year] beginning July 1, [1975] *1976, and ending with the school year beginning July 1, 1979,* the allowable growth added to the state cost per pupil as otherwise computed under section 442.7 shall be the basic allowable growth increased by an amount equal to the average of the amounts of allowable

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growth added for each school district in the state for additional special education support services needed for that year to serve newly identified children who require the services, under sections 273.9, subsection 3 and 442.7, subsection 5, paragraph 'd'. The state comptroller shall compute the applicable amount of allowable growth to be added to the state cost per pupil for each school year."

14. Page 3, by inserting after line 2 the following section:

"Sec. ____. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new section as section four hundred forty-two point twenty-five (442.25) of the Code:

NEW SECTION. 442.25 SPECIAL EDUCATION SUPPORT SERVICES PAYMENTS. The state comptroller shall deduct the amounts calculated for special education support services for each school district from the state aid

due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for this purpose and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year."

15. Page 3, by inserting after line 2 the following sections:

"Sec. ____. Section four hundred forty-two point thirty-one (442.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty (20), and as amended by House File two thousand two hundred seventy-five (2275), section one (1), Sixty-eighth General Assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.31 GIFTED AND TALENTED CHILDREN. For the school year beginning July 1, 1981 and succeeding school years, boards of school districts, individually or jointly with the boards of other school districts, may provide for gifted and talented children programs and annually submit program plans and budget costs, including requests for additional allowable growth for funding the programs, to the department of public instruction and to the applicable gifted and talented

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children advisory council, if an advisory council has been established, as provided in this chapter. A district shall not identify more than three percent of its budget enrollment for the budget year as gifted and talented.

The department of public instruction shall promulgate rules under chapter seventeen A (17A) of the Code relating to the administration of sections four hundred forty-two point thirty-one (442.31) through four hundred forty-two point thirty-five (442.35) of the Code and the new sections added to chapter four hundred forty-two (442) of the Code by this Act. The rules shall prescribe the format of program plans submitted under section four hundred

forty-two point thirty-two (442.32) of the Code and shall require that programs fulfill specified objectives.

Sec. ____. Section four hundred forty-two point thirty-two (442.32), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

442.32 PROGRAM PLANS. The program plans submitted by school districts shall include all of the following:

1. Program goals, objectives, and activities to meet the needs of gifted and talented children.
2. Student identification criteria and procedures.
3. Staff in-service education design.
4. Staff utilization plans.
5. Evaluation criteria and procedures and performance measures.
6. Program budget.
7. Qualifications required of personnel administering the program.
8. Other factors the department requires.

Sec. ____. Section four hundred forty-two point thirty-three (442.33), Code 1979, is amended to read as follows:

442.33 DEFINED. 'Gifted and talented children' are those identified as possessing outstanding abilities who are capable of high performance. Gifted and talented children are children who require [differentiated educational programs or services] *appropriate instruction and educational services commensurate with their abilities and needs* beyond those provided by the regular school program.

Gifted and talented children include those *children* with demonstrated achievement or potential ability, *or both,* in any [two or more] of the following areas *or in combination:*

1. General intellectual ability.

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[1] *2.* Creative thinking.
[2] *3.* Leadership ability.
[3] *4.* Visual and performing arts ability.
[4] *5.* Specific ability aptitude.
[5. Intellectual ability.]

Sec. ____. Section four hundred forty-two point thirty-four (442.34), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-one (21), and as amended by House File two thousand two hundred seventy-five (2275), section two (2), Sixty-eighth

General Assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.34 SUBMISSION OF PROGRAM PLANS. The board of directors of a school district shall submit applications for approval for gifted and talented children programs to the department not later than November first preceding the fiscal year during which the program will be offered. The board shall also submit a copy of the program plans to the gifted and talented children advisory council, if an advisory council has been established. The department shall review the program plans and shall prior to January fifteenth either grant approval for the program or return the request for approval with comments of the department included. Any unapproved request for a program may be resubmitted with modifications to the department not later than February first. Not later than February fifteenth the department shall notify the state comptroller and the school budget review committee of the names of the school districts for which gifted and talented children programs have been approved and the approved budget of each program listed separately for each school district having an approved program.

Sec. ____. Section four hundred forty-two point thirty-five (442.35), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-two (22), and as amended by House File two thousand two hundred seventy-five (2275), section three (3), Sixty-eighth General Assembly, 1980 session, is amended by striking the section and inserting in lieu thereof the following:

442.35 FUNDING. The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the

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school district and up to three-fourths by an increase in allowable growth as defined in section four hundred forty-two point seven (442.7) of the Code. Annually, the state comptroller shall establish a modified allowable growth for each such district equal to the difference between the approved budget for the gifted and talented children program that for that district and the sum of the amount funded from the district cost

of the school district plus funds received from other sources.

Sec. ____. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new sections:

NEW SECTION. ADVISORY COUNCIL. At the written request of one or more boards of school districts, in an area education agency, the area education agency board shall establish one or more gifted and talented children advisory councils and shall appoint members for four-year staggered terms. The terms of office of advisory council members shall commence on July first of each year. An advisory council shall consist of seven members including teachers, parents, school administrators, and other persons interested in education in the area. Except as otherwise provided in this section, members shall be eligible electors residing in the merged area. Members shall serve without compensation but shall be reimbursed for actual and necessary expenses and mileage incurred in the performance of their duties from funds available to the area education agency.

If an area education agency has a weighted enrollment of more than thirty-five thousand, the board may appoint additional advisory councils for each thirty-five thousand weighted enrollment or fraction of thirty-five thousand. If more than one advisory council is appointed by the board, the board shall divide the merged area along school district boundary lines for jurisdiction of the advisory councils, and membership of these advisory councils shall be appointed from the designated portion of the merged area.

NEW SECTION. DUTIES OF ADVISORY COUNCIL. The gifted and talented children advisory council shall:

1. Elect a chairperson and vice chairperson from the membership of the advisory council.

2. Meet as often as deemed necessary by the advisory council.

3. Advise and assist a local board of directors in the establishment of gifted and talented children programs, when requested by the local board.

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4. Review program plans and proposed budgets for a gifted and talented children program, in consultation with a gifted and talented children consultant employed by the area education agency, when requested by a local board.

5. When requested by a local board, evaluate the results of a gifted and talented children program and file a written report together with recommendations for improvement or change with the board of directors of the applicable school district, the area education agency and the department of public instruction. The evaluation shall be conducted by three or more members of the advisory council."

16. Page 3, by inserting after line 2 the following sections:

"Sec. ____. This Act is effective for the school year beginning July 1, 1981, except that the sections amending chapter two hundred eighty-five (285), section four hundred forty-two point three (442.3) and section four hundred forty-two point seven (442.7), subsection five (5), paragraph a, of the Code are effective for the school year beginning July 1, 1980."

Sec. ____. This Act, being deemed of immediate importance, takes effect from and after its publication in The Record, a newspaper published in Cedar Falls, Iowa, and in The Garner Leader & Signal, a newspaper published in Garner, Iowa.

17. By numbering and renumbering sections and correcting internal references as necessary.

18. Amend the title, line 1, by inserting after the word "to" the words "school finance including".

19. Amend the title, line 2, by striking the words "growth and basic" and inserting in lieu thereof the word "growth,".

20. Amend the title, line 2, by inserting after the word "pupil" the words ", and the state foundation base".

21. Amend the title, line 3, by inserting after the word "purposes" the words "and including reimbursement for public and nonpublic pupil transportation".

COMMITTEE ON EDUCATION
W.R. BILL HANSEN, Chairperson

S—5771

Amend House File 2554 as follows:

1. Page 1, by striking lines 5 and 6 and inserting in lieu thereof the words "income tax refund any debt, which is assigned to the department of social services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract,".

2. Page 1, by striking line 19 and inserting in

lieu thereof the words ", which is assigned to the department of social services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued".

3. Page 2, line 14, by striking the word "rights" and inserting in lieu thereof the words "its rights or the rights of an individual not eligible as a public assistance recipient".

4. Page 3, line 7, by inserting after the word "dollars." the words "However, if a debtor has made all current child support payments in accordance with a court order for the twelve months preceding the proposed setoff and has regularly made delinquent child support payments during those twelve months, the child support recovery unit shall notify the department of revenue not to setoff the debt against the debtor's income tax refund."

5. Page 3, by striking lines 17 through 22 and inserting in lieu thereof the following:

"h. Notwithstanding section four hundred twenty-two point sixteen (422.16), subsection nine (9) and section four hundred twenty-two point twenty-five (422.25) of the Code, the payment of interest is not required on the amount of setoff under this section. However; any amount erroneously setoff shall accrue interest at the rate per month or fraction thereof specified in section four hundred twenty-two point sixteen (422.16), subsection nine (9) of the Code until refunded. This interest shall be refunded by the department of social services. There is appropriated out of funds which have been appropriated to the department of social services sufficient funds to carry out the provisions of this paragraph."

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5772

Amend Senate File 2369 as follows:

1. Page 1, line 8, by inserting after the word "remains." the words *"The exemption granted by this subsection shall not apply to any property used for the practice of mortuary science."*

BOB RUSH
BASS VAN GILST

S—5773

Amend amendment S—5715 to House File 485 as

amended, passed and reprinted by the House as follows:

1. Page 9, by striking line 15 and inserting in lieu thereof the following: "the state board may be appealed as provided under chapter seventeen A (17A) of the Code."

DAVID M. READINGER
JULIA B. GENTLEMAN

S—5774

Amend House amendment S—5756 to Senate File 2197 as follows:

1. Page 1, by striking lines 20 through 42.

STEPHEN W. BISENIUS

S—5775

For the text of this House amendment, see pages 1545-1546 of the Senate Journal.

S—5776

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

DIVISION S—5776A

1. Page 1, line 24, by striking the word "rail" and inserting in lieu thereof the word "public".

DIVISION S—5776B

2. Page 1, lines 36 and 37, by striking the words "if it is used for railway purposes".

DIVISION S—5776A (cont'd.)

3. Page 1, line 39, by striking the word "railway" and inserting in lieu thereof the word "public".

ARTHUR A. SMALL, JR.

S—5777

Amend amendment S—5771 to House File 2554 as follows:

1. Page 1, by striking lines 28 through 43 and inserting in lieu thereof the following:

"5. Page 3, by striking lines 17 through 22."

LOWELL L. JUNKINS
GARY L. BAUGHER

S—5778

Amend Senate File 2369 as follows:

1. Page 1, by inserting after line 8 the following:

"Sec. ____. Chapter four hundred twenty-seven (427), Code 1979, is amended by adding the following new section:

NEW SECTION. For fiscal years beginning after the effective date of this Act, real property other than the actual burial grounds which receive an exemption from real property taxes under section one (1) of this Act shall be assessed and valued for tax purposes by the assessor as if such property was subject to property tax. The taxable values determined by the assessor shall be delivered to the treasurer at the time the regular tax list is delivered and the treasurer shall compute the tax which would have been imposed on the taxable values of such real property if it were not exempt under section one (1) of this Act. Upon determination of the amount of taxes which would have been paid, the treasurer shall submit to the state comptroller a bill for that amount of taxes. The state comptroller shall pay the amount submitted by the treasurer in two equal installments at the time the regular property taxes are due. Upon receipt of the payments by the treasurer, the treasurer shall pay the appropriate amounts to the tax levying bodies in which is located such real property. There is appropriated from the general fund of the state to the state comptroller an amount sufficient to carry out the provisions of this section."

2. By numbering and renumbering as is necessary.

BOB RUSH

S—5779

Amend Senate File 2369 as follows:

1. Page 1, by inserting after line 25 the following new section:

"Sec. ____. The tax study committee which is created by House File two thousand seventy-two (2072), enacted by the Sixty-eighth General Assembly, 1980 Session, shall also consider and study the impact of tax exempt property on the property tax base and consider recommendations to revise and amend the current statutory criteria for qualifying for a property tax exemption."

2. Renumber sections and correct internal references as may be necessary in accordance with

this amendment.

STEPHEN W. BISENIUS

S—5780

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 5 through 41.

ARTHUR A. SMALL, JR.

S—5781

Amend Senate amendment S—5771 to House File 2554 as follows:

1. Page 1, line 3, by inserting after the word "refund" the words "or rebate".

2. Page 1, by inserting after line 8 the following:

"____. Page 1, line 18, by inserting after the word 'refund' the words 'or rebate'."

3. Page 1, by inserting after line 14 the following:

"____. Page 1, line 26, by inserting after the word 'refund' the words 'or rebate'.

____. Page 2, line 8, by inserting after the word 'refund' the words 'or rebate'.

____. Page 2, line 10, by inserting after the word 'refund' the words 'or rebate'.

____. Page 2, line 11, by inserting after the word 'refund' the words 'or rebate'."

4. Page 1, by inserting after line 18 the following:

"____. Page 2, line 15, by inserting after the word 'refund' the words 'or rebate'.

____. Page 2, line 17, by inserting after the word 'refund' the words 'or rebate'.

____. Page 2, line 32, by inserting after the word 'refund' the words 'or rebate'.

____. Page 2, line 34, by inserting after the word 'refund' the words 'or rebate'.

____. Page 3, line 6, by inserting before the word 'if' the words 'or rebate'.

____. Page 3, line 6, by inserting before the word 'are' the words 'or rebate'."

5. Page 1, line 27, by inserting after the word "refund" the words "or rebate".

6. Page 1, by inserting after line 27 the following:

"____. Page 3, line 8, by inserting after the word 'refund' the words 'or rebate'.

____ . Page 3, line 12, by inserting after the word 'refund' the words 'or rebate'."

7. Title page, line 1, by inserting after the word "refunds" the words "and rebates".

C.W. HUTCHINS

S—5782

Amend Senate File 2192 as follows:

1. Page 5, line 4, by striking the word "three" and inserting in lieu thereof the word "one".

BERL E. PRIEBE

S—5783

Amend amendment S—5770 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 16 the following:

"____ . Page 1, by inserting before line 1 the following section:

'Sec. ____ . Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section three (3), is amended to read as follows:

SEC. 3. Section four hundred forty-two point four (442.4), Code 1979, is amended by adding the following new subsections after subsection two (2):

NEW SUBSECTION. 3. For the school year beginning July 1, 1980, and each subsequent school year, budget enrollment means the sum of the following:

a. Twenty-five percent of the basic enrollment for the school year beginning July 1, 1979.

b. Seventy-five percent of the adjusted enrollment computed under subsection 2, paragraph a, of this section.

c. Adjustments made by the state comptroller under subsection 4 of this section.

NEW SUBSECTION. 4. For the school years beginning July 1, 1980 and July 1, 1981 [only] *and each school year thereafter*, if an amount equal to the district cost per pupil for the budget year minus the amount included in the district cost per pupil for the budget year to compensate for the cost of special education support services for a school district times the budget enrollment of the school district for the budget year is less than one hundred four percent for the budget school year beginning July 1, 1980,

and *the sum of* one hundred [three] percent *plus a percent equal to sixty percent of the state percent of growth* for the budget school year beginning July 1, 1981 *and each school year thereafter*, times an amount equal to the district cost per pupil for the base year minus the amount included in the district cost per pupil for the base year to compensate for the cost of special education support services for a school district times the adjusted enrollment of the school district for the base year beginning July 1, 1979 or times the budget enrollment of the school district for the base year beginning July 1, 1980 *and each school year thereafter*, the state comptroller shall increase the budget enrollment for the school district for the budget year to a number which will provide that one hundred four percent amount for the budget school year beginning July 1, 1980, and that one hundred

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[three] percent *plus the percent equal to sixty percent of the state percent of growth* amount for the budget school year beginning July 1, 1981 *and each school year thereafter.'* "

JOE BROWN

S—5784

Amend the Waldstein, et al., amendment, S—5490, to Senate File 2192 as follows:

1. Page 1, line 10, by striking the word "man" and inserting in lieu thereof the word "member".

CALVIN O. HULTMAN

S—5785

Amend Senate File 2372 as follows:

1. Page 1, by inserting after the period in line 17 the words: "Where no services or repairs are required by the purchaser under an optional service or warranty contract during the period of the contract, the purchaser of the optional service or warranty contract may file a claim for refund of any sales tax paid on the optional service or warranty contract following the expiration of the contract. The department shall adopt rules pursuant to chapter seventeen A (17A) of the Code establishing a procedure to be used by a purchaser to apply for a refund of

any sales tax paid for which the purchaser is qualified to receive a refund."

GARY L. BAUGHER
BERL E. PRIEBE
WILLIAM D. PALMER

S—5786

Amend Senate File 2192 as follows:

1. Page 4, lines 31 and 32, by striking the words "The reimbursement shall be made from state funds appropriated for this purpose.".

CALVIN O. HULTMAN

S—5787

Amend the Waldstein, et al., amendment, S—5490, to Senate File 2192 as follows:

1. Page 1, line 11, by inserting after the word "be" the words "actively engaged".

2. Page 1, line 11, by inserting after the word "farmers" the words "as defined in chapter one hundred seventy-two C (172C) of the Code".

C.W. HUTCHINS

S—5788

Amend House File 2486 as amended, passed and reprinted by the House as follows:

1. Page 1, line 5, by striking the words "section two (2) of this Act" and inserting in lieu thereof the words "subsection four (4) of this section".

2. Page 1, by striking lines 11 through 19 and inserting in lieu thereof the words "tion is made, provided that the loan is for an agricultural purpose as defined in section two (2) of this Act and further provided that the loan would, but for this section, be subject to".

3. Page 2, by inserting after line 6 the following:

"4. As used in this section, 'agricultural credit corporation' means a corporation which has been designated by the federal intermediate credit bank of Omaha, Nebraska, as an agricultural credit corporation eligible to sell or discount loans to that bank pursuant to the provisions of 12 United States Code, s. 2074."

4. By striking page 2, line 7, through page 3,

line 12, and inserting in lieu thereof the following:

"Sec. 2. Chapter five hundred thirty-five (535), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, 'agricultural purpose' means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a person who cultivates, plants, propagates or nurtures the agricultural products. 'Agricultural products' includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section two (2), subsection one (1), paragraph e, is amended to read as follows:

e. A person borrowing money or obtaining credit for business or agricultural purposes, or a person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars for personal, family or household purposes. As used in this paragraph, 'agricultural purpose' means [and includes any of the purposes referred to in section five hun-

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dred thirty-seven point one thousand three hundred one (537.1301), subsection four (4) of the Code, but regardless of whether or not the activities described in that subsection are undertaken by a natural person or other entity] *as defined in section two (2) of this Act.*

Sec. 4. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section eight (8), amending section five hundred thirty-five point eight (535.8), subsection two (2), Code 1979 Supplement, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This lettered paragraph applies only to a mortgage given in connection with a loan as defined in section five hundred thirty-five point eight (535.8), subsection one (1), Code 1979 Supplement.

Sec. 5. Acts of the Sixty-eighth General Assembly,

1980 Session, House File two thousand four hundred ninety-two (2492), section thirty-one (31), amending section five hundred thirty-four point twenty-one (534.21), subsection two (2), Code 1979, is amended to read as follows:

SEC. 31. Section five hundred thirty-four point twenty-one (534.21), subsection two (2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Renegotiable rate mortgage loans may be made for a term of three, four or five years, secured by a mortgage of up to thirty years, and automatically renewable at a varying interest rate. However, the authority to make [home] *mortgage* loans under this paragraph is available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority, and the state authorization is subject to the rights and limitations imposed upon the federally chartered associations for this type of activity.

Sec. 6. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section thirty-three (33), is amended to read as follows:

SEC. 33. All of the provisions of this Act except sections one (1), three (3), four (4), five (5), *eight (8), twelve (12), fifteen (15), sixteen (16),* seventeen (17) through thirty (30), thirty-one (31) and thirty two (32) of this Act expire July 1, 1983.

Sec. 7. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred

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ninety-two (2492), section thirty-four (34), subsection three (3), is amended to read as follows:

3. Sections nine (9), ten (10) and eleven (11) of this Act apply only with respect to contracts executed on or after the effective date of this Act. Sections thirteen (13) and fourteen (14) of this Act apply only with respect to loans or extensions of credit made or granted on or after the effective date of this Act. [Sections and] *Section seven (7)* of this Act [apply] *applies* only with respect to [loan or] credit account balances which arise out of [loans or] credit [made or] extended on or after the effective date of this Act.

Sec. 8. Section five hundred twenty-four point

one hundred three (524.103), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'Agricultural credit corporation' means as defined in section one (1), subsection four (4) of this Act.

Sec. 9. Sections two (2), three (3), four (4), five (5), six (6) and seven (7) of this Act are retroactive to the effective date of Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), and shall be deemed to have been enacted as an integral part of that Act."

5. Amend the title, line 4, by inserting after the word "Code" the words ", and making certain retroactive correlating amendments to Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections two (2), eight (8), thirty-one (31), thirty-three (33) and thirty-four (34)".

6. By renumbering sections.

EDGAR H. HOLDEN

S—5789

Amend House amendment S—5756 to Senate File 2197 as follows:

1. Page 1, by striking lines 2 through 19.

2. By renumbering to conform to this amendment.

STEPHEN W. BISENIUS

S—5790

Amend Senate File 2192 as follows:

1. Page 11, by striking line 1 through page 16, line 33.

FORREST V. SCHWENGELS

S—5791

Amend the Jensen amendment, S—5373, to Senate File 2192 as follows:

1. Page 1, line 4, by inserting after the word "farmers" the words "as defined in chapter one hundred seventy-two C (172C) of the Code".

JOHN W. JENSEN

S—5792

Amend Senate File 2192 as follows:

1. Page 5, line 21, by striking the words "three additional members" and inserting in lieu thereof the words "an additional member who is a county commissioner".

2. Page 5, by striking lines 23 through 28 and inserting in lieu thereof the words "the members of the senate.".

ELIZABETH R. MILLER

S—5793

Amend Senate File 2192 as follows:

1. Page 5, line 4, by inserting after the word "governor." the words "At least one-half of those persons nominated at congressional conventions shall be farmers as defined in chapter one hundred seventy-two C (172C) of the Code.".

JOHN W. JENSEN

S—5794

Amend amendment S—5788 to House File 2486 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking lines 9 through 13 and inserting in lieu thereof the words "of this Act. *Section seven (7) of this Act applies only with respect to credit account balances which arise out of credit extended on or after the effective date of this Act.*"

EDGAR H. HOLDEN

S—5795

Amend amendment S—5770 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 14, by inserting after line 13 the following:

"____. Page 3, by inserting after line 2 the following section:

'Sec. ____. For the school year beginning July 1, 1981, an area education agency which requires additional money to provide special education support services to children requiring special education in the area may apply to the school budget review committee for additional funds. The school budget review committee shall review the requests submitted by area education

agencies and may allocate additional funds to area education agencies on the basis of need from any funds appropriated to the department of public instruction for the use of the school budget review committee.' "

TOM SLATER

S—5796

Amend the House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting before line 5 the following:

"Section 1. Section three hundred twenty-seven G point seventy-six (327G.76), Code 1979, is amended by striking the section."

2. Page 1, line 29, by inserting after the word "purposes" the words ", including reversionary rights granted under subsection one (1) of this section,".

RICHARD R. RAMSEY

S—5797

Amend House File 2551 as amended, passed and reprinted by the House as follows:

DIVISION S—5797A

1. Page 1, by inserting before line 1, the following section:

"Section 1. Section two hundred seventy-three point two (273.2), Code 1979, is amended by adding the following new subsection following subsection five (5):

NEW SUBSECTION. Assistance in establishing programs for gifted and talented children."

DIVISION S—5797B

2. Page 1, by inserting before line 1 the following sections:

"Sec. ____. Section two hundred seventy-three point three (273.3), subsection thirteen (13), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty (60), section one (1), is amended to read as follows:

13. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281 *within*

the limits of funds provided under section two hundred eighty-one point nine (281.9) and chapter four hundred forty-two (442) of the Code. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county located wholly or partially in the merged area. The notice shall specify the date which shall be not later than November 10 of each year, time, and location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of public instruction, on forms provided by the deparetment, no later than December 1 preceding the next fiscal year for approval. [The state board shall forward copies of the budgets of the area education agencies to the state comptroller. The state board and the state comptroller shall establish a maximum statewide amount for approved budgets for the area education agencies. If the state board and the state comptroller cannot agree upon a maximum statewide amount, that amount shall be established by the school budget review committee.] The state board shall review the proposed budget of each area education agency [with consideration given to the maximum statewide amount established pursuant to this subsection,] and shall prior to January 1 either grant approval or return the budget without approval with comments of the state board included. Any unapproved budget shall be resubmitted to the state board for final approval.

Sec. ____ . Section two hundred seventy-three point

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DIVISION S—5797B (cont'd.)

five (273.5), subsection six (6), Code 1979, is amended to read as follows:

6. Submit to the department of public instruction special education instructional and support program plans and applications [including those for new or expanded programs and services], subject to criteria listed in chapter 281 and this chapter, for approval by November 1 of each year for the school year commencing the following July 1. [For the school years subsequent to the school year beginning July 1, 1975, the director shall include in the program plans submitted to the department for support services the costs necessary to fund the newly identified nonpublic school pupils served by the area with support services not previously counted in the program plans for support services.]"

DIVISION S—5797C

3. Page 1, by inserting before line 1 the following sections:

"Sec. ____ . Section two hundred eighty-five point one (285.1), subsections three (3) and four (4), Code 1979, are amended to read as follows:

3. In [any] *a* district where transportation by school bus is impracticable or where school bus service is not available, the board may require [the] parents or [guardian] *guardians* to [transport] *furnish transportation for* their children to the [school] *schools* designated for attendance. The parent or guardian shall be reimbursed for such transportation service for [elementary] *public and nonpublic school* pupils by the board of *the* resident district [for the distance one way from the pupil's residence to the school designated for attendance at the rate of fifty-six cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be reimbursed eighty dollars per pupil per year for such service, provided however no family shall receive more than one hundred sixty dollars per year for transporting the members of the family who attend high school. The provisions of this section shall apply to eligible nonpublic school pupils as well as to eligible public school pupils. However, reimbursement for nonpublic school pupils shall not exceed eighty dollars per pupil per year. The provisions of this subsection shall be effective for transportation of children commencing with the second semester of the school year beginning July 1, 1975.] *in an amount equal to eighty dollars plus the following percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined*

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DIVISION S—5797C (cont'd.)

by the department of public instruction:

a. For the school year commencing July 1, 1980, twenty-five percent.

b. For the school year commencing July 1, 1981, fifty percent.

c. For the school year commencing July 1, 1982 and each school year thereafter, seventy-five percent.

However, a parent or guardian shall not receive reimbursement for furnishing transportation for more than two family members who attend high school.

4. In all districts where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the [parent] *parents* or [guardian] *guardians of public and nonpublic school pupils* to [transport] *furnish transportation for* their children up to two miles to connect with [a vehicle] *vehicles* of transportation. The [parent] *parents* or [guardian] *guardians* shall be reimbursed for such transportation by the [board] *boards* of *the* resident [district] *districts* at the rate of twenty-eight cents per mile per day, one way, per family for the distance from *the* pupil's residence to the bus route.

Sec. ____ . Section two hundred eighty-five point one (285.1), subsection sixteen (16), Code 1979, is amended to read as follows:

16. *a.* If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence, the pupil may be transported by the district of residence to a public school or other location within the district of the pupil's residence. A public school district in which a nonpublic school is located may establish school bus collection locations within its district from which nonresident nonpublic school pupils may be transported to and from a nonpublic school located in the district. If a pupil receives such transportation, the district of the pupil's residence shall be relieved of any requirement to provide transportation.

b. As an alternative to [the provisions enumerated in] *paragraph a of* this subsection, subject to [the provisions of] section 285.9, subsection 3, where practicable, and at the option of the public school district in which a nonpublic school pupil resides, the school district may transport a nonpublic school pupil to a nonpublic school located outside the boundary lines of the public school district if the nonpublic school is located in a school district contiguous to the school district which is transporting the nonpublic school pupils, or may contract with

DIVISION S—5797C (cont'd.)

the contiguous public school district in which a nonpublic school is located for the contiguous school

district to transport the nonpublic school pupils to the nonpublic school of attendance within the boundary lines of the contiguous school district.

c. If the nonpubic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence and the district of residence meets the requirements of subsections fourteen (14) through sixteen (16) of this section by using subsection seventeen (17), paragraph c, of this section and the district in which the nonpublic school is located is contiguous to the district of the pupil's residence and is willing to provide transportation under subsection seventeen (17), paragraph a or b, of this section, the district in which the nonpublic school is located may provide transportation services, subject to section two hundred eighty-five point nine (285.9), subsection three (3), of the Code and may make the claim for reimbursement under section two hundred eighty-five point two (285.2) of the Code. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shal be relived of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located.

Sec. ____. Section two hundred eighty-five point one (285.1), subsection seventeen (17), paragraph c, Code 1979, is amended to read as follows:

c. Utilizing the transportation reimbursement provision of subsection 3. [However, no reimbursement shall exceed eighty dollars per nonpublic school pupil per year.]

Sec. ____. Section two hundred eighty-five point sixteen (285.16), Code 1979, is amended to read as follows:

285.16 'NONPUBLIC SCHOOL' DEFINED. As used in this chapter, the term 'nonpublic school' means those nonpublic schools approved by the department of public instruction as provided in section 257.25 *and nonpublic institutions which comply with state board of public instruction standards for providing special education programs."*

DIVISION S—5797D

4. Page 1, by inserting before line 1 the following section:

"Sec. ____. Section four hundred forty-two point

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DIVISION S—5797D (cont'd.)

three (442.3), Code 1979, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, 1972, is seventy percent of the state cost per pupil. For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. *However, for the school year beginning July 1, 1980, the state foundation base shall be the same as the state foundation base for the school year beginning July 1, 1979.* The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid."

DIVISION S—5797E

5. Page 1, by inserting before line 1 the following section:

"Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended to read as follows:

For school years subsequent to the school year beginning July 1, 1978, a state percent of growth for the budget year shall be computed by the state comptroller prior to September 15 in the base year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following four percentages of growth *except as otherwise provided in paragraph c of this subsection:*"

6. Page 1, by inserting before line 1 the following sections:

"Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by striking the paragraph and inserting

in lieu thereof the following:

b. The difference in the gross national product implicit price deflator published by the bureau of economic analysis, United States department of commerce, computed or estimated as a percentage of change for the following:

(1) From the value for the quarter ending December thirty-first eighteen months prior to the beginning of the base year to the value for the quarter ending

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DIVISION S—5797E (cont'd.)

December thirty-first six months prior to the beginning of the base year.

(2) From the value for the quarter ending December thirty-first six months prior to the beginning of the base year to the value for the quarter ending December thirty-first six months prior to the beginning of the budget year.

The computation of the percentage change in the gross national product implicit price deflator shall be based, to the extent possible, on the latest available values for these deflators published by the bureau of economic analysis.

Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new paragraph as paragraph c:

NEW PARAGRAPH. c. If the average of the percentages computed or estimated under paragraph b of this subsection exceeds the average of the percentages computed or estimated under paragraph a of this subsection, the state percent of growth shall be the average of the two percentages of growth computed or estimated under paragraph a of this subsection."

DIVISION S—5797F

7. Page 1, line 5, by inserting after the word "amended" the words "but not as renumbered".

DIVISION S—5797B (cont'd.)

8. Page 1, by inserting after line 26 the following sections:

"Sec. ____. Section four hundred forty-two point

seven (442.7), subsection five (5), paragraphs d and e, Code 1979, as the section is amended but not as renumbered by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), are amended to read as follows:

d. For [each year following] the school year beginning July 1, [1975] *1976 and ending with the school year beginning July 1, 1980,* by adding to the basic allowable growth an amount to compensate for the additional costs of special education support services provided through the area education agency. For the school years beginning July 1, 1978 and July 1, 1979 only, the total amount for each area shall be equal to the total amount approved for special education support services for the base year times one hundred percent plus the state percent of growth. In addition to the amount provided in this paragraph to each area for the school years beginning July 1, 1978 and July

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DIVISION S—5797B (cont'd.)

1, 1979 to compensate for the additional costs of special education support services, each area may be granted by the state board an additional amount to serve children newly-identified as requiring the services pursuant to plans submitted by the special education director of the area education agency as required by section 273.5. The total of additional amounts granted throughout the state by the state board for the school year beginning July 1, 1978 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1977 times four and eighty-seven hundredths percent, and for the school year beginning July 1, 1979 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1978 times three percent. For the school year beginning July 1, 1980 [and each school year thereafter] the total amount for the state for special education support services shall not exceed the total amount approved for special education support services for the base year times one hundred percent plus the state percent of growth, and the total amount for each area shall be determined by the state board of public instruction pursuant to plans submitted by the special education director of the area education agency as required by section

273.5, which shall be modified as necessary and approved by the state board of public instruction according to the criteria and limitations of section 273.5 and chapter 281 and within the total amount for the state provided in this paragraph. The amount of additional allowable growth per pupil for the budget year for each district in an area shall be determined by dividing the total amount for the area so determined by the weighted enrollment of the area for the budget year.

e. For *the school years prior to the school year beginning July 1, 1981, for* the additional allowable growth computed under paragraphs 'a' and 'd' of this subsection, the state board of public instruction, in co-operation with the appropriate personnel of the area education agency, shall determine the amounts for each area education agency, as required and the state comptroller shall calculate the amounts of additional allowable growth for each district necessary to fund the total special education support services costs as increased for the budget year under paragraph 'd' of this subsection, and shall calculate the amounts due from each district to its area education agency by multiplying the additional allowable growth per

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DIVISION S—5797B (cont'd.)

pupil necessary to fund the total special education support services costs as increased for the budget year under paragraph 'd' of this subsection by the weighted enrollment in the district for the budget year. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for this purpose and the balance of state aid will be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district on a quarterly basis during each school year."

DIVISION S—5997A (cont'd.)

9. Page 1, by inserting after line 26 the following section:

"Sec. ____. Section four hundred forty-two point seven (442.7), subsection five (5), Code 1979, as the section is amended but not as renumbered by Acts of the Sixty-eighth General Assembly, 1979 Session chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new paragraph:

NEW PARAGRAPH. By the state comptroller under section four hundred forty-two point thirty-five (442.35) of the Code."

DIVISION S—5797B (cont'd.)

10. Page 1, by inserting after line 26 the following section:

"Sec. ____. Section four hundred forty-two point seven (442.7), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new subsection:

NEW SUBSECTION. ALLOWABLE GROWTH. For the school year beginning July 1, 1981, the state comptroller shall add to the allowable growth of affected school districts, an amount equal to the difference between the amount per pupil in weighted enrollment for the approved budget for the school year beginning July 1, 1980 for special education support services in that area education agency and the amount per pupil in weighted enrollment for the amount certified to generate funds for the school year beginning July 1, 1980 for special education support services in

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DIVISION S—5797B (cont'd.)

the area education agency and shall adjust the state cost per pupil accordingly."

DIVISION S—5797E (cont'd.)

11. Page 2, by inserting after line 17 the following:

"With regard to values of gross national product implicit price deflators, the recomputation of the state percent of growth for the previous year shall

be made only with respect to the value of the deflator for the quarter which occurred subsequent to the calculation of the state percent of growth for the previous year. If subsection one (1), paragraph c, of this section is used in the calculation of the state percent of growth for the previous year, the calculation made in subsection one (1), paragraph b, of this subsection shall not be used in the recomputation of the state percent of growth for the previous year."

DIVISION S—5797G

12. Page 2, by inserting after line 29 the following section:

"Sec. ____. Section four hundred forty-two point eight (442.8), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section eleven (11), is amended to read as follows:

However, for the budget years beginning July 1, 1980, [July 1, 1981,] July 1, 1982, and July 1, 1983, the state cost per pupil shall equal the base year's state cost per pupil plus the allowable growth for the budget year plus an adjustment to the state cost per pupil For the budget years beginning July 1, 1980, [July 1, 1981,] July 1, 1982, and July 1, 1983, the adjustment to the state cost per pupil is twenty dollars per pupil, [six dollars per pupil,] seven dollars per pupil, and eight dollars per pupil, respectively."

DIVISION S—5797B (cont'd.)

13. Page 2, by inserting after line 29 the following section:

"Sec. ____. Section four hundred forty-two point eight (442.8), unnumbered paragraph three (3), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section eleven (11), is amended to read as follows:

[For each] *Commencing with the* school year [subsequent to the school year] beginning July 1, [1975] *1976, and ending with the school year beginning July 1, 1979,* the allowable growth added to the state cost per pupil as otherwise computed under section 442.7 shall be the basic allowable growth increased by an amount equal to the average of the amounts of allowable

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DIVISION S—5797B (cont'd.)

growth added for each school district in the state for additional special education support services needed for that year to serve newly identified children who require the services, under sections 273.9, subsection 3 and 442.7, subsection 5, paragraph 'd'. The state comptroller shall compute the applicable amount of allowable growth to be added to the state cost per pupil for each school year."

14. Page 3, by inserting after line 2 the following section:

"Sec. ____. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new section as section four hundred forty-two point twenty-five (442.25) of the Code:

NEW SECTION. 442.25 SPECIAL EDUCATION SUPPORT SERVICES PAYMENTS. The state comptroller shall deduct the amounts calculated for special education support services for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for this purpose and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year."

DIVISION S—5797A (cont'd.)

15. Page 3, by inserting after line 2 the following sections:

"Sec. ____. Section four hundred forty-two point thirty-one (442.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty (20), and as amended by House File two thousand two hundred seventy-five (2275), section one (1), Sixty-eighth General Assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.31 GIFTED AND TALENTED CHILDREN. For the

school year beginning July 1, 1981 and succeeding school years, boards of school districts, individually or jointly with the boards of other school districts, may provide for gifted and talented children programs and annually submit program plans and budget costs, including requests for additional allowable growth for funding the programs, to the department of public instruction and to the applicable gifted and talented

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DIVISION S—5797A (cont'd.)

children advisory council, if an advisory council has been established, as provided in this chapter. A district shall not identify more than three percent of its budget enrollment for the budget year as gifted and talented.

The department of public instruction shall promulgate rules under chapter seventeen A (17A) of the Code relating to the administration of sections four hundred forty-two point thirty-one (442.31) through four hundred forty-two point thirty-five (442.35) of the Code and the new sections added to chapter four hundred forty-two (442) of the Code by this Act. The rules shall prescribe the format of program plans submitted under section four hundred forty-two point thirty-two (442.32) of the Code and shall require that programs fulfill specified objectives.

Sec. ____. Section four hundred forty-two point thirty-two (442.32), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

442.32 PROGRAM PLANS. The program plans submitted by school districts shall include all of the following:

1. Program goals, objectives, and activities to meet the needs of gifted and talented children.
2. Student identification criteria and procedures.
3. Staff in-service education design.
4. Staff utilization plans.
5. Evaluation criteria and procedures and performance measures.
6. Program budget.
7. Qualifications required of personnel administering the program.
8. Other factors the department requires.

Sec. ____. Section four hundred forty-two point thirty-three (442.33), Code 1979, is amended to read

as follows:

442.33 DEFINED. 'Gifted and talented children' are those identified as possessing outstanding abilities who are capable of high performance. Gifted and talented children are children who require [differentiated educational programs or services] *appropriate instruction and educational services commensurate with their abilities and needs* beyond those provided by the regular school program.

Gifted and talented children include those *children* with demonstrated achievement or potential ability, *or both,* in any [two or more] of the following areas *or in combination:*

1. General intellectual ability.

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DIVISION S—5797A (cont'd.)

[1] *2.* Creative thinking.

[2] *3.* Leadership ability.

[3] *4.* Visual and performing arts ability.

[4] *5.* Specific ability aptitude.

[5. Intellectual ability.]

Sec. ____ . Section four hundred forty-two point thirty-four (442.34), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-one (21), and as amended by House File two thousand two hundred seventy-five (2275), section two (2), Sixty-eighth General Assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.34 SUBMISSION OF PROGRAM PLANS. The board of directors of a school district shall submit applications for approval for gifted and talented children programs to the department not later than November first preceding the fiscal year during which the program will be offered. The board shall also submit a copy of the program plans to the gifted and talented children advisory council, if an advisory council has been established. The department shall review the program plans and shall prior to January fifteenth either grant approval for the program or return the request for approval with comments of the department included. Any unapproved request for a program may be resubmitted with modifications to the department not later than February first. Not later than February fifteenth the department shall notify

the state comptroller and the school budget review committee of the names of the school districts for which gifted and talented children programs have been approved and the approved budget of each program listed separately for each school district having an approved program.

Sec. ____. Section four hundred forty-two point thirty-five (442.35), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-two (22), and as amended by House File two thousand two hundred seventy-five (2275), section three (3), Sixty-eighth General assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.35 FUNDING. The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the

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DIVISION S—5797A (cont'd.)

school district and up to three-fourths by an increase in allowable growth as defined in section four hundred forty-two point seven (442.7) of the Code. Annually, the state comptroller shall establish a modified allowable growth for each such district equal to the difference between the approved budget for the gifted and talented children program for that district and the sum of the amount funded from the district cost of the school district plus funds received from other sources.

Sec. ____. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new sections:

NEW SECTION. ADVISORY COUNCIL. At the written request of one or more boards of school districts, in an area education agency, the area education agency board shall establish one or more gifted and talented children advisory councils and shall appoint members for four-year staggered terms. The terms of office of advisory council members shall commence on July first of each year. An advisory council shall consist of seven members including teachers, parents, school administrators, and other persons interested in education in the area. Except as otherwise provided

in this section, members shall be eligible electors residing in the merged area. Members shall serve without compensation but shall be reimbursed for actual and necessary expenses and mileage incurred in the performance of their duties from funds available to the area education agency.

If an area education agency has a weighted enrollment of more than thirty-five thousand, the board may appoint additional advisory councils for each thirty-five thousand weighted enrollment or fraction of thirty-five thousand. If more than one advisory council is appointed by the board, the board shall divide the merged area along school district boundary lines for jurisdiction of the advisory councils, and membership of these advisory councils shall be appointed from the designated portion of the merged area.

NEW SECTION. DUTIES OF ADVISORY COUNCIL. The gifted and talented children advisory council shall:

1. Elect a chairperson and vice chairperson from the membership of the advisory council.

2. Meet as often as deemed necessary by the advisory council.

3. Advise and assist a local board of directors in the establishment of gifted and talented children programs, when requested by the local board.

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DIVISION S—5797A (cont'd.)

4. Review program plans and proposed budgets for a gifted and talented children program, in consultation with a gifted and talented children consultant employed by the area education agency, when requested by a local board.

5. When requested by a local board, evaluate the results of a gifted and talented children program and file a written report together with recommendations for improvement or change with the board of directors of the applicable school district, the area education agency and the department of public instruction.

The evaluation shall be conducted by three or more members of the advisory council."

DIVISION S—5797H

16. Page 3, by inserting after line 2 the following sections:

"Sec. ____ . This Act is effective for the school

year beginning July 1, 1981, except that the sections amending chapter two hundred eighty-five (285), section four hundred forty-two point three (442.3) and section four hundred forty-two point seven (442.7), subsection five (5), paragraph a, of the Code are effective for the school year beginning July 1, 1980."

Sec. ____. This Act, being deemed of immediate importance, takes effect from and after its publication in The Record, a newspaper published in Cedar Falls, Iowa, and in The Garner Leader & Signal, a newspaper published in Garner, Iowa.

DIVISION S—5797I

17. By numbering and renumbering sections and correcting internal references as necessary.

18. Amend the title, line 1, by inserting after the word "to" the words "school finance including".

19. Amend the title, line 2, by striking the words "growth and basic" and inserting in lieu thereof the word "growth,".

20. Amend the title, line 2, by inserting after the word "pupil" the words ", and the state foundation base".

21. Amend the title, line 3, by inserting after the word "purposes" the words "and including reimbursement for public and nonpublic pupil transportation".

W.R. BILL HANSEN
ARTHUR L. GRATIAS
CLARENCE CARNEY
LUCAS J. DE KOSTER
JOHN W. JENSEN
RAY TAYLOR

S—5798

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 10, the following:

Sec. 9. Chapter two (2), Code 1979, is amended by adding sections two (2) through four (4) of this Act.

Sec. ____. *NEW SECTION.* DEFINITIONS. As used in sections ten (10) and eleven (11) of this Act:

1. "State agency" means all state offices, departments, boards, commissions, councils, committees, institutions under the control of the state board

of regents, the governor's office, the courts and offices of the legislative branch of state government.

2. "Federal funds" means financial assistance available to a state agency from the United States government, whether a loan, grant, subsidy, augmentation, reimbursement or in any other form if the financial assistance would have the effect of creating a new program, increasing present programs, duplicating existing programs, or requiring the employment of additional persons. "Federal funds" does not include federal pass-through funds to governmental subdivisions as defined in section eighteen point one (18.1), subsection three (3) of the Code; and project grants for research and funds for student aid programs carried on within institutions under the control of the state board of regents or the department of public instruction.

Sec. 10. *NEW SECTION.* RECEIPT OF FEDERAL FUNDS.

1. All federal funds shall be deposited in the state treasury and are available for appropriation by the general assembly as part of the state budget. Detailed and accurate accounting records shall be maintained for the federal funds.

2. The provisions of subsection one (1) of this section do not apply if the general assembly has created a special fund and has specifically provided for the receipt of federal funds through the special fund and for their use for a specific purpose. However, funds deposited in the special fund shall be used for the purpose designated by the general assembly.

Sec. 11. *NEW SECTION.* APPROPRIATION OF FEDERAL FUNDS.

1. Except as provided in subsection two (2) of section ten (10) of this Act and subsection two (2) of this section, a state agency shall not expend federal funds for a purpose for which federal funds have not been specifically appropriated whether the

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funds are advanced prior to expenditure or as reimbursement.

2. When the general assembly is not in session, state agencies may apply for, receive and administer federal funds that were not appropriated by the general assembly because they became available at a time which precluded the possibility of their inclusion in the budget enacted by the general assembly. However,

the state agency shall not apply for the federal funds until the legislative council approves the application for funds.

Sec. 12. Section seven point nine (7.9), Code 1979, is amended to read as follows:

7.9 FEDERAL FUNDS ACCEPTED. The governor [is authorized to] *may* accept for the state, the funds provided by [any] *an* Act of Congress for the benefit of the state of Iowa, or its political subdivisions, provided there is no agency to accept and administer [such] *the* funds, and [he is authorized to] *the governor may* administer or designate an agency to administer the funds until such time as an agency of the state is established for that purpose, *subject to the provisions of sections ten (10 and eleven (11) of this Act.*

Sec. 13. Section seven point fifteen (7.15), Code 1979, is amended to read as follows:

7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY. The governor, in addition to other duties and responsibilities conferred upon [him] *the governor* by the Constitution and laws of this state, [is hereby empowered to] *may* contract for the benefits available to this state under [any] *an* Act of Congress for highway safety, law enforcement, or other related programs, and in so doing, [to co-operate] *may cooperate* with federal and state agencies, private and public organizations, and with individuals, to effectuate the purposes of these enactments. The governor [shall be] *is* responsible for and [is hereby empowered to] *may* administer, either through [his] *the governor's* office or through one or more state departments or agencies designated by [him or any combination of the foregoing] *the governor* the highway safety, law enforcement and related programs of this state and those of its political subdivisions, [all] in accordance with [said] *the federal* Acts, *sections ten (10) and eleven (11) of this Act* and the Constitution of the state of Iowa[, in implementation thereof].

Sec. 14. Section seven A point three (7A.3), subsection twelve (12), Code 1979, is amended to read as follows:

Page 3

12. Apply for, receive, administer, and [utilize] *use* federal or other funds available for achieving the purposes of this chapter, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 15. Section seven A point seven (7A.7),

subsection one (1), Code 1979, is amended to read as follows:

1. [Utilize] *Use* grants or other financial assistance made available by the state, federal government, or [any] other public or private sources for performing the functions of the division, *subject to sections ten (10) and eleven (11) of this Act.* Nothing in this subsection shall prevent or impair the powers of other state agencies or local governments to contract for, receive, or [utilize] *use* grants directly from the federal or local governments or from [any other] *another* public or private source, *except that state agencies applying for federal funds are subject to sections ten (10) and eleven (11) of this Act.*

Sec. 16. Section eight point twenty-two (8.22), part one (I), subsection one (1), Code 1979, is amended to read as follows:

1. His program for meeting all the expenditure needs of the government for each of the years of the biennium to which the budget relates, indicating the classes of funds, general or special *or federal,* from which such appropriations are to be made and the means through which such expenditures shall be financed.

Sec. 17. Section eight point twenty-two (8.22), part one (I), subsection two (2), paragraph d, Code 1979, is amended to read as follows:

d. A summary of the revenue, estimated to be received by the government during each of the two years of the biennium to which the budget relates, classified according to sources, *including all federal sources,* in comparison with the actual revenue received by the government during the last completed fiscal year and estimated income during the year in progress.

Sec. 18. Section eight point twenty-two (8.22), part three (III), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

APPROPRIATION BILLS. Part III shall embrace a draft or drafts of appropriation bills having for their purpose to give legal sanction to the appropriations recommended to be made in Parts I and II. Such appropriation bills shall indicate the funds, general or special *or federal,* from which such appropriations shall be paid, but such appropriations need not be in greater detail than to indicate the

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total appropriation to be made for:

Sec. 19. Section eighteen point one hundred forty-

five (18.145), Code 1979, is amended to read as follows:

18.145 FEDERAL FUNDS. The board, the governor, or the director may apply for and accept federal or nonfederal gifts, loans, or grants of funds and [to] *may* use the same to pay all or part of the cost of carrying out [any] *a* project under the provisions of this chapter, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 20. Section twenty-eight point ten (28.10), subsection five (5), Code 1979, is amended to read as follows:

5. Apply for, receive, contract for, and expend federal funds and grants and funds and grants from other sources, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 21. Section twenty-eight point sixteen (28.16), Code 1979, is amended to read as follows:

28.16 ACCEPTING GRANTS IN AID. The corporation formed under sections 28.11, 28.14 and 28.15 [is hereby authorized to] *may* accept grants of money or property from the federal government or [any other] *another* source and may [upon its own order] use its money, property or other resources for any of the purposes herein, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 22. Section eighty point twenty-six (80.26), Code 1979, is amended to read as follows:

80.26 FEDERAL FUNDS FOR HIGHWAY SAFETY. The commissioner of public safety, when authorized by the governor pursuant to section 7.15, may accept, administer and expend funds provided by [any] *an* Act of Congress for highway safety, law enforcement or any activities generally related to the duties of the department of public safety as provided in this chapter, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 23. Section eighty C point five (80C.5), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The commission with approval of the governor may accept funds, grants, services, facilities and property from any source, and all [such] receipts of the commission, including gifts, grants-in-aid and other revenue, [are hereby appropriated] *shall be expended* for carrying out the purposes of this chapter, *subject to sections ten (10) and eleven (11) of this Act.* The expenditure of [any] funds available to the

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commission shall be by warrant to the treasurer of [the] state, drawn by the state comptroller upon vouchers authorized by the executive director of the commission.

Sec. 24. Section three hundred three point ten (303.10), Code 1979, is amended to read as follows:

303.10 ACCEPTANCE AND USE OF MONEY GRANTS. All federal grants to and the federal receipts of the agencies receiving funds under this chapter [are appropriated] *shall be used* for the purpose set forth in the federal grants or receipts, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 25. Section three hundred three A point seven (303A.7), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The commission [is authorized and empowered to] *may* receive, accept, and administer [any money or] moneys appropriated or granted to it, separate and apart from the general library fund, by the federal government or by [any] other public or private agencies, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 26. Section three hundred seven A point four (307A.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Where funds [have been] *are* allotted or appropriated [or may hereafter be allotted or appropriated] by the government of the United States for the improvement of streets and highways in this state, and the federal statutes or the rules and regulations of the federal government provide or contemplate that [such] *the* work [shall be] *is* under the supervision of the commission, [said] *the* commission [is hereby authorized and empowered to] *may* let the necessary contracts for [such] *the* construction work, [to] supervise and direct [such] *the* construction work, [to] comply with the federal statutes and rules, and [to co-operate] *cooperate* with the federal government in the expenditures of [said] *the* federal funds, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 27. Section three hundred eight A point two (308A.2), Code 1979, is amended to read as follows:

308A.2 FUNDS. The state conservation commission may accept in the name of the state funds contributed by [such groups, and such] *county conservation boards, boards of supervisors, city councils or private organizations interested in bikeways. The* funds shall be used exclusively [in the establishment of] *to*

establish bikeways as [herein] provided *in this chapter.* Additional funds as [may be] necessary [in purchasing] *to purchase* signs and otherwise [carrying out] *implement*

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the provisions of this chapter may be expended by the conservation commission if authorized by the general assembly pursuant to appropriations for such purposes[, and the]. *The* commission [shall be authorized to] *may* accept and expend federal funds made available for the purposes of aiding in the implementation of this chapter, *subject to sections ten (10) and eleven (11) of this Act.*

Sec. 28. Sections nine (9) through twenty-seven (27) of this Act are effective January first following its enactment.

2. Renumbering as required.

BOB RUSH
LOWELL L. JUNKINS

S—5799

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the Senate as follows:

1. Page 14, by inserting after line 13 the following:

"____. Page 3, by inserting after line 2 the following section:

'Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12), is amended to read as follows:

12. PROGRAMS FOR GIFTED AND TALENTED CHILDREN.

a. For programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code . . . . . $ $ 100,000

b. For support services for programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code . . . . . $ $ 31,000

If federal funds become available for the purpose for which funds are

appropriated by this paragraph, the appropriation in this paragraph shall be reduced by the amount of federal funds received and the amount the appropriation is reduced shall revert to the general fund of the state.'"

2. Page 14, line 41, by inserting after the word "transportation" the words "and to make an appropriation".

TOM SLATER

S—5800

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 14, by inserting after line 13 the following:

"____. Page 3, by inserting after line 2 the following section:

'Sec. ____. For the school year beginning July 1, 1981, an area education agency which requires additional money to provide special education support services to children requiring special education the area may apply to the school budget review committee for additional funds. The school budget review committee shall review the requests submitted by area education agencies and may allocate additional funds to area education agencies on the basis of need from any funds appropriated to the department of public instruction for the use of the school budget review committee.'"

TOM SLATER

S—5801

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 16 the following:

"____. Page 1, by inserting before line 1 the following section:

'Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section three (3), is amended to read as follows:

SEC. 3. Section four hundred forty-two point four (442.4), Code 1979, is amended by adding the following new subsections after subsection two (2):

NEW SUBSECTION. 3. For the school year beginning July 1, 1980, and each subsequent school year, budget enrollment means the sum of the following:

a. Twenty-five percent of the basic enrollment for the school year beginning July 1, 1979.

b. Seventy-five percent of the adjusted enrollment computed under subsection 2, paragraph a, of this section.

c. Adjustments made by the state comptroller under subsection 4 of this section.

NEW SUBSECTION. 4. For the school years beginning July 1, 1980 and July 1, 1981 [only] *and each school year thereafter,* if an amount equal to the district cost per pupil for the budget year minus the amount included in the district cost per pupil for the budget year to compensate for the cost of special education support services for a school district times the budget enrollment of the school district for the budget year is less than one hundred four percent for the budget school year beginning July 1, 1980, and *the sum of* one hundred [three] percent *plus a percent equal to sixty percent of the state percent of growth* for the budget school year beginning July 1, 1981 *and each school year thereafter,* times an amount equal to the district cost per pupil for the base year minus the amount included in the district cost per pupil for the base year to compensate for the cost of special education support services for a school district times the adjusted enrollment of the school district for the base year beginning July 1, 1979 or times the budget enrollment of the school district for the base year beginning July 1, 1980 *and each school year thereafter,* the state comptroller shall increase the budget enrollment for the school district for the budget year to a number which will provide that one hundred four percent amount for the budget school year beginning July 1, 1980, and that one hundred

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[three] percent *plus the percent equal to sixty percent of the state percent of growth* amount for the budget school year beginning July 1, 1981 *and each school year thereafter.'* "

JOE BROWN

S—5802

Amend amendment S—5797 to House File 2551

as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 16 the following:

"____. Page 1, by inserting before line 1 the following section:

'Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section three (3), is amended to read as follows:

SEC. 3. Section four hundred forty-two point four (442.4), Code 1979, is amended by adding the following new subsections after subsection two (2):

NEW SUBSECTION. 3. For the school year beginning July 1, 1980, and each subsequent school year, budget enrollment means the sum of the following:

a. Twenty-five percent of the basic enrollment for the school year beginning July 1, 1979.

b. Seventy-five percent of the adjusted enrollment computed under subsection 2, paragraph a, of this section.

c. Adjustments made by the state comptroller under subsection 4 of this section.

NEW SUBSECTION. 4. For the school years beginning July 1, 1980 and July 1, 1981 only, if an amount equal to the district cost per pupil for the budget year minus the amount included in the district cost per pupil for the budget year to compensate for the cost of special education support services for a school district times the budget enrollment of the school district for the budget year is less than one hundred four percent for the budget school year beginning July 1, 1980, and *the sum of* one hundred [three] percent *plus a percent equal to sixty percent of the state percent of growth* for the budget school year beginning July 1, 1981, times an amount equal to the district cost per pupil for the base year minus the amount included in the district cost per pupil for the base year to compensate for the cost of special education support services for a school district times the adjusted enrollment of the school district for the base year beginning July 1, 1979 or times the budget enrollment of the school district for the base year beginning July 1, 1980, the state comptroller shall increase the budget enrollment for the school district for the budget year to a number which will provide that one hundred four percent amount for the budget school year beginning July 1, 1980, and that one hundred [three] percent *plus the percent equal to sixty percent of the state percent of growth* amount for

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the budget school year beginning July 1, 1981.' "

JOE BROWN

S—5803

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 16 the following:

"____. Page 1, by inserting before line 1 the following section:

'Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section three (3), is amended to read as follows:

SEC. 3. Section four hundred forty-two point four (442.4), Code 1979, is amended by adding the following new subsections after subsection two (2):

NEW SUBSECTION. 3. For the school year beginning July 1, 1980, and each subsequent school year, budget enrollment means the sum of the following:

a. Twenty-five percent of the basic enrollment for the school year beginning July 1, 1979.

b. Seventy-five percent of the adjusted enrollment computed under subsection 2, paragraph a, of this section.

c. Adjustments made by the state comptroller under subsection 4 of this section.

NEW SUBSECTION. 4. For the school years beginning July 1, 1980 and July 1, 1981 only, if an amount equal to the district cost per pupil for the budget year minus the amount included in the district cost per pupil for the budget year to compensate for the cost of special education support services for a school district times the budget enrollment of the school district for the budget year is less than one hundred four percent for the budget school year beginning July 1, 1980, and one hundred [three] *six* percent for the budget school year beginning July 1, 1981, times an amount equal to the district cost per pupil for the base year minus the amount included in the district cost per pupil for the base year to compensate for the cost of special education support services for a school district times the adjusted enrollment of the school district for the base year beginning July 1, 1979 or times the budget enrollment of the school district for the base year beginning July 1, 1980,

the state comptroller shall increase the budget enrollment for the school district for the budget year to a number which will provide that one hundred four percent amount for the budget school year beginning July 1, 1980, and that one hundred [three] *six* percent amount for the budget school year beginning July 1, 1981.' "

JOE BROWN

S—5804

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 5, line 33, by inserting after the word *"subsection"* the words *"and except that for the school year beginning July 1, 1981, the state percent of growth shall be twelve percent and shall not be otherwise computed under this section for the budget year beginning July 1, 1981 and shall not be recomputed under this section for the base year beginning July 1, 1980".*

C.W. HUTCHINS

S—5805

Amend the Hansen amendment, S—5797, to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 3, line 10, by striking the words *"two family members who attend high school"* and inserting in lieu thereof the words *"one family member who attends a public or nonpublic school".*

ARTHUR L. GRATIAS
JOANN ORR

S—5806

Amend amendment S—5797 to Senate File 2551 as amended, passed and reprinted by the Senate as follows:

1. Page 4, line 45, by inserting after the word *"institutions"* the words *"which only offer special education programs and".*

JOANN ORR

S—5807

Amend the Hansen amendment, S—5797, to House File 2551

as amended, passed and reprinted by the House as follows:

1. Page 5, by striking lines 17 through 33.

2. Page 6, by striking lines 13 through 26.

ARTHUR A. SMALL, JR.

S—5808

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 33 the following:

"____. Page 1, by inserting before line 1 the following section:

'Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph a, subparagraphs one (1) and two (2), as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section six (6), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections seven (7) through ten (10), are amended by striking the subparagraphs and inserting in lieu thereof the following:

(1) The percentage of change between the revenues received during the second year preceding the base year and the revenues received during the year preceding the base year.

(2) The percentage of change between the revenues received during the year preceding the base year and the revenues received during the base year.' "

W.R. BILL HANSEN

S—5809

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 13, line 1, by inserting after the word "district" the words "and funds granted by the department to school districts from funds appropriated for that purpose".

2. Page 14, by inserting after line 13 the following section:

"Sec. ____. There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1981 and ending June 30, 1982 the sum of two hundred

thousand (200,000) dollars, or so much thereof as may be necessary, to be allocated to eligible school districts on a grant basis for approved gifted and talented children programs."

JOANN ORR

S—5810

Amend the Hansen amendment, S—5797, to House File 2551 as amended, passed and reprinted by the House as follows:

1. By striking page 2, line 29 through page 3, line 10 and inserting in lieu thereof the following: "for elementary pupils by the board of resident district for the distance one way from the pupil's residence to the school designated for attendance at the rate of fifty-six cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be reimbursed eighty dollars per pupil per year for such service, provided however no family shall receive more than [one hundred sixty] *eighty* dollars per year for transporting the members of the family who attend high school. The provisions of this section shall apply to eligible nonpublic school pupils as well as to eligible public school pupils. However, reimbursement for nonpublic school pupils shall not exceed eighty dollars per pupil per year. The provisions of this subsection shall be effective for transportation of children commencing with the second semester of the school year beginning July 1, 1975."

2. Page 4, by striking lines 31 through 37.

JOANN ORR

S—5811

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 5, line 33, by inserting after the word *"subsection"* the words *"and except that for the school year beginning July 1, 1981, the state percent of growth computed for the budget year beginning July 1, 1981 and recomputed for the base year beginning July 1, 1980 shall not be less than twelve percent".*

C.W. HUTCHINS

S—5812

Amend Senate File 2072, Page 1, line 1, by

striking the words "road use tax" and inserting in lieu thereof the word "general".

COMMITTEE ON APPROPRIATIONS
JOHN S. MURRAY, Chairperson

S—5813

Amend Senate File 2072, title page, line 1, by striking the words "road use tax" and inserting in lieu thereof the word "general".

JOHN S. MURRAY

S—5814

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 30, line 13, by inserting after the word "which" the words "hospital facility".

BOB RUSH

S—5816

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 4, by striking line 48 and inserting in lieu thereof the following:

"____. Page 1, by inserting before line 1 the following:

'Sec. ____. Section four hundred forty-two point two (442.2), subsection one (1), Code 1979, is amended to read as follows:

1. Each school district shall cause to be levied each year, for the school general fund, a foundation property tax [of five dollars and forty cents per thousand dollars of assessed valuation] on all taxable property in the district. *For school years prior to the school year beginning July 1, 1981, the foundation property tax is five dollars and the forty cents per thousand dollars of assessed valuation. For the school year beginning July 1, 1981, the foundation property tax is five dollars and sixty-seven cents per thousand dollars of assessed valuation. For each succeeding school year, the foundation property tax shall be increased by the amount of twenty-seven cents per thousand dollars of assessed valuation, up to a maximum of the average of the foundation property tax levy plus the additional school district property tax levy for all districts*

in the state for the base year. For the purpose of this chapter, a school district is defined as a school corporation organized under chapter 274.'

___. Page 1, by inserting before line 1 the follow-
"

2. Page 5, by striking line 3 and inserting in lieu thereof the following:

"442.3 STATE FOUNDATION BASE.

1. The state foundation".

3. Page 5, by striking lines 9 through 12 and inserting in lieu thereof the following: "percent of the state cost per pupil."

4. Page 5, by striking line 16 and inserting in lieu thereof the following: "tax and state school foundation aid.

2. Notwithstanding the provisions of subsection one (1) of this section, the state foundation base for the school year beginning July 1, 1981, and for each succeeding school year shall be computed by the state comptroller. The state foundation base shall be that percent, computed to the closest one-tenth of a percent, which would result in the same total amount of state school foundation aid, on a statewide basis, that results from adding the amount of state

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school foundation aid that would have been paid had the state foundation base remained as provided under subsection one (1) of this section and the foundation property tax remained at five dollars and forty cents per thousand dollars of assessed valuation plus the amount of moneys deposited in the supplemental foundation fund during the base year."

___. Page 1, by inserting before line 1 the follow-
ing:

"Sec. ___. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new section:

NEW SECTION. SUPPLEMENTAL FOUNDATION FUND. There is established in the office of the treasurer of state the supplemental foundation fund. No later than May first of each year, the state comptroller shall notify each county auditor the school districts' maximum allowable district costs for the budget year for school districts whose foundation property tax levy will raise money in excess of the school districts' maximum allowable district costs. The moneys raised by a school district by the foundation property tax

levy for the budget year in excess of the school district's maximum allowable district cost for the budget year, shall be transferred by the county auditor to the treasurer of state for deposit in the supplemental foundation fund. The moneys deposited in the supplemental foundation fund in the base year are annually appropriated as additional state school foundation aid in the budget year and shall be distributed as provided in section four hundred forty-two point one (442.1) and section four hundred forty-two point three (442.3), subsection two (2) of the Code."

5. By renumbering sections and internal references as necessary.

JOANN ORR

S—5817

Amend Senate File 2192 as follows:

1. Page 9, by striking lines 14 through 29 and inserting in lieu thereof the following: "the threatening activity. The county commission shall hold a public hearing on the matter. If after the hearing, the county commission determines that the activity does constitute a danger, the commission shall notify the county board of supervisors in writing at which time the county board of supervisors shall take appropriate action to halt the activity which is in progress."

BERL E. PRIEBE
ARNE WALDSTEIN
DALE L. TIEDEN
JAMES CALHOON
NORMAN G. RODGERS

S—5818

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 37 the following:

"Sec. ____ . Section two hundred eighty-five point fourteen (285.14), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A vehicle used for an approved driver education course in which the driver education teacher transports driver education students

from their residences for street or highway driving is not a school bus."

C.W. HUTCHINS
W.R. BILL HANSEN

S—5819

Amend amendment S—5797 to House File 2551 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 33 the following:

"____. Page 1, by inserting before line 1 the following section:

'Sec. ____. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph a, subparagraphs one (1) and two (2), as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section six (6), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections seven (7) through ten (10), are amended by striking the subparagraphs and inserting in lieu thereof the following:

(1) The percentage of change between the revenues received during the second year preceding the base year and the revenues received during the year preceding the base year.

(2) The percentage of change between the revenues received during the year preceding the base year and the revenues received during the base year.' "

JOE BROWN

S—5820

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 10, by inserting after the word "way" the words "with a right reverter".

ARTHUR A. SMALL, JR.

S—5821

Amend House File 2580 as amended, passed and reprinted by the House as follows:

DIVISION S—5821A

1. Page 1, by inserting before line 1 the following:

"Section 1. There is appropriated from the general fund of the state to the salary adjustment fund created in section eight point forty-three (8.43) of the Code, the following amount or so much thereof as is necessary, to be used and distributed to the various departments and agencies in the manner provided in this Act:

For the fiscal year beginning July 1, 1980 . . . . . $ 8,700,000

Sec. 2. The funds appropriated in section one (1) of this Act are in addition to the funds appropriated in the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section twenty-two (22), subsection one (1), and shall be used to fund the following and section six (6) of this Act:

An annual pay adjustment of two percent for the fiscal year beginning July 1, 1980, which shall be available for adding to the funds appropriated in the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section twenty-two (22), subsection one (1) and making a combined adjustment for employees who will receive adjustments in the fiscal year beginning July 1, 1980 provided for in this section and the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section twenty-two (22), subsections one (1) and two (2). However, this section does not apply to employees covered under section six (6) of this Act. Funds appropriated by this section shall not be added to the funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), sections twenty-three (23) and twenty-four (24). However, employees covered under sections twenty-three (23) and twenty-four (24) of that Act are eligible to receive the two percent pay adjustment payable from funds appropriated by those sections in the same manner as other employees.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 to the state comptroller for allocation as additional general state financial aid for supplementary salary adjustment purposes of merged areas as defined in section two hundred eighty A point two (280A.2) of the Code, the sum of one million three hundred thousand (1,300,000)

dollars, or so much thereof as is necessary.

Sec. 4. Funds appropriated from the general fund of the state in sections two (2) and three (3) of this act shall relate to salaries supported from general fund appropriations and shall not be used to replace revolving, federal, trusts, or special funds where applicable.

Sec. 5. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental authorization is provided to use the funds in an amount necessary to fund salary adjustments at the level authorized in section two (2) of this Act.

Sec. 6. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section twenty-eight (28), is amended by striking the section and inserting in lieu thereof the following:

SEC. 28. For the fiscal year beginning July 1, 1980 and ending June 30, 1981, the funds allocated to the state board of regents by chapter two (2) of Acts of the Sixty-eighth General Assembly, 1979 Session, this Act, and other funds which may be available for the purpose of providing increases for employees not covered by a collective bargaining agreement and employees in the university of northern Iowa faculty bargaining unit, shall be used as follows:

1. Employees in the university of northern Iowa faculty bargaining unit shall receive a one and three-tenths percent increase in salary as their salaries exist for the fiscal year ending June 30, 1980, and an additional seven-tenths of one percent of such salaries shall be available for salary increases for such persons at the discretion of the state board of regents. These increases shall be in addition to salary increases otherwise authorized by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section twenty-two (22), subsection two (2), paragraph g, and shall be paid at the same time and administered in the same manner as other salary adjustments provided for in section two (2) of this Act. This subsection shall not be construed as a violation of a collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code.

2. The amount necessary to fund for the fiscal year an average base salary increase of nine percent of base salaries for faculty members not covered in a collective bargaining unit and paid during the preceding fiscal year, to be allocated to faculty

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DIVISION S—5821A (cont'd.)

members at the discretion of the state board of regents.

3. The amount necessary to fund for the fiscal year a salary increase of five percent of the base salary, plus an additional one percent to be allocated at the discretion of the state board of regents, of each professional and scientific staff member, except board office employees, paid during the preceding fiscal year. The percentage increases authorized for salaries under this subsection do no preclude a professional and scientific staff member from receiving an additional salary increase authorized by the state board of regents consistent with chapter two (2) of Acts of the Sixty-eighth General Assembly, 1979 Session, and this Act and appropriations made by the general assembly.

4. For employees under the state board of regents' merit system who are not included in the collective bargaining agreement made final under chapter twenty (20) of the Code, except board office employees, the amount necessary to increase the state board of regents' merit pay plan as it exists for the fiscal year ending June 30, 1980, an average amount equal to seven and four-tenths percent. The percentage increase authorized for the pay plan in this subsection does not preclude an employee under the state board of regents' merit system who is not under a collective bargaining agreement and not a board office employee, from receiving any additional salary increase authorized under the state board of regents' merit rules. The merit pay plan adjustment shall be rounded to the nearest whole dollar for the fiscal year.

Sec. 7.

1. The state comptroller shall determine the actual authorized employee positions in state government payable in whole or in part from the general fund or trust funds of the state, on July 1, 1980, as authorized by the executive council or the board of regents for the executive branch, by the chief justice of the supreme court for the judicial branch, by the legislative council or the appointing authorities of the two houses for the legislative branch. The positions shall be categorized as full-time, intermittent, or part-time positions. During the fiscal year beginning on July 1, 1980, the state

comptroller shall monitor the positions and shall report to the governor, the chief justice of the supreme court, the legislative council or the appointing authorities of the two houses of the general assembly, the applicable manner of positions in each

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DIVISION S—5821A (cont'd.)

category authorized and filled on the last day of each quarter.

2. a. As used in this subsection and subsection three (3) of this section, 'appropriate official or agency' means the governor, for a position in the executive branch of state government other than a position which is at an institution governed by the state board of regents and is not on the centralized payroll system; the president or superintendent of an institution governed by the state board of regents for a position in that institution which is not on the centralized payroll system; the chief justice of the supreme court for a position in the judicial branch of state government; the legislative council or appointing authorities of the two houses of the general assembly for a position in the legislative branch of state government; or the superintendent of a merged area school.

b. During the fiscal year beginning July 1, 1980, a vacancy in an employee position in state government or a merged area school, other than a position which is independent of state funding, shall not be filled unless the appropriate official or agency reviews the need for filling the vacancy and gives written authorization for it to be filled.

3. In reviewing need and authorizing the filling of vacancies, the appropriate official or agency shall consider, to the extent practicable, the following criteria among others:

a. Recommendations of the governor's economy committee '79.

b. Economic predictions for the economy of the nation, this state, the general fund of the state and other funds applicable to the agency or position reviewed.

c. Work loads and job descriptions of other positions in the agency.

d. Efficiency measures adopted by or recommended for the agency.

e. Special skills or training required for the position.

f. An increase or decrease in employees of the agency during the preceding three fiscal years.

g. An increase or decrease in duties delegated to the agency during the preceding three fiscal years.

h. An increase or decrease in the number of persons served by the agency during the preceding three fiscal years.

As used in this subsection, 'agency' may mean a commission, department or other division of the

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DIVISION S—5821A (cont'd.)

executive branch, an institution governed by the state board of regents, a department or portion of the judicial branch, either house of the legislature, a legislative agency, or a merged area school, as applicable.

4. Subsections one (1), two (2), and three (3) of this section do not apply to positions held by inmates, patients or students at state institutions.

5. The general assembly intends that the implementation of this section either will reduce the number of actual authorized employee positions in state government payable in whole or in part from the general fund or trust funds of the state, in each category of full-time, intermittent, or part-time positions, on June 30, 1981, by at least two percent below the number of such positions on July 1, 1980 or will increase the average vacancy factor in employment positions by at least one month.

6. Actions taken by the presidents or superintendents of institutions governed by the state board of regents for the purpose of implementing this section shall be reported to the board of regents and to the governor. Actions taken by superintendents of merged area schools for the purpose of implementing this section shall be reported to the state board of public instruction and the governor. The reports shall be made not less than quarterly.

Sec. 8. Section one hundred twenty-three point fifty-three (123.53), Code 1979, is amended by striking subsection seven (7).

Sec. 9. Section four hundred twenty-six A point one (426A.1), Code 1979, is amended to read as follows:

426A.1 MILITARY SERVICE TAX CREDIT [FUND]. There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, [the] *a* sum [of eight hundred thousand dollars to establish a fund

to be known as 'the military service tax credit fund'. in which fund shall also be included the amounts credited to the military service tax fund provided by section 123.53, subsection 7] *sufficient to pay the military service tax credits in the manner provided in this chapter.*

Sec. 10. Section four hundred twenty-six A point two (426A.2), Code 1979, is amended to read as follows:

426A.2 WHERE CREDIT GIVEN. The military service tax credit [fund] shall be [apportioned] *paid* each year as hereinafter provided so as to replace all or a portion of the tax on property eligible for military service tax exemption in the state, where such property subject to taxation the amount of such credit to be

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DIVISION S—5821A (cont'd.)

equal to not more than six dollars and seventy-five cents per thousand dollars of assessed value upon the valuation of property subject to the tax which, but for military service tax exemption, would be payable upon such property in the taxing district to which such property is located.

Sec. 11. Section four hundred twenty-six A point four (426A.4), Code 1979, is amended to read as follows:

426A.4 CERTIFICATION BY DIRECTOR OF REVENUE. Sums distributable [from] *for* the military service tax credit [fund] shall be allocated every six months to the several counties of the state. On March 25 and September 25 annually the director of revenue shall certify to the comptroller the total credits claimed by each county. Upon receipt of the certification from the director of revenue, the comptroller shall draw warrants to the treasurer of each county payable from the [military tax service credit] *general* fund in the amount claimed[, provided that if the amount of money in said fund is insufficient to pay the credits claimed in full, then in that event they shall be paid on a pro rata basis.]

Sec. 12. Section four hundred twenty-six A point six (426A.6), Code 1979, is amended to read as follows:

426A.6 SETTING ASIDE ALLOWANCE. Should the director of revenue determine, upon investigation, that any claim for military service tax exemption has been allowed by any board of supervisors which is not justifiable under the law and not substantiated

by proper facts, the director may, at any time within twenty-four months from July 1 of the year in which the claim is filed, set aside such allowance. Notice of such disallowance shall be given to the county auditor of the county in which such claim has been improperly granted and a written notice of such disallowance shall also be addressed to the claimant at his last known address. Such claimant, or the board of supervisors, may seek judicial review of the action of the director or revenue in accordance with the terms of the Iowa administrative procedure Act. In any case, where a claim is so disallowed by the director of revenue and no petition for judicial review is filed with respect to such disallowance, any amounts of credits allowed and paid [from the military service tax credit fund] shall become a lien upon the property on which said credit was originally granted, if still in the hands of the claimant, and not in the hands of a bona fide purchaser, and any amount so erroneously paid shall be collected by the

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DIVISION S—5821A (cont'd.)

county treasurer in the same manner as other taxes and such collections shall be returned to the department of revenue and credited to the [military service tax credit] *general* fund. The director of revenue shall also have the authority to institute legal proceedings against a military service tax exemption claimant for the collection of all payments made on such disallowed exemptions.

Sec. 13. Section four hundred twenty-six A point eight (426A.8), Code 1979, is amended to read as follows:

426A.8 EXCESS REMITTED—APPEALS. If the amount of credit apportioned to any property eligible to military service tax exemption under the provisions of this chapter in any year shall exceed the total tax, exclusive of any special assessments levied against such property eligible for military service tax exemption then such excess shall be remitted by the county treasurer to the department of revenue to be redeposited in the [military service tax credit] *general* fund [and reallocated the following year by the department as provided hereunder.]

In the event any claim for exemption made hereunder has been denied by the board of supervisors, and such

action is subsequently reversed on appeal, the same credit shall be allowed on the assessed valuation, not to exceed the amount of the military service tax exemption involved in said appeal, as was allowed on other military service tax exemption valuations for the year or years in question, and the director of revenue, the county auditor, and the county treasurer are hereby authorized and directed to make such credit and to change their books and records accordingly.

In the event the appealing taxpayer has paid one or both of the installments of the tax payable in the year or years in question on such military service tax exemption valuation, remittance shall be made to the county treasurer in the amount of such credit.

The amount of such credit shall be allocated and paid from the [surplus redeposited in the military tax credit fund provided for in the first paragraph of this section] *general fund.*

Sec. 14. Section four hundred twenty-six A point nine (426A.9), Code 1979, is amended to read as follows:

426A.9 ERRONEOUS CREDITS. In the event any claim is allowed, and subsequently reversed on appeal, any credit made thereunder shall be void, and the amount of such credit shall be charged against the property

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DIVISION S—5821A (cont'd.)

in question, and the director of revenue, the county auditor and the county treasurer are authorized and directed to correct their books and records accordingly. The amount of such erroneous credit, when collected, shall be returned by the county treasurer to the [military service tax credit] *general* fund [to be reallocated the following year as provided herein] *of the state.*

Sec. 15. Section four hundred twenty-six A point ten (426A.10), Code 1979, is repealed.

Sec. 16. The state comptroller shall report to the legislative fiscal committee not less than quarterly the results of implementing the provisions of this Act. The state comptroller may provide additional information which is deemed useful in understanding the provisions of this Act and the legislative fiscal committee may request such information as it deems useful."

DIVISION S—5821B

2. Page 1, line 11, by striking the word "may" and inserting in lieu thereof the word "shall".

DIVISION S—5821C

3. Page 3, line 20, by striking the figure "4,751,000" and inserting in lieu thereof the figure "4,801,000".

DIVISION S—5821D

4. Page 3, by striking lines 21 through 27.

DIVISION S—5821E

5. Page 12, by striking line 22 through page 14, line 1.

DIVISION S—5821F

6. Page 21, line 31, by inserting after the word "property" the words "to be disposed of by a public auction at Terrace Hill conducted by the department of general services".

DIVISION S—5821G

7. Page 22, by inserting after line 34 the following:

"Sec. ____. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, to the Iowa merit employment department for conversion, design, testing, installation, and implementation of a data processing system.

Sec. ____. Section two point forty-three (2.43), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council may assign areas in the state capitol or other state buildings, in consultation with the director of the department of general services and the capitol planning

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DIVISION S—5821G (cont'd.)

commission, for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly *or legislative agencies subject to the jurisdiction of the legislative council* and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government."

DIVISION S—5821H

8. Page 25, by striking lines 7 and 8 and inserting in lieu thereof the following:

"Sec. 44. Sections forty-one (41), forty-two (42), and forty-three (43) of this Act take effect July 1, 1981."

DIVISION S—5821I

9. Page 29, by striking lines 1 through 13.

DIVISION S—5821J

10. Page 32, by striking from line 9 the figure *"55,100,000"* and inserting in lieu thereof the figure *"56,100,000"*.

DIVISION S—5821K

11. Page 34, by striking lines 22 through 25 and inserting in lieu thereof the words *"wide Title XX plan."*

DIVISION S—5821L

12. Page 35, lines 8 and 9, by striking the words "subsections one (1) and four (4), are" and inserting in lieu thereof the words "subsection four (4) is".

13. Page 35, by striking lines 10 through 15.

COMMITTEE ON APPROPRIATIONS
JOHN S. MURRAY, Chairperson

S—5822

For the text of this House amendment, see pages 1600-1603 of the Senate Journal.

S—5823

For the text of this House amendment, see pages 1599-1600 of the Senate Journal.

S—5824

Amend House File 2580, as amended, passed and reprinted by the House, as follows:

1. Page 15, by striking lines 10 through page 18, line 27.

WILLIAM D. PALMER

S—5825

Amend House File 2580 as amended, passed and reprinted by the House, as follows:

1. Page 27, line 12, by inserting after the figure "(3)," the word and figure "six (6),".

2. Page 28, by inserting after line 5 the following:

"6. It is the intent of the general assembly that the division of adult corrections in cooperation with the Iowa merit employment commission study the cost of raising the salaries of all corrections personnel, the cost of making a greater distinction in salary between corrections officers and supervisory personnel, the costs of bringing the salaries of corrections officers at Rockwell City into uniformity with the salaries at the other adult corrections institutions, and the cost of early retirement for correctional officers, and that after study and consultation with the Iowa merit employment system, the division report its recommendations to the joint appropriations subcommittee on social services not later than December 1, 1979, and that the division of adult corrections, with a representative of the merit employment commission, send a progress report to the chairpersons of the joint appropriations subcommittee on social services at least twice prior to December 1, 1979. *The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-83 budget request.*"

SUE YENGER

S—5826

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. By striking page 29, line 30, through page 31, line 14.

LUCAS J. DE KOSTER
JOHN S. MURRAY

S—5827

Amend Senate File 2371 as follows:

1. Page 2, by inserting after line 20 the following new section:

"Sec. 4. This Act is repealed effective July 1, 1982 and all unencumbered and unobligated funds within the contigency fund established by section 1 of this Act shall expire on that same date and shall revert to the general fund of the state."

ROBERT M. CARR
JAMES E. BRILES
RICHARD R. RAMSEY
LOWELL L. JUNKINS

S—5828

Amend Senate File 2376 as follows:

1. Page 6, by inserting after line 27 the following new section:

"Sec. ____. The provisions of section ten (10) of this Act shall become effective May 1, 1981."

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

ROLF V. CRAFT

S—5829

Amend House amendment S—5733 to Senate File 2148 as amended and passed by the Senate as follows:

1. Page 1, line 37, by striking the figure *"$50"* and inserting in lieu thereof the figure *"$100"*.

CLOYD E. ROBINSON

S—5830

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 10, by inserting after the word "way" the words "with a right of reversion".

ARTHUR A. SMALL, JR.

S—5831

Amend House File 2577, as passed by the House, as follows:

1. Page 1, line 28, by inserting after the word *"spouse"* the words *"and a survivor having an insurable interest in the individual can only exclude the amount of annuities received as a result of the death of the individual".*

EDGAR H. HOLDEN

S—5832

Amend Senate File 2378 as follows:

1. Page 1, line 19, by striking the words "a railroad" and inserting in lieu thereof the words "rolling stock except as incidental to the repair or renovation of a railway facility".

2. Page 2, by striking lines 18 through 25 and inserting in lieu thereof the words "increase in transportation costs. This will be accompanied in a reduction in Iowa farm income. Any prolonged loss of service on the essential portions of these rail facilities means the loss of jobs in Iowa and a loss to the state economy."

3. Page 5, lines 24 and 25, by striking the words "transportation regulation board shall provide all" and inserting in lieu thereof the words "counsel of the transportation regulation board and the attorney general's office shall provide".

4. Page 6, lines 3 and 4, by striking the words "if deemed essential to provide a viable system,".

5. Page 7, line 22, by striking the words "an essential".

6. Page 7, line 24, by striking the word "essential" and inserting in lieu thereof the word "necessary".

7. Page 12, by striking lines 27 through 28 and inserting in lieu thereof the words "shall be employees of the state within the meaning of chapter twenty-five A (25A) of the Code and the provisions of that chapter shall apply to such members and persons."

8. Page 13, by striking line 22 and inserting in lieu thereof the words and figures "the sum of

two hundred seventy-five thousand (275,000) dollars,".

RICHARD F. DRAKE
C.W. HUTCHINS
JOHN SCOTT
ROLF V. CRAFT
BASS VAN GILST
BOB RUSH

S—5833

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 14 through 17 and inserting in lieu thereof the following: "shall revert at the time of abandonment to the owner of the property from which the right of way was originally taken."

ARTHUR A. SMALL, JR.

S—5834

Amend House File 2486 as amended, passed and reprinted by the House as follows:

1. Page 1, line 5, by striking the words "section two (2) of this Act" and inserting in lieu thereof the words "subsection four (4) of this section".

2. Page 1, by striking lines 11 through 19 and inserting in lieu thereof the words "tion is made, provided that the loan is for an agricultural purpose as defined in section two (2) of this Act and further provided that the loan would, but for this section, be subject to".

3. Page 2, by inserting after line 6 the following:

"4. As used in this section, 'agricultural credit corporation' means a corporation which has been designated by the federal intermediate credit bank of Omaha, Nebraska, as an agricultural credit corporation eligible to sell or discount loans to that bank pursuant to the provisions of 12 United States Code, s. 2074."

4. By striking page 2, line 7, through page 3, line 12, and inserting in lieu thereof the following:

"Sec. 2. Chapter five hundred thirty-five (535), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, 'agricultural

purpose' means a purpose relating to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a person who cultivates, plants, propagates or nurtures the agricultural products. 'Agricultural products' includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section two (2), subsection one (1), paragraph e, is amended to read as follows:

e. A person borrowing money or obtaining credit for business or agricultural purposes, or a person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars for personal, family or household purposes. As used in this paragraph, 'agricultural purpose' means [and includes any of the purposes referred to in section five hun-

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dred thirty-seven point one thousand three hundred one (537.1301), subsection four (4) of the Code, but regardless of whether or not the activities described in that subsection are undertaken by a natural person or other entity] *as defined in section two (2) of this Act.*

Sec. 4. Section five hundred twenty-four point one hundred three (524.103), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'Agricultural credit corporation' means as defined in section one (1), subsection four (4) of this Act.

Sec. 5. Sections two (2) and three (3) of this Act are retroactive to the effective date of Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), and shall be deemed to have been enacted as an integral part of that Act."

EDGAR H. HOLDEN

S—5835

Amend Senate File 2376 as follows:

DIVISION S—5835A

1. Page 1, line 14, by inserting after the figure "1981" the words and figures "and ending September 30, 1981, six cents per gallon for the period beginning October 1, 1981 and ending June 30, 1982, and eight cents per gallon for the period beginning July 1, 1982".

DIVISION S—5835B

2. Page 6, by striking lines 1 through 27 and inserting in lieu thereof the following:

"NEW SECTION. TAX PAYMENT FOR STORED MOTOR FUEL, GASOHOL, AND SPECIAL FUEL—PENALTY.

1. Persons having title to motor fuel, gasohol, or special fuel in storage and held for sale on the effective date of an increase in the excise tax rate imposed on motor fuel, gasohol, or special fuel under this chapter shall be subject to an inventory tax based upon the gallonage in storage as of the close of the business day next preceding the effective date of the increased excise tax rate of motor fuel, gasohol, or special fuel which will be subject to the increased excise tax rate.

2. Persons subject to the tax imposed under this section shall taken an inventory to determine the gallonage in storage for purposes of determining the tax and shall report that gallonage on forms provided by the department of revenue and pay the tax due within fifteen days of the prescribed inventory date. The department of revenue shall adopt rules pursuant to chapter seventeen A (17A) of the Code as are necessary to carry out the provisions of this section.

3. The amount of the inventory tax is equal to the inventory tax rate times the gallonage in storage as determined under subsection one (1) of this section. The inventory tax rate is equal to the difference of the increased excise tax rate less the previous excise tax rate."

EDGAR H. HOLDEN

S—5836

Amend Senate File 2376 as follows:

1. Page 6, line 23, by striking the word "fifteen" and inserting in lieu thereof the word "thirty".

RICHARD F. DRAKE

S—5837

Amend House amendment S—3599 to Senate File 190 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking line 34 and inserting in lieu thereof the words *"subsection two (2) of this section; and provided further that a lien under this chapter is unenforceable notwithstanding any contrary provision of this chapter as against a purchaser, encumbrancer or other person who acquires in good faith, for valuable consideration and subsequent to the date of completion of the improvement, alteration or repair, an interest in the real property to which the lien attaches unless the lien was perfected and filed of record under this chapter prior to the time the interest is acquired."*

ARTHUR A. SMALL, JR.
STEPHEN W. BISENIUS

S—5838

Amend Senate File 2376 as follows:

1. Page 2, line 32, by inserting after the word "than" the words "thirty-one days following".

2. Page 3, line 18, by striking the word and figure "six (6)" and inserting in lieu thereof the word and figure "five (5)".

3. Page 3, line 18, by striking the word and figure "five (5)" and inserting in lieu thereof the word and figure "six (6)".

4. Page 3, line 27, by striking the words and figures *"sections six (6) and seven (7)"* and inserting in lieu thereof the words and figure *"section nine (9)"*.

5. Page 6, by inserting after line 27 the following new section:

"Sec. ____. The provisions of section five (5) of this Act are effective June 30, 1983."

6. Renumber sections and correct internal references as are necessary in accordance with this amendment.

ROLF V. CRAFT

S—5839

Amend Senate File 2376 as follows:

1. Page 6, by striking lines 11 through 20 and inserting in lieu thereof the following:

"All persons having title on July 1, 1983, to gasohol in storage, which gasohol is held for sale and upon which the excise tax has been paid prior to such date shall taken an inventory of the gallonage of gasohol on hand as of the close of business, June 30, 1983. All gallonage sold on or after July 1, 1983 shall be taxed at the rate established for motor fuel by section three hundred twenty-four point three (324.3) of the Code. All persons responsible for taking the inventory under the provisions of this paragraph shall pay to the treasurer of the state a five cents per gallon tax on gasohol on hand as of June 30, 1983."

RICHARD F. DRAKE

S—5840

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 40, line 24, by inserting after the word "copayment" the words "and to require that pharmacists who reduce the total cost, including the reduction of either the ingredient cost or the professional fee, or both, of a prescription drug or insulin to persons, as defined in section four point one (4.1), subsection thirteen (13) of the Code, participating in a private, third-party payor prescription drug insurance or benefit plan or to the insurance or benefit plan, also reduce by the same amount the total cost of the same prescription drug or insulin to persons participating in the medical assistance program established by chapter two hundred forty-nine A (249A) of the Code or to the program".

BERL E. PRIEBE

S—5841

For the text of this House amendment, see pages 1626-1633 of the Senate Journal.

S—5842

Amend Senate File 2376 as follows:

1. Page 2, by striking lines 5 through 8 and inserting in lieu thereof the words "and second, the number of gallons of motor".

EDGAR H. HOLDEN
C.W. HUTCHINS

S—5843

Amend House amendment S—5730 to Senate File 431 as follows:

1. Page 1, line 22, by striking the word and figure *"six (6)"* and inserting in lieu thereof the word and figure *"two (2)"*.

2. Page 1, by striking lines 43 through 46 and inserting in lieu thereof the following:

"1. Remove the administrator of the health care facility."

3. Page 2, lines 14 and 15, by striking the words *"in receivership or operating on a conditional license"*.

4. By striking page 3, line 45 through page 5, line 37.

5. Page 5, by inserting after line 37 the following:

"Sec. ____ . Section one hundred thirty-five C point ten (135C.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The department shall be prohibited from recommending the initiation of decertification proceedings against any facility which could lead to denial of benefits under chapter two hundred forty-nine A (249A) of the Code until proceedings to deny, suspend or revoke a facility's license have been finalized."

W.R. BILL HANSEN
BERL E. PRIEBE

S—5844

Amend the Holden amendment, S—5835, to Senate File 2376 as follows:

1. Page 1, line 27, by striking the word "fifteen" and inserting in lieu thereof the word "thirty".

EDGAR H. HOLDEN

S—5845

Amend amendment S—5834 to House File 2486 as amended, passed and reprinted by the House as follows:

1. Page 1, line 8, by inserting after the word "agricultural" the word "production".

2. Page 1, line 9, by striking the words and figure "section two (2) of this Act" and inserting in lieu thereof the words and figure "subsection five (5) of this section".

3. Page 1, by striking line 20 and inserting in lieu thereof the words and figures "State Code, s. 2074.

5. As used in this section 'agricultural production purpose' means a purpose related to the production of agricultural products. 'Agricultural products' includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products thereof, and any and all products produced on farms."

C. JOSEPH COLEMAN
ARNE WALDSTEIN
IRVIN L. BERGMAN

S—5846

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 35 the following sections:

"Sec. ____ . Section ninety-seven B point forty-one (97B.41), subsection one (1), paragraph a, unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by striking the unnumbered paragraph.

Sec. ____ . Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraph one (1), Code 1979, as the section is amended by acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

(1) [Elective] *Members of the general assembly, elective state officials, elective* officials in positions for which the compensation is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions, graduate medical students while serving as interns or resident doctors in training at any hospital, or county medical examiners and deputy county medical examiners under chapter 339."

2. Page 5, by striking line 28 and inserting in lieu thereof the following:

"(2) [Members of the general assembly of Iowa and temporary] *Temporary*".

3. Page 5, line 31, by striking the words *"A member"*.

4. By striking page 5, lines 32 through page 6,

line 1.

5. Page 16, by inserting after line 1 the following section:

"Sec. ____. Chapter ninety-seven B (97B), Code 1979, is amended by adding the following new section:

NEW SECTION. MEMBERSHIP TERMINATION. Effective January 12, 1981, a member of the general assembly, previous member of the general assembly, or elective state official who had made contributions to the system as a member of the general assembly shall be considered to have terminated employment for the purposes of this chapter for service as a member of the general assembly, previous member of the general assembly, or elective state official and section ninety-seven B point fifty-three (97B.53) of the Code will apply."

Page 2

6. By numbering and renumbering sections as necessary.

JOHN W. JENSEN

S—5847

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 6, by striking lines 10 through 27 and inserting in lieu thereof the following:

"The Iowa mental health authority shall cooperate with the mental health commission in preparations to implement sections seventy-one (71) through ninety-seven (97) of this act."

2. Page 6, line 34, by striking the figure *"50,000"* and inserting in lieu thereof the figure *"41,000"*.

3. Page 6, by inserting after line 34 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), is amended by adding the following new subsection:

NEW SUBSECTION. MENTAL HEALTH COMMISSION

For per diem and expenses of members, and other expenses necessary in carrying out its duties under Acts of the Sixty-eighth General Assembly, 1980 Session, House File 2580, sections seventy-one (71) through ninety-seven (97) . . . $ 9,000"

4. Page 29, by striking line 32 and inserting in lieu thereof the words "adding the following new subsections:

NEW SUBSECTION. The division of mental health resources shall cooperate with the mental health commission in preparations to implement sections seventy-one (71) through

ninety-seven (97) of this Act."

5. Page 40, by inserting after line 33 the following:

Sec. 71. *NEW SECTION.* FINDINGS AND PURPOSE. The general assembly finds that community-based care, provided in many parts of the state by highly autonomous community mental health centers working cooperatively with state mental health institutes, is meeting most mental health needs of those Iowans to whom this care is available. However, the general assembly recognizes that there are some persons unserved or underserved and that heavy reliance on property tax funding for mental health services has restricted uniform availability of this care. Consequently, greater efforts should be made to assure close coordination and continuity of care for those individuals receiving publicly supported mental health services in Iowa. It is the purpose of sections seventy-one (71) through ninety-seven (97) of this Act to continue and to strengthen the mental health services now available in the state of Iowa, to make these services conveniently available to all persons in this state upon a reasonably uniform financial basis, regardless of race, creed, national origin, handicap, age or sex, and to assure the continued high quality of these services.

Sec. 72. *NEW SECTION.* DEFINITIONS. As used in seventy-

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one (71) through ninety-seven (97) of this Act:

1. "Department" means the department of mental health.
2. "Commission" means the mental health commission.
3. "Director" means the director of mental health.
4. "Comprehensive services" means the mental health services delineated by United States Public Law 94-63, as amended to January 1, 1980.
5. "Autistic persons" means individuals, regardless of age, with severe communication and behavior disorders that become manifest during the early stages of childhood development and that are characterized by a severely disabled inability to understand, communicate, learn and participate in social relationships. "Autistic persons" includes but is not limited to those individuals afflicted by infantile autism, profound aphasia and childhood psychosis.

Sec. 73. *NEW SECTION.* DEPARTMENT ESTABLISHED.

1. A department of mental health is established to administer or coordinate programs established by or authorized under the laws of this state for the benefit of persons affected by mental illness and for the enhancement of mental health. The department is headed

by the director of mental health, and its offices shall be located at the seat of government, except that the offices of the research and education division may be located elsewhere at the discretion of the commission. The state mental health institutes established by chapter two hundred twenty-six (226) of the Code are a part of the department.

2. The department shall maintain the following major functional divisions:

a. The administrative division.

b. The standards and accreditation division.

c. The community services division.

d. The planning and evaluation division.

e. The research and education division.

3. The department is designated the Iowa mental health authority for the purpose of directing the benefits of United States Pub. L. No. 79-487, 60 Stat. L. 538 (1946) and amendments thereto.

Sec. 74. *NEW SECTION.* STATE MENTAL HEALTH COMMISSION.

1. The policy-making body for the department is the mental health commission, consisting of eleven members appointed by the governor with approval of two-thirds of the members of the senate. Commission members shall be appointed on the basis of interest and experience in the field of mental health, and in a manner so that, if possible, the composition of the commission will comply with the pertinent requirements of United States Pub. L. No. 94-63 relative to a state mental health advisory

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council. At least one voting member of the commission shall be a member of a county board of supervisors at the time of his or her appointment to the commission, and shall be appointed from a list of nominees submitted by the Iowa state association of counties.

2. Either three or four members, whichever is appropriate, shall be appointed to the commission prior to July first of each year for terms of three years beginning July first of that year. However, of the initial appointees to the commission, the governor shall designate three to serve terms ending June thirtieth of the second succeeding year, four to serve terms ending June thirtieth of the third succeeding year, and four to serve terms ending June thirtieth of the fourth succeeding year after the year in which this section takes effect. Vacancies on the commission shall be filled by appointment by the governor. An appointment to fill a vacancy occurring when the general assembly is not in session expires thirty days after the convening of the next regular session; an

appointment to fill a vacancy occurring during a session of the general assembly is for the balance of the unexpired term and is subject to approval of two-thirds of the members of the senate. No member shall be appointed for more than two consecutive three-year terms.

3. Members of the commission shall qualify by taking the oath of office prescribed by law for state officers. At its first meeting after July first of each year, the commission shall organize by electing a chairperson and a vice chairperson for terms of two years. Commission members are entitled to forty dollars per diem and reimbursement for actual and necessary expenses incurred while engaged in their official duties, to be paid from funds appropriated to the department.

Sec. 75. *NEW SECTION.* POWERS AND DUTIES OF COMMISSION. The mental health commission shall:

1. Advise the governor upon the appointment of, and when its members deem it appropriate, upon the retention or discharge of, the director of mental health.

2. Review and adopt a comprehensive state plan for delivery of mental health services, and advise the director on administration of the plan.

3. Approve the budget of the department before it is submitted to the governor.

4. Approve rules recommended by the director and promulgate such rules in accordance with chapter seventeen A (17A) of the Code.

5. Encourage, foster and facilitate coordination of services with the objective of developing and maintaining in the state a mental health service delivery system to provide comprehensive mental health services to persons

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in this state, regardless of their place of residence, handicap or economic circumstances.

6. Approve the director's recommendation to establish or change as necessary, after at least ninety days notice, the boundaries of mental health service regions within the state. Each county and each city included within the boundaries of any region which it is proposed to establish or revise shall be given the opportunity to send a representative to a hearing on the proposed regional boundary, and the commission shall consider the views expressed at the hearing before establishing or revising the boundary.

7. Advise the director on administration of the state mental health institutes established under chapter two hundred twenty-six (226) of the Code.

8. Review and approve standards for accreditation of

community mental health centers and comprehensive community mental health programs recommended under section two hundred thirty A point sixteen (230A.16) of the Code.

9. Review and approve standards for the accreditation of mental health programs at county care facilities.

10. Act as the sole state agency to allocate state, federal and private funds for mental health programs and services which are appropriated, granted to or solicited by the department.

11. At least annually, submit to the governor and the general assembly:

a. A report concerning the activities of the commission and the department.

b. Recommendations formulated by the commission, or recommended by the director and endorsed by the commission, for changes in law which are believed desirable.

c. Beginning not later than three years after the department commences operation, an evaluation of:

(1) The extent to which comprehensive mental health services are actually available to persons in each county in the state.

(2) The cost effectiveness of the services being provided by each of the state mental health institutes established under chapter two hundred twenty-six (226) of the Code, and the cost effectiveness of programs carried out by providers receiving money, directly or indirectly, from the state community mental health services fund established under section eighty-four (84) of this Act.

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12. Have authority to investigate any aspect of the department's performance of the functions and duties assigned it by law, and for this purpose shall have access at any time to all books, papers, documents and records of the department.

Sec. 76. *NEW SECTION.* DIRECTOR OF MENTAL HEALTH.

The director of mental health is appointed by the governor with the advice of the commission and the approval of two-thirds of the members of the senate. The director serves at the pleasure of the governor, but the commission may at any time advise the governor that in the opinion of a majority of its members the director should be retained or discharged. The director shall be selected on the basis of professional qualifications, experience in the mental health field, and administrative ability. In selecting the director no consideration shall be given to political affiliation, and the director shall not engage in political activity during working hours while holding

that office. When it is necessary to appoint a director, the governor shall consult with the commission regarding the qualifications for the position which the commission deems important at that time. After suitably narrowing the field of potential appointees, the governor shall obtain the recommendation of the commission as to the individual to be appointed. The governor shall consider, but is not bound by, the recommendation of the commission.

Sec. 77. *NEW SECTION.* POWERS AND DUTIES OF DIRECTOR. The director of mental health shall:

1. Seek to achieve the purpose stated in section seventy-one (71) of this Act, and to that end the director is delegated all necessary powers not inconsistent with law.

2. Formulate a comprehensive state plan for the delivery of mental health services and administer the plan, following its approval by the commission.

3. Establish and administer procedures for the department.

4. Oversee administration of the state mental health institutes established under chapter two hundred twenty-six (226) of the Code with the advice of the commission, so as to insure that the purposes of the state institutions for the care and treatment of mentally ill individuals are carried into effect.

5. Establish and supervise standards of treatment and care of patients in all state, public and private institutions for the care and treatment of mentally ill individuals.

6. Establish the qualifications of all officers,

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physicians, nurses, attendants and other employees of the department responsible for the care and treatment of patients.

7. With the advice and approval of the commission and of the council and social services, formulate, establish, adopt, supervise, and revise standards for care of and services to mentally ill persons residing in county care facilities.

8. With the advice and approval of the commission, formulate, establish, adopt, supervise and revise accreditation standards for community mental health centers and comprehensive mental health programs.

9. Enforce the standards for care of and services to mentally ill persons in county care facilities and community mental health programs.

10. Act as compact administrator with power to effectuate the purposes of and make necessary rules to implement interstate compacts on mental health.

11. Prepare a budget for the department, and any reports required by law or requested by the commission.

12. When authorized by the commission, appoint professional consultants, who shall be paid from funds appropriated to the department, to advise the commission or the department on any manner pertaining to mental health.

13. Respond to comments and complaints from the public, professionals, and employees of the department regarding the quality and availability of mental health services, and report regularly to the commission on these matters.

14. With approval of the commission, accept gifts, grants, devises or bequests from any source, including the federal government, and exercise powers necessary to preserve the property so acquired and to make use of the property for the purposes for which the property was given, devised or bequeathed.

15. With the approval of the commission, expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items belonging to an employee of the department which are damaged or destroyed by clients of the department during the employee's tour of duty, provided that the reimbursement shall not exceed seventy-five dollars for each item.

16. Appoint the superintendents of the mental health institutes and the division heads of the department.

17. Perform other duties assigned by the commission consistent with law.

Sec. 78. *NEW SECTION.* DUTIES OF ADMINISTRATIVE

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DIVISION. The responsibilities of the department's administrative division include:

1. Fiscal control.
2. Internal auditing.
3. Preparing departmental budget.
4. Disbursement functions.
5. Personnel functions.
6. Making reports to all funding sources. The division's report to the general assembly regarding funding shall be made a part of the report required of the commission by section seventy-five (75),

subsection eleven (11) of this Act.

7. Protection of confidentiality of client information.

8. Other duties assigned by the director, consistent with law.

Sec. 79. *NEW SECTION.* DUTIES OF COMMUNITY SERVICES DIVISION. The responsibilities of the department's community services division include:

1. Assisting with the development of community programs to achieve the purpose stated in section seventy-one (71) of this Act by means of technical assistance, consultation and grants-in-aid, when approved by the commission.

2. Coordination of community-based services with those of the mental health institutes.

3. Promoting coordination of community-based services with other state, public and private providers and other state agencies serving individuals with mental health needs.

4. Providing technical assistance in order to help community mental health providers meet accreditation standards, and thereby facilitate and improve the delivery of mental health services.

5. Providing consultation and technical assistance, in coordination with the judicial council, to patients' advocates appointed pursuant to section two hundred twenty-nine point nineteen (229.19) of the Code.

6. Providing coordination and technical assistance to care review committees appointed pursuant to section one hundred thirty-five C point twenty-five (135C.25) of the Code for county care facilities.

7. Other duties assigned by the director consistent with law.

Sec. 80 *NEW SECTION.* DUTIES OF STANDARDS AND ACCREDITATION DIVISION. The responsibilities of the department's standards and accreditation division include:

1. Monitoring of services and programs on the basis of standards established under sections seventy-

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one (71) through ninety-four (94) of this Act, or on the basis of federal standards if the department has been authorized to oversee their implementation.

2. Making recommendations to the director and the commission regarding the accreditation of facilities, services and programs in accordance with findings under subsection one (1) of this section.

3. Coordinating with the judicial council in monitoring the training and performance of the patients' advocates appointed pursuant to section two hundred twenty-nine point nineteen (229.19) of the Code.

4. Monitoring the performance of the care review committees appointed pursuant to section one hundred thirty-five C point twenty-five (135C.25) of the Code for county care facilities.

5. Other duties assigned by the director consistent with law.

Sec. 81. *NEW SECTION.* DUTIES OF PLANNING AND EVALUATION DIVISION. The responsibilities of the department's planning and evaluation division include:

1. Assisting the commission and the director in the formulation of the comprehensive state plan for delivery of mental health services. In doing so, the division shall consult with the state department of health, the board of regents or a body designated by the board for that purpose, the office for the developmentally disabled, the department of public instruction, the department of substance abuse, the department of job service, county mental health coordinating boards established pursuant to section ninety-seven (97) of this Act, and any other appropriate governmental body, in order to facilitate coordination of services provided to mentally ill individuals in the state of Iowa.

2. Establishment of standards for programs or facilities under the department's jurisdiction where standards are required or authorized by law, utilizing those recommended by the joint commission on accreditation of hospitals or other recognized national standards where they are applicable and appropriate.

3. Evaluation of the inpact of any applicable standards on programs or facilities under the department's jurisdiction.

4. Establishment and maintenance of a data collection and management information system oriented to the needs of patients, providers, and programs or facilities as well as those of the department itself.

5. Performing planning functions mandated by federal or state law.

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6. Assisting communities in developing a program for community mental health services within the state, based on the need for comprehensive services and services offered by existing public and private

facilities, with the goal of providing comprehensive services to all persons in this state who need them.

7. Analyzing pertinent federal statutes and regulations to assure that this state is fully utilizing all federal funds available to the state for mental health services, which can be obtained without an undue degree of federal control over state and local programs.

8. Monitoring the progress of mental health services providers generally in meeting the goals of the state mental health plan.

9. Other duties assigned by the director, consistent with law.

Sec. 82. *NEW SECTION.* DUTIES OF RESEARCH AND EDUCATION DIVISION. The responsibilities of the department's research and education division include:

1. Maintenance of appropriate research efforts, and dissemination of the results of this research.

2. Furtherance of public education efforts concerning mental health, the prevention of mental illness, mental health services that are available, and the means of access to these services.

3. Facilitate applied research and preventive educational activities related to causes and appropriate treatment for mental illness, and communicate the findings of those activities to other divisions within the department. The director may designate, or enter into agreements with, private or public agencies to carry out this function.

4. Identifying and, with approval of the director, applying for available program and research grants.

5. Other duties assigned by the director, consistent with law.

Sec. 83. *NEW SECTION.* DIRECTOR TO APPOINT DIVISION HEADS. The head of each of the department's major functional divisions and the superintendent of each of the state mental health institutes shall be appointed by the director, with approval of the commission, and shall serve at the pleasure of the director.

Sec. 84. *NEW SECTION.* STATE COMMUNITY MENTAL HEALTH SERVICES FUND ESTABLISHED.

1. There is established in the office of the treasurer of state the state community mental health services fund, which shall consist of the amounts appropriated thereto by the general assembly for each

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fiscal year. Before completion of the department's

budget estimate as required by section eight point twenty-three (8.23) of the Code, the commission shall determine and cause to be included in the estimate the amount which should be appropriated to the fund for the forthcoming fiscal period in order to implement the purpose stated in section seventy-one (71) of this Act.

2. The state community mental health services fund for each fiscal year shall be divided into two parts, the general allocation and the special allocation. Unless the general assembly directs otherwise in the appropriation to the fund, the general allocation shall be equal to eighty percent of the total appropriation to the fund and the remainder of the appropriation shall constitute the special allocation.

Sec. 85. *NEW SECTION.* DISTRIBUTION OF GENERAL ALLOCATION. Each county in the state is entitled to receive annually from the general allocation of the community mental health services fund a share computed by a formula prescribed pursuant to section eighty-six (86) of this Act, subject to the requirements of section eighty-seven (87) of this Act. As soon after July first of each year as reasonably possible, the director shall certify to the state comptroller the amount to which each county is entitled from the general allocation and the comptroller shall issue warrants in the amounts certified, drawn upon the general allocation in favor of the respective counties. Each county shall place the money so received from the state in the county mental health and institutions fund, and shall expend it in the same fiscal year in which it is received and only for the purposes authorized by subsection six (6) of section four hundred forty-four point twelve (444.12) of the Code.

Sec. 86. *NEW SECTION.* FORMULA FOR DISTRIBUTION OF GENERAL ALLOCATION.

1. It is the intent of the general assembly that the general allocation of the community mental health services fund be distributed so as to insure that each county participates in the distribution of the funds, to recognize past efforts made by individual counties to support mental health and state institutional services, and to recognize both individual counties as entities and the distribution of the state population across counties.

2. In distributing the general allocation, each county shall receive an amount equal to the sum of

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the following two factors:

a. Fifty percent of the general allocation divided by a factor of ninety-nine.

b. Fifty percent of the general allocation multiplied by a factor equal to that county's proportionate share of the total state population.

Sec. 87. *NEW SECTION.* REQUIREMENTS OF COUNTIES RECEIVING GENERAL ALLOCATION MONEY.

1. A county is entitled to receive money from the general allocation of the state community mental health services fund in any fiscal year in an amount determined by section eighty-six (86) of this Act, if that county:

a. Raised by county levy and expended from the proceeds of that levy for mental health services, in the preceding fiscal year, an amount of money at least equal to the amount so raised and expended for those purposes during the fiscal year beginning July 1, 1978.

(1) For the purpose of paragraph a of this subsection, money "raised by county levy and expended from the proceeds of that levy for mental health services" means, with reference to any fiscal year beginning after the effective date of this Act, the total amount of money raised by county property tax levy and expended by the county from the county mental health and institutions fund for the purposes authorized by subsection two (2), paragraphs a and c, subsection four (4), paragraph a, and subsection six (6) of section four hundred forty-four point twelve (444.12) of the Code, as that section is amended by this Act, exclusive of state money received from the general allocation of the community mental health services fund, the county assistance fund, federal revenue sharing funds and any other federal funds received by the county, and of any third party reimbursement to the county. With reference to the fiscal year beginning July 1, 1978, money "raised by county levy and expended from the proceeds of that levy for mental health services" means the total amount levied and expended by the county under section four hundred forty-four point twelve (444.12) of the Code as the section read at the time that levy was made, adjusted by a procedure prescribed by rules promulgated by the auditor of state, in consultation with the director and the county finance committee, to include only mental health expenditures which the

county made in that fiscal year from the proceeds of that levy.

(2) Each county shall, as soon as practicable

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after the effective date of this Act, begin preparations to adopt and shall within two years after that date implement an accounting and financial reporting procedure for recording expenditures for mental health services, in conformity with rules promulgated by the auditor of state, in consultation with the county finance committee and the director. It is the intent of this subparagraph that the Seventieth General Assembly, at its 1983 Session, reconsider the requirements of paragraph a of this subsection with a view to possible adjustments to more precisely measure each county's financial effort in support of mental health services.

b. Submits or joins other counties in submitting, prior to September fifteenth of each year, an application for a share of the general allocation for the succeeding fiscal year which is in conformity with subsection two (2) of this section.

2. An application may be filed by a county or jointly by two or more counties. The application shall consist of:

a. An annual plan to improve or maintain availability and accessibility of comprehensive services to residents of the county or counties, which is found by the director to be in substantial compliance with the requirements of sections seventy-one (71) through eighty-nine (89) of this Act. The annual plan will be found in substantial compliance with those requirements if it:

(1) Indicates that the services for which the county or counties intend to use general allocation money are comprehensive services or other services mandated or authorized by law, and are offered by accredited providers where accreditation standards are applicable.

(2) Demonstrates continuing efforts to improve the availability and accessibility of comprehensive services by establishing or maintaining formal agreements for purchase of services or grant relationships with providers of such services, and by extending eligibility for those services to all residents of the county or counties who are unable to assume the full cost of their care.

(3) Demonstrates effective implementation of any annual plan submitted by the county or counties under this subsection for the preceding fiscal year.

b. Evidence that the county, or each county which is a party to a joint application, is in compliance with subsection one (1), paragraph a of this section.

3. Each application submitted under this section

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shall be for a period of at least one year and shall be acted upon promptly by the director, who shall notify the applicant county or counties of its action on the application no later than November first of the year in which the application is submitted. Money from the general allocation of the fund shall be disbursed on a quarterly basis to the counties entitled to the money under section eighty-six (86) of this Act and this section. Counties receiving the money shall submit quarterly financial and plan status reports in the manner prescribed by the director.

4. A county shall return to the treasurer of state not later than September thirtieth of each year for placement in the general allocation of the state community mental health services fund, an amount equal to the amount by which expenditures by the county under section four hundred forty-four point twelve (444.12), subsection six (6) of the Code, as amended by this Act, during the fiscal year ending the preceding June thirtieth were less than the total of that county's share of the state community mental health services fund for that preceding fiscal year.

5. All amounts returned to, or not disbursed from the general allocation of the state community mental health services fund in any fiscal year shall be redistributed among the eligible counties during that fiscal year by the formula prescribed by section eighty-six (86) of this Act.

Sec. 88. *NEW SECTION.* SPECIAL ALLOCATION. The special allocation of the state community mental health services fund may be used by the community services division to make grants-in-aid to counties or other appropriate entities in this state to establish or expand community-based mental health services and thereby provide to persons in a particular county or area one or more new mental health services not previously available to persons in that county or area, in furtherance of the purpose stated in section seventy-one (71) of this Act. A grant may

be made on terms providing for its use by the county or other grantee over a period of time greater than one year, but the entire grant shall be made from money available in the special allocation for the fiscal year during which the grant is made, and the community services division shall not purport to obligate funds which it anticipates will be appropriated in any future fiscal year. Each grant shall be made on terms and conditions agreed to by the community services division and the county or other grantee, consistent with law, but no grant is

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valid until its terms and conditions are specifically approved by the commission.

Sec. 89. *NEW SECTION.* PARTIAL REIMBURSEMENT TO COUNTIES FOR LOCAL INPATIENT MENTAL HEALTH CARE AND TREATMENT.

1. Each county which pays, from county funds budgeted under section four hundred forty-four point twelve (444.12), subsection six (6) of the Code, as amended by this Act, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections ninety (90) through ninety-three (93) of this Act for treatment as an inpatient of a hospital facility, other than a state mental health institute, which has a distinct mental health program and which is accredited by the joint commission on accreditation of hospitals, is entitled to reimbursement from the state for a portion of the daily cost so incurred by the county. However, a county is not entitled to reimbursement under this subsection for any cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter two hundred forty-nine A (249A) of the Code, or who is entitled to have his or her care or treatment paid for by any other third party payer, or who is admitted for preliminary diagnostic evaluation under sections ninety (90) through ninety-three (93) of this Act. The amount of reimbursement for the cost of care and treatment of a local inpatient to which a county is entitled under this subsection, on a per-patient-per-day basis, is an amount equal to twenty percent of the average of the respective state mental health institutes' individual average daily patient costs in the most recent calendar quarter for the program in which the local inpatient would have been served if he or she had been admitted to

a state mental health institute.

2. Each county may claim the reimbursement provided for by subsection one (1) of this section by filing with the department a claim in a form prescribed by the commission by administrative rule. Claims may be filed on a quarterly basis, and when received shall be verified expeditiously by the department. The department shall certify to the state comptroller the amount to which each county claiming reimbursement under this section is entitled, and the comptroller shall issue warrants to the respective counties drawn upon funds appropriated by the general assembly for the purpose of this section. Each county shall place funds received under this section in the county mental

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health and institutions fund. If the appropriation for any fiscal year is insufficient to pay all claims arising under this section, the comptroller shall prorate the funds appropriated for that year among the claimant counties so that an equal proportion of each county's claim is paid in each quarter for which proration is necessary.

Sec. 90. *NEW SECTION.* PRELIMINARY DIAGNOSTIC EVALUATION.

1. It is the policy of this state that, except in cases of medical emergency, a person shall be admitted to a state mental health institute as an inpatient only after a preliminary diagnostic evaluation by a community mental health center, or by an alternative diagnostic facility, has confirmed that the admission is appropriate to that person's needs, and that no suitable alternative method of providing the services needed by that person in a less restrictive setting, or in or nearer to the person's home community, is currently available. The policy established by this section shall be implemented in the manner and to the extent prescribed by sections ninety-one (91), ninety-two (92) and ninety-three (93) of this Act.

2. As used in sections ninety (90) through ninety-three (93) of this Act, the term "medical emergency" means a situation in which a prospective patient is received at a state mental health institute in a condition which, in the opinion of the institute's superintendent or clinical director, or that officer's physician designee, requires the immediate admission of the person notwithstanding the policy stated in

subsection one (1) of this section.

Sec. 91. *NEW SECTION.* RESOLUTION BY SUPERVISORS REQUIRED. The board of supervisors of each county shall, no later than July 1, 1981, adopt a resolution requiring that the policy stated by section ninety (90) of this Act be followed with respect to admission of persons from that county to any state mental health institute. Upon adoption of such a resolution by the board of supervisors of a county which is supporting a community mental health center, directly or in affiliation with other counties, it shall be presumed to be a part of that center's responsibilities to perform the preliminary diagnostic evaluations required by that county in order to implement the policy stated by section ninety (90) of this Act. However, if performance of such evaluations is not covered by the agreement entered into by the county and the center under section two hundred thirty A

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point twelve (230A.12) of the Code, and the center's director certifies to the county board of supervisors that the center does not have the capacity to perform the needed evaluations, the board of supervisors may proceed as provided by section ninety-three (93) of this Act.

Sec. 92. *NEW SECTION.* IMPLEMENTATION OF RESOLUTION. When the board of supervisors of a county has adopted a resolution as required by section ninety-one (91) of this Act:

1. The chief medical officer of a state mental health institute, or that officer's physician designee, shall advise any person residing in that county who applies for voluntary admission, or any person applying for the voluntary admission of another person who resides in that county, in accordance with section two hundred twenty-nine point forty-one (229.41) of the Code that the board of supervisors has acted to implement the policy stated by section ninety (90) of this Act, and shall advise that a preliminary diagnostic evaluation of the proposed patient be sought from the appropriate community mental health center or alternative diagnostic facility, if that has not already been done. This subsection shall not apply when voluntary admission is sought in accordance with section two hundred twenty-nine point forty-one (229.41) of the Code under circumstances which, in the opinion of the chief medical officer

or that officer's physician designee, constitute a medical emergency.

2. The clerk of the district court in that county shall refer any person applying for authorization for voluntary admission, or for authorization for voluntary admission of another person, in accordance with section two hundred twenty-nine point forty-two (229.42) of the Code to the appropriate community mental health center or alternative diagnostic facility for preliminary diagnostic evaluation unless the applicant furnishes a written statement from that center or facility that such an evaluation has been performed and indicates that the person's admission to a state mental health institute is appropriate. This subsection shall not apply when authorization for voluntary admission is sought under circumstances which, in the opinion of the mental health institute's chief medical officer or that officer's physician designee, constitute a medical emergency.

3. Judges of the district court in that county, or the judicial hospitalization referee appointed for that county, as the case may be, shall so far

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as possible arrange for a physician on the staff of or designated by the appropriate community mental health center or alternative diagnostic facility to perform each prehearing examination of a respondent required under section two hundred twenty-nine point eight (229.8), subsection three (3), paragraph b of the Code.

4. The chief medical officer of a state mental health institute shall promptly submit to the appropriate community mental health center or alternative diagnostic facility a report of each voluntary admission of a patient under the medical emergency clauses of subsections one (1) and two (2) of this section. The report shall explain the nature of the emergency which necessitated the admission of the patient without a preliminary diagnostic evaluation by the center or alternative facility.

5. When the proposed admission of a person to a state mental health institute, on either a voluntary or an involuntary basis, is primarily for treatment of alcoholism or drug abuse, each reference to a community mental health center or alternative diagnostic facility in subsections one (1) to four (4) of this section may be deemed a reference to a facility as defined in section one hundred twenty-

five point two (125.2), subsection two (2) of the Code. However, this subsection does not contravene the provision of section two hundred twenty-nine point fifty-one (229.51), subsection two (2) of the Code that a physician employed by the admitting facility or the department is not eligible to be the certifying physician.

Sec. 93. *NEW SECTION.* ALTERNATIVE DIAGNOSTIC FACILITY. If a county is not served by a community mental health center having the capacity to perform the required preliminary diagnostic evaluations at the time the board of supervisors of that county adopts a resolution to implement the policy stated by section ninety (90) of this Act, the board may arrange for such evaluations to be performed by an alternative diagnostic facility for the period until the county is served by a community mental health center with the capacity to provide that service. An alternative diagnostic facility may be the outpatient service of a state mental health institute or any other mental health facility or service able to furnish the requisite professional skills to properly perform a preliminary diagnostic evaluation of a person whose admission to a state mental health institute is being sought or considered on either

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a voluntary or an involuntary basis.

Sec. 94. *NEW SECTION.* SPECIAL CONSULTATION WITH COMMISSION ON SUBSTANCE ABUSE. Upon its establishment, the commission shall enter into continuing consultation with the commission on substance abuse established under section one hundred twenty-five point three (125.3) of the Code. The objectives of this consultation are:

1. Concurrent planning with respect to services offered, supervised or monitored by the two departments, to maximize coordination and minimize duplication or conflict between these services.

2. Development of recommendations, agreed to if possible by both commissions, respecting the status and duties of the department of substance abuse after July 1, 1982, which shall be submitted to the governor and the Sixty-ninth General Assembly not later than January 15, 1981.

Sec. 95. *NEW SECTION.* AUTHORITY OF DIRECTOR TO LEASE FACILITIES. The director may enter into agreements under which any facility or portion of

a facility administered by the department is leased to a department or division of state government, a county or group of counties, or a private nonprofit corporation organized under chapter five hundred four A (504A) of the Code. Any lease executed under this section shall require that the leasee operate the leased premises so as to deliver comprehensive services, as well as other services delivered by an agency of state or county government, when appropriate.

Sec. 96. *NEW SECTION.* AUTISM UNIT.

1. The director may organize and establish an autism unit at any institution or facility being administered by the department, to provide psychiatric and related services and other specific programs to meet the needs of autistic persons, and to furnish appropriate diagnostic evaluation services. The director may designate a portion of the physical facilities of any such institution to be occupied by the offices and facilities of the autism unit, and determine the extent to which that unit may effectively make use of the services of the institution's staff and what staff personnel should be employed for and assigned specifically to the autism unit.

2. In addition to any other method of referral, admission, commitment or transfer provided by chapters two hundred twenty-two (222) and two hundred twenty-nine (229) of the Code, a person may be referred directly to the autism unit by courts, law enforcement agencies, or state correctional institutions. However,

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a person so referred shall not be admitted to the autism unit unless a preadmission diagnostic evaluation indicates that the person is likely to benefit from the unit's services, and the admission of that person to the unit would not cause the unit's patient load to exceed its capacity.

Sec. 97. *NEW SECTION.* COUNTY MENTAL HEALTH COORDINATING BOARD.

1. The board of supervisors of each county in this state shall, independently or in conjunction with one or more other county boards of supervisors, either establish a county or joint county mental health coordinating board or constitute the board or the joint boards of supervisors as the ex officio mental health coordinating board. If a separate mental health coordinating board is established, it shall be composed of persons who have demonstrated

a concern for mental health services and its size shall be determined by the board of joint boards of supervisors. One or more county supervisors may be named to serve on a separate mental health coordinating board. If the board of joint boards of supervisors serve ex officio as the mental health coordinating board, it shall establish an advisory board composed of persons who have demonstrated a concern for mental health services, and who are not elected governmental officials, to advise the coordinating board with respect to the coordinating board's functions under subsection two (2) of this section.

2. The duties of the county or joint county mental health coordinating board are:

a. Development of a plan for the provision of mental health services in the counties represented by the membership of the board.

b. Coordination of mental health services in their local service area, including, but not limited to, those services provided by community mental health centers, community hospitals, county care facilities, and other local human service agencies.

c. Nomination of potential recipients of grant money made available from the state director for development of mental health services.

Sec. 98. The provisions of sections seventy-one (71) through ninety-eight (98) of this Act are repealed effective July 1, 1986. It is the intent of this section that the first session of the Seventy-first General Assembly meeting in the year 1985 shall review the responsibilities and the performance of the department of mental health, and the extent to which the purpose stated in section seventy-one (71) of

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this Act has been achieved, and shall at that session make a decision concerning the placement after July 1, 1986 of the responsibilities assigned the department of mental health by sections seventy-one (71) through ninety-four (94) of this Act.

Sec. 99. Section eight point six (8.6), subsection nineteen (19), Code 1979, is amended to read as follows:

19. [DIVISION] *DIVISIONS* OF SOCIAL SERVICES, *MENTAL HEALTH.* For the purpose of performing the duties of the comptroller provided in this chapter as applied to the divisions of the department of social services *or the department of mental health* controlling state

institutions, the comptroller shall assign an employee of his *or her* office to check and audit all claims against [such directors] *the chief officer of any of these divisions* before such claims are approved by [such directors. He] *that officer. The comptroller's employee* shall keep all records and accounts relating to the expenditures of the [directors. He] *division chiefs. That employee* shall, in the checking and auditing of claims against the [directors] *division chiefs* and keeping [the] *their* records and accounts [of such directors], be under the direction and supervision of the comptroller, and act as an agent of [said] *the* comptroller. The commissioner of the department of social services *and the state director of mental health* shall *each* furnish [said] *the* employee of the comptroller with office space and [such] *the* help and assistants [as may be] necessary to properly perform the *employee's* dutes [therein] specified.

Sec. 100. Section twelve point ten (12.10), Code 1979, is amended to read as follows:

12.10 DEPOSITS BY STATE OFFICERS. All elective and appointive state officers, boards, commissions, and departments, except the state fair board, the state board of regents, Iowa state commerce commission, *the department of mental health* and the commissioner of the department of social services, shall, within ten days succeeding the collection thereof, deposit, with the treasurer of state, or to the credit of [said treasurer in any depository by him designated] *the treasurer in any depository that officer designates*, ninety percent of all fees, commissions, and moneys collected or received; the balance actually collected in cash, remaining in the hands of any officer, board, or department shall not exceed the sum of five thousand dollars and no money collected shall be held more than thirty days. This section does not apply to the Iowa housing finance authority.

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Sec. 101. Section seventeen point three (17.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The director of mental health.

Sec. 102. Section seventeen point thirty (17.30), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Each state board, commission, department and division of state government and each institution under the control of *the department of mental health* the department of social services [and] *or* the state board of regents and each division of the state department of transportation shall be responsible

for keeping a written, detailed, up-to-date inventory of all real and personal property belonging to the state and under their charge, control and management. [Such] *The* inventories shall be in [such] *the* form [as may be] prescribed by the director of the department of general services.

Sec. 103. Section eighteen point ninety-seven (18.97), subsection nine (9), Code 1979, is amended to read as follows:

9. To each state institution under the control of [either] the state board of regents, *the department of mental health* or the [state] department of social services..... 1 copy

Sec. 104. Section eighteen point one hundred fifteen (18.115), subsection nine (9), Code 1979, is amended to read as follows:

9. All gasoline used in state-owned automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of social services, *department of mental health* of state care pools throughout the state, unless such purchases are exempted by the vehicle dispatcher. The vehicle dispatcher shall study and determine the reasonable accessibility of these state-owned sources for the purchase of gasoline. If these state-owned sources for the purchase of gasoline are not reasonably accessible, the vehicle dispatcher shall authorize the purchase of gasoline from other sources. The vehicle dispatcher may prescribe a manner, other than the use of the revolving fund, in which the purchase of gasoline from state-owned sources shall be charged to the department or agency responsible for the use of the automobile. The vehicle dispatcher shall prescribe the manner in which oil and other normal automobile maintenance for state-owned automobiles may be purchased from private sources, if they cannot

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be reasonably obtained from a state car pool. The state vehicle dispatcher may advertise for bids and award contracts for the furnishing of gasoline, oil, grease, and vehicle replacement parts for all state-owned vehicles.

Sec. 105. Section nineteen A point three (19A.3), subsections thirteen (13) and eighteen (18), Code 1979, are amended to read as follows:

13. All physicians, psychiatrists, and heads of institutions under the jurisdiction of the department of *mental health or the department of* social services.

18. The administrative head of each of the divisions of the department of social services *or of the department of mental health.*

Sec. 106. Section twenty-three point one (23.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The word "municipality" as used in this chapter shall mean county, except in the exercise of its powers to make contracts for secondary road improvements, township, school corporation, state fair board, state board of regents, *state department of mental health* and state department of social services.

Sec. 107. Section twenty-five A point two (25A.2), subsection three (3), Code 1979, is amended to read as follows:

3. "Employee of the state" includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation. Professional personnel, including medical doctors, osteopathic physicians and surgeons, osteopathic physicians, optometrists and dentists, who render services to patients and inmates of state institutions under the jurisdiction of the department of social services *or the department of mental health* are to be considered employees of the state, whether such personnel are employed on a full-time basis or render such services on a part-time basis on a fee schedule or arrangement, but shall not include any contractor doing business with the state.

Sec. 108. Section sixty-four point six (64.6), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The director of the department of mental health and the administrative head of the division of that department having jurisdiction of

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the state mental health institutes, twenty-five thousand dollars.

Sec. 109. Section sixty-eight B point two (68B.2), subsection four (4), Code 1979, is amended to read

as follows:

4. "Regulatory agency" means department of agriculture, industrial commissioner, bureau of labor, occupational safety and health review commission, department of job service, department of banking, insurance department of Iowa, state department of health, department of public safety, department of public instruction, state board of regents, department of social services, *department of mental health*, department of revenue, Iowa state commerce commission, Iowa beer and liquor control department, board of pharmacy examiners, state conservation commission, state department of transportation, Iowa state civil rights commission, department of soil conservation, department of public defense, and Iowa natural resources council.

Sec. 110. Section one hundred ten point twenty-four (110.24), unnumbered paragraph seven (7), Code 1979, is amended to read as follows:

No license shall be required of minor pupils of the state school for the blind, state school for the deaf, nor of minor *residents, patients or* inmates of other state institutions under the control of a director of a division of the department of social services *or of the head of the division of community services of the department of mental health*, except that this provision shall not apply to the inmates of the men's penitentiary at Fort Madison, the men's reformatory at Anamosa, and the women's reformatory at Rockwell City, nor shall any person who is on active duty with the Armed Forces of the United States, on authorized leave, and a legal resident of the state of Iowa, be required to have a license to hunt or fish in this state. No license shall be required of [inmates] *residents* of county care facilities or any person who is receiving [old age assistance under] *federal supplemental security income as defined in, or state supplementary assistance under the provisions of* chapter 249.

Sec. 111. Section one hundred twenty-five point seven (125.7), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Enter into continuing consultation with the state mental health commission. The objectives of this consultation are:

a. Concurrent planning with respect to services

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offered, supervised or monitored by the two

departments, so as to maximize coordination and minimize duplication or conflict between these services.

b. Development of recommendations, agreed to if possible by both commissions, respecting the status and duties of the department of substance abuse after July 1, 1982, which shall be submitted to the governor and the Sixty-ninth General Assembly not later than January 15, 1981.

Sec. 112. Section one hundred twenty-five point forty-three (125.43), Code 1979, is amended to read as follows:

125.43 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230 shall govern the determination of the costs and payment for treatment provided to substance abusers in a mental health institute under the department of [social services] *mental health*, except that the charges shall not constitute a lien on any real estate owned by persons legally liable for support of the substance abuser and the daily per diem shall be billed at twenty-five percent. Beginning July 1, 1977, the superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to substance abusers for purposes of determining the daily per diem. The provisions of section 125.48 shall govern the determination of who is legally liable for the cost of care, maintenance, and treatment of a substance abuser and of the amount for which the person is liable.

Sec. 113. Section one hundred twenty-five point forty-seven (125.47), Code 1979, is amended to read as follows:

125.47 DISPUTES OVER PAYMENT. In the event any county to which certification of the cost of care, maintenance, and treatment of a substance abuser is made, disputes that such substance abuser has residence in that county, it shall immediately notify the facility that such dispute exists. The director shall immediately investigate the facts and determine in which county the patient has residence. The director shall certify the determination to the county, if any, wherein it is found the patient has residence and to the facility. A county certified by the director to be the county of residence shall reimburse the facility as provided in this chapter. If the director finds that the residence of a substance abuser at the time of admission was in another state or country or that the person is unclassified with

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respect to residence, then the department shall pay for that portion of the patient's care, maintenance, and treatment that the patient's county of residence would have been liable to pay. For purposes of this section, a "facility" does not include a mental health institute under the control of the department of [social services] *mental health.*

Sec. 114. Section one hundred twenty-five point fifty-six (125.56), Code 1979, is amended to read as follows:

125.56 FUTURE STATUS OF DEPARTMENT AFTER 1981. The provisions of this chapter are repealed effective July 1, 1982. The first session of the Sixty-ninth General Assembly meeting in the year 1981 shall review the activities and performance of the department *of substance abuse* and shall not later than July 1, 1981 make a determination concerning the [status and duties] *merger* of the department *with the department of mental health, continuation of the department of substance abuse as a separate agency, or an alternative arrangement.*

Sec. 115. Section one hundred thirty-five C point twenty-two (135C.22), Code 1979, is amended to read as follows:

135C.22 APPLICABLE TO GOVERNMENTAL UNITS. The provisions of this chapter shall be applicable to institutions operated by or under the control of the department of social services, *the department of mental health,* the state board of regents, or any other governmental unit.

Sec. 116. Section two hundred seventeen point one (217.1), Code 1979, is amended to read as follows:

217.1 PROGRAMS OF DEPARTMENT. There is hereby established a department of social services to administer programs designed to improve the well-being and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment and daily living through the administration of programs of family, child and adult welfare, economic assistance (including costs of medical care), rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of adult and juvenile offenders, care and treatment of the mentally [ill and mentally] retarded, and other related programs as provided by law.

Sec. 117. Section two hundred seventeen point

six (217.6), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The department of social services may be initially

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divided into the following divisions of responsibility: The division of child and family services, the division of mental [health] *retardation services*, the division of administration, the division of corrections and the division of planning, research and statistics.

Sec. 118. The following new section is enacted in lieu of section two hundred seventeen point ten (217.10), Code 1979, and will take effect upon the date that section is repealed pursuant to chapter one thousand eighty-seven (1087), section twenty-one (21), Acts of the Sixty-seventh General Assembly, 1978 Session, as amended by acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section two (2), or on January first following enactment of this Act, whichever is later:

NEW SECTION. QUALIFICATIONS OF DIRECTOR. The director of the division of mental retardation services must be a person qualified by training and experience in the administration of programs serving the special needs of persons who are mentally retarded within the meaning of section two hundred twenty-two point two (222.2), subsection five (5) of the Code. The director must have at least five years of actual experience in working directly with mentally retarded persons in such programs, and at least three years of actual experience in administration of such programs.

Sec. 119. The following new section is enacted in lieu of section two hundred seventeen point eleven (217.11), Code 1979, and will take effect upon the date that section is repealed pursuant to chapter one thousand eighty-seven (1087), section twenty-one (21), Acts of the Sixty-seventh General Assembly, 1978 Session, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section two (2), or on January first following enactment of this Act, whichever, is later:

NEW SECTION. RESPONSIBILITIES OF DIRECTOR. The director of the division of mental retardation services shall be responsible for and in control of the administration of programs and institutions, under the jurisdiction of the department of social services, established to serve the special needs of mentally retarded persons. The director's responsibilities include supervision of the administration of the

Glenwood state hospital-school and the Woodward state hospital-school. The director shall also discharge other functions and duties delegated to the director by the commissioner of social services.

Sec. 120. The following new section is enacted

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in lieu of section two hundred seventeen point twelve (217.12), Code 1979, and will take effect upon the date that section is repealed pursuant to chapter one thousand eighty-seven (1087), section twenty-one (21), Acts of the Sixty-seventh General Assembly, 1978 Session, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section two (2), or on January first following enactment of this Act, whichever is later:

NEW SECTION. ADDITIONAL POWERS OF DIRECTOR. The director of the division of mental retardation services shall also have authority to:

1. Arrange for appropriate services to be made available to mentally retarded individuals who are eligible for programs which are supported by federal and state funds and which are under the jurisdiction of the department of social services, or who require services in lieu of admission to a state hospital-school.

2. Arrange for appropriate services to be made available to mentally retarded residents or prisoners at institutions other than the state hospital-schools which are under the jurisdiction of the department of social services.

3. Appoint professional consultants who shall furnish advice on all matters pertaining to mental retardation. Such consultants shall be paid as provided by an appropriation of the general assembly.

4. Examine or cause to be examined by an assistant all public and private institutions receiving and caring for mentally retarded persons to determine the efficiency of the institutions for adequate care and treatment of their patients.

5. Insure that the purposes of the state hospital-schools are carried into effect and to that end shall have all necessary powers not inconsistent with law.

6. Establish and supervise suitable standards of treatment and care of patients in the state hospital-schools for the mentally retarded.

7. Establish the qualifications of all officers, physicians, nurses, attendants and other employees

responsible for the care and treatment of residents of the state hospital-schools.

8. Prepare a budget and reports as required by law or as directed by the commissioner.

Sec. 121. Section two hundred eighteen point one (218.1), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

218.1 INSTITUTIONS GOVERNED.

1. The commissioner of social services has full

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and general authority to control, manage, direct and operate the institutions under the jurisdiction of that department, but may delegate that authority to the director or an officer or employee of the appropriate division of the department of social services. The institutions under the jurisdiction of the department of social services are:

a. Iowa veterans home.
b. Glenwood state hospital-school.
c. Woodward state hospital-school.
d. Training school for boys.
e. Training school for girls.
f. Juvenile home.
g. Women's reformatory.
h. Men's reformatory.
i. State penitentiary.
j. Iowa security medical facility.
k. Correctional release center.
l. State correctional facility at Mount Pleasant.
m. Camps.
n. Other facilities associated with but not attached to the campus of any of the foregoing institutions, as program development require.

2. The director of mental health, subject to the policies of the mental health commission, has full and general authority to control, manage, direct and operate the state mental health institutes established by chapter two hundred twenty-six (226) of the Code, but may delegate that authority to the head or an officer or employee of the division of community services of the department of mental health.

Sec. 122. Section two hundred eighteen point two (218.2), unnumbered paragraph two (2), Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

The department of social services division director, officer or employee to whom primary responsibility

for a particular institution has been assigned shall make a report to the commissioner of social services whenever the commissioner so requests. The commissioner shall report to the governor in writing any abuses found to exist in an institution under the department's jurisdiction.

The director of the division of community services, or other officer or employee of that division to whom primary responsibility for a state mental health institute has been assigned shall make a report to the director of mental health whenever the director so requests. The director shall report to the governor in writing any abuses found to exist in a state mental

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health institute.

Sec. 123. Section two hundred eighteen point three (218.3), Code 1979, is amended to read as follows:

218.3 PRIMARY AUTHORITY FOR MANAGEMENT.

1. The primary authority and responsibility to control, manage, direct and operate the institutions set forth in section 218.1, *subsection one (1) of the Code* is hereby assigned, *subject to the authority of the commissioner under that subsection,* to the directors of the various divisions of the state department of social services as follows:

[1] *a.* The director of the division of child and family services of the department of social services shall have primary authority and responsibility relative to the [following said institutions.] Iowa veterans home, the training school for girls, the training school for boys and the Iowa juvenile home.

[2] *b.* The director of the division of mental [health] *retardation* of the department of social services shall have primary authority and responsibility relative to the [following institutions.] Glenwood State Hospital-School[,] *and the* Woodward State Hospital-School[, Mental Health Institute, Cherokee, Iowa, Mental Health Institute, Clarinda, Iowa, Mental Health Institute, Independence, Iowa and Mental Health Institute, Mount Pleasant, Iowa].

[3] *c.* The director of the division of corrections of the department of social services shall have primary authority and responsibility relative to the [following institutions.] Women's Reformatory, Men's Reformatory [and], State Penitentiary, *Iowa security medical facility, correctional release center and state correctional facility at Mount Pleasant.*

2. The primary authority and responsibility to control, manage, direct and operate the state mental health institutes is assigned, subject to the authority of the director of mental health under section two hundred eighteen point one (218.1), subsection two (2) of the Code, to the head of the division of community services of the department of mental health.

3. Each reference in this chapter to the director of an institution is a reference to the division director or head who is assigned primary responsibility for that institution by this section, or by the commissioner of social services pursuant to this section, and each reference to the executive officer of an institution is a reference to the superintendent, warden, commandant or other officer holding a comparable position at that institution.

Sec. 124. Section two hundred eighteen point four

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(218.4), Code 1979, is amended to read as follows:

218.4 RECOMMENDATION FOR RULES.

1. The directors of particular institutions shall recommend to the council on social services *or to the director of mental health, as the case may be,* for adoption [such] rules not inconsistent with law [as] *which* they may deem necessary for the discharge of their duties, the management of each of [such] *the* institutions, *and* the admission, [of inmates thereto and the] treatment, care, custody, education and discharge of *patients, residents and* inmates *of the institutions.* It is [made] the duty of the particular directors to establish rules by which danger to life and property from fire will be minimized. In the discharge of their duties and in the enforcement of their rules, they may require any of their appointees to perform duties in addition to those required by statute.

2. [Such rules when] *Rules* prescribed or approved by the council, *or by the director of mental health and the mental health commission,* shall be uniform and shall apply to all institutions under the particular director [and to all other institutions under his jurisdiction and the] *who recommend the rules. The* primary rules [of the director of the division] *promulgated by the department* of mental health for use in institutions where [the] mentally ill *persons* are [kept] *treated or housed* shall, unless otherwise indicated, uniformly apply to county or

private hospitals wherein [the] mentally ill *persons* are [kept] *treated or housed*, but [such] *the* rules shall not interfere with proper medical treatment administered patients by competent physicians. Annually, signed copies of [such] *those* rules shall be sent to the chief executive officer of each [such] institution or hospital under the control or supervision of a particular director and copies shall also be sent to the clerk of each district court, the chairman of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for the mentally ill in each county who shall be responsible for seeing that the same is posted in each institution or hospital in a prominent place. [Such] *The* rules shall be kept current to meet the public need and shall be revised and published annually.

3. The state fire marshall shall cause to be made an annual inspection of all the institutions listed in section 218.1 and shall make written report thereof to the particular director of the state department

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[of social services] in control of [such] *the* institution.

Sec. 125. Section two hundred eighteen point five (218.5), Code 1979, is amended to read as follows:

218.5 FIRE PROTECTION CONTRACTS. The directors of the [divisions of the state department of social services shall have power to] *state institutions may* enter into contracts with the governing body of any city or other municipal corporation for the protection from fire of any property under [such directors] *the director's* primary control, located in [any such] *the* municipal corporation or in territory contiguous thereto, upon such terms as may be agreed upon.

Sec. 126. Section two hundred eighteen point nine (218.9), unnumbered paragraphs one (1) and four (4), Code 1979, are amended to read as follows:

The director of the division of mental [health] *retardation services* of the department of social services, subject to the approval of the commissioner of [such] *the* department, shall appoint the superintendents of the state hospital-schools for the mentally retarded [and the mental health institutes].

The [superintendent, warden or other] executive officer *of each institution* shall have the immediate custody and control, subject to the orders and policies of the director in charge of [his] *the* institution, of all property used in connection with the institution

except as provided in this chapter. The tenure of office of the officers shall be at the pleasure of the appointing authority but they may be removed for inability or refusal to properly perform the duties of the office. Such removal shall be had only after an opportunity is given the person to be heard before the director [of the department of social services] in charge of the particular institution involved and upon preferred written charges. The removal when made shall be final.

Sec. 127. Section two hundred eighteen point ten (218.10), Code 1979, is amended to read as follows:

218.10 SUBORDINATE OFFICERS AND EMPLOYEES. The [division] director in charge of a particular institution; with the consent and approval of the commissioner of the department of social services *or the director of mental health, as the case may be,* shall determine the number and compensation of subordinate officers and employees for each institution. Subject to the provisions of this chapter, such officers and employees shall be appointed and discharge by the chief executive officer or business manager[. Such officer], *who* shall keep, in the record of each subordinate officer and employee,

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the date of employment, the compensation, and the date of each discharge, and the reasons therefor. All of these employees, except physicians and surgeons, shall be bona fide residents and citizens of the state of Iowa at the time of employment. An exception to this provision of resident may be granted by [such division] *a* director for the sole purpose of securing professional [and/or] *or* scientific services which are unavailable from among the citizens of the state of Iowa.

Sec. 128. Section two hundred eighteen point twelve (218.12), Code 1979, is amended to read as follows:

218.12 BONDS. The [state] director in charge of any particular institution shall require each officer and any employee of [such] *the* director and of every institution under [his] *that director's* control who may be charged with the custody or control of any money or property belonging to the state to give an official bond, properly conditioned, and signed by sufficient sureties in a sum to be fixed by the director, which bond shall be approved by the director, and filed in the office of the secretary of state.

Sec. 129. Section two hundred eighteen point thirteen (218.13), Code 1979, is amended to read as

follows:

218.13 SALARIES. The [division] director having control of any state institution shall annually, on each employee's employment anniversary date, review and fix the annual, monthly, or semimonthly salaries of [said employees] *that employee*, except such salaries as are fixed by the general assembly. The [division] director shall classify the officers and employees into grades and the salary and wages to be paid in each grade shall be uniform in similar institutions. The authority given in this section is all subject to the consent and approval of the commissioner of the department of social services, *or the director of mental health, as the case may be.*

Sec. 130. Section two hundred eighteen point fourteen (218.14), Code 1979, is amended to read as follows:

218.14 DWELLING HOUSE AND PROVISIONS. The [division] director having control over any state institution shall furnish the executive head of [each of said institutions] *that institution*, in addition to salary, with a dwelling house or with appropriate quarters in lieu thereof, and, from supplies purchased for the institution, the necessary household provisions for the executive head, spouse and minor children

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or the particular [division] director may compensate the executive head of each of [said] *the* institutions in lieu of furnishing all of the above items.

Sec. 131. Section two hundred eighteen point sixteen (218.16), Code 1979, is amended to read as follows:

218.16 ANNUITY CONTRACTS FOR EMPLOYEES. At the request of an employee through contractual agreement, the department of social services or *the department of mental health, or* any institution under [its] *either department's* jusidiction may purchase an individual annuity contract for an employee, from [such] *an* insurance organization authorized to do business in this state and through an Iowa-licensed insurance agent [as] *selected by* the employee [may select], for retirement or other purposes and may make payroll deductions in accordance with such arrangements for the purpose of paying the entire premium due and to become due under such contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403(b) of the Internal Revenue Code of 1954 and

amendments thereto. The employee's rights under such annuity contracts shall be nonforfeitable except for the failure to pay premiums.

Sec. 132. Section two hundred eighteen point eighteen (218.18), Code 1979, is amended to read as follows:

218.18 RECORD OF EMPLOYEES AND INMATES. The director [of the department of social services] in control of a particular state institution shall require the proper officer of each institution to keep a record prepared for the purpose, with entries to be made each day, of the number of hours of service of each employee. The semimonthly payroll shall be made from [such] *that* record, and shall be in accord therewith. When an appropriation is based on the number of inmates in or persons at an institution the director shall require a daily record to be kept of the persons actually residing at and domiciled in such institution.

Sec. 133. Section two hundred eighteen point nineteen (218.19), Code 1979, is amended to read as follows:

218.19 DISTRICTS. The director having control over any state institution *under the jurisdiction of the department of social services* shall, from time to time, divide the state into districts from which the several institutions may receive *residents, patients or* inmates. The particular division directors

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shall promptly notify the proper county or judicial officers of all changes in such districts.

Sec. 134. Section two hundred eighteen point twenty (218.20), Code 1979, is amended to read as follows:

218.20 PLACE OF COMMITMENTS—TRANSFERS. Commitments, unless otherwise permitted by the division director having control over any state institution *under the jurisdiction of the department of social services,* shall be to the institution located in the district embracing the county from which the commitment is issued. The particular division directors may, at the expense of the state, transfer [an] *a resident, patient or* inmate of one institution to another like institution.

Sec. 135. Section two hundred eighteen point twenty-one (218.21), Code 1979, is amended to read as follows:

218.21 RECORD OF INMATES. The director [of the department of social services] in control of a state institution shall, as to every person *admitted or* committed to any of [said] *the* institutions, keep the following record: Name, residence, sex, age, nativity, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge was final, condition of the person when discharged, the name of the institutions from which and to which such person has been transferred, and, if dead, the date, and cause of death.

Sec. 136. Section two hundred eighteen point twenty-two (218.22), Code 1979, is amended to read as follows:

218.22 RECORD PRIVILEGED. Except with the consent of the director in charge of an institution, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the director [of the division of the department of social services] in control of [such] *that* institution, the commissioner of the department of social services *if the institution is under the jurisdiction of the department, or the director of mental health in the case of a state mental health institute,* and to assistants and proper clerks authorized by [such] *the* director [or his] *of an institution, or the* commissioner *of social services or director of mental health, as the case may be.* The director of the [division of such] institution is authorized to permit the state libraries and historical department division of archives to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process

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which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of inmates designated in section 218.21.

Sec. 137. Section two hundred eighteen point twenty-eight (218.28), Code 1979, is amended to read as follows:

218.28 INVESTIGATION. The director [of the department of social services] in control of a particular institution or [his] *that director's* authorized officer or employee shall visit, and minutely examine, at least once in six months, and oftener if necessary or required by law, the institutions under [such] *that* director's control, and

the financial condition and management thereof.

Sec. 138. Section two hundred eighteen point twenty-nine (218.29), Code 1979, is amended to read as follows:

218.29 SCOPE OF INVESTIGATION. The director [of the department of social services] in control of a particular institution or [his] *that director's* authorized officer or employee shall, during [such] *the* investigation and as far as possible, see every *resident, patient or* inmate of each institution, especially those admitted since the preceding visit, and shall give such [inmates] *persons* as may require it, suitable opportunity to converse with [such] *the* director or [his] authorized officer or employee apart from the officers and attendants *of the institutions.*

Sec. 139. Section two hundred eighteen point thirty (218.30), Code 1979, is amended to read as follows:

218.30 INVESTIGATION OF OTHER INSTITUTIONS. The directors [of the department of social services] to whom control of state institutions has been delegated, or their authorized officers or employees, may *each* investigate charges of abuse, neglect or mismanagement on the part of any officer or employee of any private institution which is subject to [such] *that* director's particular supervision or control. The [director] *head* of the division of *community services of the department of* mental health, or his *or her* authorized officer or employee, shall likewise investigate charges concerning county care facilities in which mentally ill persons are kept.

Sec. 140. Section two hundred eighteen point forty-six (218.46), subsection one (1), Code 1979, is amended to read as follows:

1. The directors [of divisions of the department of social services] who are in charge of institutions

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shall encourage the scientific investgiation, on the part of the executive heads and medical staffs of the various institutions, as to the most successful methods of managing such institutions and treating the persons *admitted or* committed thereto, shall procure and furnish to such heads and staffs information relative to such management and treatment, and, from time to time, publish bulletins and reports of scientific and clinical work done in said institutions.

Sec. 141. Section two hundred eighteen point fifty (218.50), Code 1979, is amended to read as follows:

218.50 REQUISITION FOR CONTINGENT FUND. If necessary, the commissioner of [the department of] social services *or the director of mental health* shall make proper requisition upon the state comptroller for a warrant on the state treasurer to secure the [said] *authorized* contingent fund for each institution.

Sec. 142. Section two hundred eighteen point fifty-seven (218.57), Code 1979, is amended to read as follows:

218.57 COMBINING APPROPRIATIONS. The state comptroller is authorized to combine the balances carried in all specific appropriations into a special account for each institution under the control of a particular director [of a division of the department of social services], except that the support fund for each institution shall be carried as a separate account.

Sec. 143. Section two hundred eighteen point fifty-eight (218.58), Code 1979, is amended to read as follows:

218.58 STATE ARCHITECT. The commissioner of the department of social services may employ a competent architect, and such draftsmen as may be authorized by law. [Said] *The* architect shall, in addition to salary, be reimbursed for his *or her* actual and necessary expenses within the state while engaged in official business. *Architectural services required by the department of mental health shall be obtained from the department of social services by arrangement between the commissioner of social services and the director of mental health.* In cases of sufficient magnitude the commissioner *of social services or the* director of mental health may secure the advice of a consulting architect, or may secure plans and specifications from other architects, at a cost not exceeding one thousand five hundred dollars in any year, unless a larger amount is approved by the executive council.

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Sec. 144. Section two hundred eighteen point fifty-nine (218.59), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

[Said] *The* commissioner *of social services or the director of mental health* shall cause plans and specifications to be prepared for all improvements authorized and costing over five thousand dollars. No appropriation for any improvement shall be expended until the adoption of suitable plans and

specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of such improvement.

Sec. 145. Section two hundred eighteen point sixty (218.60), Code 1979, is amended to read as follows:

218.60 LETTING OF CONTRACTS—REPAIRS OR ALTERATIONS. The commissioner *of social services or the director of mental health* shall, in writing, let all contracts for authorized improvements costing in excess of five thousand dollars to the lowest responsible bidder, after such advertisement for bids as [the commissioner] *that officer* may deem proper in order to secure full competition. The commissioner *or the director* may reject all bids and readvertise. Provided, however, if the improvement be the repair or alteration of any building or grounds and is not new construction and the estimated cost thereof does not exceed twenty-five thousand dollars, the commissioner *or the director* with the approval of the [budget and financial control committee] *executive council* may proceed with such repairs or alterations under a negotiated contract on such terms as the commissioner [and the budget and financial control committee] *or the director and the executive council* may determine to be for the best interests of the state.

Sec. 146. Section two hundred eighteen point sixty-one (218.61), Code 1979, is amended to read as follows:

218.61 PRELIMINARY DEPOSIT. A preliminary deposit of money, or certified check upon a solvent bank in such amount as the commissioner of [the department of] social services *or the director of a mental health* may prescribe, shall be required as an evidence of good faith, upon all proposals for the construction of said improvements, which deposit or certified check shall be held under the direction of [such] *the* commissioner *or the director, as the case may be.*

Sec. 147. Section two hundred eighteen point sixty-four (218.64), Code 1979, is amended to read

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as follows:

218.64 PAYMENT FOR IMPROVEMENTS. No payment shall be authorized for construction purposes until satisfactory proof has been furnished to the commissioner of [the department of] social services *or the director of mental health, as appropriate,* by the proper officer or supervising architect, that

the contract has been complied with by the parties; and all payments shall be made in a manner similar to that in which the current expenses of the several institutions are paid.

Sec. 148. Section two hundred eighteen point seventy-one (218.71), Code 1979, is amended to read as follows:

218.71 SPECIAL POLICEMEN. The director [of a division of the department of social services] in control of a particular institution may, by order entered of record, commission one or more of the employees at each of [said] *the* institutions as special police. Such police shall, on the premises of the institution of which they are employees, and in taking [an] *a patient, resident or* inmate into *protective* custody, have and exercise the powers of regular peace officers. No additional salary shall be granted by reason of such appointment.

Sec. 149. Section two hundred eighteen point seventy-two (218.72), Code 1979, is amended to read as follows:

218.72 TEMPORARY QUARTERS IN EMERGENCY. In case the buildings at any institution under the management of a director [of the division of the department social services] are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the *patients, residents, or* inmates cannot be there confined and cared for, [said] *the* director shall make temporary provision for the confinement and care of [the inmates] *these persons* at some other place in the state. Like provision may be made in case any pestilence breaks out among the *patients, residents or* inmates. The reasonable cost of the change, including transfer of [inmates] *these persons*, shall be paid from any money in the state treasury not otherwise appropriated.

Sec. 150. Section two hundred eighteen point seventy-three (218.73), Code 1979, is amended to read as follows:

218.73 INDUSTRIES. The director [of a division of the department of social services] in control of a state institution may establish such industries as [he] *that officer* may deem advisable at or in

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connection with any of [said] *the* institutions under [his] *that officer's* control.

[Unless otherwise provided in this Act, all

institutional receipts of the department of social services shall be deposited in the general fund except rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair.]

Sec. 151. Section two hundred eighteen point seventy-four (218.74), Code 1979, is amended to read as follows:

218.74 SALE OF AGRICULTURAL PRODUCTS. The proceeds from the sale of any livestock or agricultural product by any institution under the control of [the department of social services] *a director* shall be deposited with the treasurer of state and credited to the account of the institution making the sale to be used for farm operating expenses and repairs.

Sec. 152. Section two hundred eighteen point seventy-eight (218.78), Code 1979, is amended to read as follows:

218.78 INSTITUTIONAL RECEIPTS DEPOSITED.

1. All institutional receipts of the department of social services *and of the department of mental health* shall be deposited in the general fund except rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair.

2. If approved by the commissioner of social services, the department *of social services* may use appropriated funds for the granting of educational leave.

3. If approved by the director of mental health, the department of mental health may use appropriated funds to grant educational leave.

Sec. 153. Section two hundred eighteen point eighty-three (218.83), Code 1979, is amended to read as follows:

218.83 CO-OPERATION. The commissioner of [the department of] social services and the directors of the divisions [therein are directed to] *of the department of social services, and the director of mental health and the heads of the divisions of the department of mental health, shall* co-operate with any department or agency of the state government in any manner, including the exchange of employees, calculated to

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improve administration of the affairs of the

institutions under the control of the department of social services *and the department of mental health.*

Sec. 154. Section two hundred eighteen point eighty-four (218.84), Code 1979, is amended to read as follows:

218.84 ABSTRACTING CLAIMS AND KEEPING ACCOUNTS. The commissioner of [the department of] social services *and the director of mental health* shall *each* have sole charge of abstracting and certifying claims for payment and the keeping of a central system of accounts in institutions under [his] control *of their respective departments.*

Sec. 155. Section two hundred eighteen point eighty-five (218.85), Code 1979, is amended to read as follows:

218.85 UNIFORM SYSTEM OF ACCOUNTS. The commissioner of [the department of] social services *and the director of mental health,* through the directors [of the divisions] in control of state institutions, shall install in [all such] *the* state institutions under [his] *their* control and supervision the most modern, complete, and uniform system of accounts, records, and reports possible, which system shall be prescribed by the state comptroller as authorized in section 8.6, subsection 4, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

Sec. 156. Section two hundred eighteen point eighty-six (218.86), Code 1979, is amended to read as follows:

218.86 ABSTRACT OF CLAIMS. When vouchers for expenditures other than salaries have been duly audited as provided for in section 8.6, [said] *the* audited vouchers shall be submitted to the state comptroller who shall [therefrom] *use them to* prepare in triplicate an abstract of claims submitted showing the name of the claimant, the institutions and fund thereof on account of which the payment is made. [Said] *The* claims and abstracts of claims shall then be returned to [such] *the* commissioner [where] *of social services or the director of mental health, as appropriate, who shall certify* the correctness of [said] *the* abstracts [shall then be certified by the commissioner]. The original abstract shall then be delivered to the state comptroller, the duplicate to be retained in the office of [such] *the* commissioner *or the director* and the triplicate forwarded to the proper institution to be retained there as a record of claims paid.

Sec. 157. Section two hundred eighteen point

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eighty-seven (218.87), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

218.87 WARRANTS ISSUED BY COMPTROLLER. When the commissioner of social services or the director of mental health has certified the correctness of an abstract returned by the comptroller, and if the institution named in the certificate has sufficient funds, the comptroller shall draw warrants upon the treasurer of state for the amounts and in favor of the claimants indicated upon the certified abstract. The comptroller shall deliver the warrants so drawn to the commissioner or the director, as appropriate, and that officer shall cause the warrants to be transmitted to the payees.

Sec. 158. Section two hundred eighteen point eighty-eight (218.88), Code 1979, is amended to read as follows:

218.88 INSTITUTIONAL PAYROLLS. At the close of each pay period, the chief executive officer [of each institution] or business manager of each institution [having the same,] shall prepare and forward to the commissioner of [the department of] social services *or the director of mental health, as appropriate,* a semimonthly payroll which shall show the name of each officer and employee, the semimonthly pay, time paid for, the amount of pay, and any deductions. [In no event shall a] *A* substitute [be permitted to] *not* receive compensation in the name of the employee for whom [he] *the substitute* is acting.

Sec. 159. Section two hundred eighteen point ninety-two (218.92), Code 1979, is amended to read as follows:

218.92 DANGEROUS MENTAL PATIENTS. Whenever a patient in any state hospital-school for the mentally retarded, [any mental health institute,] or any institution under the administration of the director of [the division of] mental health [of the department of social services], has become so mentally disturbed as to constitute a danger to self, to other patients in the institution or to the public, and the institution involved cannot provide adequate security, the director of mental health with the consent of the director of corrections of the department of social services may order the patient to be transferred to the Iowa security medical facility, provided that the executive head of the institution from which the

patient is to be transferred, with the support of a majority of [his] *the institution's* medical staff recommends the transfer in the interest of the patient,

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other patients or the public. If the patient transferred was hospitalized pursuant to sections 229.6 to 229.15, the transfer shall be promptly reported to the court which hospitalized the patient, as required by section 229.15, subsection 3. The Iowa security medical facility shall have the same rights, duties and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized there. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 160. Section two hundred eighteen point ninety-four (218.94), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The commissioner of [the department of] social services *and the director of mental health* shall *each* have full power, subject to the approval of the executive council to secure options to purchase real estate and to acquire and sell real estate for the proper uses of [said] *the* institutions *under the jurisdiction of their respective departments.* Real estate shall be acquired and sold upon such terms and conditions as the commissioner *or the director* may recommend subject to the approval of the executive council. Upon sale of such real estate, the proceeds thereof shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the department of social services *or the department of mental health, as the case may be,* which with the prior approval of the executive council may be used to purchase other real estate or for capital improvements upon property under [such commissioner's] control *of the commissioner or the director.*

Sec. 161. Section two hundred eighteen point ninety-eight (218.98), Code 1979, is amended to read as follows:

218.98 CANTEEN MAINTAINED. The directors [of divisions in the department of social service] in control of state institutions may maintain a canteen

at any institution under their jurisdiction and control for the sale to persons confined therein of toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise therefor. [Such] *The* directors shall specify what commodities will be sold [therein. The department] *by the canteens.*

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The respective departments having jurisdiction of the institutions may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

Sec. 162. Section two hundred eighteen point ninety-nine (218.99), Code 1979, is amended to read as follows:

218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS. The director [of a division of the department of social services] in control of a state institution shall direct the business manager of each institution under [his] *the director's* jurisdiction mentioned in section 444.12 to quarterly inform the auditor of the patient's, *resident's* or inmate's county of legal settlement of any patient, *resident* or inmate who has an amount in excess of two hundred dollars to his account in the patients' personal deposit fund and the amount thereof. [Such] *The* directors shall direct the business manager to further notify the auditor of such county at least fifteen days before the release of such funds in excess of two hundred dollars or upon the death of [such] *the* patient or inmate. If any [such] patient or inmate [shall have] *has* no county of legal settlement, notice as required by this section shall be made to the [commissioner of the department of social services and the] director [of a division of such department] in control of the particular institution involved.

Sec. 163. Section two hundred eighteen A point two (218A.2), Code 1979, is amended to read as follows:

218A.2 ADMINISTRATOR. Pursuant to [said] *the* compact, the director of [the division of] mental health of the department of social services] shall be the compact administrator and [who], acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator [is hereby authorized, empowered and directed to] *may* co-operate with all departments, agencies and officers of [and in] the government of

this state and its subdivisions in facilitating the proper administration of the compact *and* of any supplementary agreement or agreements entered into by this state thereunder.

Sec. 164. Section two hundred eighteen A point four (218A.4), Code 1979, is amended to read as follows:

218A.4 PAYMENTS. The compact administrator[, subject to the approval of the commissioner of the

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department of social service,] may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Sec. 165. Section two hundred twenty A point four (220A.4), Code 1979, is amended to read as follows:

220A.4 AGENCIES INVOLVED. The service shall receive from and make available to the following state agencies case information on persons believed to be mentally handicapped: The state department of health, the state department of public instruction, the state board of regents, *the state department of mental health* and the state department of social services.

Sec. 166. Section two hundred twenty-one point one (221.1), Code 1979, is amended to read as follows:

221.1 STATE AGENCY. The director of mental [health] *retardation services* of the state department of social services is hereby designated as the single state agency to act as the administrative agency to provide for the continuation of comprehensive planning to combat mental retardation.

Sec. 167. Section two hundred twenty-one point two (221.2), Code 1979, is amended to read as follows:

221.2 STAFF. The division of mental [health] *retardation services* of the state department of social services shall employ the staff necessary for the purposes of interpretation, evaluation, and dissemination of Iowa's Comprehensive Plan to Combat Mental Retardation and to carry on needed research.

Sec. 168. Section two hundred twenty-one point three (221.3), Code 1979, is amended to read as follows:

221.3 AIDS AND GRANTS RECEIVED. The director of mental [health] *retardation services* of the state department of social services is authorized and empowered to apply for and receive federal aids, grants, and gifts for purposes relating to mental

retardation.

Sec. 169. Section two hundred twenty-two point one (222.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

A special mental retardation unit may be maintained at one of the [state mental health institutes] *institutions under the jurisdiction of the department of social services* for the purposes set forth in sections 222.88 to 222.91, inclusive.

Sec. 170. Section two hundred twenty-two point two (222.2), subsections two (2) and three (3), Code 1979, are amended to read as follows:

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2. "Special unit" means a special mental retardation unit established [at a state mental health institute] pursuant to sections 222.88 through 222.91, inclusive.

3. "Director" or "state director" means the director of the division of mental [health] *retardation services* of the department of social services.

Sec. 171. Section two hundred twenty-two point eighty-nine (222.89), Code 1979, is amended to read as follows:

222.89 LOCATION—STAFF AND PERSONNEL. The commissioner may:

1. Designate a portion of the physical facilities of one of the [mental health institutes] *institutions under the jurisdiction of the department of social services* to be occupied by the offices and facilities of the special unit.

2. Determine the extent to which the special unit may effectively utilize services of the [mental health institute] *institution's* staff, and what staff personnel should be employed for and assigned specifically to the special unit.

Sec. 172. Section two hundred twenty-three point four (223.4), subsection one (1), Code 1979, is amended to read as follows:

1. Residents of any institution under the jurisdiction of the department of social services *or the department of mental health.*

Sec. 173. Section two hundred twenty-six point one (226.1), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The hospitals for the mentally ill *operated by the department of mental health* shall be designated as follows:

Sec. 174. Section two hundred twenty-six point forty-seven (226.47), Code 1979, is amended to read as follows:

226.47 "DIRECTOR" DEFINED. For the purpose of this chapter "director" or "state director" shall mean the director of the [division of mental health of the] department of [social services] *mental health.*

Sec. 175. Section two hundred twenty-seven point two (227.2), Code 1979, is amended to read as follows:

227.2 INSPECTION. [said]

1. The state director *and the commissioner of social services* shall make, or cause to be made, at least [two inspections] *one accrediation inspection* each year of every *county care facility. Either the state director or the commissioner of social services upon receipt of a complaint or with other good cause,*

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may make or cause to be made a review of any other private [and] *or* county institution wherein mentally ill *or mentally retarded* persons [are kept] *reside.* [Such] *The* inspection shall be made by the state director *or the commissioner of social services* or by some competent and disinterested person, appointed by [him. Inspectors shall be persons who are] *the state director or commissioner, who is* acquainted with and interested in the [handling and] care of [mental patients and] *mentally ill and mentally retarded persons. The objective of the inspection or review shall be an evaluation of the programming and treatment provided by the facility. After each inspection of a county care facility, the person who made the inspection* shall [be required to] consult and advise with the county authorities on plans and practices that will improve the care given [patients] *residents* and shall make [such] recommendations to the state director for [co-ordinating] *coordinating* and improving the relationships between the [stewards] *administrators* of county care facilities, the state director, *the commissioner of social services,* the superintendents of [hospitals] *state mental health institutes and state hospital schools, community mental health centers,* and other [co-operating] cooperating agencies, as will make for improved and more satisfactory care of [patients] *residents.* [Written] *A written* report as to [such inspections] *each inspection of a county care facility or other county or private facilities under this section* shall be filed with the state director

or commissioner and shall [embrace] *include:*
[1] *a.* The capacity of said institution for the care of [patients] *residents.*
[2] *b.* The number, [and] sex, *ages and primary diagnoses* of [the patients kept] *all persons residing* therein.
[3. The arrangement, method of construction, and adaptability of buildings for the purposes intended.
4. The condition of buildings as to sewerage, ventilation, light, heat, cleanliness, means of water supply, fire escapes, and fire protection.]
[5] *c.* The care of [patients] *residents,* their food, clothing, [medical] treatment, [and] employment, *and opportunity for recreational activities and for productive work intended primarily as thereapeutic activity.*
[6] *d.* The number, [kind] *job classification,* sex, duties, and salaries of all employees.
[7. The cost to the state or county of maintaining mentally ill patients therein, separate from the cost

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of maintaining sane paupers.]
[8] *e.* The recommendations given to and received from county authorities on methods and practices that will improve the conditions under which the county care facility is operated.
[9. Such] *f. Any failure to comply with standards adopted under section one hundred four (104) of this Act which is not covered in information submitted pursuant to paragraphs a through e of this subsection, and any* other matters [as] *which* the state director *or commissioner* may require.
2. A copy of each written report prescribed by subsection one (1) of this section shall be furnished to the county board of supervisors, to the administrator of the facility inspected and to its care review committee, to the state department of health, the state department of mental health, the state department of social services, and to the commission on the aging.
3. The state department of health shall inform the department of mental health and the department of social services of any action by the department of health to suspend, revoke or deny renewal of any license issued by the department to a county care facility, and the reasons for the action. The state department of health shall also furnish to the

department of mental health and department of social services all information referred to in paragraph d of subsection one (1) of this section which the department of health obtains by inspection or otherwise under chapter one hundred thirty-five C (135C) of the Code. The state director shall direct inspectors appointed under this section not to gather any of the information so furnished by the department of health.

4. In addition to the [aforesaid] inspections *required or authorized by this section,* the state director *and the commissioner of social services* shall [make or] cause to be made an [inspection] *evaluation* of each [county care facility where mental patients are kept] *person cared for in a county care facility* at least once each year by [a competent psychiatrist employed by the state hospital in the hospital district where the county care facility is located] *one or more qualified mental health or mental retardation professionals.*

a. It is the responsibility of the state department of mental health to secur an annual evaluation for each individual who is on convalescent leave from a state mental health institute and who has not been

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discharged from that facility. It is the responsibility of the state department of mental health to consult with the state department of social services when so requested in the evaluation for each individual who is on convalescent leave from a state hospital school who has not been discharged from that facility. It is the responsibility of the county to secure an annual evaluation for all other mentally ill persons in the county care facility.

b. It is the responsibility of the state department of social services to secure an annual evaluation for each individual who is on convalescent leave from a state hospital school and who has not been discharged from that facility. The state department of social services shall consult with the state department of mental health when it is in the best interest of the individual. It is the responsibility of the county to secure an annual evaluation for all other mentally retarded persons in the county care facility. The county shall consult with the state department of mental health when it is in the best interest of the individual when securing the annual evaluation for

all other mentally retarded persons in the county care facility.

c. The county board of supervisors shall cause to be made an annual medical evaluation of each resident of a county care facility to whom neither paragraph a or paragraph b of this subsection is applicable.

d. The county responsibilities under this subsection shall apply only when the appropriation to the community mental health services fund created by section eighty-four (84) of this Act is equal to at least four million dollars per year.

5. [Such inspection] *The evaluations required by subsection four (4) of this section* shall include an examination of each [mental patient] *resident* which shall reveal the [patient's] *resident's* condition of *mental and physical* health and the likelihood of improvement or discharge and such other recommendations concerning the care of [patients] *those persons* as the [inspector *evaluator* deems pertinent. One copy of [said inspection report] *the evaluation* shall be filed with the state director, one copy shall be filed with *the commissioner of social services,* one copy mailed to the county board of supervisors and one copy [mailed to the steward] *shall be filed with the administrator* of the facility inspected.

Sec. 176. Section two hundred twenty-seven point three (227.3), Code 1979, is amended to read as

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follows:

227.3 PATIENTS *RESIDENTS* TO HAVE HEARING. The inspector *conducting any inspection under section two hundred twenty-seven point two (227.2) of the Code* shall give each [patient] *resident* an opportunity to converse with him *or her* out of the hearing of any officer or employee of the institution, and shall fully investigate all complaints and report the result thereof in writing to said state director. The state director before acting on said report adversely to the institution, shall give the persons in charge thereof a copy of such report and an opportunity to be heard.

Sec. 177. Chapter two hundred twenty-seven (227), Code 1979, is amended by adding after section two hundred twenty-seven point three (227.3) the following new section:

NEW SECTION. STANDARDS FOR CARE IN COUNTY CARE FACILITIES. The state director and the commissioner

of social services, with the approval respectively of the mental health commission and the council on social services and in accordance with chapter seventeen A (17A) of the Code, shall jointly formulate and jointly adopt and may jointly revise standards for the care of and services to mentally ill and mentally retarded persons residing in county care facilities. The objective of the standards is to insure that mentally ill and mentally retarded persons are not only adequately fed, clothed and housed, but also that individualized treatment plans are established that will include reasonable opportunities for productive work, recreational activities and therapeutic programming suited to their physical and mental abilities. When formulating or revising standards under this section, the state director and commissioner shall jointly consult with a designated advisory committee, agreed upon by both directors, representing county care facility administrators, care review committees, and county supervisors to assist in the formulation or revision of standards. Each group shall have equal representation on the advisory committee.

Sec. 178. Section two hundred twenty-seven point six (227.6), Code 1979, is amended to read as follows:

227.6 REMOVAL OF [PATIENTS] *RESIDENTS.* [Said state director, in case of failure] *If a county care facility or other county or private institution fails* to comply with [his] rules[,] *and standards adopted under this chapter, the state director* is authorized to remove all [said] mentally ill persons [kept] *cared for* in such

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institutions at public expense, to the proper state [hospital] *mental health institute,* or to some private or county institution or hospital for the care of the mentally ill that has complied with the rules prescribed by [said] *the* state director [, such]. *The* removal of patients, if to a state [hospital, to] *mental health institute, shall* be made by an attendant or attendants sent from the [state hospital] *institute.* If a female is removed under the provisions of this section, at least one attendant shall be a female.

Sec. 179. Section two hundred twenty-seven point nineteen (227.19), Code 1979, is amended to read as follows:

227.19 "DIRECTOR DEFINED. For the purpose of this chapter "director" or "state director" shall mean the director of the [division of mental health

of the] department of [social services] *mental health.*

Sec. 180. Section two hundred twenty-nine point one (229.1), subsection thirteen (13), Code 1979, is amended to read as follows:

13. "Director" or "state director" means the director of [that division of the department of social services having jurisdiction of the state] mental health [institutes], or that director's designee.

Sec. 181. Section two hundred thirty point twenty (230.20), subsection five (5), Code 1979, is amended to read as follows:

5. An individual statement shall be prepared for any patient on or before the fifteenth day of the month next succeeding the month in which that patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by [sections 224A.2 and 224.A.3] *chapter one hundred twenty-five (125) of the Code,* the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for [one hundred percent] *the proportion* of the stated charge for each patient [, unless otherwise] specified in [the current appropriation for support of the state hospitals] *this subsection.* The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

a. During the fiscal year beginning July 1, 1980, an amount equal to eighty percent of the stated charge for each patient.

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b. During the fiscal year beginning July 1, 1981, an amount equal to seventy-five percent of the stated charge for each patient.

c. During the fiscal year beginning July 1, 1982, an amount equal to seventy percent of the stated charge for each patient.

d. During the fiscal year beginning July 1, 1983, an amount equal to sixty-five percent of the stated *charge for each patient.*

e. During the fiscal year beginning July 1, 1984, and each succeeding fiscal year, an amount equal to sixty percent of the stated charge for each patient.

Sec. 182. Section two hundred thirty point thirty-one (230.31), Code 1979, is amended to read as follows:

230.31 DEPARTERS FROM OTHER STATES. When any mentally ill person departs without proper authority from an institution in another state and is found in this state, any peace officer in any county in which [such] *the* patient is found may take and detain [him] *that person* without order and shall report such detention to the state director who shall provide for the return of [such] *the* patient to the authorities of the state where the unauthorized [leave was made] *departure occurred.* Pending such return [such] *the* patient may be detained temporarily at one of the institutions of this state governed by the [state director or any other director of the state] department of [social services] *mental health.* Expenses incurred under this section shall be paid in the same manner as is provided for transfers in section 230.8.

Sec. 183. Section two hundred thirty point thirty-four (230.34), Code 1979, is amended to read as follows:

230.34. "DIRECTOR" DEFINED. As used in this chapter, "director" or "state director" means the director of [the division of] mental health [of the department of social services].

Sec. 184. Section two hundred thirty A point one (230A.1), Code 1979, is amended to read as follows:

230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL HEALTH CENTERS. A county or affiliated counties [having a total or combined population of thirty five thousand or more] may by action of the board or boards of supervisors, with approval of the Iowa mental health [authority] *commission,* establish a community mental health center to serve the county or counties. In establishing the community mental health center, the board of supervisors of each county involved may make a single nonrecuring expenditure from the county mental health and institutions fund in an amount not

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exceeding two hundred fifty dollars per thousand population or major fraction thereof in the county, but no such expenditure shall be made under this section by any county which has prior to July 1, 1974, expended funds to assist in establishment of a community mental health center under section 230.24, third paragraph, Code 1966 or Code 1971, or section 230.24, second paragraph, Code 1973. Nothing in this

section shall limit the authority of the board or boards of supervisors of any county or group of counties, which prior to July 1, 1974, established or joined in establishing a community mental health center in a manner consistent with the requirements of section 230A.3, to continue to expend money from the county mental health and institutions fund to support operation of the center, and to form agreements with the board of supervisors of any additional county for that county to join in supporting and receiving services from or through the center.

The requirement that the mental health commission approve establishment of community mental health centers shall not affect the status of any community mental health center established and operating under this chapter on the date the mental health commission is established.

Sec. 185. Section two hundred thirty A point two (230A.2), subsection two (2), Code 1979, is amended to read as follows:

2. Aftercare and, where indicated, rehabilitative services for persons who have received services under subsection 1, or have been treated by a state mental health institute or other psychiatric facility, and upon request of a *county which provides financial support to the center or of a* state mental health institute or other psychiatric facility, *screening or other* prehospitalization services to persons seeking, awaiting, or being considered for admission or commitment to such facility.

Sec. 186. Section two hundred thirty A point two (230A.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Services for children and for the elderly.

Sec. 187. Section two hundred thirty A point three (230A.3), Code 1979, is amended to read as follows:

230A.3 FORMS OF ORGANIZATION. Each community mental health center established or continued in operation as authorized by section 230A.1 shall be organized and administered in accordance with one of the two alternative forms prescribed by this

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chapter. The two alternative forms are:

1. Direct establishment of the center by the county or counties supporting it and administration of the center by an elected board of trustees, pursuant to sections 230A.4 to 230A.11.

2. Establishment of the center by a nonprofit

corporation providing services to the county or counties on the basis of an agreement with the board or boards of supervisors, pursuant to sections 230A.12 and 230A.13.

Sec. 188. Section two hundred thirty A point sixteen (230A.16), Code 1979, is amended to read as follows:

230A.16 ESTABLISHMENT OF STANDARDS. The [Iowa] *state director of* mental health [authority], with approval of the committee on mental hygiene] *mental health commission* and subject to the provisions of chapter 17A, shall formulate and adopt and may from time to time revise standards for community mental health centers and comprehensive community mental health programs, with the overall objective of ensuring that each center and each affiliate providing services under contract with a center furnishes high quality mental health services within a framework of accountability to the community it serves. The standards shall be in substantial conformity with [these of the psychiatric committee of the joint committee on accreditation of hospitals and other] recognized national standards for evaluation of psychiatric facilities unless in the judgment of the [Iowa] *state director of* mental health [authority], with approval of the committee on mental hygiene] *mental health commission,* there are sound reasons for departing from such standards. When formulating or revising standards under this section, the [Iowa] *state director of* mental health [authority] shall designate an advisory committee representing boards of directors and professional staff of community mental health centers to assist in the formulation or revision of standards. *At least a simple majority of the members of the advisory committee shall be lay representatives of community mental health center boards of directors, and at least three of those individuals shall be persons holding office as county supervisors at the time of their appointments to the advisory committee.* The standards established under this section shall include requirements that each community mental health center established or operating as authorized by section 230A.1 shall:

1. Maintain and make available to the public a

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written statement of the services it offers to residents of the county or counties it serves, and

employ or contract for services with affiliates employing specified minimum numbers of professional personnel possessing specified appropriate credentials to assure that the services offered are furnished in a manner consistent with currently accepted professional standards in the field of mental health.

2. Unless it is governed by a board of trustees elected or selected under sections 230A.5 and 230A.6, be governed by a board of directors which adequately represents interested professions, consumers of the center's services, socio-economic, cultural and age groups, and various geographical areas in the county or counties served by the center.

3. [The] *Arrange for the* financial condition and transactions of [each] *the* community mental health center [shall] *to* be audited one each year by the auditor of state; provided, however, that in lieu of an audit by state accountants, the local governing body of a community mental health center organized under the terms of this chapter in case it elects, to do so, may contract with or employ certified public accountants to conduct such audit, pursuant to the applicable terms and conditions prescribed by sections 11.18 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the accountant employed to the [Iowa] *department of* mental health [authority] and the board of supervisors supporting the audited community mental health center.

4. Adopt and implement rules ensuring that no member of the center's board of directors, or board of trustees receives from the center information which identifies or is intended to permit the members of the board to identify any individual who is a client of that center.

Sec. 189. Section two hundred thirty A point seventeen (230A.17), Code 1979, is amended to read as follows:

230A.17 REVIEW AND EVALUATION. The [committee on mental hygiene] *state director of mental health* may review and evaluate any community mental health center upon [its own motion or upon] the recommendation of the [Iowa] mental health [authority] *commission*, and [the committee] shall do so upon the written request of the center's board of directors, its chief medical or administrative officer, or the board of supervisors of any county from which the center receives public funds. The cost of the review shall be paid by the

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[Iowa] *department of* mental health [authority].

Sec. 190. Section two hundred thirty A point eighteen (230A.18), Code 1979, is amended to read as follows:

230A.18 REPORT OF REVIEW AND EVALUATION. Upon completion of a review made pursuant to section 230A.17, the reviewing team shall submit its findings to the board of directors and chief medical or administrative officer of the center in such manner as the team members deem most appropriate. If the reviewing team concludes that the center fails to meet any of the standards established pursuant to section 230A.16, subsection 1, and that the response of the center to this finding is unsatisfactory, these conclusions shall be reported to the [committee on mental hygiene] *mental health commission* which may forward the conclusions to the board of directors of the center and request an appropriate response within [a reasonable period of time] *thirty days.* If no response is received within [a reasonable period of time] *thirty days,* or if the response is unsatisfactory, the [committee] *commission* may as its ultimate sanction call this fact to the attention of the board of supervisors of the county or counties served by the center, and in doing so shall indicate what corrective steps have been recommended to the center's board of directors.

Sec. 191. Section two hundred fifty-five point twenty-eight (255.28), Code 1979, is amended to read as follows:

255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS. The commissioner of [the department of] social services and the director of any of the divisions of [such] *that* department, [and] the board [in control] of *regents, with respect to* the Iowa braille and sight-saving school[,] and the Iowa school for the deaf, *and the director of mental health* may, respectively, send any inmate, student or patient of any of [said] *the* institutions *under their jurisdictions,* or any person committed or applying for admission thereto, to the hospital of the medical college of the state university for treatment and care as provided in this chapter, without securing the order of court required in other cases. [Said] *The* state department of social services, [and] board [in control of the Iowa braille and sight saving school and the Iowa school for the deaf] *of regents and*

department of mental health shall respectively pay the traveling expenses of any patient thus committed, and when necessary the traveling expenses of an

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attendant for [such] *the* patient, out of funds appropriated for the use of the institution from which [he] *the patient* is sent.

Sec. 192. Section two hundred fifty-seven point seventeen (257.17), subsection one (1), Code 1979, is amended to read as follows:

1. Exercise general supervision over the state system of public education, including the public elementary and secondary schools, the [junior] *area vocational schools and community* colleges, and shall have educational supervision over the elementary and secondary schools under the control of a director of a division of the department of social services *or of the division of community services of the department of mental health*, and nonpublic schools to the extent that is necessary to ascertain compliance with the provisions of the Iowa school laws.

Sec. 193. Section two hundred sixty-three point ten (263.10), Code 1979, is amended to read as follows:

263.10 PERSONS ADMITTED. Every resident of the state who is not more than twenty-one years of age, who is so severely handicapped as to be unable to acquire an education in the common schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the institution, and nonresidents similarly situated may be entitled to an education and care therein upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of a director of a division of the department of social services *or of the head of the division of community services of the department of mental health* who are severely handicapped may be transferred to the hospital-school upon such terms as may be agreed upon by the state board of regents and such director.

Sec. 194. Section two hundred eighty-two point eighteen (282.18), Code 1979, is amended to read as follows:

282.18 CHILDREN FROM CHARITABLE INSTITUTION OR STATE INSTITUTION. Children who are living in a

charitable institution organized under the laws of this state or are living in any institution under the jurisdiction of a director of a division of the department of social services *or of the head of the division of community services of the department of mental health* and who have completed a course of study

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for the eighth grade and who do not require special education shall be permitted to enter any approved public high school in Iowa that will receive them and the tuition and transportation when required by law shall be paid by the treasurer of state from any money in [his hands] *the general fund of the state* not otherwise appropriated and upon warrants drawn and signed by the state comptroller on requisition issued by the superintendent of public instruction. The superintendent of public instruction is hereby empowered to require such reports, from such institution and from the high school such pupils attend, as are necessary properly to carry out the provisions of this section.

Sec. 195. Section four hundred twenty-two point forty-five (422.45), subsection five (5), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The gross receipts or from services rendered, furnished, or performed and of all sales of goods, wares or merchandise used for public purposes to any tax-certifying or tax-levying body of the state of Iowa or governmental subdivision thereof, including the state board of regents, state department of social services, *state department of mental health*, state department of transportation, any municipally owned solid waste facility which sells all or part of its processed waste as fuel to a municipally owned public utility and all divisions, boards, commissions, agencies or instrumentalities of state, federal, county or municipal government which have no earnings going to the benefit of an equity investor or stockholder except sales of foods, wares or merchandise or from services rendered, furnished, or performed and used by or in connection with the operation of any municipally owned public utility engaged in selling gas, electricity or heat to the general public.

Sec. 196. Section four hundred forty-four point twelve (444.12), Code 1979, is amended to read as follows:

444.12 COUNTY MENTAL HEALTH AND INSTITUTIONS FUND.

1. The board of supervisors of each county shall

establish a county mental health and institutions fund, [from] which shall be [paid.] *used only for the purposes stated in subsections two (2) through six (6) of this section.*

[1. All] . *There shall be paid from the fund all* charges which the county is obligated by statute to pay for:

a. Care and treatment of patients by any state

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mental health institute.

b. Care and treatment of patients by either of the state hospital-schools or by any other facility established under chapter 222.

c. Care and treatment of patients by the [psychopathic] *psychiatric* hospital at Iowa City.

d. Care and treatment of persons at the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125, provided, however, that any admission to a facility shall be reported to the county board of supervisors within five days by the center or facility offering such treatment.

e. Care of children admitted or committed to the Iowa juvenile home at Toledo.

f. Clothing, transportation, and medical or other services provided persons attending the Iowa braille and sight-saving school, the Iowa school for the deaf, or the state hospital-school for severely handicapped children at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4 through 270.7.

[2. Any portion which the] *3. The* board of supervisors *may pay from the fund any portion it may deem advisable of the cost of* [psychiatric examination and treatment of persons in need thereof or of] professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, autistic children or persons who are afflicted by any other developmental disability, at any suitable public or private facility providing inpatient or outpatient care in such county. As used in this subsection:

a. "Developmental disability" has the meaning assigned that term by title 42, section 2691 subsection 1, United States Code, as amended to January 1, 1974.

b. "Autistic children" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages

of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn and participate in social relationships. "Autistic children" includes but is not limited to those persons afflicted by infantile autism, profound aphasia and childhood psychosis.

[The board of supervisors may require any public or private facility as a condition of payment from county funds to furnish the board with a statement of the income, assets, and township or municipality and the county of legal residence of each person

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receiving services under this section, provided, however, the facility shall not disclose to anyone without the permission of the person receiving services for which commitment is not required such person's name or street or route address.]

[3. The] *4. There shall be paid from the fund the* cost of care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in section 135C.1, subsection 8, or any other public or private facility:

a. In lieu of admission or commitment to, *or upon discharged, removal, or transfer from,* a state mental health institute[, hospital school, or other facility] established pursuant to chapter [222] *two hundred twenty-six (226) of the Code.*

b. [Upon] *In lieu of admission or commitment to, or upon* discharge, removal, or transfer from a [state mental health institute or] state hospital-school or other institution establishment pursuant to chapter 222.

5. The cost of foster care and related services provided to any child who is under the jurisdiction of the juvenile court, if provided upon the order of the court, shall be paid from the fund.

[4. Any contribution which the] *6. The* board of supervisors [may make to the] *shall pay from the fund, or from the county's share of the general allocation of the state community mental health services fund, any amounts budgeted by the board of supervisors for either or both of the following purposes:*

a. Mental health services furnished to individuals on either an outpatient or inpatient basis, or to a school or other public agency or to the community at large, by a community mental health center, county care facility or other suitable facility located in

or reasonably near the county, provided that any services paid for with the fund, or with money received from the state community mental health services fund shall meet the standards of the state mental health commission and be consistent with the annual plan for services approved by the board of supervisors.

b. The costs of establishment and initial operation of a community mental health center in the manner and subject to the limitations provided by law.

7. The board of supervisors shall, at the time of levying other taxes, estimate the amount necessary to meet the [foregoing] expenses *authorized by this section* which it is anticipated that the county will incur in the coming year, and levy a tax sufficient to raise the amount needed. The *tax shall be computed*

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and spread as a single levy, but the board of supervisors shall determine and enter of record the respective separate amounts budgeted for payment from county tax revenue under subsections two (2) through six (6) of this section. The proceeds of the tax shall be credited to the county mental health and institutions fund, and used only for the purposes prescribed by this section. Should any county fail to levy a tax sufficient to meet the expenses which the county is required to pay, or which the board of supervisors chooses to pay, from the county mental health and institutions fund pursuant to this section, the deficiency shall be met by transfer of funds from the county general fund to the county mental health and institutions fund.

[5. Foster care and related services provided to any child who is under the jurisdiction of the juvenile court, if provided upon the order of the court.]

8. The board of supervisors may require any public or private facility, as a condition of receiving payment from county funds for services it has provided, to furnish the board with a statement of the income, assets, and township or city and county of legal residence of each person who has received services from that facility for which payment has been made from county funds under this section. However, the facility shall not disclose to anyone the name or street or route address of any person receiving services for which commitment is not required, without first obtaining that person's written permission.

9. Nothing in this section or any other statute

shall be construed to prohibit parents or other persons from voluntarily reimbursing the county or state for the reasonable cost of caring for an individual while he *or she* was a patient or inmate in the county hospital, county [home] *care facility*, mental health institute, hospital-school, training school, or home for children.

Sec. 197. Section six hundred one C point two (601C.2), subsection one (1), Code 1979, is amended to read as follows:

1. "Public office building" means the state capitol, all county courthouses, all city halls, and all buildings used primarily for governmental offices of the state or any county or city. It does not include public schools or buildings at institutions of the state board of regents, *state department of mental health* or the state department of social services.

Sec. 198. Section six hundred one F point three

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(601F.3), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The director of mental health or the director's designee.

Sec. 199. Section seven hundred nineteen point seven (719.7), Code 1979, is amended to read as follows:

719.7 FURNISHING INTOXICANT TO INMATES. Any person not authorized by law who furnishes or knowingly makes available any intoxicating beverage to any inmate at any detention facility, correctional institution or any institution under the management of the department of social services *or the department of mental health*, or who introduces any intoxicating beverage into the premises of any such institution, commits a simple misdemeanor.

Sec. 200. Section seven hundred nineteen point eight (719.8), Code 1979, is amended to read as follows:

719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES. Any person not authorized by law who furnishes or knowingly makes available any controlled substance to any inmate at any detention facility or correctional institution, or at any institution under the management of the department of social services *or the department of mental health*, or who introduces any controlled substance into the premises of any such institution, commits a class "D" felony.

Sec. 201. Chapter two hundred twenty-five B (225B), Code 1979, is repealed effective January 1, 1981. This section does not negate or otherwise affect the repeals of designated statutes made by section two hundred twenty-five B point eight (225B.8), Code 1979.

Sec. 202.

1. Notwithstanding the provisions of section seventy-four (74) of this Act, the governor shall appoint the initial members of the mental health commission no later than October 1, 1980. A commission member whose initial term is longer than three years by virtue of this section is eligible for reappointment to a second consecutive term of three years. The commission and other existing state agencies affected by this Act shall then begin preparations to implement this Act on January 1, 1981.

2. As soon as possible after the effective date of this section, the director of the division of mental health of the department of social services shall undertake a study of possible alternatives to the present method of supporting the state mental health institutes with the objective of encouraging

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the process of deinstitutionalization and containing the cost to counties of mental health institute services. The director shall inform the mental health commission of the progress made toward completion of the tasks mandated by this section when the commission assumes office, and shall thereafter continue to make periodic reports to the commission as requested by the commission during the period while the division of mental health remains a part of the department of social services.

Sec. 203.

1. Sections seventy-one (71), seventy-two (72), seventy-three (73), seventy-six (76) through eighty-three (83), and ninety (90) through one hundred ninety-eight (198) of this Act are effective January first following its enactment.

2. Sections eighty-four (84) through eighty-eight (88) of this Act are effective July first following the effective date of the sections cited in subsection one (1) of this section.

3. Notwithstanding the provisions of sections two hundred twenty-five B point two (225B.2) and two hundred twenty-five B point eight (225B.8), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), sections one (1) and two (2), the division of mental health resources of the department of social services

and the Iowa mental health authority shall continue to be governed respectively by sections two hundred seventeen point ten (217.10) through two hundred seventeen point twelve (217.12), Code 1979 and chapter two hundred twenty-five B (225B), Code 1977, until January 1, 1981, or until a date not later than July 1, 1981 if the governor delays implementation under section two hundred twenty-five B point two (225B.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section one (1).

4. The appropriation made to the Iowa mental health authority by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsection four (4), and any other appropriation made to the Iowa mental health authority by any Act of the Sixty-eighth General Assembly, and the appropriations made to the division of mental health resources of the department of social services by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section one (1), subsection one (1), and the appropriation made to the state mental health institutes by any Acts of the

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Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section six (6), subsection one (1), and any other appropriation made to the division or to the mental health institutes by any Acts of the Sixty-eighth General Assembly, shall be deemed to be appropriations to the department of mental health as designated by section seventy-three (73) of this Act, effective January 1, 1981, or on a date not later than July 1, 1981 if the governor delays implementation under section two hundred twenty-five B point two (225B.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-four (54), section one (1).

6. Title, page 2, line 15, by inserting after the word "services" the words ", and to establish a state department of mental health, prescribe its powers and duties, transfer to it certain responsibilities presently imposed by law on the division of mental health of the department of social services and on the Iowa mental health authority, provide a description of those responsibilities of the department of social services which are now assigned to the division of mental health and which are to be left within the jurisdiction of the

department of social services, and make amendments in conformity with these changes to various sections to the Code as necessary".

TOM SLATER
SUE YENGER
W. R. BILL HANSEN
ROBERT M. CARR
CHARLES P. MILLER
JAMES E. BRILES
STEPHEN W. BISENIUS
RICHARD F. DRAKE
ARNE WALDSTEIN
JOHN W. JENSEN
RICHARD COMITO

S—5848

For the text of this House amendment, see page 1645 of the Senate Journal.

S—5849

For the text of this House amendment, see page 1644 of the Senate Journal.

S—5850

For the text of this House amendment, see pages 1644-1645 of the Senate Journal.

S—5851

Amend the Drake, et al., amendment, S—5832, to Senate File 2378 as follows:

1. Page 1, by inserting after line 21 the following:

"___. Page 7, by striking line 23 and inserting in lieu thereof the words 'upon the determination, after consultation with the department, that the railway'."

2. Number and renumber as is necessary.

JOHN SCOTT
C.W. HUTCHINS

S—5852

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 40, by striking lines 6 and 7.

BOB RUSH

S—5853

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 15, by inserting after line 9 the following:

"It is the further intent of the general assembly that all state liquor stores in operation as of March 1, 1980 shall continue in operation. If there is more than one liquor store in a city only one must continue in operation. Hours of operation of each store shall remain substantially the same."

C.W. HUTCHINS

S—5854

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 3, by inserting after line 8, the following:

"____. Page 1, by inserting after line 14 the following new section:

'Sec. ____. The department of transportation in cooperation with the department of agriculture and the conservation commission shall catalog all railroad beds which have been abandoned in this state after January 1, 1978, and all railroad beds which are scheduled to be abandoned in the future and determine which railroad beds should be acquired or retained for future use. The department shall submit to the general assembly by January 15, 1981, any legislative proposals necessary to carry out the provisions of this paragraph.' "

ARTHUR A. SMALL, JR.

S—5855

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, lines 7 and 8, by striking the words "section and inserting in lieu thereof the following:" and inserting in lieu thereof the word "section.".

2. Page 1, by striking lines 9 through 41.

ARTHUR A. SMALL, JR.

S—5856

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 39, by inserting after line 31 the following:

"Sec. ____. Section five hundred nine point one

(509.1), subsection one (1), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or an employee's spouse or dependents on the basis of the eligibility of the employee or the employee's spouse or dependents for medical assistant under chapter two hundred forty-nine A (249A) of the Code.

Sec. ____. Section five hundred nine point one (509.1), subsection four (4), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage a member or a member's spouse or dependents on the basis of the eligibility of the member or the member's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. ____. Section five hundred nine point one (509.1), subsection five (5), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or member or an employee's or member's spouse or dependents on the basis of the eligibility of the employee or member or employee's or member's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. ____. Section five hundred nine point one (509.1), subsection six (6), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or an employee's spouse or dependents on the basis of the elibility of the employee or the employee's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code. This paragraph shall also apply to corporations operating within the state who provide insurance coverage for their employees directly, and the commissioner shall have the authority to enforce the provisions of this paragraph."

2. By renumbering sections.

LUCAS J. DE KOSTER

S—5857

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 7, by striking line 21 and inserting in lieu thereof the following:

"$ *995,373*
Of the appropriation for ther 1980-1981 fiscal year the sum of one hundred thousand (100,000) dollars is allocated for family planning and the sum of fourteen thousand (14,000) dollars is allocated for genetic counseling."

TOM SLATER
PATRICK J. DELUHERY

S—5858

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 12, by inserting after line 20 the following new section:

"Sec. ____. There is appropriated from the general fund of the state to the Iowa state university of science and technology agricultural experiment station for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to be used by the university to continue the study and research of grain grading and moisture testing in Iowa. Such study and research shall include but is not limited to the effects on grain grading, testing of weight shrinkage factors, price discounts, grain product quality, moisture meters and present harvest and grain handling techniques."

BERL E. PRIEBE

S—5859

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 37, by inserting after line 11 the following:

"*NEW SECTION.* The department shall revert to the general fund by June 30, 1981 not less than four million eight hundred thousand (4,800,000) dollars as a result of a department employee hiring freeze, increased employee vacancy factor and reductions in travel and support services."

TOM SLATER

S—5860

Amend amendment S—5821 to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 1 through page 5,

line 27 and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to the state comptroller the sum of two million two hundred thousand (2,200,000) dollars, or so much thereof as is necessary, for reclassification and upgrading of the pay plan for all state employees who are included in the state comptroller's centralized payroll system and state department of transportation payroll system in order that salary levels paid by the state remain competitive.

Sec. 2. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of one million five hundred fifty thousand (1,550,000) dollars, or so much thereof as is necessary, for the purpose of reclassification or upgrading of positions of personnel employed at institutions under the control of the state board of regents in order that salary levels paid by the state board of regents will be comparable or competitive with salary levels paid by similar institutions to those under the control of the state board of regents.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 to the state comptroller the sum of four hundred fifty thousand (450,000) dollars, or so much thereof as is necessary, for allocation as additional general state financial aid for supplementary adjustment purposes of merged area school personnel in order that salary levels paid by the merged area schools will be comparable or competitive with salary levels paid by similar institutions or schools."

2. Renumber as required by the amendment to the amendment.

LUCAS J. DE KOSTER

S—5861

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 16, by inserting after line 13 the following sections:

"Sec. ____. Section three hundred eighty-four point six (384.6), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979

Session, chapter thirty-four (34), section thirteen (13), and chapter eighty-five (85), section one (1), is amended to read as follows:

1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager, or city administrator performing the duties of city manager, in an annual amount not to exceed the amount that would have been contributed by the employer under [the provisions of] section 97B.11. *If a police chief or fire cheif has submitted a written request to the board of trustees to be exempt from chapter four hundred eleven (411) of the Code, authorized in section four hundred eleven point three (411.3), subsection one (1) of the Code, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section four hundred eleven point eight (411.8), subsection one (1), paragraph a, of the Code, to the international city management association/retirement corporation.* A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

Sec. ____ . Section four eleven point three (411.3), subsection one (1), Code 1979, is amended to read as follows:

1. All persons who become police officers or fire fighters after the date the retirement systems are established by this chapter, shall become members thereof as a condition of their employment, *except that a police chief or a fire chief who would not complete twenty-two years of service under this chapter by the time the chief attains fifty-five years of age shall, upon written request to the board of trustees, be exempt from this chapter. Notwithstanding section ninety-seven B point forty-one (97B.41) of the Code, a police chief or fire chief who is exempt from this chapter is exempt from chapter ninety-seven B (97B) of the Code.* [Such members] *Members of the system established in this chapter* shall not be required to make contributions under any other pension

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or retirement system of city, county, or state of Iowa, anything to the contrary notwithstanding."

2. By numbering and renumbering sections and correcting internal references as necessary.

EDGAR H. HOLDEN

S—5862

Amend amendment S—5821 to House File 2580 as amended, passed and reprinted by the Senate as follows:

1. Page 8, by inserting after line 24 the following:

"____. Page 3, by inserting after line 27 the following section:

'Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12) is amended to read as follows:

12. PROGRAMS FOR GIFTED AND TALENTED CHILDREN.

a. For programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code ..... $ $ 100,000

b. For support services for programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code ..... $ $ 31,000

If federal funds become available for the purpose for which funds are appropriated by this paragraph, the appropriation in this paragraph shall be reduced by the amount of federal funds received and the amount the appropriation is reduced shall revert to the general fund of the state.'"

TOM SLATER

S—5863

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 33, line 20, by striking the figure "6,520,000" and inserting in lieu thereof the following:

"$[6,520,000] 6,920,000"

2. Page 33, line 25, by striking the words "[and fifty cents]" and inserting in lieu thereof the words "and fifty cents".

TOM SLATER

S—5864

Amend House File 2580 as amended, passed and reprinted by the Senate as follows:

1. Page 4, by inserting after line 10 the following:

"Sec. 9. Section two hundred eighty-three A point one (283A.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'School breakfast program' means a program under which breakfasts are served by a public school on a nonprofit basis to children in attendance, including a program that receives federal financial assistance. The breakfast must comply with federal regulations.

Sec. 10. Section two hundred eighty-three A point two (283A.2), Code 1979, is amended to read as follows:

283A.2 SCHOOL [BOARDS] *LUNCH AND BREAKFAST PROGRAMS--RULES.* [School boards shall have power to operate or provide for the operation of school lunch programs in schools under their jurisdiction, and may use therefor funds disbursed to them under the provisions of this chapter, gifts, funds received from sale of school lunches under such programs, and any other funds legally available.

All school] *School* districts shall operate or provide for the operation of school lunch programs at [all] public schools in each district[, which]. *School districts shall operate or provide for the operation of school breakfast programs in those public schools in the district where the number of free or reduced price school lunches served during the second preceding school year was forty percent or more of the total school lunches served during the school year. However, a school district is not required to operate or provide for a school breakfast program if another agency in the school district provides a school breakfast program which substantially complies with departmental and federal rules and is available to students as provided in this section. The programs shall be operated in compliance with the rules of the department of public instruction and pertinent federal rules*[, for all] *and shall be available to* students in each district who attend public school four or more hours each school day and wish to participate in [a] *the school breakfast program or* school lunch program[, and school] *or both. School* districts may provide such programs for other students. *School boards may use for this purpose funds disbursed to them under this chapter, gifts,*

funds from the sale of school breakfasts and lunches and other funds legally available for school lunch and breakfast programs.

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Sec. 11. Section two hundred eighty-three A point three (283A.3), Code 1979, is amended to read as follows:

283A.3 EXPENDITURE OF FEDERAL FUNDS. The superintendent of public instruction [is hereby authorized to] *may* accept and direct the disbursement of funds appropriated by any Act of Congress and [appropriated] *allocated* to the state of Iowa for use in connection with *school breakfast programs or* school lunch programs. The superintendent of public instruction shall deposit [all such] *federal* funds *received* with the treasurer of [the] state [of Iowa], who shall make disbursements therefrom upon the direction of the superintendent of public instruction.

Sec. 12. Section two hundred eighty-three A point four (283A.4), Code 1979, is amended to read as follows:

283A.4 ADMINISTRATION OF PROGRAM. The superintendent of public instruction may enter into [such] agreements with [any] *an* agency of the federal government, [with any] *a* school board, or [with] any other agency or person, prescribe [such regulations] *rules*, employ [such] personnel, and take [such] other action as [he may deem] *deemed* necessary to provide for the establishment, maintenance, operation, and expansion of [any] *a school breakfast or* school lunch program, and to direct the disbursement of federal and state funds, in accordance with [any] applicable provisions of federal or state law. The superintendent of public instruction may give technical advice and assistance to [any] *a* school board in connection with the establishment and operation of [any] *a school breakfast or* school lunch program and may assist in training [such] personnel engaged in the operation of [such] *the* program. The superintendent of public instruction and any school board may accept any gift for use in connection with [any] *a school breakfast or* school lunch program.

Sec. 13. Section two hundred eighty-three A point five (283A.5), Code 1979, is amended to read as follows:

283A.5 ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS. The superintendent of public instruction shall

prescribe [regulations] *rules* for the keeping of accounts and records and the making of reports by or under the supervision of school boards. [Such] *The* accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for [such] *a* period of time, not in excess of five years, as the superintendent of public

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instruction may lawfully prescribe. The superintendent of public instruction shall conduct or cause to be conducted [such] audits and inspections with respect to *school breakfast programs and* school lunch programs as [may be] necessary to determine whether [its agreement] *agreements* with school boards and [regulations] *rules* made pursuant to this chapter are being complied with, and to insure that *school breakfast and* school lunch programs are effectively administered.

Sec. 14. Section two hundred eighty-three A point eight (283A.8), Code 1979, is amended to read as follows:

283A.8 USE OF SCHOOL *BREAKFAST AND* LUNCH FACILITIES BY SENIOR CITIZENS. Board of directors of school corporations may authorize the use by senior citizens organizations of school *breakfast and* lunch facilities subject to reasonable rules [and regulations] of the board. [Such] *The* use shall not interfere with the use of the facilities for public school purposes. The board may charge for such use an amount not to exceed the cost to the district.

Sec. 15. Section two hundred eighty-three A point nine (283A.9), Code 1979, is amended to read as follows:

283A.9 BUILDING FOR SCHOOL LUNCH FACILITY. School districts [are authorized to] *may* purchase, erect, or otherwise acquire a building for use as a school *breakfast or* lunch facility, [and to] equip [such a] *the* building for such use, and *may* pay for [same] *the building* from unencumbered funds on hand in the school house fund derived from taxes voted under authority of sections 278.1, subsection 7, or 275.32, subject to the terms of this section, or [may pay for same] from the proceeds of the sale of school property sold under section 297.22, or from surplus remaining in the schoolhouse fund after retirement of a bond issue, or from a tax voted for said purposes.

Sec. 16. Section two hundred eighty-three A point ten (283A.10), Code 1979, is amended to read as

follows:

283A.10 SCHOOL *BREAKFAST AND* LUNCH IN NONPUBLIC SCHOOLS. The authorities in charge of nonpublic schools may operate or provide for the operation of school *breakfast and* lunch programs in schools under their jurisdiction and may use funds appropriated to the them by the general assembly, gifts, funds received from sale of school *breakfasts and* lunches under such programs, and [any] other funds available to the nonpublic school. However, school *breakfast and* lunch programs [shall not be] *are not* required in nonpublic

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schools. The department of public instruction shall direct the disbursement of state funds to nonpublic schools for school *breakfast and* lunch programs in the same manner as state funds are disbursed to public schools.

Sec. 17. Sections nine (9) through sixteen (16) of this Act are effective January 1, 1981 for the school year beginning July 1, 1981."

2. Renumber sections and correct internal references as necessary.

3. Amend the first page of the title, line 6, by inserting after the word "grants;" the words "the department of public instruction;".

JOANN ORR

S—5865

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 34, line 18, by striking the figure *"2,200,000"* and inserting in lieu thereof the figure *"2,800,000"*.

TOM SLATER

S—5866

Amend House File 2580 as amended, passed and reprinted by the House as follows:

34. Page 39, by inserting after line 31 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), is amended by striking subsection fourteen (14)."

TOM SLATER

S—5867

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 35, by inserting after line 28 the following:

"Sec. ____ . Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), is amended by adding the following section:

SEC. 31. It is the intent of the general assembly that the monthly personal needs allowance for Title XIX recipients residing in intermediate care facilities be raised from twenty-five dollars per month to thirty dollars per month for the fiscal year beginning July 1, 1980 and ending June 30, 1981."

TOM SLATER

S—5868

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 6, by inserting after line 34 the following:

"Sec. ____ . Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection two (2), paragraph a, is amended to read as follows:

a. Health facilities service.

For salaries and support of not more than sixty-eight point four full-time equivalent positions annually, maintenance and miscellaneous purposes.....$ 554,102 $ [548,903] *713,903"*

ROBERT M. CARR

S—5869

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 34, line 18, by striking the figure *"2,200,000"* and inserting in lieu thereof the figure *"2,400,000"*.

CHARLES P. MILLER

S—5870

Amend House File 2580 as amended, passed and

reprinted by the House as follows:

1. Page 27, by inserting after line 9 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section three (3), subsection four (4), is amended to read as follows:

4. For operation of the Iowa veterans home, including salaries and support maintenance and miscellaneous purposes. ..... $10,400,000 $[10,600,000] *10,750,000*".

C.W. HUTCHINS

S—5871

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 40, line 13, by inserting after the word "needs" the words "which include a determination by a medical practitioner that a need exists for new eyeglasses and that the eyeglasses have been damaged, broken, or lost".

BOB RUSH

S—5872

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 40, by striking line 24.

BOB RUSH

S—5873

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 40, lines 6 and 7 by striking the words "podiatry treatments,".

BOB RUSH

S—5874

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 37, by inserting after line 5 the

following:

"NEW SECTION. It is the intent of the general assembly that the department proceed with the systematic phase down of the state mental health institute at Clarinda to be completed by November 1, 1980. The department shall make reasonable efforts to identify other sources of mental health services to individuals who would have been served at Clarinda."

CHARLES P. MILLER

S—5875

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 39, line 32, by striking the word "shall" and inserting in lieu thereof the word "may".

C. JOSEPH COLEMAN

S—5876

Amend the committee on Appropriations amendment, S—5821, to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 8, by striking lines 21 through 24.

C. JOSEPH COLEMAN

S—5877

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 38, by striking lines 3 through 24.

JOANN ORR

S—5878

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 5, line 1, by striking the figure "$540,943" and inserting in lieu thereof the figures "$[540,943] *547,943*".

JULIA B. GENTLEMAN
DAVID M. READINGER

S—5879

For the text of this House amendment, see pages 1653-1658 of the Senate Journal.

S—5880

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 25 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section one (1), is amended by adding the following new subsection:

5. For the older Iowans model legislature.....$ $ 14,000".

BASS VAN GILST

S—5881

Amend amendment S—5821 to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 5 through page 5, line 27 and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to the state comptroller the sum of two million two hundred thousand (2,200,000) dollars, or so much thereof as is necessary, for reclassification and upgrading of the pay plan for all state employees who are included in the state comptroller's centralized payroll system and state department of transportation payroll system in order that salary levels paid by the state remain competitive.

Sec. 2. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of one million five hundred fifty thousand (1,500,000) dollars, or so much thereof as is necessary, for the purpose of reclassification or upgrading of positions of personnel employed at institutions under the control of the state board of regents in order that salary levels paid by the state board of regents will be comparable or competitive with salary levels paid by similar instititons to those under the control of the state board of regents.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 to the state

comptroller the sum of four hundred fifty thousand (450,000) dollars, or so much thereof as is necessary, for allocation as additional general state financial aid for supplementary adjustment purposes of merged area school personnel in order that salary levels paid by the merged area schools will be comparable or competitive with salary levels paid by similar institutions or schools."

2. Renumber as required by the amendment to the amendment.

LUCAS J. DE KOSTER

S—5882

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 10 by striking line 35 and inserting in lieu thereof the following:

"4,265,000

Sec. ____ . Section one hundred twenty-five point twelve (125.12), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The director may contract with public or private agencies to provide prevention with training services consistent with the comprehensive program required by this section. The contract shall be in a form and contain terms as the parties agree upon.

Sec. ____ . Section one hundred twenty-five point twenty-five (125.25), Code 1979, is amended to read as follows:

125.25 APPROVAL OF FACILITY BUDGET.

1. Before making any allocation of funds to a local substance abuse program, the commission on substance abuse shall require [the following to be submitted for] each program[:]

[a. A] *to submit a* detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department of substance abuse.

[b. A certified statement from the auditor of each county participating in the program as to the amount of county resources committed to the program for the fiscal year for which the funds are requested.]

2. The commission shall adopt rules governing the approval of line item budgets for the operation of facilities. [The rules shall include provisions for the approval of a facility's budget by the counties

funding the facility and by the department. The rules shall also include provisions for appeal to the commission by any county which disagrees with the amount of a facility's budget approved by the department.]

3. A county may, at the option of the board of supervisors, participate in funding local substance abuse programs after notifying the department of the board's decision. However, additional funds provided for a program by a county shall not become an obligation of the state in succeeding fiscal years.

4. The commission shall adopt rules defining eligibility for substance abuse services funded by the department.

Sec. ____. Section one hundred twenty-five point thirty-nine (125.39), subsection one (1), Code 1979, is amended to read as follows:

1. In addition to other requirements established by this chapter, a facility shall not be licensed pursuant to section 125.13 unless it is either a political subdivision, a licensed hospital or a community mental health center operating under chapter 230A, or it is organized under the Iowa nonprofit corporation Act appearing as chapter 504A. In the latter case, [one-third of] the membership of the board of directors shall [be representatives of such government units providing funds to the facility for treatment of substance abuse] *include at least nine persons who are representative of the program service area.*

Sec. ____. Section one hundred twenty-five point forty-three (125.43), Code 1979, is amended to read as follows:

125.43 FUNDING AT MENTAL HEALTH INSTITUTES.

Chapter 230 shall govern the determination of the costs and payment for treatment provided to substance abusers in a mental health institute under the department of social services, except that the charges shall not constitute a lien on any real estate owned by persons legally liable for support of the substance abuser and the daily per diem shall be billed at twenty-five percent. Beginning July 1, 1977, the superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to substance abusers for purposes of determining the daily per

diem. The provisions of section [125.48] *two hundred thirty point twenty (230.20) of the Code* shall govern the determination of [who is legally liable for] the cost of care, maintenance, and treatment of a substance abuser and of the amount for which the person is liable.

Sec. ____ . Section one hundred twenty-five point forty-four (125.44), Code 1979, is amended to read as follows:

125.44 CONTRACT FOR CARE—[RULES ADOPTED] *LIABILITY ESTABLISHED.*

1. The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay [for seventy-five percent of] the cost of the care, maintenance and treatment of a substance abuser. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such

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agreements and determine whether or not they shall be continued.

2. The contract may be in such form and contain provisions as agreed upon by the parties. Such contract shall provide that the facility shall admit and treat substance abusers regardless of where they have residence.

3. The substance abuser and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the substance abuser is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser while a voluntary or committed patient in a facility. This section does not prohibit any individual from paying any portion of the cost of treatment.

4. The estate of each nonresident person provided care, maintenance or treatment while a voluntary or committed patient in a facility, and all persons legally bound for the support of such a person, are legally liable to the state for reasonable costs paid by the department under this chapter for the care, maintenance and treatment of the person in a facility. The certificate of the director of the department showing the amounts paid or due to be paid by the department for such care, maintenance and treatment

is presumptive evidence of the reasonableness of the costs of the care, maintenance and treatment provided.

5. If [one] payment for care, maintenance, and treatment is not made by the patient or those legally liable therefor [within thirty days after discharge] the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge *as determined by the department.* [Provisions of this section shall not pertain to patients treated at the mental health institutes.] *The department upon acceptance of the contract may advance funds not to exceed one-eighth of the contract amount. The state comptroller shall authorize the advance of funds so allocated at the beginning of the first quarter of the contract.*

[If the appropriation to the department is insufficient to meet the requirements of this section, the department shall request a transfer of funds and section 8.39 shall apply.]

6. Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that

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patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. *The fee charged to a patient for a service shall be determined according to the patient's ability to pay but a fee shall not exceed the actual cost of providing the service. A service funded partially or completely by the department shall not be denied to a person because of the inability of the person to pay a fee for the service.* Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the department [or to a county,] shall be identified by the facility as to patient and invoice or statement, and shall be reported to the department. A contracting facility shall allow as a credit against a future billing to the department [or to a county,] payments received during each month from or on behalf of a patient whose care, maintenance and treatment theretofore has been billed to and paid by the department [or a county]. Failure by a contracting facility to comply with this paragraph, or with rules

promulgated pursuant to section 125.20 shall constitute grounds for nonrenewal of the contract.

7. The department is liable for the cost of care, treatment, and maintenance of a substance abuser admitted to the facility voluntarily or pursuant to section one hundred twenty-five point thirty-four (125.34), one hundred twenty-five point thirty-five (125.35), three hundred twenty-one point two hundred eighty-one (321.281), three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), two hundred four point four hundred nine (204.409), subsection two (2) or two hundred twenty-nine point fifty-two (229.52) of the Code only to those facilities that have a contract with the department under section one hundred twenty-five point forty-four (125.44) of the Code and only for the amount computed according to and within the limits of liability prescribed by section one hundred twenty-five point forty-four (125.44) of the Code.

8. The department's maximum liability for the costs of care, treatment and maintenance of substance abusers in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under subsection two (2) of this section.

9. This section does not apply to patients treated at a mental health institute under the department

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of social services.

Sec. ____. Chaper one hundred twenty-five (125), Code 1979, is amended by adding the following new sections:

NEW SECTION. USE OF FUNDS—RESTRICTIONS.

1. The department shall not use state funds to purchase services provided by personnel whose positions are or would be at any time during the contract period supported by federal grant money including but not limited to personnel affiliated with the national institute on alcohol abuse and alcoholism and the national institute on drug abuse. However, funds allocated by the department may be used to provide all or a portion of state, local or other funding for a program required as a condition of receipt of federal money for the program. When a specific amount of funds is required from other sources as a condition for receipt of federal funds the department may contract for services in an amount not exceeding the

level required for federal funding.

2. A program that receives funds from the department shall submit any request for a federal grant for purposes relating to substance abuse to the department for review and approval. If the request for federal funds would result in the temporary employment of personnel the request shall not be submitted to the federal government until it is approved by the department. However, the department may by rule establish a general policy on grant requests involving the temporary employment of personnel in lieu of a formal review of each request.

3. A program that receives funds from the department shall not use the funds to provide services that, according to state and federal law, are the responsibility of another local, state or federal agency.

NEW SECTION. LIST OF CONTRACTING FACILITIES. The department shall provide a current list of facilities that have a contract with the department to the clerk of each district court in the state. The clerk shall provide the list to all district court judges and judicial magistrates in the district.

Sec. ____ . Section two hundred four point four hundred nine (204.409), subsection two (2), Code 1979, is amended to read as follows:

2. Whenever the court finds that person who is charged with a violation of section 204.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of [said] *that* section, [and who] is addicted to, dependent upon,

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or a chronic abuser of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, it may order that [he] *the person* be committed as an in-patient or out-patient to a facility [approved] *licensed* by the state department of [health] *substance abuse* for [such] medical treatment and rehabilitative services. A *The costs of treatment of a* person committed under this subsection [who is not possessed of sufficient income or estate to enable him to make payment of the costs of such treatment in whole or in part shall be considered a state patient] *shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code.* The determination of ability to pay shall be made by the court. The court shall require the patient, or [his] *the patient's* parent,

guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for [his] *the patient's* support to reimburse the state with the costs, or any part thereof. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit [such] *the* person to the custody of a public or private agency or any other responsible person and impose [such] other conditions upon [such] *the* commitment as [is] necessary to insure compliance with the court's order and to insure that [such] *the* person will not, during [such] *the* period of treatment and rehabilitation, again violate [any provisions] *a provision* of this chapter. If it is established thereafter to the satisfaction of the court that the person has again violated [any] *a* provision of this chapter, [he] *the person* may be returned to custody or sentenced upon [his] conviction as provided by law. The public or private agency or responsible person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from [his] addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of [his] *the* case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been convicted or is thereafter convicted, the court shall sentence [him] *the person* as provided by law but may remit all or any part of [such] *the* sentence and place the person on probation upon [such] terms and conditions as the

Page 7

court may prescribe.

Sec. ____. Section two hundred twenty-nine point fifty-two (229.52), subsection three (3), Code 1979, is amended to read as follows:

3. A respondent committed under this section shall remain in the custody of a facility for treatment for a period of thirty days unless sooner discharged. *The costs of treatment of a person committed under this division shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code subject to the qualifications of this subsection.* This division shall not be construed

to require the department to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of substance abuse. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility before expiration of the period petitions the court for an order for the repondent's recommitment upon the grounds set forth in subsection 1 of section 229.51 for a further period not to exceed ninety days.

Sec. ____. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

In lieu of, or prior to imposition of, the punishment above described for second offense, third offense and each offense thereafter, the court upon hearing may commit the defendant for treatment of alcoholism or drug addiction or dependency to any hospital or institution in Iowa providing such treatment. The court may prescribe the length of time for such treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from his *or her* addiction, dependency or tendency to chronically abuse alcohol or drugs. [A] *The costs of treatment of a* person committed under this section shall be [considered a state patient] *paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code.*

Sec. ____. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1979, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a

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facility as defined in sections 125.1 to 125.43 and designated by the [division on alcoholism] *Iowa department of substance abuse.* The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. [A person referred under this section shall be considered a state patient, and charges and] *The* costs for treatment *of a person referred under this section* shall be paid [for in the

manner provided for payment for treatment of alcoholics who have no legal residence in this state] *as provided in section one hundred twenty-five point forty-four (125.44) of the Code.*

Sec. ____. Sections one hundred twenty-five point forty-five (125.45) through one hundred twenty-five point fifty-three (125.53), Code 1979, are repealed."

C. JOSEPH COLEMAN
ROBERT M. CARR

S—5883

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 34, line 19, by striking the word "It" and inserting in lieu thereof the words *"a.* It".

2. Page 34, by inserting after line 25 the following:

"b. The department of social services shall not discharge or lay off an employee, under circumstances involving no fault or delinquency on the part of the employee, with intent that work which that employee has been performing shall instead be obtained by contract with a nonstage entity, at the time the employee is discharged or laid off or at any time thereafter, unless the department has first complied with the requirements of this paragraph.

(1) Before discharging or laying off employees under the circumstances described in this paragraph, the department shall certify in writing to the chairpersons of the standing committees on human resources of the senate and house of representatives that the discharge or lay off of those employees will enable the department to deliver services of at least as high a quality as those performed by the employees being discharged or laid off, while effecting a net saving in the cost of those services.

(2) Employees shall not be discharged or laid off, under the circumstances described in this paragraph, with less than ninety days notice of intent to take such action.

c. It is the intent of the general assembly that any individual who is or formerly was an employee of the department of social services, and who has been or has received notice that he or she will be discharged or laid off under the circumstances described in paragraph b of this subsection, shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs

classified under the merit employment system of this state, any provisions of chapter nineteen A (19A) of the Code or of any other statute to the contrary notwithstanding."

SUE YENGER
ROBERT M. CARR

S—5884

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 11, line 11 by striking the word *"$200,000"* and inserting in lieu thereof *"$125,000"*.

2. Page 22, by inserting after line 34 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section three (3), subsection one (1), paragraph c, is amended to read as follows:

c. For rural community development, including not more than ten thousand (10,000) dollars to be expended for administration expenses, pursuant to chapter three hundred eighty-seven (387) of the Code. ..... $250,000 *$75,000"*

JOHN SCOTT

S—5885

Amend the committee on Appropriations amendment, S—5821, to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 5, by inserting after line 27 the following:

"7. No department or agency of this state shall discharge or lay off an employee, under circumstances involving no fault or delinquency on the part of the employee, with intent that work which that employee has been performing shall instead be obtained by contract with a nonstate entity, at the time the employee is discharged or laid off or at any time thereafter, unless the department or agency has first complied with the requirements of this subsection.

a. Before discharging or laying off employees under the circumstances described in this subsection, the department or agency shall certify in writing

to the chairpersons of the standing committees on appropriations of the senate and house of representatives that the discharge or lay off of those employees will enable the department or agency to deliver services of at least as high a quality as those performed by the employees being discharged or laid off, while effecting a net saving in the cost of those services.

b. Employees shall not be discharged or laid off, under the circumstances described in this subsection, with less than ninety days notice of intent to take such action.

8. It is the intent of the general assembly that any individual who is or formerly was an employee of a department or agency of this state, and who has been or has received notice that he or she will be discharged or laid off under the circumstances described in subsection seven (7) of this section, shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs classified under the merit employment system of this state, any provisions of chapter nineteen A (19A) of the Code or of any other statute to the contrary notwithstanding."

SUE YENGER
ROBERT M. CARR

S—5886

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 10 the following:

"Sec. ____. The proposed ten year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction, as transmitted to the legislature in January, 1980 in the amount of two hundred fifty million (250,000,000) dollars, is approved. The state board of regents is authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out the projects by borrowing money and issuing negotiable revenue bonds under the provisions of chapter two hundred sixty-two A (262A) of the Code in a total amount not to exceed eight million (8,000,000) dollars: state university of Iowa, energy management program; Iowa state university of science and technology, energy management program; university of northern Iowa, energy management program.

The maximum amount of bonds which the state board of regents expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code is eight million (8,000,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1981; and if all of that amount is not issued during the fiscal year ending June 30, 1981, any remaining balace may be issued during the fiscal year ending June 30, 1982; and this plan of financing is approved."

2. Renumber sections and correct internal references as necessary.

3. Amend the title, page 1, line 6, by inserting after the word "grants;" the words "approval of the ten year building program of the state board of regents and authorization to issue negotiable revenue bonds;".

JOHN SCOTT
BASS VAN GILST
BERL E. PRIEBE
C.W. HUTCHINS

S—5887

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 22, by inserting after line 29 the following:

"Sec. ____ . Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section ten (10), subsection two (2), paragraph b, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. It is a condition of the funds appropriated by this paragraph b that the total paper purchase by the department of general services shall include recycled paper if available so that the total volume of recycled paper purchased by the state is not less than five percent in fiscal 1981, ten percent in fiscal 1982 and an additional ten percent each fiscal year thereafter until at least seventy-five percent of the paper purchases are recycled paper. In addition to the minimum purchases required it is also a condition of the funds appropriated by this paragraph b that in purchasing paper or paper products the department shall to the fullest extent practically possible purchase or approve for purchase those materials and supplies that are manufactured or produced from recycled paper if recycled paper products are available.

NEW UNNUMBERED PARAGRAPH. As used in this para-

graph b unless the context otherwise requires:

(1) "Recycled paper" means a paper product with not less than eighty percent of its total weight consisting of secondary waste materials.

(2) "Secondary waste materials" means fragments, products or finished products of a manufacturing process which has converted a raw material into a commodity of real economic value and includes post consumer waste of a total gross content of at least eighty percent.

(3) "Post consumer waste" means a finished item that would normally be disposed of as a solid waste having completed its life cycle as a consumer item."

2. Renumber sections and correct internal references as necessary.

JOHN SCOTT

S—5888

Amend the DeKoster-Murray amendment, S—5826, to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, line 3, by striking the words and figures "30, through page 31," and inserting in lieu thereof the words and figures "34, through page 30, line 3, and inserting in lieu thereof the following:

a. There is appropriated from the general fund of the state to the department of social services, for the fiscal year beginning July 1, 1980, the sum of three hundred ninety-four thousand (394,000) dollars, or so much thereof as may be necessary, to be used to reimburse counties for a portion of the cost of local inpatient mental health treatment as provided by this subsection."

2. Page 1, by striking line 4 and inserting in lieu thereof the following:

"2. Page 30, by striking line 13 and inserting in lieu thereof the words 'that is accredited by the accreditation program for psychiatric facilities of the joint commission on'."

JULIA B. GENTLEMAN
GARY L. BAUGHER
DAVID M. READINGER

S—5889

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 7, by striking line 21 and inserting in

lieu thereof the following:

"$ *995,373*

Of the appropriation for the 1980-1981 fiscal year the sum of one hundred thousand (100,000) dollars is allocated for family planning and the sum of thirty-four thousand (34,000) dollars is allocated for genetic counseling."

TOM SLATER
PATRICK J. DELUHERY

S—5890

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 3, by inserting after line 27 the following new section:

"Sec. ____ . Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12) is amended to read as follows:

12. PROGRAMS FOR GIFTED AND TALENTED CHILDREN.

[For programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code ..... $ $ 100,000]

For support services for programs for gifted and talented children approved by the department under section four hundred forty-two point thirty-four (442.34) of the Code ..... $ $ 31,000

If fedeal funds become available for the purpose for which funds are appropriated by this paragraph, the appropriations in this paragraph shall be reduced by the amount of federal funds received and the amount the appropriation is reduced shall revert to the general fund of the state."

TOM SLATER

S—5891

Amend Senate File 2378 as follows:

1. Page 6, line 2, by striking the word "whether".

2. Page 6, lines 3 and 4, by striking the words "or a contiguous state, if deemed essential to provide

a viable system".
3. Page 8, by striking lines 6 through 9.
4. By renumbering as is necessary.

JOE BROWN

S—5892

Amend Senate File 2378 as follows:
1. Page 4, line 12, by striking the word "five" and inserting in lieu thereof the word "three".
2. Page 4, line 29, by striking the word "three" and inserting in lieu thereof the word "two".
3. Page 13, line 14, by striking the words "two members" and inserting in lieu thereof the words "one member".
4. Page 13, line 15, by striking the word "terms" and inserting in lieu thereof the words "a term".
5. Page 13, line 15, by striking the words "two members" and inserting in lieu thereof the words "one member".
6. Page 13, line 16, by striking the word "term" and inserting in lieu thereof the words "a term".

JOE BROWN

S—5893

Amend House File 2580 as follows:
1. Page 40, line 6, by striking the word "drugs," and inserting in lieu thereof the words "drugs and".
2. Page 40, by striking line 7 and inserting in lieu thereof the word "treatments."
3. Page 40, line 8, by inserting after the word "orthodontia" the words "and posterior dental bridgework".

RICHARD F. DRAKE

S—5894

Amend House File 2580 as amended, passed and reprinted by the House as follows:
1. Page 23, by striking lines 1 through 17 and inserting in lieu thereof the following:
"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section one (1), subsections one (1), two (2), and four (4), are amended to read as follows:
1. For the purpose of matching federal funds

available to the Iowa crime commission for state and court planning programs, for salaries and support of not more than twenty-two full-time equivalent positions, and for maintenance and miscellaneous purposes. . . . . $ 110,000 $ [70,200] *100,000*

2. For the purpose of providing funds for area planning purposes to the Iowa crime commission, and for salaries, support, maintenance and miscellaneous purposes. . . . . $ 100,000 $ [40,000] *50,000*

a. It is the intent of the genral assembly that if federal law enforcement assistance administration planning funds are not appropriated for the fiscal year beginning October 1, 1980 and ending September 30, 1981, the appropriations subcommittee on transportation and law enforcement shall review the budget needs of the Iowa crime commission and appropriate such additional funds as are necessary. If federal law enforcement assistance administration planning funds are appropriated, funds appropriated under sub-

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sections one (1) and two (2) of this section which are not required for matching federal funds shall revert to the general fund of the state.

4. For the purpose of

matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries and support of not more than one full-time equivalent position, and for maintenance and miscellaneous purposes..... $ 6,600 $ [14,000] *19,000"*

2. Page 26, by inserting after line 30 the following new section:

"Sec. ___. The legislative council may create a crime commission study committee composed of three members of the senate and the house of representatives from the respective standing committees on state government, two members from the house transportation appropriations subcommittee and two members of the senate transportation and law enforcement appropriations subcommittee to review the recommendations of the governor's economy committee relating to the crime commission and the crime commission program evaluation report prepared by the legislative fiscal bureau. The legislative council shall also appoint two persons from the judicial branch of government and two members representing local law enforcement agencies to serve on the study committee as advisory nonvoting members of the study committee. The study committee shall report its findings and recommendations, with legislative bill drafts required to implement its recommendations to the respective standing committees on state government, the legislative council, and the general assembly convening in January, 1981."

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

FORREST V. SCHWENGELS
RAY TAYLOR

S—5895

Amend Senate File 2378 as follows:

1. Page 8, line 28, by inserting after the period the words "However, bonds issued by the authority shall not be payable out of funds appropriated from the general fund of the state of Iowa."

2. Page 10, line 16, by inserting after the words "constitute a" the words "legal or moral".

JOHN N. NYSTROM
CLOYD E. ROBINSON
JOHN W. JENSEN
JOE BROWN

S—5896

Amend Senate File 2378 as follows:

1. Page 6, line 28, by inserting after the period the words "However, bonds shall not be issued for the acquisition of tracks and rights-of-way which an existing railroad seeks to acquire and operate as a part of its system and for which the existing railroad has submitted in writing a firm bona fide offer to buy."

CLOYD E. ROBINSON

S—5897

Amend amendment S—5821 to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 5 through page 5, line 27 and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to the state comptroller the sum of two million two hundred thousand (2,200,000) dollars, or so much thereof as is necessary, for reclassification and upgrading of the pay plan for all state employees who are included in the state comptroller's centralized payroll system and state department of transportation payroll system in order that salary levels paid by the state remain competitive.

Sec. 2. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of one million five hundred fifty thousand (1,500,000) dollars, or so much thereof as is necessary, for the purpose of reclassification or upgrading of positions of personnel employed at institutions under the control of the state board of regents in order that salary levels paid by the state board of regents will be comparable or competitive with salary levels paid by similar

institutions to those under the control of the state board of regents.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 to the state comptroller through the state board of public instruction the sum of four hundred fifty thousand (450,000) dollars, or so much thereof as is necessary, for allocation as additional general state financial aid for supplementary adjustment purposes of merged area school personnel in order that salary levels paid by the merged area schools will be comparable or competitive with salary levels paid by similar institutions or schools."

2. Renumber as required by the amendment to the amendment.

LUCAS J. DE KOSTER

S—5898

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 11, by inserting after line 11 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section ten (10), subsection three (3), is amended to read as follows:

3. For *salary and support of not more than one full-time equivalent position, maintenance and miscellaneous purposes for the* promotion of gasohol and associated by-products *and to provide available, simple plans for farm stills*. ..... $ 50,000 *$ 65,000"*

2. Renumber sections and correction internal references as are necessary in accordance with this amendment.

C.W. HUTCHINS

S—5899

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 22, by inserting after line 29 the following:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section ten (10), is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the paper purchased by the department of general services from funds appropriated to the department shall include recycled paper if available so that the total volume of recycled paper purchased by the state is not less than five percent in fiscal 1981, ten percent in fiscal 1982 and an additional ten percent each fiscal year thereafter until at least seventy-five percent of the paper purchased is recycled paper. It is also the intent of the general assembly that in purchasing paper or paper products the department shall to the fullest extent practically possible purchase or approve for purchase those materials and supplies that are manufactured or produced from recycled paper if recycled paper products are available. As used in this subsection unless the context otherwise requires:

a. 'Recycled paper' means a paper product with not less than eighty percent of its total weight consisting of secondary waste materials.

b. 'Secondary waste materials' means fragments, products or finished products of a manufacturing process which has converted a raw material into a commodity of real economic value and includes post consumer waste of a total gross content of at least eighty percent.

c. 'Post consumer waste' means a finished item that would normally be disposed of as a solid waste having completed its life cycle as a consumer item."

2. Renumber sections and correct internal references as necessary.

JOHN SCOTT

S—5900

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 22, by inserting after line 34 the following:

"Sec. 38. Section two point ten (2.10), subsections one (1), two (2) and three (3), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section nineteen (19), are amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority

floor leaders of the senate and house shall receive an annual salary of twelve thousand [eight hundred] dollars for the year 1981 and [thirteen thousand seven hundred] *twelve thousand eight hundred* dollars for the year 1982 while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house shall receive an annual salary of [fifteen] *fourteen* thousand dollars for the year 1981 and [sixteen] *fifteen* thousand dollars for the year 1982 while serving in such capacity. In addition, each such member shall receive the sum of thirty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred twenty calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred twenty calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive fifteen dollars per day. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

2. The lieutenant governor shall receive an annual salary of [nineteen] *eighteen* thousand [two hundred] dollars for the year 1981 and [twenty thousand five

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hundred] *nineteen thousand* dollars for the year 1982. Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assembly is not in session or serving as the president of the senate during special sessions of

the general assembly shall receive sixty dollars per diem and reimbursement for expenses incurred in performing such duties. The salary, per diem, and expenses of the lieutenant governor provided for under this subsection, including office and staff expenses, shall be paid from funds appropriated to the office of the lieutenant governor by the general assembly.

3. The speaker of the house shall receive an annual salary of [nineteen] *eighteen* thousand [two hundred] dollars for the year 1981 and [twenty thousand five hundred] *nineteen thousand* dollars for the year 1982 while serving as the speaker of the house. Expense and travel allowances shall be the same for the speaker of the house as provided for other members of the general assembly."

2. By renumbering and correcting internal references to conform with this amendment.

RAY TAYLOR
STEPHEN W. BISENIUS
GARY L. BAUGHER
JOHN W. JENSEN
DALE L. TIEDEN
ARNE WALDSTEIN

S—5901

Amend amendment S—5821 to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 3 through page 5, line 27 and inserting in lieu thereof the following:

"1. Page 1, by inserting before line 1 the following:

'Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to the state comptroller the sum of two million two hundred thousand (2,200,000) dollars, or so much thereof as is necessary, for reclassification and upgrading of the pay plan for all state employees who are included in the state comptroller's centralized payroll system and state department of transportation payroll system in order that salary levels paid by the state remain competitive.

Sec. 2. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of two million five hundred fifty thousand (2,550,000) dollars, or so much thereof

as is necessary, for the purpose of reclassification or upgrading of positions of personnel employed at institutions under the control of the state board of regents in order that salary levels paid by the state board of regents will be comparable or competitive with salary levels paid by similar institutions to those under the control of the state board of regents.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 to the state comptroller through the state board of public instruction the sum of four hundred fifty thousand (450,000) dollars, or so much thereof as is necessary, for allocation as additional general state financial aid for supplementary adjustment purposes of merged area school personnel in order that salary levels paid by the merged area schools will be comparable or competitive with salary levels paid by similar institutions or schools.' "

2. Renumber as required by the amendment to the amendment.

ARTHUR A. SMALL, JR.

S—5902

For the text of this House amendment, see pages 1695-1700 of the Senate Journal.

S—5903

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 1 the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to the state comptroller the sum of two million two hundred thousand (2,200,000) dollars, or so much thereof as is necessary, for reclassification and upgrading of the pay plan for all state employees who are included in the state comptroller's centralized payroll system and state department of transportation payroll system in order that salary levels paid by the state remain competitive.

Sec. 2. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of one million five hundred fifty thousand (1,550,000) dollars, or so much thereof

as is necessary, for the purpose of reclassification or upgrading of positions of personnel employed at institutions under the control of the state board of regents in order that salary levels paid by the state board of regents will be comparable or competitive with salary levels paid by similar institutions to those under the control of the state board of regents.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 to the state comptroller through the state board of public instruction the sum of four hundred fifty thousand (450,000) dollars, or so much thereof as is necessary, for allocation as additional general state financial aid for supplementary adjustment purposes of merged area school personnel in order that salary levels paid by the merged area schools will be comparable or competitive with salary levels paid by similar institutions or schools.

Sec. 4. Section one hundred twenty-three point fifty-three (123.53), Code 1979, is amended by striking subsection seven (7).

Sec. 5. Section four hundred twenty-six A point one (426A.1), Code 1979, is amended to read as follows:

426A.1 MILITARY SERVICE TAX CREDIT [FUND]. There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, [the] *a* sum [of eight hundred thousand dollars to establish a fund to be known as "the military service tax credit fund", in which fund shall also be included the amounts

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credited to the military service tax fund provided by section 123.53, subsection 7] *sufficient to pay the military service tax credits in the manner provided in this chapter.*

Sec. 6. Section four hundred twenty-six A point two (426A.2), Code 1979, is amended to read as follows:

426A.2 WHERE CREDIT GIVEN. The military service tax credit [fund] shall be [apportioned] *paid* each year as hereinafter provided so as to replace all or a portion of the tax on property eligible for military service tax exemption in the state, were such property subject to taxation the amount of such credit to be equal to not more than six dollars and seventy-five cents per thousand dollars of assessed value upon the valuation of property subject to the tax which,

but for military service tax exemption, would be payable upon such property in the taxing district to which such property is located.

Sec. 7. Section four hundred twenty-six A point four (426A.4), Code 1979, is amended to read as follows:

426A.4 CERTIFICATION BY DIRECTOR OF REVENUE. Sums distributable [from] *for* the military service tax credit [fund] shall be allocated every six months to the several counties of the state. On March 25 and September 25 annually the director of revenue shall certify to the comptroller the total credits claimed by each county. Upon receipt of the certification from the director of revenue, the comptroller shall draw warrants to the treasurer of each county payable from the [military tax service credit] *general* fund in the amount claimed[, provided that if the amount of money in said fund is insufficient to pay the credits claimed in full, then in that event they shall be paid on a pro rata basis].

Sec. 8. Section four hundred twenty-six A point six (426A.6), Code 1979, is amended to read as follows:

426A.6 SETTING ASIDE ALLOWANCE. Should the director of revenue determine, upon investigation, that any claim for military service tax exemption has been allowed by any board of supervisors which is not justifiable under the law and not substantiated by proper facts, the director may, at any time within twenty-four months from July 1 of the year in which the claim is filed, set aside such allowance. Notice of such disallowance shall be given to the county auditor of the county in which such claim has been improperly granted and a written notice of such disallowance shall also be addressed to the claimant at his last known address. Such claimant, or the

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board of supervisors, may seek judicial review of the action of the director of revenue in accordance with the terms of the Iowa administrative procedure Act. In any case, where a claim is so disallowed by the director of revenue and no petition for judicial review is filed with respect to such disallowance, any amounts of credits allowed and paid [from the military service tax credit fund] shall become a lien upon the property on which said credit was originally granted, if still in the hands of the claimant, and not in the hands of a bona fide purchaser, and any

amount so erroneously paid shall be collected by the county treasurer in the same manner as other taxes and such collections shall be returned to the department of revenue and credited to the [military service tax credit] *general* fund. The director of revenue shall also have the authority to institute legal proceedings against a military service tax exemption claimant for the collection of all payments made on such disallowed exemptions.

Sec. 9. Section four hundred twenty-six A point eight (426A.8), Code 1979, is amended to read as follows:

426A.8 EXCESS REMITTED—APPEALS. If the amount of credit apportioned to any property eligible to military service tax exemption under the provisions of this chapter in any year shall exceed the total tax, exclusive of any special assessments levied against such property eligible for military service tax exemption then such excess shall be remitted by the county treasurer to the department of revenue to be redeposited in the [military service tax credit] *general* fund [and reallocated the following year by the department as provided hereunder].

In the event any claim for exemption made hereunder has been denied by the board of supervisors, and such action is subsequently reversed on appeal, the same credit shall be allowed on the assessed valuation, not to exceed the amount of the military service tax exemption involved in said appeal, as was allowed on other military service tax exemption valuations for the year or years in question, and the director of revenue, the county auditor, and the county treasurer are hereby authorized and directed to make such credit and to change their books and records accordingly.

In the event the appealing taxpayer has paid one or both of the installments of the tax payable in the year or years in question on such military service tax exemption valuation, remittance shall be made

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to the county treasurer in the amount of such credit.

The amount of such credit shall be allocated and paid from the [surplus redeposited in the military tax credit fund provided for in the first paragraph of this section] *general fund.*

Sec. 10. Section four hundred twenty-six A point nine (426A.9), Code 1979, is amended to read as follows:

426A.9 ERRONEOUS CREDITS. In the event any claim is allowed, and subsequently reversed on appeal, any credit made thereunder shall be void, and the amount of such credit shall be charged against the property in question, and the director of revenue, the county auditor and the county treasurer are authorized and directed to correct their books and records accordingly. The amount of such erroneous credit, when collected, shall be returned by the county treasurer to the [military service tax credit] *general* fund [to be reallocated the following year as provided herein] *of the state.*

Sec. 11. Section four hundred twenty-six A point ten (426A.10), Code 1979, is repealed."

2. Renumber as required by this amendment.

LUCAS J. DE KOSTER

S—5904

Amend amendment S—5903 to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 18 and 19 and inserting in lieu thereof the following: "June 30, 1981, the sum of two million five hundred fifty thousand (2,550,000) dollars, or so much thereof".

ARTHUR A. SMALL, JR.

S—5905

Amend House File 2578 as passed by the House as follows:

1. Page 1, by striking lines 1 through 17.

2. Page 1, by inserting after line 32 the following:

"Sec. ____. Notwithstanding the provisions of section four hundred twenty-five point twenty (425.20) of the Code with regard to the requesting of an extension for the filing of a claim for credit for property taxes due, the request for extension for the 1980 calendar year only shall be filed prior to October 1, 1980. If taxes are certified for collection after September 1, 1980, the date by which a claim for credit for property taxes due must be filed shall automatically be extended to thirty days following the date the taxes are certifed."

3. Number and renumber as necessary.

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chairperson

S—5906

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1: Page 40, line 13, by inserting after the word "needs" the words "which include that the eyeglasses have been damaged, broken, or lost or a determination by a medical practitioner that a need exists for new eyeglasses".

BOB RUSH

S—5907

Amend amendment S—5903 to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 22 the following:

"Sec. ____. REDUCTION OF NUMBER OF STATE EMPLOYEES.

1. The number of employees in the executive branch of state government, except employees whose positions are not funded in whole or in part from the general fund or trust funds of the state, shall be reduced by three percent or more between July 1, 1980, and June 30, 1981, as follows:

a. The state comptroller shall determine the authorized full-time equivalent positions filled in each department and agency of the executive branch, except employees of the state board of regents, on July 1, 1980.

b. The state board of regents shall categorize all positions within its jurisdiction as part-time, intermittent or full-time, and determine the total authorized budgeted positions filled within each category, on July 1, 1980.

c. The state comptroller and the board of regents shall report the total number of filled, authorized, full-time equivalent and budgeted positions determined in paragraphs a and b of this subsection to the legislative council on July 1, 1980.

d. Each department and agency, and the state board of regents, shall leave vacancies unfilled as they occur, except for vacant positions which must be filled to maintain the essential functions of the department, agency, or regents institution, to achieve a three percent or more reduction in the number of filled, authorized, full-time equivalent and budgeted positions between July 1, 1980 and June 30, 1981.

2. The number of authorized full-time equivalent positions within the executive branch, and the number

of authorized budgeted positions within the board of regents, actually filled on June 30, 1981, shall be at least three percent less than the number of authorized full-time equivalent positions and authorized budgeted positions filled on July 1, 1980. However, no more than one-fourth of the total reduction of budgeted positions within the board of regents shall be faculty positions, and emphasis shall be placed upon the reduction of administrative positions in each category.

3. This section does not apply to positions held by inmates, patients, or students at any state institution.

4. The state comptroller and the president of

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the board of regents shall report the number, classification, and salary level of authorized, full-time equivalent and budgeted positions unfilled to the legislative council and the chairpersons of the senate and house appropriations committees on January 2, 1981, March 1, 1981, and June 30, 1981."

2. Renumber sections in accordance with this amendment.

STEPHEN W. BISENIUS

S—5908

Amend the DeKoster and Murray amendment, S—5826, to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking lines 3 and 4 and inserting in lieu thereof the following:

"1. Page 31, by inserting after line 14 the following new lettered paragraph:

'd. There is appropriated from the general fund of the state to the department of social services, for the fiscal year beginning July 1, 1980, the sum of three hundred ninety-four thousand (394,000) dollars, or so much thereof as may be necessary, to be used to reimburse counties for a portion of the cost of local inpatient mental health treatment as provided by this subsection.' "

TOM SLATER
WILLIAM D. PALMER

S—5909

Amend House File 2580 as amended, passed and re-

printed by the House as follows:

1. Page 4, by inserting after line 10 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) is amended by adding the following new section:

Sec. ____. The department shall employ a consultant for gifted and talented children programs."

BOB RUSH

S—5910

Amend House File 2580 as amended, passed and reprinted by the House as follows:

DIVISION S—5910A

1. Page 40, by striking lines 6 and 7.

DIVISION S—5910B

2. Page 40, line 13, by inserting after the word "needs" the words "which include that the eyeglasses have been damaged, broken, or lost or a determination by a medical practitioner that a need exists for new eyeglasses".

DIVISION S—5910C

3. Page 40, by striking line 24.

BOB RUSH

S—5911

Amend the Schwengels and Taylor amendment, S—5894, to House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 1, lines 43, 44 and 45, by striking the words *"and appropriate such additional funds as are necessary"*.

2. Page 2, lines 34, 35, 36, 37, 38, and 39, by striking the words "The legislative council shall also appoint two persons from the judicial branch of government and two members representing local law enforcement agencies to serve on the study committee as advisory nonvoting members of the study committee." and inserting in lieu thereof the words "The committee shall include as advisory

nonvoting members two representatives of the judicial branch of government, and two representatives of local law enforcement agencies."

FORREST V. SCHWENGELS
RAY TAYLOR
BOB RUSH

S—5912

For the text of this House amendment, see page 1689 of the Senate Journal.

S—5913

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 22, by inserting after line 34 the following:

"Sec. ____. Section three hundred eighty-four point fifty-seven (384.57), Code 1979, is amended to read as follows:

384.57 MONTHLY PAYMENTS. The city may contract to pay not to exceed [ninety] *ninety-five* percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month. Payment may be made in warrants drawn on any [fund or] funds from which payment for the work may be made. The warrants, unless paid upon presentation, draw interest at a rate not to exceed seven percent per annum from and after the date of presentation for payment. If [such] funds are depleted, anticipatory warrants may be issued *bearing a rate of interest not exceeding that permitted by chapter seventy-four A (74A) of the Code*, which do not constitute a violation of section 384.10, even if the collection of taxes or special assessments or income from the sale of bonds applicable to the public improvement is after the end of the fiscal year in which the warrants are issued. If the city arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the contractor. [Such] *Anticipatory* warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement.

Sec. ____. Chapter five hundred seventy-three (573), Code 1979, is amended by adding the following new section:

NEW SECTION.

1. Under any contract awarded by the state department of transportation or by a city or county

for the construction of a street or highway as defined in section three hundred twenty-one point one (321.1), subsection forty-eight (48) of the Code, or for the construction, reconstruction, extension or improvement of works and facilities for the collection, treatment or disposal of sewage, industrial waste, surface waters and streams, or for the construction, reconstruction, extension or improvement of works or facilities used in the production, maintenance or distribution of a public water supply, the contractor may withdraw the whole or any amount retained from payments due the contractor by entering into an escrow arrangement with a bank and depositing

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with the bank government securities issued by the United States or this state or a political subdivision of this state, which have a market value or not less than one hundred ten percent of the amounts withdrawn. The securities so deposited shall constitute the fund described in section five hundred seventy-three point thirteen (573.13) of the Code. If requested by the contractor, the public corporation shall deposit with the bank the whole or any amount retained from the payments due the contractor.

2. The escrow agreement shall provide for the deposit of securities by the contractor for the use and benefit of the public corporation. It shall be in the form and contain the provisions required by rule issued by the auditor of state. The securities deposited with the bank shall be bonds or other evidences of indebtedness issued by the United States, this state, or a political subdivision of this state, and of a type approved for use by rule issued by the auditor of state.

3. The bank shall give written notice to the proper officials of the public corporation for the use and benefit of which the deposits are made, stating the total current market value of the deposit, and delivering a copy of the escrow agreement. The bank shall collect all interest income from the securities. The escrow deposits provided in this section shall be in a bank which has been approved as a depository for public funds as provided in chapter four hundred fifty-three (453) of the Code.

4. Interest or income which is earned on amounts held in escrow and collected by the bank under this section shall accrue to the benefit of the contractor,

provided that if the contractor has withheld any portion of the amount payable by the contractor to a subcontractor under the agreement between the contractor and the subcontractor, then the subcontractor is entitle to and has a lien upon the interest or income in the proportion that the amount withheld from the subcontractor bears to the amount held in escrow.

5. This section does not apply where the establishment of an escrow account in lieu of retainage is prohibited by or is inconsistent with the requirements of any applicable federal law or federal administrative rule.

6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of two thousand five hundred (2,500) dollars, or so much thereof as

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is necessary, to the office of auditor of state to implement its obligations in this Act.

Sec. ____ . Section five hundred seventy-three point twelve (573.12), Code 1979, is amended to read as follows:

573.12 RETENTION FROM PAYMENTS ON CONTRACTS.

Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered, *as determined by the project architect or engineer.* [In making said payments, there shall be retained ten percent of each said monthly estimate by the public corporation, provided, however, that if the contract is for more than fifty thousand dollars, and if the public corporation at any time after fifty percent of the improvement has been completed finds that satisfactory progress is being made, the public corporation may authorize any of such remaining payments to be made in full.] *The public corporation shall retain from each monthly payment five percent of that amount which is determined to be due according to the estimate of the architect or enginner."*

2. Renumber as required.

SUE YENGER

S—5914

For the text of this House amendment, see pages 1689-1691 of the Senate Journal.

S—5915

Amend House File 2486 as amended, passed and reprinted by the House as follows:

1. Page 1, line 5, by striking the words "section two (2) of this Act" and inserting in lieu thereof the words "subsection four (4) of this section".

2. Page 1, by striking lines 11 through 19 and inserting in lieu thereof the words "tion is made, provided that the loan is for an agricultural purpose as defined in section two (2) of this Act and further provided that the loan would, but for this section, be subject to".

3. Page 2, by inserting after line 6 the following:

"4. As used in this section, 'agricultural credit corporation' means a corporation which has been designated by the federal intermediate credit bank of Omaha, Nebraska, as an agricultural credit corporation eligible to sell or discount loans to that bank pursuant to the provisions of 12 United States Code, s. 2074."

4. By striking page 2, line 7, through page 3, line 12, and inserting in lieu thereof the following:

"Sec. 2. Chapter five hundred thirty-five (535), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, 'agricultural purpose' means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a person who cultivates, plants, propagates or nurtures the agricultural products. 'Agricultural products' includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section two (2), subsection one (1), paragraph e, is amended to read as follows:

e. A person borrowing money or obtaining credit for business or agricultural purposes, or a person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars for personal, family or household purposes. As used in this

paragraph, 'agricultural purpose' means [and includes any of the purposes referred to in section five hun-

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dred thirty-seven point one thousand three hundred one (537.1301), subsection four (4) of the Code, but regardless of whether or not the activities described in that subsection are undertaken by a natural person or other entity] *as defined in section two (2) of this Act.*

Sec. 4. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section eight (8), amending section five hundred thirty-five point eight (535.8), subsection two (2), Code 1979 Supplement, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This lettered paragraph applies only to a mortgage given in connection with a loan as defined in section five hundred thirty-five point eight (535.8), subsection one (1), Code 1979 Supplement.

Sec. 5. Section five hundred twenty-four point one hundred three (524.103), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 'Agricultural credit corporation' means as defined in section one (1), subsection four (4) of this Act.

Sec. 6. Sections two (2), three (3) and four (4) of this Act are retroactive to the effective date of Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), and shall be deemed to have been enacted as an integral part of that Act."

EDGAR H. HOLDEN

S—5916

Amend House File 2580 as amended, passed and reprinted by the House as follows:

1. Page 39, by inserting after line 31 the following new section:

"Sec. ____. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection fourteen (14), is amended to read as follows:

14. For a central classification system, including salaries and support, maintenance and miscellaneous purposes. ..... $100,000 [$100,000]".

TOM SLATER

S—5917

For the text of this House amendment, see pages 1686-1688 of the Senate Journal.

S—5918

Amend House amendment S—5841 to Senate File 2361 as amended, passed and reprinted by the Senate as follows:

DIVISION S—5918A

1. Page 3, by striking lines 42 through 50 and inserting in lieu thereof the following:

"Sec. ____. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. The department may issue a motorized bicycle license to [any] *a* person fourteen years of age or older who has passed a vision test and a written examination on the rules of the road. *After July 1, 1981, persons under the age of sixteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction.* A motorized bicycle license [shall entitle] *entitles* the licensee to operate a motorized bicycle *upon the highway* while having the license in *the licensee's* immediate possession [on the highways of the state for a period of two years]. *The license is valid for a period of two years, subject to termination or cancellation as provided in this section.*"

2. Page 4, by striking lines 1 through 16.

DIVISION S—5918B

3. Page 5, by striking lines 44 through 50.

4. Page 6, by striking lines 1 through 6.

DIVISION S—5918C

5. Page 6, by striking lines 10 through 48.

DIVISION S—5918A (cont'd.)

34 6. Page 7, by striking lines 17 through 27.

JOHN W. JENSEN

S—5919

For the text of this House amendment, see pages 1693-1695 of the Senate Journal.

S—5920

Amend Senate File 2378 as follows:

1. Page 8, line 28, by inserting after the word "designate" the words "except that no tax funds which the authority may receive from the state or any political subdivision shall be used for payment of the bonds".

2. Page 10, line 18, by inserting after the word "limitation" the words "and no appropriation shall be made, directly or indirectly, by the state or any political subdivision for the payment of the bonds".

EDGAR H. HOLDEN

S—5921

For the text of this House amendment, see pages 1691-1693 of the Senate Journal.

S—5922

Amend Senate File 2378 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Existing carriers in the state are in the process of bidding on the purchase and right to operate lines of bankrupt carriers. The governor shall appoint a committee consisting of members from agricultural shippers, manufacturing shippers, railroad personnel, railroad labor, Iowa department of transportation staff and members of the public to study and identify areas or communities within the state that need rail service and that will not be served by the private sectors 'economic rationalization' of the Iowa rail system. The president of the senate and speaker of the house shall appoint legislative members to serve on the committee.

This committee shall develop solutions or alternatives that will provide rail service to any areas or communities found to be without necessary rail service and submit a report containing said

solutions with recommendations for any legislation needed to the general assembly by January of 1981."

2. By striking the title and inserting in lieu thereof the words "An Act requiring the governor to appoint a committee to study and identify areas and communities in the state that will need rail service and which will not be provided by the private sector and to submit a report to the general assembly containing solutions or recommended legislation by January, 1981."

GEORGE R. KINLEY
WILLIAM D. PALMER

S—5923

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 16, by inserting after line 13 the following section:

"Sec. ____. Section four hundred eleven point one (411.1), subsection fourteen (14), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section fifteen (15), is amended to read as follows:

14. 'Average final compensation' shall mean the average earnable compensation of the member during the [five] *three* years of service [he] *the member* earned his *or her* highest salary as a policeman or fireman, or if [he] *the member* has had less than [five] *three* years of such service, then the average earnable compensation of [his] *the member's* entire period of service."

2. Page 16, by inserting after line 13 the following section:

"Sec. ____. Section four hundred eleven point six (411.6), subsection two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections sixteen (16) and seventeen (17), and chapter thirty-five (35), section nine (9), is amended to read as follows:

2. ALLOWANCE ON SERVICE RETIREMENT. Upon retirement from service *after completion of twenty-two years of service*, a member shall receive a service retirement allowance which shall consist of a pension given by the city which shall equal [one-half] *fifty percent* of the member's average final compensation. *If the member has completed more than twenty-two years of service before attaining fifty-five years of age, upon retirement from service at age fifty-five, the*

member shall receive in addition to the fifty percent, two percent of the member's average final compensation for each year the member was in service in excess of twenty-two years."

3. By numbering and renumbering sections and correcting internal references as necessary.

TOM SLATER

S—5924

Amend Senate File 2378 as follows:

1. Page 13, by inserting after line 33 the following new section:

"Sec. ____. this Act, being deemed of immediate importance takes effect from and after its publication in the Audubon News-Advocate, a newspaper published in Audubon, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa."

C.W. HUTCHINS
RICHARD F. DRAKE

S—5925

Amend House File 2535 as amended, passed and reprinted by the House as follows:

DIVISION S—5925A

1. Page 1, by inserting after line 22 the following section:

"Sec. ____. Section ninety-seven A point one (97A.1), subsection ten (10), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section one (1), is amended to read as follows:

10. 'Earnable compensation' or 'compensation earnable' shall mean the regular compensation which a member would earn during one year on the basis of the stated compensation for the member's rank or position including compensation for longevity *and taxable mean and travel expenses* and excluding any amount received for overtime compensation or other special additional compensation, *nontaxable* meal and travel expenses, and uniform allowances and excluding any amount received upon termination or retirement in payment for accumulated sick leave or vacation."

DIVISION S—5925B

2. Page 1, by inserting after line 22 the following section:

"Sec. ____. Section ninety-seven A point one (97A.1), subsection twelve (12), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section one (1), is amended to read as follows:

12. "Average final compensation" shall mean the average earnable compensation of the member during the member's highest [five] *three* years of service as a member of the state department of public safety, or if the member has had less than [five] *three* years of such service, then the average earnable compensation of the member's entire period of service."

DIVISION S—5925C

3. Page 1, line 30, by inserting after the word "Code." the words "The board of trustees shall also credit as service, years of service of a former member of the system who had fifteen or more years of service but withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979 if the former member submits proof of years of service to the board of trustees and applies for benefits under section ninety-seven A point six (97A.6) of the Code. A person who qualifies for benefits on the effective date of this Act under this paragraph is entitled to benefits beginning on that date regardless of when the person submits proof of service and applies for the benefits."

DIVISION S—5925D

4. Page 2, by striking lines 4, 5, and 6 and inserting in lieu thereof the following: "[a service

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DIVISION S—5925D (cont'd.)

retirement allowance if the member has attained the age of fifty-five, otherwise, the member shall receive] an ordinary".

5. Page 2, by striking lines 14 through 17 and inserting in lieu thereof the following: "accidental disability a member shall receive [a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive] an accidental disability".

DIVISION S—5925E

6. Page 2, by inserting after line 20 the following sections:

"Sec. ____. Section ninety-seven A point six (97A.6), subsection seven (7), paragraph a, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections two (2) and three (3) and chapter thirty-five (35), section two (2), is amended by striking the paragraph.

Sec. ____. Section ninety-seven A point six (97A.6), subsection seven (7), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections two (2) and three (3) and chapter thirty-five (35), section two (2), is amended to read as follows:

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than [his] *the disability beneficiary's* average final compensation, [his] *the disability beneficiary's* retirement allowance shall cease, [he] *the disability beneficiary* shall again become a member and [he] shall contribute thereafter at the same rate [he] paid prior to disability, and [any] former service on the basis of which [his] *the disability beneficiary's* service was computed at the time of [his] retirement shall be restored to full force and effect and upon [his] subsequent retirement [he] *the disability beneficiary* shall be credited with all [his] service as a member, and also with the period of disability retirement[, provided that during such period of disability he has not engaged in a gainful occupation from which his net earnings exceeded the difference between his disability retirement allowance and the amount he would have received for said period if his compensation at the time of disability had continued]."

DIVISION S—5925F

7. Page 6, by inserting after line 1 the following section:

"Sec. ____. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code

DIVISION S—5925F (cont'd.)

1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Members of the state transportation commission, the board of parole, and the state health facilities council unless a member elects by filing an application with the department to be covered under this chapter."

DIVISION S—5925G

8. Page 14, by striking lines 12 through 19.

DIVISION S—5925H

9. Page 14, by striking lines 20 through 29, and inserting in lieu thereof the following:

"Sec. ____. The amounts necessary to fund the benefit increases granted in sections three (3), thirteen (13), and twenty (20) of this Act shall be paid for the fiscal period beginning July 1, 1980 and ending June 30, 1982 from the Iowa public employees' retirement fund and the Iowa old age and survivors insurance liquidation fund.

DIVISION S—5925C (cont'd.)

10. Page 16, line 21, by inserting after the word "Code." the words "The board of trustees shall also credit as service, years of service of a former member of the system who had fifteen or more years of service but withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979 if the former member submits proof of years of service to the board of trustees and applies for benefits under section four hundred eleven point six (411.6) of the Code. A person who qualifies for benefits on the effective date of this Act under this paragraph is entitled to benefits beginning on that date regardless of when the person submits proof of service and applies for the benefits."

DIVISION S—5925D (cont'd.)

11. Page 16, by striking lines 30, 31, and 32 and inserting in lieu thereof the following: "[a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive] an ordinary".

12. Page 17, by striking lines 5 through 8 and inserting in lieu thereof the following: "accidental disability a member shall receive [a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive] an accidental disability".

DIVISION S—5925E (cont'd.)

13. Page 17, by inserting after line 10 the following sections:

"Sec. ____. Section four hundred eleven point six (411.6), subsection seven (7), paragraph a, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four

Page 4

DIVISION S—5925E (cont'd.)

(34), sections sixteen (16) and seventeen (17) and chapter thirty-five (35), section nine (9), is amended by striking the paragraph.

Sec. ____. Section four hundred eleven point six (411.6), subsection seven (7), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections sixteen (16) and seventeen (17), and chapter thirty-five (35), section nine (9), is amended to read as follows:

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than [his] *the disability beneficiary's* average final compensation, [his] *the disability beneficiary's* retirement allowance shall cease, [he] *the disability beneficiary* shall again become a member and [he] shall contribute thereafter at the same rate [he] paid prior to disability, and any former service on the basis of which [his] *the disability beneficiary's* service was computed at the time of [his] retirement shall be restored to full force and effect and upon [his] subsequent retirement [he] *the disability beneficiary* shall be credited with all [his] service as a member and also with the period of disability retirement[, provided that during such period of disability he has not engaged in a gainful occupation from which his net earnings exceeded the difference between his disability retirement allowance and the amount he would have received for said period

if his compensation at the time of disability had continued]."

DIVISION S—5925D (cont'd.)

14. Page 23, line 25, by inserting after the figure "1981" the words and figures "and except that retirement allowance changes in sections five (5) and twenty-nine (29) of this Act for members who retired on or after July 1, 1976 and before July 1, 1980 who had attained fifty-five years of age and were retired for accidental or ordinary disability under chapter ninety-seven A (97A) or four hundred eleven (411) of the Code and have been receiving a service retirement allowance are retroactive to the date of the member's retirement".

15. By numbering and renumbering sections and correcting internal references as necessary.

JOHN N. NYSTROM
FORREST V. SCHWENGELS
ROBERT M. CARR

S—5926

Amend Senate File 2378 as follows:

1. Page 9, line 12, by inserting after the word "instruments." the words "Bonds sold under the provisions of this Act shall not be exempt from the provisions of chapter five hundred two (502)."

ARTHUR A. SMALL, JR.

S—5927

Amend Senate File 2378 as follows:

1. Page 4, by striking lines 1 and 2 and inserting in lieu thereof the following:

"5. 'Governing board' or 'board' means the state transportation commission."

2. Page 4, by striking lines 11 through 35 and inserting in lieu thereof the following:

"All rules and laws which are applicable to the commission as governing body of the department of transportation shall be applicable to the commission as governing board for the authority to the extent applicable.

Any payment for compensation and expenses of the commission as governing board for the authority shall be paid from funds of the authority."

3. Page 5, by striking lines 1 through 17.
4. Page 13, by striking lines 9 through 19.
5. Renumber and number sections and make internal corrections as necessary.

ARTHUR A. SMALL, JR.

S—5928

Amend Senate File 2378 as follows:
1. Page 3, line 10, by striking the words "except rolling stock.".

BERL E. PRIEBE

S—5929

Amend Senate File 2379 as follows:
1. Page 2, by inserting after line 35 the following:
"Sec. ____. The proposed ten year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction, as transmitted to the legislature in January, 1980 in the amount of two hundred fifty million (250,000,000) dollars, is approved. The state board of regents is authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out the projects by borrowing money and issuing negotiable revenue bonds under the provisions of chapter two hundred sixty-two A (262A) of the Code in a total amount not to exceed eight million (8,000,000) dollars: state university of Iowa, energy management program; Iowa state university of science and technology, energy management program; university of northern Iowa, energy management program. The maximum amount of bonds which the state board of regents expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code is eight million (8,000,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1981; and if all of that amount is not issued during the fiscal year ending June 30, 1981, any remaining balance may be issued during the fiscal year ending June 30, 1982; and this plan of financing is approved."
2. Renumber sections and correct internal references as necessary.
3. Amend the title, line 3, by inserting after the comma the words "approving the ten year building

program of the state board of regents and authorizing the issuance of negotiable revenue bonds,".

JOHN SCOTT
BASS VAN GILST
C.W. HUTCHINS
BERL E. PRIEBE

S—5930

Amend Senate File 2378 as follows:

1. Page 3, line 10, by striking the word "except".

BERL E. PRIEBE

S—5931

Amend Senate File 2378 as follows:

1. Page 13, by inserting after line 19 the following:

"Sec. ____. Chapter three hundred seven (307), Code 1979, is amended by adding the following new section:

NEW SECTION. COLLECTION OF DELINQUENT RAILWAY TAXES—COMPROMISE.

1. Sixty days after the tax obligations of a railway company which are owed to a political subdivision of this state become delinquent as provided in section four hundred forty-five point thirty-seven (445.37) of the Code and remain unpaid, the state department of transportation shall become responsible for collection of the delinquent taxes. The county treasurer of each affected county shall transmit the unpaid tax statement of the railway company to the state department of transportation.

2. The transportation regulation board shall consolidate and collect all delinquent tax obligations of a railway company received from the counties. The transportation regulation board may compromise the delinquent taxes against the railway company property and by written agreement with the railway company agree to the payment of a stipulated sum in full liquidation of all delinquent taxes included in the agreement and may accept title to any right-of-way or other real estate in this state owned by the railway company in payment for the delinquent taxes."

2. Renumber as required.

ARTHUR A. SMALL, JR.

S—5933

Amend Senate File 2378 as follows:

1. Page 6, line 13, by inserting after the period the following: "Any contracts entered into must contain a provision that a shipper who does not own and does not belong to an association which owns bonds issued by the authority shall be charged a higher rate than the scheduled rate, as established by the authority for the use of a railway facility."

2. Page 8, by inserting after line 19 the following:

"11. Provide that a shipper who does not own and does not belong to an association which owns bonds issued by the authority shall be charged a higher rate for the use of a railway facility until such time as the shipper or association to which the shipper belongs becomes an owner of bonds issued by the authority. The board shall establish the principal amount of the bonds that has to be owned in order for a shipper not to be charged a higher rate and shall establish, as a surcharge, the percentage which the higher rate shall exceed the scheduled rate."

3. Number and renumber as is necessary.

BERL E. PRIEBE

S—5934

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 11, line 14, by striking the word "forty-eight" and inserting in lieu thereof the word "forty-seven".

JOHN N. NYSTROM

S—5935

Amend House File 2586 as amended, passed and reprinted by the House as follows:

1. Page 1, line 13, by adding after the period the following: *"Any payment of sales tax on unused electricity under a demand charge contract entered into between a utility and a consumer for peak load management purposes shall be an erroneous payment and subject to refund."*

BASS VAN GILST

S—5936

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 9, line 5, by striking the word *"forty-seven"* and inserting in lieu thereof the word *"forty-eight"*.

2. Page 9, line 29, by striking the word *"forty-seven"* and inserting in lieu thereof the word *"forty-eight"*.

3. Page 10, line 26, by striking the word *"forty-seven"* and inserting in lieu thereof the word *"forty-eight"*.

JOANN ORR

S—5937

For the text of this House amendment, see page 1726 of the Senate Journal.

S—5938

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 14, by striking lines 20 through 29 and inserting in lieu thereof the following:

"Sec. ____ . Chapter ninety-seven B (97B), Code 1979, is amended by adding the following new section:

NEW SECTION. APPROPRIATION. There is appropriated from the general fund of the state to the Iowa department of job service the sum of two million eight hundred fifty thousand (2,850,000) dollars per year for each fiscal year commencing with the fiscal year beginning July 1, 1980 and ending with the fiscal year beginning July 1, 1999 to be deposited in the Iowa public employees' retirement fund and the Iowa old-age and survivors insurance liquidation fund in amounts necessary to fund benefit increases granted in sections three (3), thirteen (13), and twenty (20) of this Act."

TOM SLATER
WILLIAM D. PALMER

S—5939

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 35 the following section:

"Sec. ____ . Section ninety-seven B point eleven (97B.11), Code 1979, is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

Each employer shall deduct from the wages of each

member of the system a contribution in the amount of three and six-tenths percent of the covered wages paid by the employer through June 30, 1979, and commencing July 1, 1979 in the amount of three and seven-tenths percent of the covered wages paid by the employer, until the first of the month in which the member [attains the age of seventy years or the member's termination or retirement from employment, whichever is earlier] *completes thirty years of service.* The contributions of the employer shall be in the amount of three and one-half percent of the covered wages of the member for service through December 31, 1975, and in the amount of five and twenty-five hundredths percent of the covered wages of the member for service commencing July 1, 1977 through June 30, 1979, and in the amount of five and seventy-five hundredths percent of the covered wages of the member for service commencing July 1, 1979."

2. Page 6, by inserting after line 15 the following section:

"Sec. ____. Section ninety-seven B point forty-one (97B.41), subsection eighteen (18), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

18. 'Membership service' means service rendered by a member after July 4, 1953, and [prior to the first of the month in which the member attains the age of seventy years] *for which contributions are made.* Years of membership service shall be counted to the complete quarter calendar year."

3. By numbering and renumbering sections and correcting internal references as necessary.

WILLIAM D. PALMER
TOM SLATER

S—5940

Amend House amendment S—5917 to Senate File 2070 as follows:

1. Page 3, by inserting after line 16 the following:

"Sec. 34. Section seven hundred two point eleven (702.11), Code 1979, is amended to read as follows:

702.11 FORCIBLE FELONY. A 'forcible felony' is any felonious assault, murder, sexual abuse *done by force or against the will of another,* kidnapping, robbery, arson in the first degree, or burglary in the first degree.

Sec. 35. Section nine hundred seven point three (907.3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in subsections 1 and 2 of this section. However, this section shall not apply to a forcible felony or a violation of section 204.401, subsection 1 or 2, to which section 204.409, subsection 2 is not applicable and which is not proved to be an accommodation offense under section 204.410. *A person sentenced prior to the effective date of this Act for conviction of an offense pursuant to chapter seven hundred nine (709) of the Code which did not involve sexual abuse done by force or against the will of another person may petition the court for review of the person's sentence.*"

2. Page 3, by inserting after line 26 the following:

"____. Sections thirty-four (34) and thirty-five (35) of this Act, being deemed of immediate importance, takes effect from and after their publication in the Guthrie Center Times, a newspaper published in Guthrie Center, Iowa, and in the Audubon News-Advocate, a newspaper published in Audubon, Iowa."

3. Page 3, line 34, by inserting after the word "therefor" the words "and the penalties for the criminal offense of sexual abuse".

4. By renumbering and correcting internal references to conform with this amendment.

C.W. HUTCHINS

S—5941

Amend amendment S—5925 to House File 2535 as amended, passed and reprinted by the House as follows:

DIVISION S—5941A

1. Page 2, by inserting after line 46 the following:

"____. By striking page 5, line 23 through page 6, line 1 and inserting in lieu thereof the following:

'Sec. ____. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-

four (34), section five (5), is amended by striking the paragraph and inserting in lieu thereof the following:

b. "Employee" means an individual who is in employment defined in this chapter if the individual files an application with the department to be covered under this chapter, except as provided in section ninety-seven B point forty-two (97B.42) of the Code.' "

DIVISION S—5941B

2. By striking page 2, line 47 through page 3, line 9 and inserting in lieu thereof the following:

"____ . Page 6, by inserting after line 23 the following section:

'Sec. ____ . Section ninety-seven B point forty-two (97B.42), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

97B.42 MEMBERSHIP. An employee who elects to be covered under the system under section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, of the Code shall cease to be a member if the employee becomes a member of another retirement system in the state which is maintained in whole or in part by public contributions or payments.' "

3. By numbering and renumbering sections and correcting internal references as necessary.

STEPHEN W. BISENIUS

S—5942

Amend House Concurrent Resolution 120 as follows:

1. Page 1, line 18, by striking the words "below Sioux City, Iowa".

2. Page 1, line 22, by striking the words "below Sioux City, Iowa".

3. Page 2, line 18, by striking the words "below Sioux City, Iowa".

CLARENCE CARNEY

S—5943

Amend House amendment S—5730 to Senate File 431 as follows:

1. Page 2, by striking lines 28 and 29 and inserting in lieu thereof the words "available form and place forty-five days after the findings are made available".

JOE BROWN

S—5944

Amend House amendment S—3599 to Senate File 190 as amended, passed and reprinted by the Senate as follows:

1. By striking everything after page 1, line 2 and inserting in lieu thereof the following:

"1. Page 1, by inserting after line 22 the following:

'Sec. 2. Chapter five hundred seventy-two (572), Code 1979, is amended by adding the following new section:

NEW SECTION. COOPERATIVE AND CONDOMINIUM HOUSING. A lien arising under this chapter as a result of the construction of an apartment house or apartment building which is owned on a cooperative basis under chapter four hundred ninety-nine A (499A) of the Code, or which is submitted to a horizontal property regime under chapter four hundred ninety-nine B (499B) of the Code, is not enforceable, notwithstanding any contrary provision of this chapter, as against the interests of an owner in an owner-occupied dwelling unit contained in the apartment house or apartment building acquired in good faith and for valuable consideration, unless a lien statement specifically describing the dwelling unit is filed under section five hundred seventy-two point eight (572.8) of the Code within the applicable time period specified in section five hundred seventy-two point nine (572.9) of the Code, but determined from the date on which the last of the material was supplied or the last of the labor was performed in the construction of that dwelling unit.' "

ARTHUR A. SMALL, JR.
STEPHEN W. BISENIUS
RICHARD R. RAMSEY

S—5945

Amend Senate File 2385 as follows:

1. Page 5, by inserting after line 10 the following:

"Sec. 13. The appropriation of funds in sections one (1), two (2) and three (3) of this Act is contingent upon both the state comptroller and the director of the legislative fiscal bureau being in agreement on June 30, 1980 that the appropriation of those funds from the general fund will not cause the unobligated state general balance to fall below

sixty million dollars as required for computation of the annual inflation factor under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section one (1), paragraph e of the new subsection."

RAY TAYLOR

S—5946

Amend House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 4, by inserting after line 35 the following section:

"Sec. ____. Section ninety-seven B point eleven (97B.11), Code 1979, is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE. Each employer shall deduct from the wages of each member of the system a contribution in the amount of [three and six tenths percent of the covered wages paid by the employer through June 30, 1979, and commencing July 1, 1979 in the amount of] three and seven-tenths percent of the covered wages paid by the employer *through June 30, 1981 and commencing July 1, 1981 in the amount of three and ninety-five hundredths percent of the covered wages paid by the employer,* until the first of the month in which the member attains the age of seventy years or the member's termination or retirement from employment, whichever is earlier. The contributions of the employer shall be in the amount of [three and one-half percent of the covered wages of the members for service through December 31, 1975, and in the amount of five and twenty-five hundredths percent of the covered wages of the member for service commencing July 1, 1977 through June 30, 1979, and in the amount of] five and seventy-five hundredths percent of the covered wages of the member for service commencing July 1, 1979 *through June 30, 1981 and in the amount of six percent of the covered wages of the member for service commencing July 1, 1981."*

2. Page 9, line 5, by striking the word *"forty-seven"* and inserting in lieu thereof the word *"forty-eight".*

3. Page 9, line 29, by striking the word *"forty-seven"* and inserting in lieu thereof the word *"forty-eight".*

4. Page 10, line 26, by striking the word *"forty-seven"* and inserting in lieu thereof the word *"forty-eight".*

5. Page 14, by striking lines 20 through 29 and inserting in lieu thereof the following:

"Sec. ____. Chapter ninety-seven B (97B), Code 1979, is amended by adding the following new section:

NEW SECTION. APPROPRIATION. There is appropriated from the general fund of the state to the Iowa department of job service the sum of one million four hundred twenty-five thousand (1,425,000) dollars per year for each fiscal year commencing with the fiscal year beginning July 1, 1980 and ending with the fiscal

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year beginning July 1, 1999 to be deposited in the Iowa public employees' retirement fund and the Iowa old-age and survivors insurance liquidation fund in amounts necessary to fund one-half the cost of the benefit increases granted in sections three (3), thirteen (13), and twenty (20) of this Act."

6. By numbering and renumbering sections and correcting internal references as necessary.

JOANN ORR

S—5947

Amend the Nystrom amendment, S—5925, to House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 1, line 34, by inserting after the word "service." the words *"There shall be appropriated from the general fund of the state the amount of one hundred forty-two thousand five hundred dollars (142,500) to fund the increased benefits provided in this subsection."*.

WILLIAM D. PALMER
BERL E. PRIEBE
JAMES V. GALLAGHER

S—5948

Amend Senate File 2385 as follows:

1. Page 1, by striking lines 4 through 7 and inserting in lieu thereof the words "four million seven hundred thousand (4,700,000) dollars, or so much thereof as is necessary, for the purpose of providing an annual pay adjustment of two percent for the fiscal year beginning July 1, 1980 and for reclassification and upgrading of the pay plan for all state employees who are included in the state".

2. Page 1, by striking lines 14 through 17 and inserting in lieu thereof the words "three million two hundred thousand (3,200,000) dollars, or so much thereof as is necessary, for the purpose of providing an annual pay adjustment of two percent for the fiscal year beginning July 1, 1980 and for reclassification and upgrading of personnel employed at institutions under".

3. Page 1, by striking lines 25 through 28 and inserting in lieu thereof the words "state board of public instruction the sum of one million three hundred thousand (1,300,000) dollars, or so much thereof as is necessary, for the purpose of providing an annual pay adjustment of two percent for the fiscal year beginning July 1, 1980 and for supplementary adjustment purposes of merged area".

4. Page 1, by inserting after line 31 the following:

"Sec. 4. The funds appropriated by sections one (1), two (2), and three (3) of this Act shall first be used to fund the two percent salary adjustment for the employees affected and remaining funds shall be used for the other purposes specified. Such funds are in addition to funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2) and shall be paid in the same manner, as a combined adjustment, as specified in that Act for the employees designated. The state board of regents may adjust the percentages specified in the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), as in its discretion it determines will provide equitable salary adjustments and meet the purposes of this Act. Employees covered under section twenty-three (23) and twenty-four (24) of the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), are eligible to receive the two percent pay adjustment provided in this Act but from funds appropriated by that Act."

5. Renumber as required.

ARTHUR A. SMALL, JR
TOM SLATER
ROBERT M. CARR
LOWELL L. JUNKINS

S—5949

Amend the Nystrom, et al., amendment, S—5925, to House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking lines 40 through 46 and inserting in lieu thereof the following: "of disability retirement, provided that during such period of disability he has not engaged in a gainful occupation from which his net earnings exceeded the difference between his disability retirement allowance and the amount he would have received for said period if his compensation at the time of disability had continued."

RICHARD COMITO

S—5950

Amend Senate File 2385 as follows:

1. Page 5, by inserting after line 5 the following:

"Sec. ____. REDUCTION OF NUMBER OF STATE EMPLOYEES.

1. The number of employees in the executive branch of state government, except employees whose positions are not funded in whole or in part from the general fund or trust funds of the state, shall be reduced by three percent or more each fiscal year between July 1, 1980, and June 30, 1983, for a total nine percent reduction, as follows:

a. The state comptroller shall determine the authorized full-time equivalent positions filled in each department and agency of the executive branch, except employees of the state board of regents, on July 1, 1980, July 1, 1981 and July 1, 1982.

b. The state board of regents shall categorize all positions within its jurisdiction as part-time, intermittent or full-time, and determine each authorized budgeted positions filled within each category, on July 1, 1980, July 1, 1981 and July 1, 1982.

c. The state comptroller and the board of regents shall report the total number of filled, authorized full-time equivalent and budgeted positions determined in paragraphs a and b of this subsection to the legislative council on July 1, 1980, July 1, 1981 and July 1, 1982.

d. Each department and agency, and the state board of regents, shall leave vacancies unfilled as they occur, except for vacant positions which must be filled to maintain the essential functions of the department, agency, or regents institution, to achieve a three percent or more reduction in the number of filled, authorized, full-time equivalent and budgeted positions each fiscal year between July 1, 1980 and June 30, 1983, for a total nine percent reduction.

2. The number of authorized full-time equivalent

positions within the executive branch, and the number of authorized budgeted positions within the board of regents, actually filled on June 30, 1981, June 30, 1982 and June 30, 1983, shall be at least three percent less than the number of authorized full-time equivalent positions and authorized budgeted positions filled on the previous July first. However, no more than one-fourth of the total reduction of budgeted positions within the board of regents shall be faculty positions, and emphasis shall be placed upon the reduction of administrative positions in each category.

3. This section does not apply to positions held by inmates, patients, or students at any state

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institutions.

4. The state comptroller and the president of the board of regents shall report the number, classification, and salary level of authorized, full-time equivalent and budgeted positions unfilled to the legislative council and the chairpersons of the senate and house appropriations committees on January second, March first and June thirtieth of each fiscal year period between July 1, 1980 and June 30, 1983."

2. Renumber sections in accordance with this amendment.

STEPHEN W. BISENIUS

S—5951

Amend the Nystrom, et al., amendment, S—5925, to House File 2535 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking lines 11 through 19.

RICHARD COMITO

S—5952

Amend Senate File 2381 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section three hundred fifty-eight A point five (358A.5), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Such regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar

suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county. *A regulation shall not prohibit earth sheltered dwelling units as defined in section five (5) of this Act that comply with all other zoning ordinances adopted under this chapter.*

Sec. 2. Section three hundred fifty-eight A point fifteen (358A.15), subsection three (3), Code 1979, is amended to read as follows:

3. To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. *A variance shall be granted for earth sheltered dwelling units as defined in section five (5) of this Act when in harmony with the general purpose and intent of the ordinance.*

Sec. 3. Section four hundred fourteen point three (414.3), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Such regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city. *A regulation shall not prohibit earth sheltered dwelling units as defined in section five (5) of this Act that comply with all other zoning ordinances adopted under this chapter.*

Sec. 4. Section four hundred fourteen point twelve (414.12), subsection three (3), Code 1979, is amended to read as follows:

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the

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provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. *A variance shall be granted for earth sheltered dwelling units as defined in section five (5) of this Act when*

in harmony with the general purpose and intent of the ordinance.

Sec. 5. Section four hundred twenty-five point one (425.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. In addition to the credit against the tax on the first four thousand five hundred dollars of actual value, the taxpayer is entitled to an earth sheltered dwelling credit equal to twenty percent of the first ten thousand dollars expended by the taxpayer during the taxpayer's previous income tax year for an earth sheltered dwelling unit located in Iowa and used by the taxpayer as a principal residence. The total amount of credit allowed under this section shall not exceed the amount of tax levied on the property. as used in this subsection 'earth sheltered dwelling unit' means a structure that complies with applicable building standards and that is constructed in accordance with all of the following:

a. Eighty percent or more of the roof area is covered with a minimum depth of twelve inches of earth.

b. Fifty percent or more of the wall area is covered with a minimum depth of twelve inches of earth.

c. Those portions of the structure not insulated with a minimum of seven feet of earth must be insulated with a supplementary material.

If the dwelling is constructed by a contractor, the first individual to purchase the dwelling for use as a principal residence is entitled to the credit. The director shall adopt rules specifying qualifying expenditures under this subsection which shall include the cost of labor and materials but shall not include the cost of purchasing the land."

2. Page 1, line 29, by striking the word "This" and inserting in lieu thereof the word "Section six (6) of this".

3. Number and renumber sections and internal references in accordance with this amendment.

4. Title page, line 4, by inserting after the word "years" the words ", prohibiting zoning ordinances that specifically exclude earth sheltered construction, providing a property tax credit for earth sheltered residents".

NORMAN G. RODGERS
ROLF V. CRAFT

S—5953

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate

as follows:

1. Page 1, line 30, by striking the word "two" and inserting in lieu thereof the word "five".

ARTHUR A. SMALL, JR.

S—5954

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 36, by striking the word "is" and inserting in lieu thereof the words "could be".

ARTHUR A. SMALL, JR.

S—5955

Amend House amendment S—5748 to Senate File 2230 as amended, passed and reprinted by the Senate as follows:

1. Page 1, lines 7 and 8, by striking the words "section and inserting in lieu thereof the following:" and inserting in lieu thereof the word "section."

2. Page 1, by striking lines 9 through 41.

ARTHUR A. SMALL, JR.

S—5956

Amend the Holden amendment, S—5915, to House File 2486 as amended, passed and reprinted by the House as follows:

1. Page 1, line 8, by inserting after the word "agricultural" the word "production".

2. Page 1, line 9, by striking the words and figure "section two (2) of this Act" and inserting in lieu thereof the words and figure "subsection five (5) of this section".

3. Page 1, by striking line 20 and inserting in lieu thereof the words and figures "States Code, s. 2074.

5. As used in this section "agricultural production purpose" means a purpose related to the production of agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products thereof, and any and all products produced on farms."

ARNE WALDSTEIN
C. JOSEPH COLEMAN
IRVIN L. BERGMAN
BERL E. PRIEBE

S—5957

Amend House File 2584 as amended, passed and reprinted as follows:

1. Page 2, by inserting after line 15 the following:

"16. Marian Health Center, St. Vincent Unit Sioux City, Iowa	5705-68-25	Alcoholism treatment reimbursement	$1,862.50"

JOHN S. MURRAY

S—5958

Amend House amendment S—3599 to Senate File 190 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by inserting after line 33 the following:

"____. Page 1, by inserting after line 22 the following:

'Sec. ____. Chapter five hundred seventy-two (572), Code 1979, is amended by adding the following new section:

NEW SECTION. MISAPPROPRIATION—PENALTY. A contractor who receives payment of the contract price of an improvement, alteration or repair for which a lien arises under this chapter and who knowingly fails to use these proceeds to pay for goods or services obtained by the contractor on credit for use in the improvement, alteration or repair commits a fraudulent practice; provided that a contractor shall not be in violation of this section if the person engaging the contractor for purposes of the improvement, alteration or repair agreed to pay the costs of goods and services used in completing the improvement, alteration or repair in addition to the contract price.' "

RICHARD R. RAMSEY
STEPHEN W. BISENIUS

S—5959

Amend Senate File 2385 as follows:

1. Page 1, by inserting after line 31, the following new section:

"Sec. ____. Adjustments authorized by this Act shall be provided equitably so that the percentage adjustment for employees who are subject to the provisions of an agreement negotiated pursuant to chapter twenty (20) of the Code shall not be less than the percentage adjustment for similarly classified

employees who are not subject to such agreements."

W.R. BILL HANSEN

S—5960

Amend Senate File 2385 as follows:

1. Page 1, by inserting after line 31 the following:

"Sec. 4. Section two point ten (2.10), subsections one (1), two (2) and three (3), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section nineteen (19), are amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of twelve thousand [eight hundred] dollars for the year 1981 and [thirteen thousand seven hundred] *twelve thousand eight hundred* dollars for the year 1982 while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house shall receive an annual salary of [fifteen] *fourteen* thousand dollars for the year 1981 and [sixteen] *fifteen* thousand dollars for the year 1982 while serving in such capacity. In addition, each such member shall receive the sum of thirty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred twenty calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred twenty calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive fifteen dollars per day. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and

this provision shall prevail over any inconsistent provision of any present or future statute.

2. The lieutenant governor shall receive an annual salary of [nineteen] *eighteen* thousand [two hundred] dollars for the year 1981 and [twenty thousand five hundred] *nineteen thousand* dollars for the year 1982.

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Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assemlby is not in session or serving as the president of the senate during special sessions of the general assembly shall receive sixty dollars per diem and reimbursement for expenses incurred in performing such duties. The salary, per diem, and expenses of the lieutenant governor provided for under this subsection, including office and staff expenses, shall be paid from funds appropriated to the office of the lieutenant governor by the general assembly.

3. The speaker of the house shall receive an annual salary of [nineteen] *eighteen* thousand [two hundred] dollars for the year 1981 and [twenty thousand five hundred] *nineteen thousand* dollars for the year 1982 while serving as the speaker of the house. Expense and travel allowances shall be the same for the speaker of the house as provided for other members of the general assembly."

2. By renumbering and correcting internal references to conform with this amendment.

RAY TAYLOR
STEPHEN W. BISENIUS
DALE L. TIEDEN
GARY L. BAUGHER
JOHN W. JENSEN
ARNE WALDSTEIN

S—5961

Amend Senate File 2385 as follows:

1. Page 5, by inserting after line 10 the following:

"Sec. ___ . *NEW SECTION.* DISCHARGE OR LAYOFF OF CERTAIN EMPLOYEES.

'1. No department or agency of this state shall discharge or lay off an employee, under circumstances involving no fault or delinquency on the part of the employee, with intent that work which that employee

has been performing shall instead be obtained by contract with a nonstate entity, at the time the employee is discharged or laid off or at any time thereafter, unless the department or agency has first complied with the requirements of this subsection.

a. Before discharging or laying off employees under the circumstances described in this subsection, the department or agency shall certify in writing to the chairpersons of the standing committee on appropriations of the senate and house of representatives that the discharge or lay off of those employees will enable the department or agency to deliver services of at least as high a quality as those performed by the employees being discharged or laid off, while effecting a net saving in the cost of those services.

b. Employees shall not be discharged or laid off, under the circumstances described in this subsection, with less than ninety days notice of intent to take such action.

2. It is the intent of the general assembly that any individual who is or formerly was an employee of a department or agency of this state, and who has been or has received notice that he or she will be discharged or laid off under the circumstances described in subsection one (1) of this section, shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs classified under the merit employment system of this state, any provisions of chapter nineteen A (19A) of the Code or of any other statute to the contrary notwithstanding.' "

SUE YENGER
ROBERT M. CARR

S—5962

Amend House File 2597 as amended, passed and reprinted by the House as follows:

1. Page 2, line 32, by striking the figure *"1980"* and inserting in lieu thereof the figure *"1981"*.

2. Page 3, by striking lines 28 through 31.

NORMAN G. RODGERS

S—5963

Amend House File 2597 as amended, passed and reprinted by the House as follows:

1. Page 2, by striking lines 16 through 26.

2. Title, by striking lines 9 through 12 and inserting in lieu thereof the words "property and collection of agricultural statistics."

BERL E. PRIEBE

S—5964

For the text of this House amendment, see page 1773 of the Senate Journal.

S—5965

Amend House File 2595 as follows:

1. Page 2, line 35, by striking the figure *"1,000,000"* and inserting in lieu thereof the figure *"1,200,000"*.

2. By striking page 4, line 25, through page 5, line 8.

3. By renumbering sections and correcting internal references as necessary.

JOHN SCOTT

S—5966

Amend House File 2595 as passed and reprinted by the House as follows:

1. Page 7, line 4, by inserting after the word "section." the following new sentence: "However, funds previously intended for use to complete the unitization of cellhouse eighteen (18) at the men's penitentiary at Fort Madison shall not be used for the same purposes as the funds provided in this section if failing to complete the unitization project will result in the loss of any federal funds already committed for unitization."

TOM SLATER
LOWELL L. JUNKINS
ROBERT M. CARR
JOHN SCOTT

S—5967

Amend House File 2595 as follows:

1. Page 6, line 18, by striking the words "two million (2,000,000)" and inserting in lieu thereof the words "six hundred thousand (600,000)".

2. Page 6, by striking lines 23 through 30 and inserting in lieu thereof the following: "be

carried out under this section the construction of a new 144-bed wing at the Iowa medical security facility at Oakdale to serve as an adult corrections security facility primarily for chemically dependent, mentally retarded and socially inadequate offenders, and needed safety and health-related improvements at other institutions under its jurisdiction. In addition, funds appropriated for capital improvements to the department of social services in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section (13) which have not previously been obligated but which have been planned for use at the Clarinda mental health institute may be used for the same purposes as the funds appropriated by this section."

3. Page 6, by striking line 31 through page 7, line 4.

ROBERT M. CARR
JOHN SCOTT
WILLIAM D. PALMER

S—5968

For the text of this House amendment, see pages 1801-1802 of the Senate Journal.

S—5969

For the text of this House amendment, see pages 1797-1801 of the Senate Journal.

S—5970

Amend House File 2595 as follows:

1. Page 2, by inserting after line 18 the following:

"Sec. ____. The proposed ten year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction, as transmitted to the legislature in January, 1980 in the amount of two hundred fifty million (250,000,000) dollars, is approved. The state board of regents is authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out the projects by borrowing money and issuing negotiable revenue bonds under the provisions of chapter two hundred sixty-two A (262A) of the Code in a total amount not to exceed eight million (8,000,000) dollars: state university of Iowa, energy management program; Iowa state university of science and technology, energy management program;

university of northern Iowa, energy management program. The maximum amount of bonds which the state board of regents expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code is eight million (8,000,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1981; and if all of that amount is not issued during the fiscal year ending June 30, 1981, any remaining balance may be issued during the fiscal year ending June 30, 1982; and this plan of financing is approved."

2. Amend the title, line 5, by inserting after the word "Act" the words "approving the ten year building program of the state board of regents and authorizing the issuance of negotiable revenue bonds,".

JOHN SCOTT
BASS VAN GILST
C.W. HUTCHINS
BERL E. PRIEBE

S—5971

Amend House File 2595 as amended, passed and reprinted by the House as follows:

1. Page 8, line 24 by striking the words "intends to" and inserting in lieu thereof the word "shall".

C. JOSEPH COLEMAN

S—5972

Amend House File 2595 as amended, passed and reprinted by the House as follows:

1. Page 9, line 4, by inserting after the word "treasury." the words "However, no project may be started under the provisions of this section which will require more than ten thousand (10,000) dollars in state funds for its completion without approval of the General Assembly."

BERL E. PRIEBE
BASS VAN GILST
TOM SLATER

S—5973

For the text of this House amendment, see pages 1805-1808 of the Senate Journal.

S—5974

Amend the Small, et al., amendment, S—5948, to Senate

File 2385 as follows:

1. Page 1, by inserting after line 47 the following:

"Sec. ____. *NEW SECTION.* DISCHARGE OR LAYOFF OF CERTAIN EMPLOYEES.

1. No department or agency of this state shall discharge or lay off an employee, under circumstances involving no fault or delinquency on the part of the employee, with intent that work which that employee has been performing shall instead be obtained by contract with a nonstate entity, at the time the employee is discharged or laid off or at any time thereafter, unless the department or agency has first complied with the requirements of this subsection.

a. Before discharging or laying off employees under the circumstances described in this subsection, the department or agency shall certify in writing to the chairpersons of the standing committee on appropriations of the senate and house of representatives that the discharge or lay off of those employees will enable the department or agency to deliver services of at least as high a quality as those performed by the employees being discharged or laid off, while effecting a net saving in the cost of those services.

b. Employees shall not be discharged or laid off, under the circumstances described in this subsection, with less than ninety days notice of intent to take such action.

2. It is the intent of the general assembly that any individual who is or formerly was an employee of a department or agency of this state, and who has been or has received notice that he or she will be discharged or laid off under the circumstances described in subsection one (1) of this section, shall have five points added to the grade or score attained in qualifying examinations for appointment to jobs classified under the merit employment system of this state, any provisions of chapter nineteen A (19A) of the Code or of any other statute to the contrary notwithstanding."

SUE YENGER
ROBERT M. CARR

S—5975

Amend Senate File 2385 as follows:

1. Page 1, line 4, by striking the words and figure "two million two hundred thousand (2,200,000)" and inserting

in lieu thereof the words and figure "two million eight hundred thousand (2,800,000)".

2. Page 1, line 10, by inserting after the period the following: "Salary adjustments or increases under this section shall be made in such a way as to eliminate the discrimination, if any, between the merit pay plan as it applies to employees covered by collective bargaining agreements and the merit pay plan for employees not covered by collective bargaining agreements."

3. Page 1, line 14, by striking the words and figure "one million five hundred fifty thousand (1,550,000)" and inserting in lieu thereof the words and figure "two million fifty thousand (2,050,000)".

4. Page 1, line 21, by inserting after the period the following: "Salary adjustments or increases under this section shall be made in such a way as to eliminate the discrimination, if any, between the merit pay plan as it applies to employees covered by collective bargaining agreements and the merit pay plan for employees not covered by collective bargaining agreements."

5. Page 1, lines 25 and 26, by striking the words and figure "four hundred fifty thousand (450,000)" and inserting in lieu thereof the words and figure "six hundred thousand (600,000)".

6. Page 1, line 31, by inserting after the period the following: "Salary adjustments or increases under this section shall be made in such a way as to eliminate the discrimination, if any, between the merit pay plan as it applies to employees covered by collective bargaining agreements and the merit pay plan for employees not covered by collective bargaining agreements."

JOHN S. MURRAY

S—5976

Amend House File 2595 as amended, passed and reprinted by the House as follows:

DIVISION S—5976A

1. By striking page 6, line 23 through page 7, line 4 and inserting in lieu thereof the words "be carried out under this section the continuation of planned repairs and improvements to the main building at the Clarinda mental health institute, the construction of a new one hundred forty-four bed wing at the Iowa security medical facility at Oakdale to serve as an adult corrections security facility primarily for chemically dependent, mentally retarded and socially inadequate offenders, and needed safety

and health-related improvements at other institutions under its jurisdiction. In addition, funds appropriated for capital improvements to the department of social services in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section thirteen (13) which have not previously been obligated but which have been planned for use at the Clarinda mental health institute may be used for the construction of the new wing at the Iowa security medical facility which is authorized by this section, provided that the total cost of that new wing shall not exceed one million six hundred thousand dollars."

DIVISION S—5976B

2. Page 7, line 13, by inserting after the word "institute." the words "No funds appropriated by section twelve (12) of this Act shall be used for renovation of or capital improvements to hope hall at the Clarinda mental health institute prior to July 1, 1981."

ROBERT M. CARR
WILLIAM D. PALMER

S—5977

For the text of this House amendment, see pages 1812-1813 of the Senate Journal.

S—5978

Amend House File 2584 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 26 the following:

"Sec. ____. Section one hundred twenty-five point forty-four (125.44), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of a substance abuser, *except that the state's liability shall be one hundred percent of the total cost of care, maintenance and treatment when a substance abuser is a state patient. All payments for state patients shall be made in accordance with the limitations of this section.* Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued."

2. Page 4, by striking lines 13 through 18 and inserting in lieu thereof the words "A person committed under this subsection who is not possessed of sufficient income or estate to enable him *or her* to make payment of the costs of such treatment in whole or in part shall be considered a state patient *and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code.* The determination of ability".

3. Page 6, by striking lines 15 through 18 and inserting in lieu thereof the words "or drugs. A person committed under this section *who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part* shall be considered a state patient *and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code."*

4. By striking page 6, line 30 through page 7, line 1 and inserting in lieu thereof the words "was referred. A person referred under this section *who is not possessed of sufficient income or estate to enable* him *or her to make payment of the costs of such treatment in whole or in part* shall be considered a state patient, [and charges] and costs for treatment shall be paid [for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state] *as provided in section one hundred twenty-five point forty-four (125.44) of the Code."*

DAVID M. READINGER
BOB RUSH

S—5979

Amend House File 2595 as amended, passed and reprinted by the House as follows:

1. Page 4, line 20, by inserting after the word *"subparagraph."* the following: *"The appropriation made in this subparagraph is conditioned upon the employees located in the east side of the corridor in the office of the auditor of state being moved to the Robert Lucas building and that space being assigned to the legislative fiscal bureau."*

RICHARD R. RAMSEY
BOB RUSH
W.R. BILL HANSEN
LOWELL L. JUNKINS

S—5980

Amend House File 2595 as amended, passed and reprinted by the House as follows:

1. Page 2, by inserting after line 18, the following:

"The appropriation made in this subsection is conditioned upon the development of a plan utilizing Iowa washed coal by September 1, 1980."

STEPHEN W. BISENIUS
BASS VAN GILST
JOHN SCOTT
FORREST V. SCHWENGELS
SUE YENGER
JOE BROWN
JAMES V. GALLAGHER

S—5981

For the text of this House amendment, see page 1827 of the Senate Journal.

S—5982

Amend House File 2509 as amended, passed and reprinted by the House as follows:

1. Page 1, line 26, by striking the words "additional property tax" and inserting in lieu thereof the words "an additional fee in the form of tuition".

STEPHEN W. BISENIUS

S—5983

Amend House File 2509 as amended, passed and reprinted by the House as follows:

1. Page 1, line 4, by striking the word "For" and inserting in lieu thereof the figure and word "1. For".

2. Page 1, line 15, by striking the word "levy" and inserting in lieu thereof the word "imposition".

3. Page 1, line 26, by striking the words "levy additional property tax" and inserting in lieu thereof the words "impose a school district additional operation amount income surtax".

4. Page 1, by striking lines 30 through 35 and inserting in lieu thereof the words "proposition shall include an estimate of the proposed income surtax as a percent of state income tax paid based upon the amount of individual state income tax paid during the preceding calendar year."

5. Page 2, line 1, by striking the words "years, if any."

6. Page 2, line 5, by striking the words "for the budget year".

7. Page 2, line 7, by striking the word "a budget" and inserting in lieu thereof the word "school".

8. Page 2, by striking lines 10 through 18 and inserting in lieu thereof the following: "comptroller shall establish the amount of school district additional operation amount income surtax to be imposed for the budget year. The state comptroller shall determine the amount based upon the most recent figures available for the individual state income tax paid and the additional school district operation amount voted by the board for that budget year. The state comptroller shall certify to the director of revenue the amount of school district additional operation amount income surtax to be imposed.

2. The school district additional operation amount income surtax shall be imposed on the state individual income tax for the calendar year during which the school's budget year begins, or for a taxpayer's fiscal year ending during the school half of that calendar year or the first half of the succeeding residing in the school district on the last day of the applicable tax year. As used in this section, 'state individual income tax' means the tax computed under section four hundred twenty-two point five (422.5) of the Code, less the deductions allowed in section four hundred twenty-two point twelve (422.12) of the Code.

Page 2

Sections four hundred forty-two point sixteen (442.16), four hundred forty-two point seventeen (442.17), four hundred forty-two point nineteen (442.19), and four hundred forty-two point twenty (442.20) of the Code apply to the school district additional operation amount income surtax imposed in this section. The director of revenue shall deposit all moneys received as school district additional operation amount income surtax to the credit of each district from which the moneys are received, in a 'school district additional operation amount income surtax fund' which is established in the office of the treasurer of state.

Effective commencing with the budget year beginning July 1, 1981, the director of revenue shall deposit all school district income surtax moneys received

on or before November first of the year following the close of the school budget year for which the surtax is imposed to the credit of each district from which the moneys are received in the school district income surtax fund. All school district surtax moneys received or refunded after November first of the year following the close of the school budget year for which the surtax is imposed shall be deposited in or withdrawn from the general fund of the state and shall be considered part of the cost of administering the school district surtax."

BERL E. PRIEBE
C.W. HUTCHINS
DALE L. TIEDEN

SUPPLEMENT
TO THE
SENATE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
1980 REGULAR SESSION

BILLS APPROVED, VETOED OR ITEM VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action on bills by the Governor and transmitted to the Secretary of State after the close of the 1980 Regular Session:

S.F. 28— Relating to preplacement investigation requirements for adoptions and to consent to adoptions. Approved April 30, 1980.

S.F. 69— Relating to the income requirement of a totally disabled person seeking a special assessment tax abatement. Approved May 19, 1980.

S.F. 89— Relating to borrow pits. Approved May 21, 1980.

S.F. 108— Relating to the construction and maintenance of school houses. Approved May 20, 1980.

S.F. 185— Relating to the distribution of interest of permanent school fund. Approved April 30, 1980.

S.F. 190— Relating to the perfection and enforcement of a mechanic's lien. Approved May 26, 1980.

S.F. 205— Relating to certain natural resource agencies of the state and the regulation and use of natural resources by reorganizing the Department of Environmental Quality. Approved May 22, 1980.

S.F. 358— To provide for the licensing of ophthalmic dispensers, and making penalties applicable. Approved May 21, 1980.

S.F. 430— To provide multipurpose service centers for displaced homemakers. Approved May 13, 1980.

S.F. 431— Relating to complaints alleging violations of provisions relating to health care facilities. Approved May 19, 1980.

S.F. 432— Relating to licensing and regulation of child foster care facilities, and prescribing penalties. Approved May 23, 1980.

S.F. 435— Relating to the establishment of historical preservation districts in cities. Approved May 13, 1980.

S.F. 439— Relating to the alcoholic content of beer and alcoholic liquor. Approved May 1, 1980.

S.F. 2002— Relating to expenditure of profits from auxiliary services by area schools. Approved April 30, 1980.

S.F. 2015— Relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the

state and making the act retroactive. Approved April 30, 1980.

S.F. 2051— Relating to the registration and licensing of class A, B and C motor homes and multipurpose vehicles. Approved May 13, 1980.

S.F. 2070— Relating to the powers of professional and occupational examining and licensing boards with respect to licenses and licensees and the dispensing of drugs and controlled substances by certain licensees and the criminal offenses of delivery of certain controlled substances and the penalties. Approved May 23, 1980.

S.F. 2071— To provide that declarations of value shall be public information. Approved May 26, 1980.

S.F. 2072— Appropriating funds from the general fund to pay for special assessments relating to a paving project in the City of Boone, Iowa. Approved May 17, 1980.

S.F. 2090— Providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year. Approved May 26, 1980.

S.F. 2102— Relating to the hospitalization of mentally ill persons. Approved May 13, 1980.

S.F. 2114— Relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person. Approved May 23, 1980.

S.F. 2123— Relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs. Approved April 30, 1980.

S.F. 2125— Relating to fees by increasing the transfer fees of county auditors, increasing sheriff's fees for service of warrants, original notices and subpoenas, increasing county recorder's fees relating to filing of instruments and writing fees for boat and snowmobile registrations, and eliminating restrictions on travel expenses for county boards of supervisors. Approved May 19, 1980.

S.F. 2154— Relating to the civil liability resulting from the sale of giving of beer or intoxicating liquor, by liquor control licensees or beer permittees. Approved May 13, 1980.

S.F. 2189— Amending Chapter Five Hundred Thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments. Approved May 13, 1980.

S.F. 2197— Relating to the sale of wine and creating a license therefor. Approved May 21, 1980.

S.F. 2219— To legalize proceedings taken by the Board of Supervisors of Black Hawk County relating to the sale of certain properties. Approved April 30, 1980.

S.F. 2229— Establishing the Office of State Appellate Defender. Approved May 26, 1980.

S.F. 2230— Relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city. Approved May 26, 1980.

S.F. 2238— Relating to the Iowa Soybean Promotion law. Approved May 22, 1980.

S.F. 2243— Establishing the Iowa Family Farm Development Authority, authorizing the isssuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act Funds. Approved May 23, 1980.

S.F. 2247— Relating to the indexing of the state individual income tax. Approved May 21, 1980.

S.F. 2253— Providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes. Approved May 17, 1980.

S.F. 2264— Relating to the notice, appeal and judicial review of valuations and tax assessments made by the Director of Revenue. Approved May 19, 1980.

S.F. 2269— To establish a Communications Review Committee and to abolish the Police Communications Review Committee. Approved May 24, 1980.

S.F. 2272— Relating to the movement of vehicles of excessive size and weight. Approved May 19, 1980.

S.F. 2275— To legalize certain plats of city or town lots recorded before January 1, 1970. Approved April 30, 1980.

S.F. 2281— Providing for temporary allocation of farm-to-market road use funds. Approved May 26, 1980.

S.F. 2282— Relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies. Approved May 20, 1980.

S.F. 2298— Relating to the taxable status of property. Approved May 17, 1980.

S.F. 2306— Relating to court personnel including magistrates, judges of the District Court, judges of the Court of Appeals, Supreme Court Justices and court appointed interpreters and to the compensation and expenses thereof. Approved May 20, 1980.

S.F. 2311— Relating to the age of fire fighters. Approved April 30, 1980.

S.F. 2316— Relating to the disposition of property by counties. Approved May 13, 1980.

S.F. 2320— Correcting erroneous, inconsistent or obsolete provisions of the 1979 Code. Approved May 24, 1980.

S.F. 2327— To provide or increase the penalty for failure to file or pay the state motor vehicle fuel, freight line and equipment car mileage, income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax. Approved May 19, 1980.

S.F. 2337— Relating to the increase in financial requirements for auto liability insurance policies. Approved May 24, 1980.

S.F. 2343— Exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under Chapter One Hundred Twenty-three (123) of the Code. Approved May 23, 1980.

S.F. 2357— Relating to the composition and powers of the conservancy district boards of directors. Approved May 22, 1980.

S.F. 2361— Relating to transportation. Approved May 20, 1980.

S.F. 2368— Relating to the administration of Chapter Ninety-eight (98) of the Code by the Department of Revenue and providing penalties. Approved May 17, 1980.

S.F. 2369— Relating to the taxation of property of cemetery associations and locker plants and making the act retroactive. Approved May 21, 1980.

S.F. 2370— Relating to the term of office of certain county supervisors. Approved May 19, 1980.

S.F. 2371— Relating to the Executive Council providing disaster grants to governmental subdivisions. Approved May 17, 1980.

S.F. 2373— Authorizing the Legislative Fiscal Bureau to obtain individual income tax information from the Department of Revenue for statistical purposes. Approved May 19, 1980.

S.F. 2374— Appropriating funds to designated agencies for the 1978-79 or 1979-80 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes. Approved May 20, 1980.

S.F. 2375— Repealing acts of the Sixty-eighth General Assembly, 1980 Session, House File Two Thousand Four Hundred Ninety-two (2492), Sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that act. Approved May 24, 1980.

S.F. 2376— To impose an excise tax on motor fuel containing at least ten percent alcohol distilled from alcohol distilled from agricultural products.

Approved May 23, 1980.

S.F. 2378— Creating the Iowa Railway Finance Authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation. Approved May 20, 1980.

H.F. 54— Relating to district associate judges and judicial magistrates. Approved May 26, 1980.

H.F. 685— Making it a fraudulent practice to knowlingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible and providing penalties. Approved May 19, 1980.

H.F. 695— Relating to the date requirements for calling a special election for the issuance of certain general obligation bonds for school districts. Approved May 17, 1980.

H.F. 707— Authorizing certain preparations for and prescribing a procedure for the redistricting of the General Assembly and the redrawing of congressional districts following the 1980 federal decennial census. Approved May 19, 1980.

H.F. 717— Relating to the use of a license for the taking of fish and animals and providing penalties. Approved May 17, 1980.

H.F. 733— Relating to the recapture of taxes on certain classes of property when a change in use of the property occurs and making the act retroactive. Approved May 24, 1980.

H.F. 736— To permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor and providing penalties for violations. Approved May 21, 1980.

H.F. 2105— Relating to the loading and unloading of pupils from school buses. Approved May 20, 1980.

H.F. 2138— Relating to the authority over traffic control and parking of the board of directors of a merged area. Approved May 19, 1980.

H.F. 2168— To provide for the reimbursement of expenses incurred by the county and city members of the State Functional Classification Review Board and making an appropriation. Approved May 21, 1980.

H.F. 2277— Relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the Department of Social Service. Approved May 22, 1980.

H.F. 2340— To establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district. Approved May 17, 1980.

H.F. 2425— Relating to the educational requirements of schools. Approved May 20, 1980.

H.F. 2443— Relating to the establishment of a force of reserve peace officers for a city, county or the State of Iowa. Approved May 24, 1980.

H.F. 2463— Relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators. Approved May 19, 1980.

H.F. 2464— Relating to the duties and membership of the Legislative Fiscal Committee. Approved May 24, 1980.

H.F. 2475— Relating to the determination of the salaries for the area education agency administrators. Approved May 17, 1980.

H.F. 2482— To allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads. Approved May 20, 1980.

H.F. 2486— To permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code. Approved May 19, 1980.

H.F. 2490— Relating to emergency repairs and the purchase of materials and equipment affecting the security of a State penal or correctional institution. Approved May 1, 1980.

H.F. 2492— Relating to the regulation of terms and conditions of certain loans, advances and extensions of credit. Approved April 30, 1980.

H.F. 2493— To amend Chapter Four Hundred Fifty-five C (455C) of the Code by retaining the one cent handling fee. Approved May 1, 1980.

H.F. 2495— Relating to strip searches subsequent to arrest. Approved May 24, 1980.

H.F. 2500— Relating to the compensation and expenses of the board of trustees of a sanitary sewer district. Approved May 19, 1980.

H.F. 2501— Relating to the use of computers for the storage of court records. Approved May 17, 1980.

H.F. 2504— Relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid. Approved May 20, 1980.

H.F. 2511— To allow an income tax deduction for certain expenses incurred in performing voluntary service. Approved May 21, 1980.

H.F. 2513— Creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties. Approved May 22, 1980.

H.F. 2516— Relating to the determination of the parent and child relationship and the obligations of parents to their children. Approved May 17, 1980.

H.F. 2518— Relating to the administration of the Iowa National Guard. Approved May 1, 1980.

H.F. 2533— To add to Chapter Two Hundred Thirty-seven A (237A) of the Code, relating to child day care facilities. Approved May 19, 1980.

H.F. 2536— Relating to housing in cities. Approved May 26, 1980.

H.F. 2537— Relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalities. Approved May 19, 1980.

H.F. 2546— Providing for an exemption for livestock sale from the implied warranty provisions of the Uniform Commercial Code. Approved May 22, 1980.

H.F. 2550— Relating to the authority of the Iowa State Commerce Commission to promulgate rules requiring energy conservation management and strategies. Approved May 23, 1980.

H.F. 2551— Relating to school finance. Approved May 20, 1980.

H.F. 2554— Relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the Department of Social Services and due and owing for the care, support or maintenance of a child. Approved May 17, 1980.

H.F. 2561— Relating to the powers and duties of soil conservation districts and soil conservation district commissioners. Approved May 22, 1980.

H.F. 2562— Relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty. Approved May 19, 1980.

H.F. 2567— Relating to the determination of actual and assessed value of property for tax purposes and defining property which may be included within a tax increment financing district established pursuant to Section Four Hundred Three point Nineteen (403.19) of the Code. Approved May 26, 1980.

H.F. 2577— Relating to the income tax exemption for annuities received from the United States Civil Service Retirement and Disability Trust Fund and making the act retroactive. Approved May 17, 1980.

H.F. 2581— To authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances. Approved May 26, 1980.

H.F. 2583— Relating to the duties of the county finance committee and making an appropriation. Approved May 17, 1980.

H.F. 2584— Relating to claims against the State of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the State of Iowa. Approved May 23, 1980.

H.F. 2587— Relating to the administration of the motor fuel and special fuel tax laws. Approved May 19, 1980.

H.F. 2591— To legalize the proceedings of the Board of Directors of the Kirkwood Community College. Approved May 17, 1980.

H.F. 2593— Relating to payments for certain school transportation costs and certain special education costs. Approved May 21, 1980.

H.F. 2594— To legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract. Approved May 19, 1980.

H.F. 2596— To provide a penalty for violations of an Executive Order issued by the Governor pursuant to a proclamation of an emergency by the Governor. Approved May 17, 1980.

H.F. 2597— To provide for a temporary one-year delay in the phaseout of personal property taxes. Approved May 21, 1980.

GOVERNOR'S ITEM VETO MESSAGES

May 20, 1980

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2598, an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

House File 2598 is approved May 20, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 25 which reads as follows:

Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The [department] *legislative council* shall employ an actuary *for the department to serve* as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor *and subject to the approval of the legislative council.*

I am unable to approve the item designated in the Act as Section 26 which reads as follows:

Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.

Currently the law authorizes the Department of Job Service, which administers the IPERS system, to hire an actuary for the pension plan. Section 25 would transfer that authority to the Legislative Council and further provides that the Legislative Council must approve the compensation to be paid not only to the actuary, but all the other IPERS employees as well.

This is clearly a very blatant attempt by the legislature to assume executive authority contrary to the Constitution. The administration of IPERS requires the ability for the Executive Branch to evaluate the soundness of the system and protect its long-standing, financial integrity. An actuary is needed to do the acturial investigations and annual actuarial valuations required by law. The actuary employed for these purposes must be free from political pressure, which employment by the legislature could jeopardize.

The legislature obviously has need for expert advice when it considers complex and technical pension legislation. It has that through the IPERS actuary. If it believes that yet another view apart from the IPERS actuary is needed, the legislature could hire its own expert. Although it does not seem needed, such an arrangement would provide for an independent analysis of reports from the IPERS office and their actuary, much like the current arrangement between the State Comptroller and the Legislative Fiscal Director.

Beyond the issue of separate actuaries, I am also concerned with the provision for determining the compensation for all employees in the IPERS office by the Legislative Council. The legislature has complete power today to review, revise and approve the budget for the IPERS office. However, the power of the purse does not provide the legislature with the right to invade the administration of an executive agency, hire its employees and determine the salaries of all its employees. As legislators are quick to point out apparent intrusions by agencies into the legislative arena through rule-making, they should also be mindful of their tendencies to encroach into the Executive Branch of government. The setting of salaries is basic to any administration and should not be delegated to another branch of government.

Section 26 of the bill provides legislative intent to reconsider in 1982 the question of funding certain benefits this bill authorizes from the state's general fund rather than from the IPERS trust fund. The latter arrangement was finally agreed to this year after long debate and was influenced by the decline in state general fund revenues experienced late in the session.

Since the question of which source of funds should be used can always be raised with or without this section and the fact that we must continue to be cautious about incurring future obligations to the general fund, I believe it is inappropriate to keep this language in the bill. We may be hard pressed in the next biennium to meet the needs of existing state programs and responsibilities already financed from the general fund. Since actuaries have assured us that the IPERS trust fund has sufficient funds to finance all the IPERS improvements included in the bill, it appears that we can accept the arrangement approved this year. It would be unfair to mislead people into believing the source of funding will be easily changed, especially when there are so many other pressing, unmet needs.

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 2598 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

May 22, 1980

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2595, an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

House File 2595 is approved May 22, 1980, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 5 which reads as follows:

> Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection one (1), paragraph a, subparagraph one (1), is amended to read as follows:

(1) For the renovation, and remodeling of the Robert Lucas building ..... $ [3,000,000]
2,000,000

The department of general services may expend not exceeding two hundred sixty-seven thousand two hundred (267,000) dollars for architectural fees for the renovation and remodeling authorized by this subparagraph. The appropriation made in this subparagraph is conditioned upon the employees located in the east side of the corridor in the office of the auditor of state being moved to the Robert Lucas building and that space being assigned to the legislative fiscal bureau.

This provision of the capitals bill reduces the appropriation for renovation of the Lucas Office Building on the Capitol Complex from $3 to $2 million. Because the architects for the renovation project have already completed their plans based on the larger appropriation, a provision was added to the section which permitted the architects to be paid in full for their services rather than a reduced amount based on the second and lower appropriation amount. On the last day of the legislative session, legislators added a further condition to this appropriation mandating that a portion of the State Auditor's Office be moved from the State Capitol to the Lucas Building and the vacated space be assigned to the Legislative Fiscal Bureau.

The State Auditor has raised legitimate concerns on the impact this unanticipated, forced move would have on the operations of his office. The portion of the office that would be required to move is currently occupied by the administrative division of the Auditor's Office which has the responsibility for processing and assembling the audit reports. During the assembly process, it is important that the two Deputy Auditors of State have easy access to answer any questions about the audits being prepared. In addition, the administrative division serves as the coordination unit for the Auditor's Office. The Auditor has a sincere belief that physical separation of this division from the rest of his office would impair the effective administration and management of the Auditor's Office.

What makes the legislative decision to require the move baffling is the fact that there was a mutual agreement between the legislative, judicial and executive branches of government in 1978 on the allocation of space in the Capitol. In January, 1978, the Chairman of the Legislative Council, the Chief Justice of the Supreme Court, the Treasurer of the State of Iowa, and the Director of the Department of General Services concurred in a specific plan to provide substantially more space on the first floor of the Capitol to the legislature and the Court of Appeals. To resolve differences, the State Treasurer generously ceded his personal office to the legislature, a move which successfully brought an agreement among all parties. That agreement further recognized that adequate space within the Capitol remained a problem. It urged the participants to work together for any further adjustments of space allocation that might become necessary. Apparently, the legislators, who engineered this relocation of the Auditor's Office in favor of the Legislative Fiscal Bureau, have forgotten about this joint agreement. A surprising vote for this provision came from the former Chairman of the Legislative Council who signed the earlier agreement. One must ask himself whether it is productive to enter into negotiations with the legislature, if a signed agreement can be so easily cast aside when it suits a legislative desire. Fortunately the item veto is available to remove this section from the bill.

Vetoing Section 5 has the effect of restoring the full $3 million appropriation for the Lucas Building renovation. In light of our continued decline of state revenues which prompted the other reductions to capital projects contained in the bill, I have indicated to the Director of the Department of General Services that he should proceed with the renovation project as if only $2 million were available. This will accomplish basically the same purpose as the reduction called for in the bill but the Auditor will not be forced out of his offices.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2595 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

May 26, 1980

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2580, an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the State Educational Radio and Television Facility Board; The School for the Deaf; the Iowa College Aid Commission; merged Area V; the State Board of Regents for capitation grants; the Commission on the Aging; the Iowa State Civil Rights Commission; the Spanish-Speaking Peoples Commission, the Commission on the Status of Women; the Board of Medical Examiners; the Iowa Mental Health Authority; the Mental Health Advisory Council; the health planning agency, personal and family health services, the Community Health Division, and in-home health care grants of the State Department of Health; the elderly care program; the Iowa Department of Substance Abuse; the European Office of the Iowa Development Commission; the Energy Policy Council; the Department of Soil Conservation; the Governor's Economy Committee recommendations; the State Board of Engineering Examiners; the Iowa Beer and Liquor Control Department; the Department of Revenue; the Iowa Public Employees' Retirement System; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the Communications Division of the Department of General Services; the Legislative Fiscal Bureau; the Iowa Crime Commission; the road use tax fund; the State Department of Transportation; governmental subdivisions and agencies required to record instruments; the Department of Public Safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, Division of Mental Health Resources, patients' personal deposit funds, Aid to Dependent Children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood State Hospital-School, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor

for Indians residing on the Tama County settlement, and various rules of the Department of Social Services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under Chapter Two Hundred Forty-nine A (249A) of the Code, and appropriating funds for the Merit Employment Commission and the Older Iowans' Legislature.

House File 2580 is approved May 26, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 36 which reads as follows:

Sec. 36. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section four (4), subsection three (3), unnumbered paragraph two (2), is amended to read as follows:

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordinating unit shall provide for not less than fifty census data training sessions throughout the state, *and shall negotiate a joint statistical agreement with the United States bureau of the census. The census data center coordinating unit shall be the agency designated in Iowa to approve all such agreements with the bureau of the census.*

I am unable to approve that portion of Section 53 which reads as follows:

11. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy and dissolution of marriage	$25,000	$25,000

Expenditures shall be authorized by the citizens' aide office, and may include the costs of transporting prisoners, secretarial support and administrative oversight.

It was and is the intent of the general assembly that this program was established for and be continued for expenditure for civil matters of inmates, which matters occurred outside the state's institutions. Thus it is the intent of the general assembly that funds from the appropriation shall not be used for civil matters in which the inmate and the state of Iowa are adverse parties.

I am unable to approve the item designated in the Act as Section 54 which reads as follows:

Sec. 54. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection six (6), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-1983 budget requests.

I am unable to approve that portion of Section 59 which reads as follows:

Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this section are not subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under this section which exists on June 30, 1981 shall revert to the fund from which it was appropriated.

I am unable to approve the item designated in the Act as Section 66 which reads as follows:

Sec. 66. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section sixteen (16), is amended to read as follows:

SEC. 16. It is the intent of the general assembly that, for the fiscal year beginning July 1, 1979, foster parent payments be increased by ten percent. *It is further the intent of the general assembly that, for the fiscal year beginning July 1, 1980, foster residential care payments shall increase from fifty-five to fifty-eight dollars per day and foster group home payments shall increase from forty-four to forty-six dollars per day. It is also the intent of the general assembly that subsidized adoption rates shall be increased to the same level as the foster family home rates for the fiscal year beginning July 1, 1980.*

Section 36 purports to grant to the census data center coordinating unit created last year the right to negotiate a joint federal/state statistical agreement in conjunction with the current census. This provision is both illegal and moot. Federal law provides that these agreements must be approved by the Governor—and state law cannot grant that authority to other officials. The issue is moot since such an agreement was executed by me on behalf of the State of Iowa and Daniel B. Levine, Acting Director, Bureau of the Census, U.S. Department of Commerce, on January 9, 1980. That agreement, which designated the Office for Planning and Programming as the agency to receive census information for public distribution in Iowa, cannot now be substituted with a new arrangement.

Section 53 revises several appropriations approved last year for adult corrections. One of these revisions would transfer certain administrative authority of an executive agency, the Department of Social Services, to a legislative agency, the Citizens' Aid Office, for the legal assistance program for inmates. Article III of the

Iowa Constitution clearly sets forth the powers of each branch of state government. Granting administrative authority for the legal assistance program to a legislative agency would violate the separation. This item would remove from the Department of Social Services and its prison wardens a substantial amount of control over residents of their institutions.

In pursuing the civil legal assistance this section provides to inmates, the Citizens' Aide Office would be empowered to authorize expenditures for transporting prisoners, secretarial support and administrative oversight. An executive agency cannot operate effectively if it must first secure the approval of a legislative agency to carry out its day-to-day operations any more than the legislature could operate if an executive agency could step in daily to amend unilaterally bills that are being debated.

As the initiator of the Citizens' Aide Office, I support and encourage its work. However, I do not believe that its duties include administration of the executive agencies. The administrators of the Department of Social Services indicate that they will be amendable to recommendations from the Citizens' Aide Office for the use of the legal assistance fund. This item veto leaves the original appropriation for the legal assistance program intact. With cooperation between the agencies, hopefully we will have the results desired without violating the separation of power.

Section 54 would require the Division of Adult Corrections in the Department of Social Services to conduct a study on improving salaries and retirement benefits for corrections officers and supporting personnel. Furthermore, the section would mandate the Department to include the recommendations of the study in their upcoming biennial budget request to the Governor and the General Assembly. This study would directly concern mandatory subjects of collective bargaining under Iowa law. Corrections employees, whose salaries and pension benefits would be reviewed, are members of a certified bargaining unit and are represented at the bargaining table by the American Federation of State, County and Municipal Employees, Council 61. In the upcoming months, the State will be actively negotiating with that union for a collective bargaining agreement to become effective July 1, 1981. Since there is little doubt the union will demand that the State bargain on salaries, it would be inappropriate to conduct a study which concludes with an automatic request for an appropriation of funds totally outside the bargaining process. With the adoption of collective bargaining, our lawmakers must be sensitive to the fact that they cannot selectively intervene in the process without disrupting and possibly harming the negotiations. This could be the case unless the legislature exempted corrections personnel from collective bargaining—which it hasn't done, and I don't think it wants to.

In recognition of the important work corrections personnel do and the need to retain a high level of staff morale and because I do appreciate the concerns of the legislators, I am directing a study be made relative to these items. I will ask the Office of Employment Relations in the Comptroller's Office to conduct the review with the assistance of the Department of Social Services and the Merit Employment Department.

Section 59 would restrict the authority to transfer funds appropriated for Title XIX (medicaid). I have vetoed similar transfer limitations in previous appropriation bills, including the supplemental fiscal year 1979-80 appropriation bill for Title XIX.

As I have pointed out in other veto messages, current law contains safeguards giving the legislature the opportunity to review and comment on proposed transfers. We have been responsive to these comments—indeed, several transfers have been modified or eliminated following the receipt of recommendations from legislators.

As with the earlier item veto on Title XIX funds, we believe this provision to be severable from the appropriation. Its deletion will not in any manner alter the purposes of the original appropriation, the test suggested by the Supreme Court in reviewing the legality of item vetoes. We do not anticipate making transfers from the Title XIX appropriation. As a matter of fact, there are strong indications that, if anything, Title XIX has been underfunded by the legislature and will either require a transfer to the appropriation or a supplemental appropriation next year. Section 8.39 of the Code provides for the transfer authority by the Governor and the State Comptroller. This item's restriction is an attempt to circumvent the transfer law without following the proper legislative procedure.

Section 66 contains intent language to raise the maximum payments for foster residential care and foster group homes and to increase the rates paid for subsidized adoption. The Department of Social Services received from the General Assembly funds with the intent language to raise the rates to a maximum of $58 per day for foster residential care, $46 per day for foster group homes and by 10 percent for subsidized adoption.

However, the wording in this section is ambigous and probably would not accomplish the legislative intent. The language seems to establish uniform rates for the two foster care payments rather than maximum rates. These services currently have widely varying per diem rates based on their individual costs and charges. This cost-related reimbursement is appropriate and should continue. By deleting this provision, the Department, under existing authority, will follow the desired intent of the legislature and set the new maximum reimbursement rates effective July 1, 1980.

The language which was intended to raise subsidized adoption rates by a percentage actually raises the rates to equal foster parent payments. The adoptive family's income is taken into consideration when determining the amount of subsidy payment, thus these payments do not and should not equal foster family payment rates, which are based on the needs of the child rather than on foster family income. Since it has the funds to raise subsidized adoption rates by 10 percent and has the authority to do so, the Department will establish rules implementing the increase effective July 1, 1980.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2580 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

GOVERNOR'S VETO MESSAGES

May 22, 1980

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I am enclosing House File 700, an act relating to the use of a license for the taking of fish and animals and providing penalties which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

In addressing the several hunting and fishing license issues contained in the bill, the legislature adopted language which may not accomplish the purposes it had in mind.

One provision of the bill requires other states to extend hunting, fishing and trapping rights to Iowans if they expect Iowa to grant similar privileges to their residents. The reciprocity requirement, however, applies only to bordering states. Reciprocity requirements, which are understandable and appropriate, should extend to all other states, not just Iowa's six immediate neighbors. In its limited form, this provision is discriminatory and could be challenged on constitutional grounds.

The bill is technically defective in another regard. Section 4 makes an incorrect internal reference /106.1 of the Code instead of 106.2(4)/ to a portion of existing law.

Perhaps most importantly, the bill errs in its restrictions on fishermen who are required to have trout stamps. Legislative authors apparently intended to require youngsters, who otherwise are not required to have a fishing license or trout stamp, to be accompanied in their trout fishing by an adult who does have a stamp and to include a youngster's catch within the limit of that adult. However, the language finally adopted goes far beyond that. All persons presently exempted from the fishing license and trout stamp requirements would now be covered—not just the targeted youngsters. The group most obviously affected would be Iowa landowners and their children who have never previously been required to have licenses and stamps. Since 243 of the 284 miles of trout streams in the state are privately owned, this new, unintended requirement would be a substantial departure from our treatment of farmers and other landowners on their own land. The Conservation Commission doesn't need the chore of enforcing this public relations disaster.

Because of these flaws, I cannot sign this bill. However, I am mindful of the fact that this measure covered an additional subject of sensitivity, steel shot requirements for hunting waterfowl.

The Conservation Commission adopted rules this spring greatly restricting the use of lead shot and requiring steel shot. These rules have been delayed for further

study by the Administrative Rules Review Committee. The legislature itself has in this bill concluded the proposed restrictions are too extensive. This legislation limits the Commission's lead shot restrictions to certain areas, a compromise which appears reasonable until the steel shot versus lead shot controversy is resolved nationally. We have urged the Conservation Commission to accept the legislature's decision on steel shot and promulgate rules as if the bill had become law. This will avoid unnecessary disputes over the rule-making process in the upcoming months.

With this consideration in mind and for the reasons mentioned earlier, I hereby respectfully disapprove this House File 700.

Sincerely,
ROBERT D. RAY
Governor

May 26, 1980

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I am enclosing House File 315, an act to provide a maximum statute of limitations for actions arising out of improvements to real property which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapproved and transmit to the Secretary of State.

This bill provides a 15-year time limit on the bringing of suits based on tort and implied warranty and for contribution and indemnity against any person whose act or omission is alleged to have caused injury arising out of the unsafe or defective condition of an improvement to real property. The purpose behind this statute of limitation is that, after the passage of the statutory period, no recovery for injury or damage that might occur can be obtained from the parties who designed and built the project.

Technically a statute of limitation, such a law is usually called a statute of repose. These are rare in the law as they begin to run against the bringing of a suit before an injury to a person or damage to property even occurs.

It is the potential and actual harm to an innocent victim which I must judge against the arguments of the professional persons who would like to be protected against law suits after a limited period of time.

Essentially two arguments are made in support of this bill:

—basic fairness; records are difficult to maintain and assemble after 15 years to defend adequately suits involving projects designed and built many years earlier.

—when persons who have designed or constructed improvements to real property retire they could avoid carrying "tail" insurance coverage after 15 years of retirement and be relieved of annual insurance premiums.

People familiar with this kind of litigation know the formidable hurdles an injured party has in supporting a cause of action at any time, let alone more than 15 years following a negligent act or breach of an implied warranty. The records and other information relating to the alleged defective property are not in the hands of the injured party but of the designer or builder. The test of basic fairness is not met by cutting off the right to sue with no opportunity to determine if that builder or designer may be liable.

The proponents of this bill admit there would be no reduction in insurance premiums if this bill becomes law, nor do we find evidence that coverage is not available.

The burden of persuasion rests with advocates of change and in this case it is not met.

The second argument in support of this bill deserves thoughtful attention. As I understand the problem, architects or engineers may retire, say at age 65, and must still carry for the rest of their life "claims made" errors and omissions insurance for any negligence committed or warranties made during their practice. They contend if this bill becomes law, they could discontinue coverage at 80 because 15 years would have elapsed since the last improvement was designed or built. This "tail" coverage evidently costs in excess of $1,000 per year and carries a substantial deductible.

Supporters of this bill further contend there are very few, if any, claims filed after 15 years and back this up with statistics compiled by a leading underwriting and liability research firm and submitted to the Iowa Engineering Society in 1976.

If there are no claims then the coverage ought to be very inexpensive after 15 years. As this statute of repose does not stop law suits based on express warranty or continuing negligence, a responsible professional will be carrying "claims made" coverage for life anyway.

Further, no statistics have been advanced to show that carving noncontinuing tort duties and implied warranty coverages out of the professional insurance package will reduce the premiums for retired persons.

Nevertheless, I will be asking the Commissioner of Insurance to study and recommend alternatives which might be available to permit lower cost "tail" insurance coverage for those who retire from active practice.

Other aspects of this bill also raise questions:

—it is difficult to determine when an act or omission occurred. Litigation and evidentiary discovery measures will almost always be required to determine if there is a valid claim based upon expressed warranty or continuing negligence. It is questionable this bill will reduce litigation.

—it cuts off rights of recovery before injury occurs. Already we require injured persons to file their claims within a two-year statutory period in personal injury cases and within five years for property damage cases from when they knew or should have known of the injury or damage.

—there is no definition of "improvement to real property". Does it include highways? Elevators? Business fixtures?

—this bill would cut off rights of recovery for structures designed and built to last 25, 40, even 50 years. The contractor, engineer or architect would be immune from suit even before the structure could be depreciated for tax purposes or the mortgage paid off. The owner couldn't even get insurance to protect the victim from the negligence of the builder or designer because he has no insurable interest.

It is for these reasons and with these doubts that I must veto this bill. The balancing of individual rights and the interest of the general public lies at the heart of the legislative process. Assuredly, we have an interest in enabling highly trained people, be they professional or craftsmen, to practice their trade with certainty as to their liability. On the other hand, I must think of those to whom circumstance has not yet brought loss of property, health or even life and who, if that loss occurs, would seek and yet find no avenue of recovery because of this bill.

I conclude the ingenuity of intelligent people can devise better mechanisms with which to protect victim and society alike.

For the reasons enumerated in this letter, I hereby respectfully disapprove this House File 315.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE SUBSEQUENT TO ADJOURNMENT OF THE 1980 REGULAR SESSION

May 13, 1980

Frank J. Stork
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 439, was published in the Ames Daily Tribune, Ames, Iowa, on May 7, 1980, and in the Marshalltown Times-Republican, Marshalltown, Iowa, on May 7, 1980.

I further certify that Senate File 2274, was published in the Daily Gate City, Keokuk, Iowa, on April 17, 1980, and in The Red Oak Express, Red Oak,Iowa, on April 17, 1980.

I further certify that Senate File 2285, was published in the Dallas County News, Adel, Iowa, on April 30, 1980, and in the Evening Democrat, Fort Madison, Iowa, on April 28, 1980.

I further certify that House File 2355, was published in the Lenox Time-Table, Lenox, Iowa, on April 23, 1980, and in the Atlantic News-Telegraph, Atlantic, Iowa, on April 17, 1980.

I further certify that House File 2492, was published in the Quad City Times, Davenport, Iowa, on May 9, 1980, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa, on May 9, 1980.

Respectfully submitted,
J. HERMAN SCHWEIKER
Deputy Secretary of State

ALSO:

May 29, 1980

I hereby certify that Senate File 2015, was published in the Guthrie Center Times, Guthrie Center, Iowa, on May 7, 1980, and in the Urbandale News, Urbandale, Iowa, on May 8, 1980.

I further certify that Senate File 2118, was published in The Anamosa Journal-Eureka, Anamosa, Iowa, on April 23, 1980, and in the Evening Democrat, Fort Madison, Iowa, on April 18, 1980.

I further certify that House File 2410, was published in the Anita Tribune, Anita, Iowa, on May 1, 1980, and in the Pocahontas Record-Democrat, Pocahontas, Iowa, on May 1, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

ALSO:

June 5, 1980

I hereby certify that Senate File 2125, was published in The Winterset Madisonian, Winterset, Iowa, on May 28, 1980, and in the Bettendorf News, Bettendorf, Iowa, on May 28, 1980.

I further certify that Senate File 2331, was published in the Daily Gate City, Keokuk, Iowa, on May 7, 1980, and in the West Point Bee, West Point, Iowa, on May 7, 1980.

I further certify that Senate File 2374, was published in the Ames Daily Tribune, Ames, Iowa, on May 2, 1980, and in The Record-Herald and Indianola Tribune, Indianola, Iowa, on May 29, 1980.

I further certify that House File 2458, was published in The Holstein Advance, Holstein, Iowa, on May 1, 1980, and in The Hartley Sentinel, Hartley, Iowa, on May 1, 1980.

Respectfully submitted,
MELVIN D. SYHNHORST
Secretary of State

ALSO:

June 11, 1980

I hereby certify that Senate File 2071, was published in the Adair County Free-Press, Greenfield, Iowa, on June 4, 1980, and in the Cherokee Daily Times, Cherokee, Iowa, on May 30, 1980.

I further certify that Senate File 2343, was published in the Osceola Sentinel, Osceola, Iowa, on June 5, 1980, and in the Urbandale News, Urbandale, Iowa, on June 5, 1980.

I further certify that Senate File 2378, was published in the Audubon News-Advocated, Audubon, Iowa, on May 28, 1980, and in the Muscatine Journal, Muscatine, Iowa, on June 2, 1980.

I further certify that House File 733, was published in The Hamburg Reporter, Hamburg, Iowa, on June 5, 1980, and in the Grinnell Herald-Register, Grinnell, Iowa, on June 2, 1980.

I further certify that House File 2551, was published in The Record, Cedar Falls, Iowa, on May 31, and in The Garner Leader & Signal, Garner, Iowa, on May 28, 1980.

I further certify that House File 2595, and Governor Robert D. Ray's item veto message were published in entirety in the Osceola Tribune, Osceola, Iowa, on June 3, 1980, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on May 29, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

ALSO:

June 17, 1980

I hereby certify that Senate File 2090, was published in The Marion Sentinel, Marion, Iowa, on June 5, 1980, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on May 30, 1980.

I further certify that Senate File 2272, was published in the Muscatine Journal, Muscatine, Iowa, on May 28, 1980, and in the Lee Town News, Des Moines, Iowa, on May 22, 1980 and republished on June 12, 1980.

I further certify that Senate File 2282, was published in the Muscatine Journal, Muscatine, Iowa, on May 29, 1980, and republished on June 6, 1980, and published in the Carroll Daily Times-Herald, Carroll, Iowa, on May 29, 1980, and republished on June 10, 1980.

I further certify that Senate File 2375, was published in the Quad City Times, Davenport, Iowa, on June 2, 1980, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa, on June 2, 1980.

I further certify that House File 2486, was published in The Jefferson Herald, Jefferson, Iowa, on May 22, 1980, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa, on May 23, 1980, and republished on June 12, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

ALSO:

June 18, 1980

I hereby certify that Senate File 2361, was published in the Fort Dodge Messenger, Fort Dodge, Iowa, on May 23, 1980, and republished June 17, 1980, and published in The Humboldt Independent, Humboldt, Iowa, on May 24, 1980.

I further certify that House File 2594, was published in the Fort Dodge Messenger, Fort Dodge, Iowa, on June 13, 1980, and in The Des Moines Register, Des Moines, Iowa, on June 16, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

ALSO:

June 23, 1980

I hereby certify that House File 2577, was published in The Cedar Valley Daily Times, Vinton, Iowa, on May 23, 1980, and in the Linn News-Letter, Central City, Iowa, on May 28, 1980.

I further certify that House File 2591, was published in The Cedar Valley Daily Times, Vinton, Iowa, on June 6, 1980, and in The Marion Sentinel, Marion, Iowa, on June 12, 1980.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

IN MEMORIAM

Senate

Anderson, Carl T. ..... September 5, 1889—August 28, 1979

Flatt, Joseph B. ..... December 24, 1921—March 10, 1980

McGill, Donald S. ..... July 20, 1906—January 23, 1980

Putney, Lawrence ..... November 3, 1899—October 23, 1979

CARL T. ANDERSON

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Carl T. Anderson, begs leave to submit the following memorial:

Carl T. Anderson was born at Slater, Iowa, September 5, 1889, the son of B.F. and Emma Seashore Anderson. He was married at Wellman on February 8, 1912, to Clementine Shaffer and she survives.

Mr. Anderson attended high school at Madrid, Iowa; Gustavus Adolphus College, St. Peter, Minnesota; and, the University of Iowa.

Mr. Anderson taught in rural schools before becoming a farmer and livestock operator in the Wellman area. He served as county soil commissioner and was named as a Master Farmer and Master Swine Producer. He received the Skelly Award in 1947.

He was a member of the Iowa House of Representatives in the 53rd General Assembly. He was elected a state senator in the 54th General Assembly and served in the 55th, 56th and 57th General Assemblies.

Mr. Anderson was active in the United Methodist Church. He had been a charter member of the Farm Bureau; president of the school board, and a director in the Wellman Savings Bank and the Mutual Telephone Company.

Mr. Anderson died August 28, 1979, at the Washington County Hospital. Besides his wife, he is survived by one daugher, Mrs. O.W. (Helen) Hammond of Des Moines; two grandchildren, Hugh Hammond and Kathy Buol; four great-grandchildren, three brothers: Paul, Black Mountain, North Carolina; Lloyd of Des Moines; and Earl of Packer, Colorado; and one sister, Roberta Smith of Kenosha, Wisconsin.

Now Therefore, Be It Resolved by the Senate of the Sixty-eighth General Assembly of Iowa: That in the passing of the Honorable Carl T. Anderson, 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 services 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 the Secretary of the Senate be instructed to forward an enrolled copy to each member of his family.

FORREST V. SCHWENGELS, Chairperson
CHARLES P. MILLER
SUE YENGER
Committee

The resolution was unanimously adopted.

JOSEPH B. FLATT

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Joseph B. Flatt, begs leave to submit the following memorial:

Joseph B. Flatt was born in Des Moines, Iowa, December 24, 1921. He was married to Dorothy Rothwell of Plover, Iowa, in May 1944 and she survives.

Mr. Flatt graduated from Lincoln High School in Des Moines and attended Drake University. He also attended the United States Army Command and General Staff College.

He served in the United States Army from 1941-1945 and received an infantry battlefield commission in Tunisia, North Africa in 1943.

Mr. Flatt owned and operated clothing stores in Winterset, Des Moines and Ankeny.

He was first elected to the House of Representatives in 1958 as a member of the 58th General Assembly from Winterset. Later he was elected to the Iowa Senate from the Winterset area and served in the 59th, 60th, 60th extra, 61st, 62nd and 63rd General Assemblies. He resigned that seat after he moved to Ankeny.

He served in the National Guard as Lt. Colonel commanding the 2nd Battallion 168th Infantry. In 1969 he became Brigadier General, Commander of Troops of the Iowa National Guard, and retired in that position in 1976.

Mr. Flatt was Past President of the Winterset Chamber of Commerce, Past Commander of Sons of Union Veterans—Civil War, member of American Legion and Lions Club, President Ankeny Chamber of Commerce, Vice President Iowa Clothiers Association, Chairman Iowa Civil War Commission, member of the Governor's Prayer Breakfast Committee, Chairman of the Polk County Building and Space Committee, Chairman of Ankeny Centennial Committee, member and Chairman of the Board of the Saylorville Baptist Church. He was a member of the Board of Directors of Faith Baptist Bible College of Ankeny. He was awarded the Outstanding Citizen Award for service to community by the Ankeny Chamber of Commerce in March, 1980.

Mr. Flatt died March 10, 1980, in Sun City, Arizona. Besides his wife, he is survived by two sons, Joseph, Jr., Carmel, Indiana and Kevin, Ft. Riley, Kansas; and two daughters, Christine Abbott, Indianola, Iowa and Sharon Kennedy, Phoenix, Arizona.

Now Therefore, Be It Resolved by the Senate of the Sixty-eighth General Assembly of Iowa: That in the passing of the Honorable Joseph B. Flatt, 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 services 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 instructed to forward an enrolled copy to each member of his family.

RAY TAYLOR
GARY L. BAUGHER
C. JOSEPH COLEMAN

Committee

The resolution was unanimously adopted.

DONALD S. McGILL

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Donald S. McGill, begs leave to submit the following memorial:

Donald Sherman McGill was born on a farm near Grandview, Iowa, July 20, 1906, the son of James and Eliza Cromer McGill. He attended public schools in Grandview and received a Bachelor of Science Degree from Parsons College, Fairfield, in 1932. He did graduate work in school administration at the University of Iowa from 1936 to 1938 and served in the field of public school administration for 27 years in Iowa and in Colorado. In 1934, he was married to Merna Irvine, a teacher in the Albia Community School System; they had one son, James, who also became a teacher.

On his retirement from the field of education, Mr. McGill returned to Iowa to live on and operate a stock and grain farm near Melrose. He was actively involved in conservation and environmental practices and was a member of the Lucas County Conservation Board. He was an active member of the Faith United Methodist Church, Russell, and of the Iowa-Des Moines Conference, serving as county lay leader and president of the board. He was also involved in a number of civic activities.

In 1964, Mr. McGill was elected to represent Lucas, Monroe and Wayne Counties in the Iowa Senate during the Sixty-first General Assembly and then Appanoose, Lucas and Monroe Counties during the Sixty-second and Sixty-third General Assemblies. During his tenure he served as chairman and ranking member of the Conservation and Recreation Committee and as a member of eight other standing committees.

Senator McGill died at the Chariton Manor in Chariton on January 23, 1980, at the age of 73. He is survived by his widow, Merna of Russell; one son, James of Pleasant Valley and three grandchildren.

Now Therefore, Be It Resolved by the Senate of the Sixty-eighth General Assembly of Iowa: That in the passing of the Honorable Donald S. McGill, 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 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 instructed to forward an enrolled copy to the family of the deceased.

RICHARD R. RAMSEY
JAMES E. BRILES
BASS VAN GILST

Committee

The resolution was unanimously adopted.

LAWRENCE PUTNEY

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Lawrence Putney, begs leave to submit the following memorial:

Lawrence Putney was born November 3, 1899, in Grundy Center, Grundy County, Iowa. He attended public schools in Cedar Falls, Iowa State Teachers College and Iowa State University. He was a high school principal and coach, chairman of the library board and served as mayor of Gladbrook and on the city council. He was married to Geneva Eldridge; they had two sons and two daughters.

Mr. Putney was interested in farming and livestock production throughout his life. He was in hatchery, feed and produce business for twenty-eight years, owned and operated several farms and was actively involved in production of Aberdeen Angus cattle and Hampshire swine after he retired in 1955 until his death. He was a member of American Legion, Elks, I.O.O.F., A.F. and A.M., Iowa Consistory, El Kahir Shrine, Phi Sigma Epsilon fraternity and the Methodist Church.

In 1944, he was elected to represent Tama County in the Iowa House of Representatives and served there during the Fifty-first through the Fifty-fifth General Assemblies. He was the Speaker pro tempore during the Fifty-fourth General Assembly. In 1954, he was elected to the Iowa Senate from Tama, Benton and Grundy Counties and served that body for two terms. In 1961, he was named chairman of the State Board of Social Welfare.

Mr. Putney was a member of the Budget and Financial Control Interim Committee during his second Senatorial term, and he was chairman of the very important Senate Appropriations Committee during the Fifty-ninth General Assembly.

Lawrence Putney died at his home in Gladbrook on October 23, 1979, at the age of 79. He is survived by his widow, Geneva; two sons, Mark of Des Moines and John of Gladbrook; two daughters, Jean Secor of Omaha, Nebraska, and Joan Tews of Lincoln, Nebraska; twelve grandchildren and a great-grandchild. Funeral services were held on October 26, 1979, at the United Methodist Church in Gladbrook.

Now Therefore, Be It Resolved by the Senate of the Sixty-eighth General Assembly of Iowa: That in the passing of the Honorable Lawrence Putney, 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 services to his community, state and nation and tender its sympathy 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 instructed to forward an enrolled copy to each member of his family.

JOANN ORR, Chairperson
A.R. KUDART
ELIZABETH R. MILLER

Committee

The resolution was unanimously adopted.

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House Concurrent Resolution 128, jurisdictional transfers of roads or streets---1824-1825
House Concurrent Resolution 134, legislative costs, reduce---1825-1826
House Concurrent Resolution 138, Iowa Freedom Day---1826-1827
House Concurrent Resolution 140, adjournment---1850 adopted

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HANSEN, W. R. BILL--Senator Eighteenth District, President pro tempore
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RULES OF CIVIL PROCEDURE---
(See Chief Justice of the Supreme Court, The Honorable W.W. Reynoldson)

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Amendments offered---536, 553, 788, 961, 1040, 1041, 1054, 1247, 1254, 1515, 1518, 1667, 1675
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Investigating committee reports---210, 269, 372, 435, 484-485, 584, 606-607, 858, 1067, 1068, 1287, 1325, 1351, 1508
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SCOTT, JOHN R.--Senator Twenty-fourth District
Bills introduced---34, 51, 100, 107, 176, 241, 253, 432, 442, 490, 539, 581, 599
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Amendments filed---317, 351, 374, 489, 504, 596, 603, 746, 750, 797, 837, 845, 866, 867, 868, 900, 909, 931, 934, 971, 972, 997, 998, 1025, 1140, 1209, 1327, 1345, 1352, 1376, 1404, 1531, 1531-1532, 1574, 1667, 1675, 1789
Amendments offered---405, 426, 596, 603, 702, 797, 845, 854, 900, 909, 921, 931, 934, 1054, 1061, 1144, 1345, 1393, 1398, 1496, 1618, 1667
Amendments withdrawn---405, 702, 797, 1018, 1054, 1144, 1845
Called up reports of investigating committees---1567
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Investigating committee appointments---27, 30, 31, 86, 88, 89, 90, 91, 103, 708, 734, 1044-1045, 1045, 1100, 1323, 1466
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Petitions presented---912, 939
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Resolutions offered---388, 1251, 1269
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Presented Joy Yanigida from Japan, Ulrika Frola from Germany and Renilda Goossens from Belgium, exchange students---1352

TIEDEN, DALE L.--Senator Ninth District
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Investigating committee reports---269, 392, 435, 484-485, 583, 830, 1135-1136, 1153, 1206, 1260, 1325, 1351
Petitions presented---566
Reports---1780-1786
Resolutions offered---1251, 1269, 1521-1522, 1796-1797
Subcommittee assignments---129, 130, 131, 132, 133, 190, 265, 266, 267, 366, 367, 455, 457, 545, 756, 757, 877, 1022, 1150, 1283, 1284
Presented Tom Bramorski from Warsaw, Poland, student at U. of I.---1050

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Amendments filed---420, 445, 611
Amendments offered---692
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Reports---46, 53-55, 246, 630, 676

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VAN GILST, BASS--Senator Forty-sixth District
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Amendments offered---748, 1198, 1664
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Petitions presented---779
Presided at sessions of the Senate---1413
Reports---1780-1786
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Resolutions offered---620, 1269, 1320, 1342, 1437, 1624
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WALDSTEIN, ARNE--Senator Third District
Bills introduced---112, 145, 146, 183, 216, 217, 241, 242, 352, 431, 539

Amendments filed---335, 362, 440-441, 495, 497, 503, 596, 603, 722, 797, 836, 867, 918, 931, 947, 988, 1025, 1073, 1157, 1194, 1199, 1327-1328, 1345, 1404, 1470, 1595, 1641, 1659, 1667, 1756, 1789
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Reports---343-345, 466-469, 1651
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YENGER, SUE--Senator Forty-fifth District
Bills introduced---116, 170, 302, 539, 622
Amendments filed---662, 682, 739, 746, 750, 886, 909, 947, 1157, 1199, 1216, 1235, 1271, 1327, 1345, 1404, 1434, 1640, 1641, 1670, 1675, 1676, 1789, 1817, 1854
Amendments offered---690, 746, 750, 816, 909, 1119, 1213, 1271, 1370, 1670, 1675
Amendments withdrawn---750, 816, 1018, 1498, 1666
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